

# ARTICLE 1

## GENERAL PROVISIONS

Page

CHAPTER A	AUTHORITY .....	5
Section 1	General .....	5
A.	Title and Citation.....	5
1.	Amendments .....	5
B.	Authority .....	5
C.	Intent .....	5
1.	Implementation of the Plan .....	5
2.	Consistent Regulations .....	5
3.	Efficient and Effective Regulations.....	5
4.	Preserve and Enhance.....	5
D.	Building Permits, Certificates of Occupancy (CO) and Use .....	5
1.	Issuance .....	5
Section 2	Applicability .....	6
Section 3	Definitions .....	6
CHAPTER B	INTERPRETATION OF THE CODE .....	6
Section 1	Interpretations.....	6
A.	Authority .....	6
B.	Initiation.....	6
C.	Procedures .....	6
1.	Submission of Request for Interpretation .....	6
2.	Determination of Sufficiency .....	6
3.	Rendering of Interpretation.....	6
D.	Form .....	7
E.	Appeal .....	7
1.	Initiation .....	7
2.	Public Hearing .....	7
3.	Standard of Review .....	7
F.	Official Record .....	7
Section 2	Assistance by Staff .....	7
CHAPTER C	RULES OF CONSTRUCTION AND MEASUREMENT .....	7
Section 1	Rules of Construction .....	7
A.	General .....	7
Section 2	District Boundaries .....	8
A.	Bisecting Lines .....	8
B.	Center Lines .....	9
C.	Excluded Areas.....	9
D.	Lot, Section and Tract Lines .....	9
E.	Parallel Lines.....	9
1.	Lots with Frontage on Highway, Alley or Railroad R-O-W.....	9
2.	On Parallel Lots, Acreage or Tracts .....	9

F. Political Boundaries .....	9
G. Railroad Lines .....	9
H. Shorelines .....	9
<b>Section 3 Special Provisions for Lots Divided by District .....</b>	<b>9</b>
A. Use Regulations.....	9
B. Property Development Regulations (PDRs) .....	9
<b>Section 4 Measurement.....</b>	<b>9</b>
A. Depth .....	9
B. Distance.....	10
C. Height .....	11
1. Building Height.....	11
2. Fence/Wall Height .....	11
3. Hedge Height .....	11
4. Berm Height.....	11
D. On Center .....	11
E. Separation from a Structure .....	12
F. Separation from A Property Line .....	13
G. Sound .....	13
H. Gasoline Pumps.....	13
I. Surface Area.....	13
J. R-O-W, Improved .....	14
K. R-O-W Unimproved .....	14
<b>Section 5 Density, Intensity and Building Coverage .....</b>	<b>14</b>
<b>CHAPTER D IMPLEMENTATION .....</b>	<b>14</b>
<b>Section 1 Minimum Requirements.....</b>	<b>14</b>
<b>Section 2 Effective Date.....</b>	<b>14</b>
<b>CHAPTER E PRIOR APPROVALS.....</b>	<b>14</b>
<b>Section 1 General .....</b>	<b>14</b>
A. Purpose and Intent .....	14
B. Prior Approvals.....	15
1. Prior Variances, Exemptions or Waivers.....	15
C. Modification of Prior Approvals .....	15
1. Determination of Extent of Vested Status in the Area of Modification.....	15
2. Modification to a Prior Approval with Nonconformities .....	15
D. Invalid Approvals.....	15
E. Applications In Process.....	15
<b>CHAPTER F NONCONFORMITIES.....</b>	<b>15</b>
<b>Section 1 General .....</b>	<b>15</b>
A. Purpose and Intent .....	15
B. Applicability .....	16
C. Improvements to Nonconformities .....	16
D. Improvement Value .....	16
E. Total Value of Improvements .....	16
F. Expansion for Nonconformities .....	16
G. Maximum Improvement to a Nonconformity .....	17



<b>Section 2</b>	<b>Nonconforming Lot .....</b>	<b>18</b>
A.	Applicability .....	18
1.	Legal Access Requirements .....	18
2.	Legal Lot of Record .....	18
3.	FLU and Zoning Consistency .....	18
4.	Lot Recombination Requirements .....	18
B.	Subdivision (Includes Lot Combinations) .....	19
C.	Residential Development Regulations .....	19
D.	Accessory Dwellings.....	20
E.	Non-Residential Development & or Residential Development Other Than Single Family.....	21
<b>Section 3</b>	<b>Nonconforming Structure.....</b>	<b>21</b>
A.	General .....	21
B.	Expansion.....	21
C.	Maintenance, Renovation and Natural Disaster Damage Repair.....	21
D.	Uses and Structures within an Airport Zone .....	21
1.	Applicability .....	21
2.	Existing Uses and Occupancy.....	21
3.	Abandonment of a Use .....	21
4.	Repair, Reconstruction, Restoration, or Alteration of a Structure .....	21
5.	Relocated Buildings.....	22
6.	Obstruction and Marking Requirements .....	22
<b>Section 4</b>	<b>Nonconforming Use .....</b>	<b>22</b>
A.	Nonconforming Use Classifications.....	22
1.	Major.....	22
2.	Minor.....	22
3.	Nonconforming to Airport Regulations .....	22
B.	Change in Use.....	23
C.	Discontinuance or Cessation .....	23
D.	Expansion.....	23
1.	Major Nonconforming Use .....	23
2.	Minor Nonconforming Use.....	23
E.	Maintenance, Renovation and Natural Disaster Damage Repair.....	23
F.	Relocation .....	23
<b>Section 5</b>	<b>Nonconforming Site Element .....</b>	<b>24</b>
A.	Applicability .....	24
B.	Modification or Improvement to a Prior Approval with Nonconforming Site Elements.....	25
1.	Projects without an Approved Plan .....	25
2.	Unbuilt Projects with an Approved Plan.....	25
3.	Built Projects with an Approved Plan .....	25
C.	Additional Improvement Threshold for Nonconforming Site Elements .....	25
D.	Standalone Improvements to Nonconforming Site elements.....	25
1.	Outdoor Lighting.....	25
2.	Vehicular Use Areas .....	25
3.	Sign Renovations or Additions .....	26
4.	Landscaping .....	26
<b>CHAPTER G</b>	<b>EMINENT DOMAIN.....</b>	<b>26</b>
<b>Section 1</b>	<b>Properties Affected by Eminent Domain Proceedings.....</b>	<b>26</b>
A.	Applicability .....	26
B.	Development Standards .....	26
1.	General.....	26

2. Enlargement or Change In Use.....	26
3. Redesign of Sites .....	26
4. Damage and Restoration of Structures .....	27
5. Signs.....	27
6. Vacant Lots.....	27
7. Lot Combination.....	27
C. Certificates of Conformity .....	28
<b>CHAPTER H LOT OF RECORD .....</b>	<b>28</b>
<b>Section 1 Potentially Buildable Lot.....</b>	<b>28</b>
A. Applicability .....	28
B. Standards .....	28
1. Date of Creation .....	28
2. Legal Access .....	28
<b>CHAPTER I DEFINITIONS &amp; ACRONYMS .....</b>	<b>29</b>
<b>Section 1 General .....</b>	<b>29</b>
<b>Section 2 Definitions .....</b>	<b>29</b>
<b>Section 3 Abbreviations and Acronyms.....</b>	<b>110</b>

# ARTICLE 1

## GENERAL PROVISIONS

### CHAPTER A AUTHORITY

#### Section 1 General

##### A. Title and Citation

This Code shall be known as the "Palm Beach County Unified Land Development Code" and may be referred to herein as the "Code".

##### 1. Amendments

Any reference to this Code, a statute, ordinance, a resolution, or common law cited herein shall include any amendment thereto.

##### B. Authority

The Board of Commissioners (BCC) has the authority to adopt this Code pursuant to Article VIII, Sec. 1(g), Fla. Const., the PBC Charter, F.S. §125.01, F.S. §163.3161, Rule 9J-5, F.A.C., Rule 9J-24, F.A.C., and such other authority and provisions that are established by statutory or common law in the State of Florida.

##### C. Intent

##### 1. Implementation of the Plan

It is the intent of the BCC that this Code implement and ensure that all development orders approved in unincorporated Palm Beach County (PBC) are consistent with the Comprehensive Plan and its managed growth systems.

##### 2. Consistent Regulations

It is the intent of the BCC that this Code establish comprehensive and consistent standards and procedures for the review and approval of all proposed development of land in unincorporated PBC.

##### 3. Efficient and Effective Regulations

It is the further purpose of the BCC that the development review, approval, and permitting process established by this Code be efficient, in terms of time and expense; effective, in terms of addressing the natural resource and public facility implications of proposed development; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of PBC.

##### 4. Preserve and Enhance

This Code is adopted to encourage the most appropriate use of land, water, and natural resources, prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewage, drainage, solid waste, parks, schools, fire and police facilities; conserve, develop, utilize, and protect natural resources; protect human, environmental, social, and economic resources; and maintain, through orderly growth and development, the community character and stability of present and future land uses and development in PBC.

##### D. Building Permits, Certificates of Occupancy (CO) and Use

##### 1. Issuance

No building permit shall be issued for any structure on any lot created by a subdivision of land until such lot is shown on a plat of record or certified survey recorded in the manner prescribed in this Article, except as provided below.

##### a. Exceptions

Temporary structures, permanent structures having a temporary use, and ancillary structures such as fences, buffer walls, and guardhouses may receive a building permit prior to recordation of the Final Plat for the property only when the use and location have been approved by the DRO and shown on the approved Final Subdivision Plan. Such approval, however, shall not in any way relieve the property owner from the obligation to correct any and all nonconforming setbacks, separations, or encroachments due to inconsistencies between the location of said structures and lot, street, or easement boundaries as established by the applicable record plat.

##### b. Revocation

PZB may revoke a building permit or CO in those cases where an administrative determination has been duly made in which false statements or misrepresentations resulted as to material fact(s) in the application or plans upon which the permit or approval was based.

**c. Suspension**

PZB may suspend a building permit or CO or use where an administrative determination has been duly made in which an error or omission on either the part of the permit applicant or government agency resulted in the issuance of the permit or certificate approval. A valid permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.

**Section 2      Applicability**

The provisions of this Code shall apply to the development of all land in unincorporated PBC, unless stated otherwise. No development shall be undertaken unless authorized by a valid development order.

**Section 3      Definitions**

See Art. 1.I, Definitions and Acronyms

**CHAPTER B    INTERPRETATION OF THE CODE**

**Section 1      Interpretations**

**A. Authority**

Interpretations to this Code shall be made by the Executive Director of PZB, the County Engineer, the Director of ERM, the Impact Fee Coordinator, and the County Health Director. The County Engineer shall have the authority to make all interpretations of Art. 6.C, Driveways and Access; Art. 12, Traffic Performance Standards; and Art. 11, Subdivision, Platting, and Required Improvements. The Director of ERM shall have the authority to make all interpretations of Art. 14, Environmental Standards and Art. 4.D, Excavation. The Impact Fee Coordinator shall have the authority to make all interpretations of Art. 13, Impact Fees. The County Health Director shall have the authority to make all interpretations of Art. 15, Health Regulations, the Clean Fill Ordinance, and the Environmental Control Rules I and II. The County Attorney shall have the authority to make all interpretations of Art. 5.F, Legal Documents. The Executive Director of PZB shall have the authority to make interpretations of all other provisions of this Code and the Official Zoning Map.

**B. Initiation**

An interpretation may be requested by any landowner or person having a contractual interest in land in unincorporated PBC, or any person that has submitted an application for development order pursuant to the procedures of this Code.

**C. Procedures**

**1. Submission of Request for Interpretation**

A Request for Interpretation shall be submitted to the appropriate PBC official in a form established by that official and made available to the public. The request shall be accompanied by non-refundable fee established by the BCC.

**2. Determination of Sufficiency**

Within five working days after a Request for Interpretation has been submitted, the PBC official responsible for rendering the interpretation shall determine whether it is sufficient.

**a. Insufficient**

If the PBC official determines that the request is not sufficient, a written notice shall be served on the applicant specifying the deficiencies. The PBC official shall take no further action on the Request for Interpretation until the deficiencies are remedied. If the applicant fails to correct the deficiencies within ten working days, the Request for Interpretation shall be considered withdrawn.

**b. Sufficient**

When the Request for Interpretation is determined sufficient, the PBC official shall review and render an interpretation pursuant to the procedures and standards of this Article.

**3. Rendering of Interpretation**

Within 15 working days after the Request for Interpretation has been determined sufficient, the PBC official responsible for rendering the interpretation shall review and evaluate the request in light of the

Plan, this Code, the Official Zoning Map, and consultation with the County Attorney, and render an interpretation.

**D. Form**

The interpretation shall be in writing and shall be sent to the applicant by mail within five working days after the interpretation is made by the appropriate PBC official.

**E. Appeal**

**1. Initiation**

Within 20 working days after issuance of the written interpretation the applicant may appeal the decision to the Board responsible for appeal, as provided in this Code.

**2. Public Hearing**

The Board [responsible for the appeal] shall hear the appeal within 40 working days of receipt of the appeal.

**3. Standard of Review**

At the appeal hearing, the Board [responsible for the appeal] shall consider the interpretation of the PBC official responsible for rendering the interpretation, and public testimony, in light of the Plan, this Code, and the Official Zoning Map. The Board shall not modify or reject the interpretation if it is supported by substantial competent evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map.

**F. Official Record**

Each PBC official responsible for rendering an interpretation shall maintain a record of the interpretation and forward a copy to the Zoning Director. This record shall be available for public inspection, upon reasonable request, during normal business hours.

**Section 2 Assistance by Staff**

Except as specifically set forth in Art. 1.B.1, Interpretations, any assistance given or representation made by a PBC employee during consultation shall not constitute the approval of the Department, shall not bind the staff, the Department, the Division, the Executive Director, or the BCC, and shall not relieve any person of any requirements of this Code or other applicable provisions of federal, state law, or local ordinances. If there exists a conflict between any staff representation and the laws, rules, codes, or ordinances, such laws, rules, codes, or ordinances shall prevail to the extent allowed by law.

**CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT**

**Section 1 Rules of Construction**

The rules set out in this Section shall be used to enforce and apply this code, unless such rules are inconsistent with the Plan. References to Florida Statutes (F.S.) and the Florida Administrative Code (F.A.C.) refer to citations published in 2003 as may be amended.

**A. General**

1. The rules and definitions set out in this Section shall not be applied to any express provision, which are specifically excluded. This Code shall be liberally construed in order that the intent of the Plan may be fully carried out. In cases of conflict, the Plan shall prevail to the extent of the conflict. Terms used in this Code, unless otherwise stated, shall have the meanings prescribed by the statutes of the State of Florida for the same terms.
2. 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.
  - a. **Affected Area** - Use of the term "affected area" shall refer to that portion of a project which is the subject of a development permit, development order, or a modification, including all aspects and peripheral areas.
  - b. **And** - All cases apply.
  - c. **Building or Structure** - Use of terms "building" or "structure" shall refer to the classification of the subject building or structure in the Florida Building Code.
  - d. **Common Words and Punctuation** - Common words, phrases and punctuation shall be construed and understood according to the common and approved use of the English language.

Common words shall have the meaning assigned to them in the latest edition of an English dictionary unless otherwise defined in this Code.

- e. **Computation of Time** - The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by PBC, that day shall also be excluded.
- f. **Day** - A working weekday unless otherwise stated or used in reference to a violation. Violations shall be calculated on calendar days.
- g. **Delegation of Authority** - If the head of a Department, Division or other PBC official or employee is required to do some act or perform some duty, it shall be construed to authorize the head of the Department, Division, or other official or employee to designate, delegate and authorize professional-level subordinates to perform the required act or duty on their behalf, unless the terms of the Provision or Section specify otherwise.
- h. **Gender** - Words implying the masculine gender shall be construed to include the feminine and neuter genders.
- i. **Headings** - Headings of Articles, Chapters, Sections, and Subsections shall not be construed as the sole meaning or intent of the underlying regulation or standards.
- j. **Include/Such As** - Use of the word "include", "includes", or "including" or terms "such as" shall not limit a term to the specified examples, but shall extend its meaning to all other instances or circumstances of like kind or character.
- k. **May** - Permissive.
- l. **Month** - A calendar month.
- m. **Must** - Mandatory
- n. **Number** - A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing. The use of a plural number shall be deemed to include any single person or thing.
- o. **Or** - Either or both cases apply
- p. **Project** - Use of the term "project" shall refer to the entire development referenced or implied in the regulation, standard or definition.
- q. **References** - Reference to the F.S., the F.A.C., and the Code of Federal Regulations refer to citations published in 2003 as may be amended.
- r. **Shall** - Mandatory.
- s. **Technical Words and Undefined Terms** - Technical words and undefined terms, phrases, terms of art, vernacular, and the use of words which have acquired a peculiar and appropriate meaning and which are not defined in this Code shall be construed and understood according to such meaning.
- t. **Tense** - Words used in the past or present tense shall also include the future tense and conversely.
- u. **Terms Found in the Plan** - Terms not found in this Code, but found in the Plan, shall have the meaning given in the Plan.
- v. **Text** - In case of any difference of meaning between the text of this Code and any figure, graphic or table, the text shall control.
- w. **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.
- x. **Week** - Seven calendar days.
- y. **Year** - A calendar year, unless otherwise indicated.
- z. **Written** - Any representation of words, letters or figures whether by printing or other form of writing.

## **Section 2      District Boundaries**

In case of uncertainty, the Zoning Director shall interpret the intent of the Official Zoning Map to determine the location of boundaries. Where uncertainty exists concerning the boundary of a district on the Official Zoning Map, the following rules shall apply.

### **A. Bisecting Lines**

Where boundaries approximately bisect blocks, the boundaries shall be the median line of such blocks, or the centerline of the street that forms a boundary.

**B. Center Lines**

Boundaries indicated as approximately following the center lines of streets, alleys or highways shall be construed as following such center lines.

**C. Excluded Areas**

Where parcels of land or water areas have been inadvertently excluded from a district, said parcels shall be given an Agricultural Residential (AR) classification.

**D. Lot, Section and Tract Lines**

Boundaries indicated as approximately following platted lot lines, section or tract lines shall be construed as following such lines

**E. Parallel Lines**

**1. Lots with Frontage on Highway, Alley or Railroad R-O-W**

Where boundaries are approximately parallel to a street, highway, alley or railroad R-O-W, the distance of such boundaries from the property line of such shall be, one existing lot depth unless otherwise shown by dimensions on the Official Zoning Map.

**2. On Parallel Lots, Acreage or Tracts**

The distance of such boundaries from the property line to the nearest lot line shall be between lots to conform to adjacent district lines or approximately 150 feet.

**F. Political Boundaries**

Boundaries indicated as approximately following political boundaries shall be construed as following such political boundaries.

**G. Railroad Lines**

Boundaries indicated as following railroad lines shall be construed as following centerline of the railroad R-O-W.

**H. Shorelines**

Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event of a change in the shoreline, boundaries shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

**Section 3 Special Provisions for Lots Divided by District**

A lot in it's existing configuration as of the effective date of this Code, located in two or more zoning districts not as a result of actions by the property owner, shall apply the following:

**A. Use Regulations**

If more than 50 percent of the lot area is located in one district, the use regulations applicable to the district containing the majority lot area shall apply to the entire lot, if consistent with the Plan.

**B. Property Development Regulations (PDRs)**

If more than 50 percent of the gross lot area is located in one district, the PDRs applicable to the district containing the majority lot area shall apply to the entire lot.

**Section 4 Measurement**

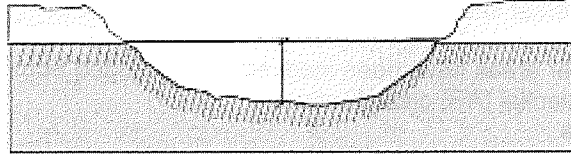
Distance requirements between a proposed use and another use shall require the spatial separation to be measured between the proposed and the other use within the unincorporated PBC and, if applicable, other jurisdictions, including municipalities and other counties. If a conflict exists between this Section and another Section, the definition in Art. 1.I, Definitions and Acronyms, shall apply.

**A. Depth**

From the lowest point of an excavated area to the ordinary high water mark.

(This space intentionally left blank.)

**Figure 1.C.4.A-Typical Example to Measure Depth**

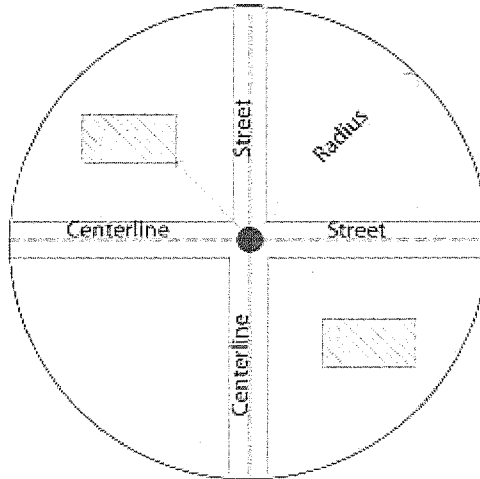


**B. Distance**

By drawing a straight line from a site element, use or structure to:

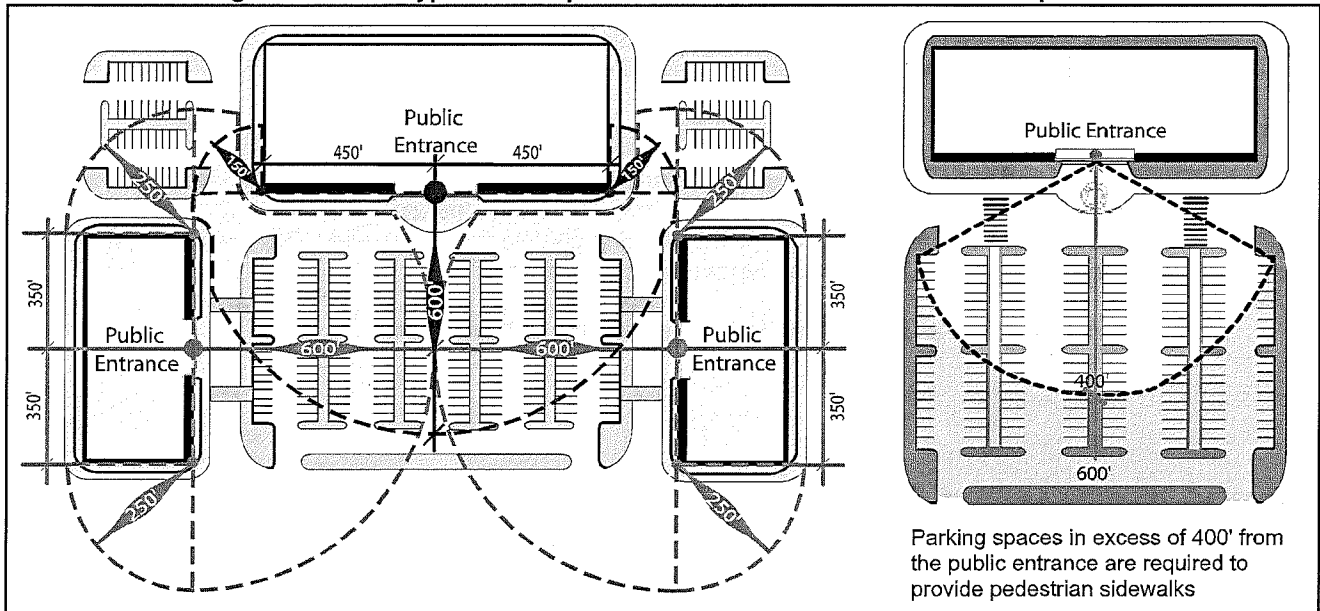
1. The intersection of two centerlines;
2. Another site element, such as parking; or
3. A specific distance, such as 1,320 feet.

**Figure 1.C.4.B -Typical Example of Measurement of Distance from Center Line to Site Element**



[Ord. 2005-002]

**Figure 1.C.4.B -Typical Example of Measurement of Distance to a Specific**



[Ord. 2005-002]



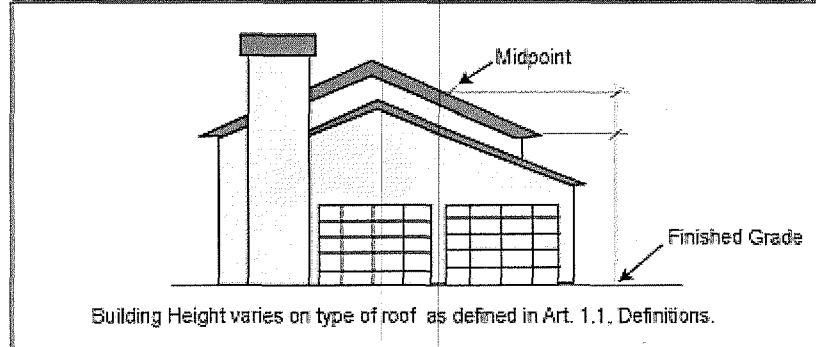
**C. Height**

From finished grade to highest point or peak of roof.

**1. Building Height**

Refer to definitions of building height in Art. 1.1, Definitions & Acronyms.

**Figure 1.C.4.C - Typical Example of Measurement of Building Height**

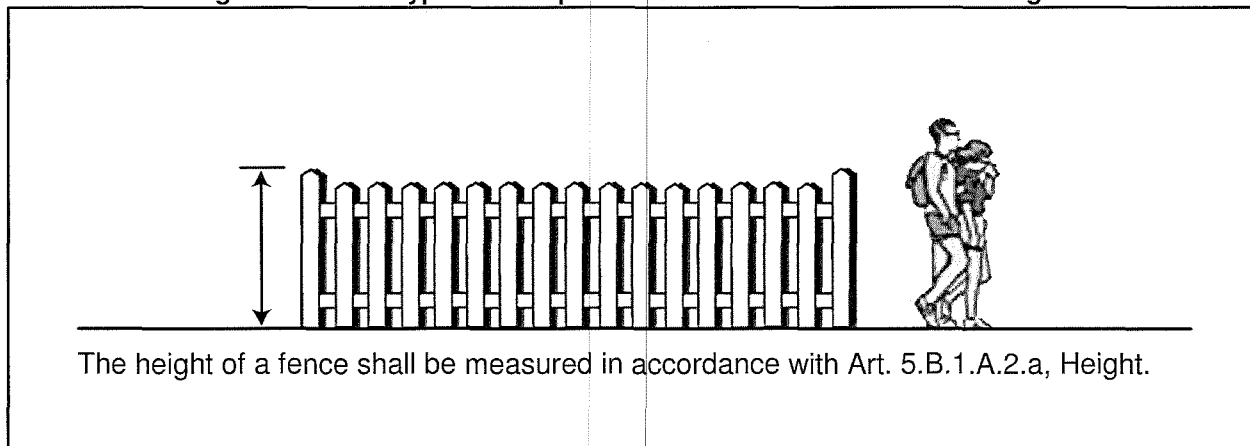


[Ord. 2005 – 002]

**2. Fence/Wall Height**

Refer to Art. 5.B.1.A.2.a, Height.

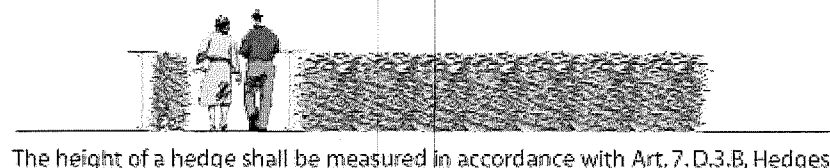
**Figure 1.C.4.C - Typical Example of Measurement of Fence/Wall Height**



**3. Hedge Height**

Refer to Art. 7.D.3.B, Hedges.

**Figure 1.C.4.C - Typical Example of Measurement of Hedge Height**



**4. Berm Height**

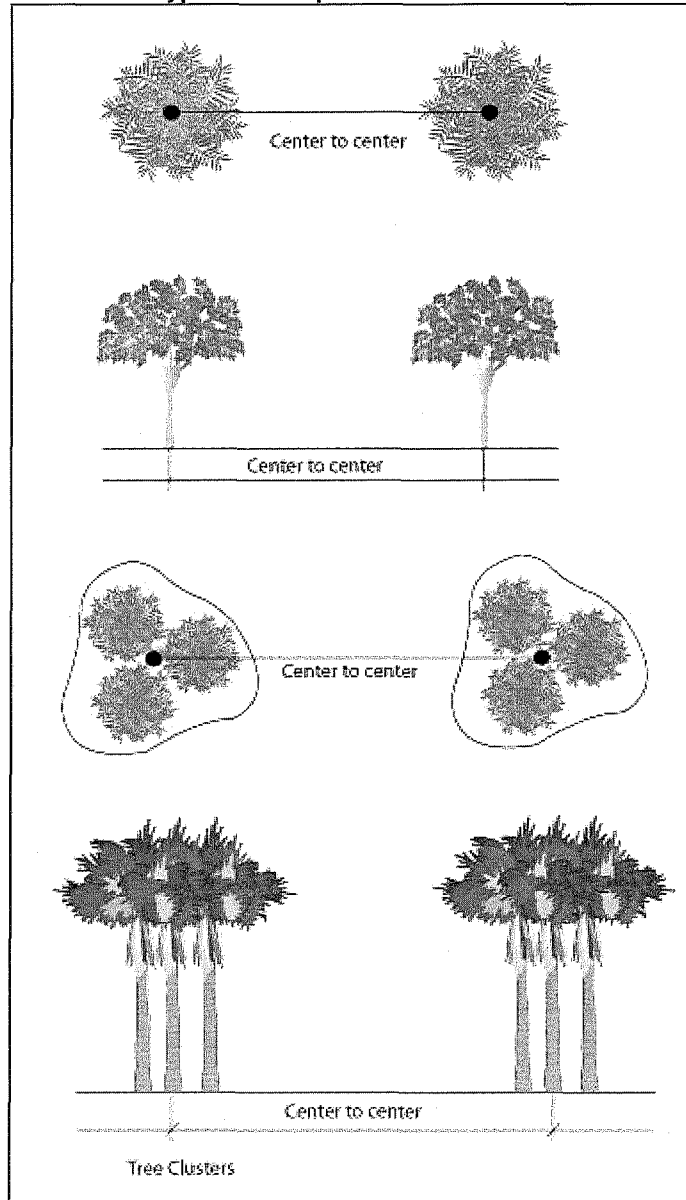
Refer to Art. 7.D.9.C, Height Measurement, and Figure 7.D.9.C, Berm Elevation and Drainage Requirements. [Ord. 2005-002]

**D. On Center**

By drawing a straight line between.

1. Individual trees or shrubs (centerline to centerline); or
2. Tree clusters, or shrub clusters (centerline to centerline).

**Figure 1.C.4.D - Typical Example of Measurement from Centerline**

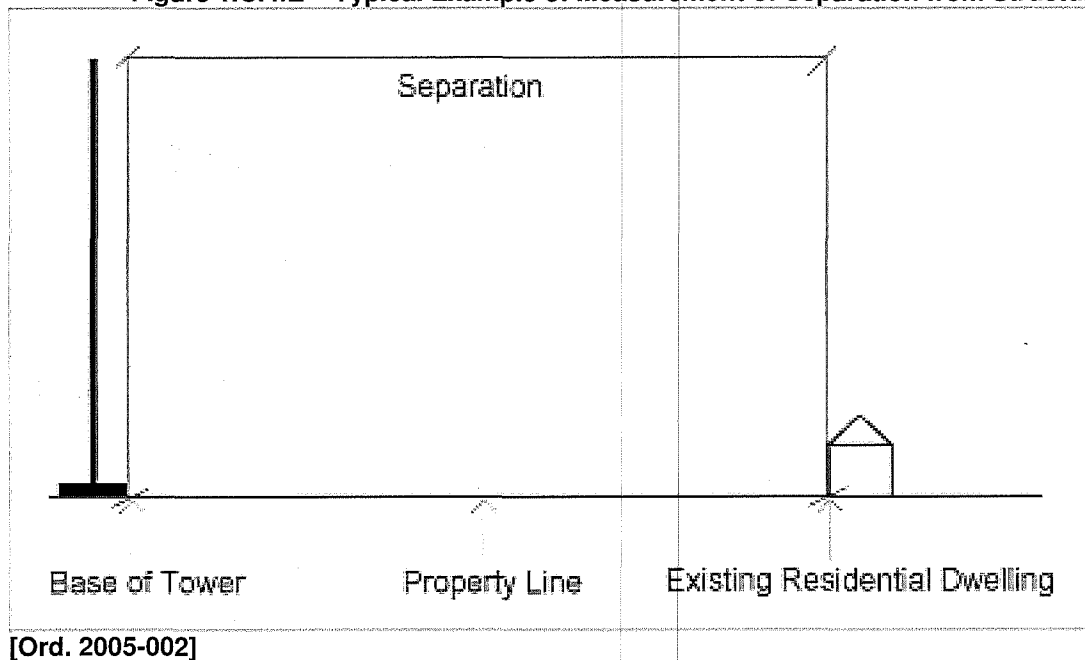


**E. Separation from a Structure**

By drawing a straight line from the closet point on the perimeter of the exterior wall, structure or bay to another structure, the property line, or a well or septic.

(This space intentionally left blank.)

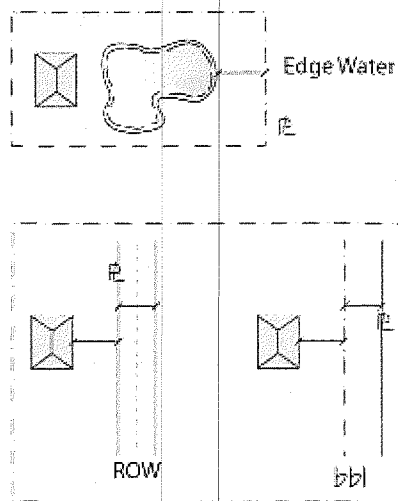
**Figure 1.C.4.E – Typical Example of Measurement of Separation from Structure**



**F. Separation from A Property Line**

By drawing a straight line from the closest point on the perimeter of the exterior wall, structure or bay to the base building line, the R-O-W line, the edge of the water, or the property line.

**Figure 1.C.4.F - Typical Example of Measurement of Separation from A Property Line**



**G. Sound**

In decibels as defined in the specific Article and measures for impact from the adjacent property line.

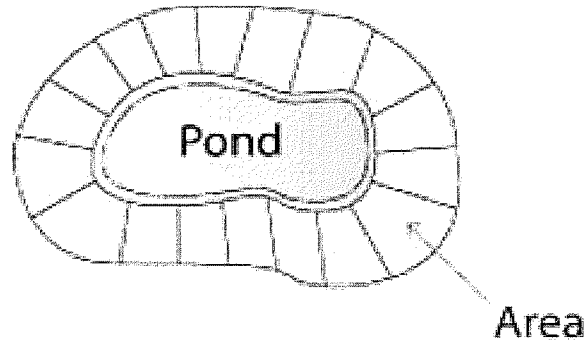
**H. Gasoline Pumps**

For the purposes, any fraction of Article 1.F and Article 4.B, any fraction of the number of pumps shall be rounded upward to the nearest whole number for one half or more of a whole pump, and downward if it is less than one half of a whole pump. [Ord. 2010-005]

**I. Surface Area**

A polygon drawn tangent to the extremities of a vertical or horizontal plane and calculated to provide total acreage or square footage.

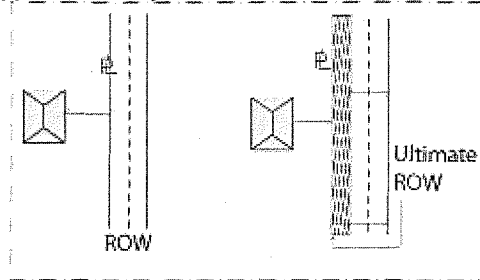
**Figure 1.C.4.H-Typical Examples of Measurement for Surface Area**



**J. R-O-W, Improved**

By drawing a straight line between a site element, use or structure to the ultimate R-O-W.

**Figure 1.C.4.I-Typical Examples of Measurement from Improved R-O-W**



**K. R-O-W Unimproved**

By drawing a straight line between a site element, use or structure to the base building line.

**Section 5 Density, Intensity and Building Coverage**

That portion of a property conveyed or dedicated for public right-of-way without compensation may be subsequently included with the subject property for the purpose of density, intensity or building coverage calculations. [Ord. 2009-040] [Ord. 2010-005]

**CHAPTER D IMPLEMENTATION**

**Section 1 Minimum Requirements**

The provisions of this Code are the minimum requirements necessary to accomplish the purposes of this Code and implement and ensure consistency with the Plan.

**Section 2 Effective Date**

- A. The effective date of this Code is January 1, 2004.
- B. Applications submitted after the effective date of this Code shall be reviewed in accordance with the standards and procedures in this Code.

**CHAPTER E PRIOR APPROVALS**

**Section 1 General**

**A. Purpose and Intent**

This Section establishes the review and approval procedures for: Development Orders or Permits approved prior to the effective date of this Code and their vested status; nonconforming site elements of

a prior approval, and establish extent of vested status of the limits of affected area of modifications. [Ord. 2010-005]

**B. Prior Approvals**

All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the BCC, the ZC, the DRO, Enforcement Boards, all other PBC decision making and advisory boards, Special Masters, Hearing Officers, and all other PBC Officials, issued pursuant to the procedures established by prior PBC land development regulations shall remain in full force and effect until superseded by amendment, expiration, revocation, or abandonment. The uses, structures, lot size, site elements and the associated site design, access, intensity, density, and tabular data shown on a valid development order such as a development permit or plan that was approved in accordance with a prior ordinance shall not be subject to the requirements of this Code for any information clearly shown. This information may be carried forward onto subsequent plans if necessary to implement the previously approved plan. [Ord. 2010-005]

**1. Prior Variances, Exemptions or Waivers**

Previously approved variances, exemptions, or waivers from property development regulations and standards no longer required by this Code shall remain in effect until superceded, modified, abandoned, voided, or revoked by the authority which granted the original approval. Such prior approvals may only be used in their entirety, as originally approved, and may not be amended or modified. [Ord. 2010-005]

**C. Modification of Prior Approvals**

A development order or permit, which was approved under the prior Code provisions, shall comply with the current review process for any modifications and the following: [Ord. 2010-005]

**1. Determination of Extent of Vested Status in the Area of Modification**

The proposed modification shall comply with the current Code to the greatest extent possible in the affected area, which also includes the determination of whether the prior approval has nonconformities. [Ord. 2010-005]

**2. Modification to a Prior Approval with Nonconformities**

Proposed modifications may not increase a nonconformity. The applicant shall identify the extent of the proposed modification on the applicable plan and in the application pursuant to Art. 2, Plan Requirements. The application and plan shall: [Ord. 2010-005]

- a. list all prior Zoning resolutions and prior ULDC Amendment Ordinances to establish a record of any prior vesting claim; [Ord. 2010-005]
- b. delineate on the plan the boundary of the affected area and indicate all proposed modifications; If necessary, the Zoning Director shall render decision on the affected area. [Ord. 2010-005]
- c. identify all nonconformities with prior approved development orders, which includes: lot, structure, use, and site elements of the subject property or affected area of the subject property to establish a record of nonconformities in the tabular data of the plan, and notate on the plan these nonconformities, where applicable. [Ord. 2010-005]
- d. all nonconformities outside of the affected area that are clearly shown on a prior development order shall be vested. [Ord. 2010-005]

**D. Invalid Approvals**

Invalid development orders include those which have been revoked, voided, abandoned, or have expired. If a development order for a parcel of land is invalid, any future development order for that parcel shall be subject to all applicable provisions of this Code. [Ord. 2010-005]

**E. Applications In Process**

Development Order application that is found sufficient for review purposes shall be required to meet the Code provisions in effect on the date the application is submitted. The application shall not be required to meet any subsequent Code amendments that may be adopted prior to final approval of the application by the appropriate Board or County Official. [Ord. 2010-005]

**CHAPTER F NONCONFORMITIES**

**Section 1 General**

**A. Purpose and Intent**

The purpose and intent of this Chapter is: to establish regulations to address lots, structures, uses and site elements that were lawfully established before this Code was adopted or amended, that now do not conform to the terms and current requirements of this Code; to regulate and limit the continued existence of such nonconformities; and, where possible, bring them into conformance with this Code.

In addition, this Chapter addresses projects within the Redevelopment Areas in Art. 3.B (IRO, LWRCCO, URA-PRA, and WCRAO) where new developments and redevelopments are regulated by form-based design standards. The intent is to provide incentives to encourage infill and redevelopment in these areas, improve the overall quality of the surrounding communities, to address any development restrictions unique to each overlay and to ensure overall compliance with the general intent of non-conformity provisions. [Ord. 2010-005]

**B. Applicability**

This Chapter applies to nonconforming lots, structures, uses and site elements. In determining whether such nonconformities will be regulated by the provisions of this Chapter, the following shall apply: [Ord. 2010-005]

1. Nonconforming status shall not be provided for any: lot, structure, use, or site element, which was illegally created, commenced, constructed or unlawfully continued, or commenced after the restrictions, became applicable. [Ord. 2010-005]
2. Nonconforming status shall only be authorized upon demonstration by the applicant that a lot, structure, use or site element was created, commenced or constructed, and not merely contemplated, unless permitted by this Code. [Ord. 2010-005]
  - a. For a nonconforming use, affidavits alone are not sufficient evidence to establish nonconforming status. The applicant must demonstrate that the use was in continuous operation during business hours and not an occasional use of the property. The applicant will be required to submit a Vested Use Recognition Form established by the Zoning Director to confirm the use is vested. [Ord. 2010-005]
3. An accessory nonconforming use shall not become the principal use. [Ord. 2010-005]

**C. Improvements to Nonconformities**

There are four classifications of improvements that may be made to nonconformities. These include: Expansion, Maintenance, Renovation, and Natural Disaster Damage Repair pursuant to Art. 1.1.2, Definitions. [Ord. 2010-005]

**D. Improvement Value**

Improvement Value, as determined by the Palm Beach County Property Appraiser, is utilized to calculate allowable improvements for all types of nonconformities listed in this Chapter. The maximum allowable improvement is based upon the Property Appraiser's most recent Improvement Value of the structure as follows: 125 percent for non-government structures including structures in the Redevelopment Area or in the Overlays, and 185 percent for government structures. A property owner may apply to the property Appraiser for a re-assessment to obtain the most recent improvement value of the structure. If a new value is established, it shall be forwarded directly to the Zoning Director from the Property Appraiser. [Ord. 2010-005]

**E. Total Value of Improvements**

The International Code Council's Building Valuation Data Table, which provides the "average" construction costs per square foot, shall be used as the sole basis in determining the value of an improvement necessary to perform expansion, maintenance, renovation, or natural disaster damage repair for any type of nonconformity. The table is outlined in the most current building valuation data in the Building Safety Journal, as amended periodically by the International Code Council. As an alternative to the Building Valuation Data table, an applicant may submit other comparable guidelines adopted by law or accepted in practice by the Building Official. [Ord. 2010-005]

**F. Expansion for Nonconformities**

Expansion shall comply with Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion and other applicable Sections of this Chapter. No variance shall be permitted beyond the percentages stated in this Table. [Ord. 2010-005]

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**Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion**

<b>Improvement Classification</b>	<b>Major Nonconforming Use in a Conforming Structure (1)</b>	<b>Minor Nonconforming Use in a Conforming Structure (1) (2)</b>	<b>Conforming Use in a Nonconforming Structure</b>	<b>Nonconforming Site Element (4)</b>
<b>Expansion</b>				
Non-Government and Government	One time only 10% max. allowed with DRO Approval.	One time only 10% max. allowed with DRO Approval.	Comply with Code through applicable review approval process.	Comply with applicable Code to greatest extent possible through applicable review approval process.
IR-O, PRAs, LWRCC-O, WCRA-O (3)	Shall not be expanded in area it occupies unless it is being expanded into an area of a structure, which was designed and approved for such use in a valid development order prior to becoming nonconforming.	Shall not exceed 10% max. of approved floor area of the structure or 10% of the improvement value of the structures on site, whichever is less, or other form of measures pursuant to Art. 1.F.4.D.	Shall not change or increase the nonconforming features of the structure. Shall not result in the expansion of a nonconforming use.	
<b>[Ord. 2010-005]</b>				
<b>Notes:</b>				
1. Nonconforming use in a nonconforming structure shall not expand.				
2. Expansion shall be based upon intensity or density pursuant to Art. 1.F.4.D, Nonconforming Use.				
3. A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art. 3.B, Overlays.				
4. Refer to Art. 1.F.5, Nonconforming Site Elements for additional information.				

**G. Maximum Improvement to a Nonconformity**

The standards, limitations, and approval processes for improvements to nonconformities shall be as follows: **[Ord. 2010-005]**

1. Maintenance, Renovation and Natural Disaster Damage Repair - The total combined value for improvement classifications shall not exceed the allowable maximum percentage of any single improvement classification. The percentage of each improvement classification is pursuant to Table 1.F.1.G, Nonconformities - Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair. **[Ord. 2010-005]**
2. Maintenance – may be performed in any 12-consecutive month period. **[Ord. 2010-005]**
3. Renovation and Natural Disaster Damage Repair - The cumulative changes in total value of improvement are calculated over the previous five-year period as a nonconforming use or structure is renovated or repaired for damages. **[Ord. 2010-005]**
4. Public utility facilities with nonconforming structures on existing sites shall not be subject to the requirements of this Chapter. **[Ord. 2010-005]**
5. For additional requirements for each type of nonconformities, see applicable Sections of this Chapter. **[Ord. 2010-005]**
6. No variance shall be permitted for the percentages stated in Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion. **[Ord. 2010-005]**
7. Repair for non natural disaster damage shall comply with percentage pursuant to Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion. **[Ord. 2010-005]**

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**Table 1.F.1.G,  
Nonconformities – Percentage (1) and Approval Process for  
Maintenance, Renovation and Natural Disaster Damage Repair**

Improvement Classifications	Major Nonconforming use (1) (2)	Minor Nonconforming use (1) (2)	Conforming Use in Nonconforming Structure (1)	Nonconforming Site Elements
<b>Non-Government</b>				
Maintenance	≤20%; By Right	≤30%; By Right	≤20%; By Right	Comply with applicable Code to greatest extent possible through applicable review approval process. (5)
Renovation				
Natural Disaster Damage Repair				
<b>Government (3)</b>			OR	
Maintenance	≤30%; By Right	≤ 45%; By Right	>20%≤30%; DRO	
Renovation				
Natural Disaster Damage Repair				
<b>PRAs, LWRCC-O WCRA-O, IR-O (4)</b>				
Maintenance	≤20%; By Right	30%; By Right	30%; By Right	
Renovation				
Natural Disaster Damage Repair				
	OR	OR	OR	
	>20% ≤ 30%; DRO	>30 ≤ 50%; DRO	≤ 50%; DRO	
<b>[Ord. 2010-005]</b>				
<b>Notes:</b>				
1.	All percentages shall be based on the Improvement Value of the structure pursuant to Art. 1.F.1.D, unless stated otherwise herein.			
2.	For nonconforming use in a conforming or nonconforming structure, the percentage of the nonconforming use shall apply.			
3.	A higher percentage shall be allowed for Government structures as appraisals by the Property Appraiser's Office are conducted less for Government structures due to exemptions for property tax.			
4.	A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art. 3.B, Overlays.			
5.	If the use or structure is nonconforming, the maximum allowable percentage for improvements for the site elements shall be included in the total value of improvements.			

## Section 2 Nonconforming Lot

### A. Applicability

This section shall only apply to non-conforming lots that do not meet the minimum lot acreage and dimensional criteria pursuant to Table 3.D.1.A, Property Development Regulations of this Code, if all of the following conditions are met: **[Ord. 2008-037] [Ord. 2010-005]**

#### 1. Legal Access Requirements

##### a. Development of a Single-family Dwelling Unit

The lot has legal access in accordance with Art. 1.H.1.B.2, Legal Access. **[Ord. 2008-037] [Ord. 2010-005]**

##### b. Development of Non-residential and Residential Other than SFD

The lot has frontage on, and legal access to, a public R-O-W, or any other street that meets the requirements of Table 11.E.2.A, Chart of Access Hierarchy. **[Ord. 2008-037] [Ord. 2010-005]**

#### 2. Legal Lot of Record

The lot complies with one of the following: **[Ord. 2008-037] [Ord. 2010-005]**

- Is depicted on either a plat of record, affidavit of exemption, or affidavit of waiver; or **[Ord. 2008-037] [Ord. 2010-005]**
- Existed prior to February 5, 1973 in its current configuration as evidenced by a chain of title; or **[Ord. 2008-037] [Ord. 2010-005]**
- Art. 1.H.1.B.1.b, Option 2 – Creation on or Subsequent to February 5, 1973 and before June 16, 1992. **[Ord. 2008-037] [Ord. 2010-005]**

#### 3. FLU and Zoning Consistency

The existing zoning or any rezoning is in compliance with the requirements of Art. 3.C.1, Future Land Use Designation and Corresponding Districts. **[Ord. 2008-037] [Ord. 2010-005]**

#### 4. Lot Recombination Requirements



Where applicable, the lot or lots have complied with the lot recombination requirements of Plan FLUE Policy 2.2.1-f, and Art. 11, Subdivision, Platting and Required Improvements. [Ord. 2008-037] [Ord. 2010-005]

**B. Subdivision (Includes Lot Combinations)**

Non-conforming lots may be combined with any other conforming or non-conforming lot without obtaining variance relief for non-conforming lot dimensions, inclusive of frontage, width, depth and size, if all of the following conditions are met: [Ord. 2008-037] [Ord. 2010-005]

1. The newly created lot complies with the lot dimensions of this Code, or reduces the non-conformity; and, [Ord. 2008-037] [Ord. 2010-005]
2. Can comply with the requirements of Art. 11, Subdivision, Platting and Required Improvements. [Ord. 2008-037] [Ord. 2010-005]

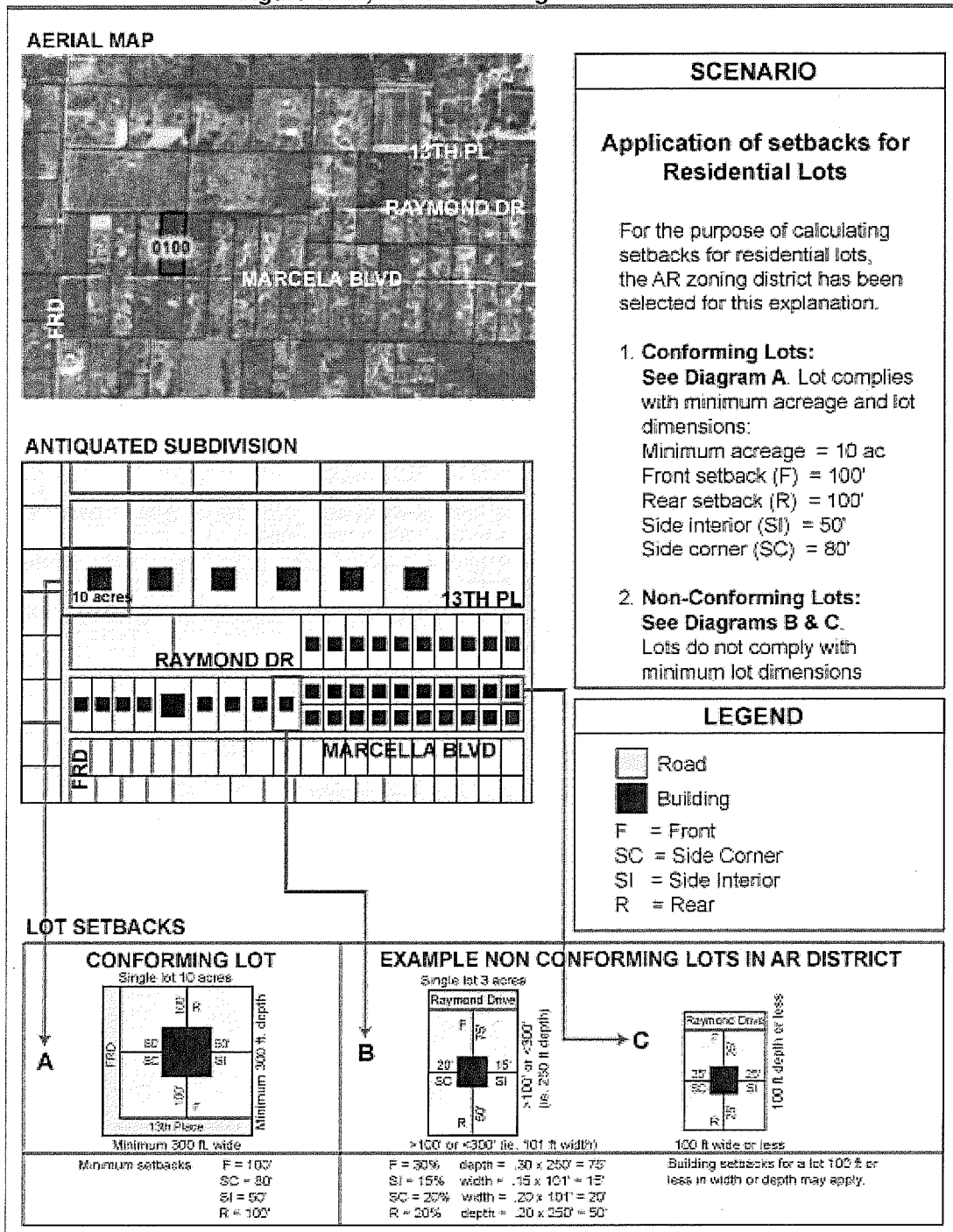
**C. Residential Development Regulations**

A nonconforming residential lot may utilize the following setbacks for a single-family dwelling unit only. [Ord. 2010-005]

1. Minimum Setback Requirements: [Ord. 2010-005]
  - a. If the minimum depth dimension is nonconforming: [Ord. 2010-005]  
Front: 30 percent of lot depth. [Ord. 2010-005]  
Rear: 20 percent of lot depth. [Ord. 2010-005]
  - b. If the minimum width dimension is nonconforming: [Ord. 2010-005]  
Side Interior: 15 percent of lot width. [Ord. 2010-005]  
Side Street: 20 percent of lot width. [Ord. 2010-005]
  - c. Nonconforming lots that are 100 feet or less in width and 100 feet or less in depth may apply a 25-foot setback from the affected property line. [Ord. 2010-005]
2. The maximum lot coverage is 40 percent of the total lot area or the maximum district coverage whichever is more restrictive. [Ord. 2010-005]
3. Accessory structures shall comply with all applicable Code requirements. [Ord. 2010-005]

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Figure 1.F.2, Nonconforming Lots & Setbacks



[Ord. 2005-002] [Ord. 20010-005]

#### D. Accessory Dwellings

Accessory dwellings 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 accessory dwelling. [Ord. 2006-004] [Ord. 2010-005]
  2. Ingress/egress to the accessory dwelling shall not be oriented towards the adjoining property. [Ord. 2006-004] [Ord. 2010-005]
- E. Non-Residential Development & or Residential Development Other Than Single Family**  
Non-residential development and residential development other than single family may be developed, subject to the following: [Ord. 2008-037] [Ord. 2010-005]
1. The proposed use is allowed by this Code; and [Ord. 2010-005]
  2. All other property development regulations, supplemental development regulations and setbacks for the use are met, or variances are obtained pursuant to the requirements of Art. 2.B.3, Variances. [Ord. 2010-005]

### **Section 3 Nonconforming Structure**

**A. General**

A nonconforming structure may continue to exist in accordance with this Section. [Ord. 2010-005]

**B. Expansion**

Expansion of a nonconforming structure shall not change or increase the nonconforming features of the structure, and shall not result in the intensification of a nonconforming use through the structural expansion. Expansion shall not exceed the percentage pursuant to Table 1.F.1.F, Nonconformities - Percentage and Approval Process for Expansion. [Ord. 2010-005]

**C. Maintenance, Renovation and Natural Disaster Damage Repair**

Maintenance, renovation, and damage repair caused by acts of nature shall not exceed the percentage pursuant to Table 1.F.1.G, Nonconformities - Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair. [Ord. 2010-005]

**D. Uses and Structures within an Airport Zone**

**1. Applicability**

Uses permitted prior to the effective date of the Airport regulations, November 1, 1996, that lie within regulated areas defined in Art. 16, Airport Regulations, which do not comply with the Airport Land Use Compatibility Schedule or FDOT, "Guidelines for the Sound Insulation Residences Exposed to Aircraft Operations," or exceeds permitted height limitations shall be considered a nonconforming use unless the structure or use is brought into conformance with the provisions of Art. 16, Airport Regulations. [Ord. 2010-005]

**a. Exemptions**

Land Uses within regulated areas defined in Art. 16.C.1.D.2, ALUNZs for Airports, which have not completed a Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Study, are exempt from the requirements of this Article. [Ord. 2010-005]

**2. Existing Uses and Occupancy**

The requirements of Art.16, Airport Regulations, shall not be construed to necessitate the removal, lowering or alteration of a structure or building supporting an existing use non-conforming to the requirements therein, or otherwise interfere with the continuance of such use which legally existed prior to November 1, 1996, provided the continuation does not jeopardize life or health. Construction or alterations which existed or started prior to November 1, 1996, and are diligently pursued and completed in accordance with building permitting requirements as defined by PZB, shall not be required to comply with the provisions in Art. 16, Airport Regulations. [Ord. 2010-005]

**a. Change in Use and Occupancy**

If a change of use is proposed for an existing structure or building which does not comply with the Airport Zoning provisions for that particular use, as specified in the Airport Land Use Compatibility Schedule, the entire structure or building shall be brought into conformance with Art.16, Airport Regulations. [Ord. 2010-005]

**3. Abandonment of a Use**

If a use non-conforming to the Airport Regulations has been abandoned for 365 days (one Year), a permit cannot be issued to repair, reconstruct or restore the structure to re-establish the use unless the extent of the repair, reconstruction or restoration complies with the requirements in Art. 16.B.1, Airspace Height Regulations, and Art. 16.C.1.E, General Land Use Regulations-Off Airport Land Use Compatibility Schedule. [Ord. 2010-005]

**4. Repair, Reconstruction, Restoration, or Alteration of a Structure**

**a. Height Restrictions**

Permits shall not be granted that would allow an existing structure to become higher or become a greater hazard to air navigation than it was as of November 1, 1996. All structures shall comply with Art.16.B.1, Airspace Height Regulations. **[Ord. 2010-005]**

**b. Use Regulations**

Any permits to substantially alter, repair, restore, reconstruct, or rebuild a structure supporting a non-conforming use shall comply with Art. 16.C.1.E, General Land Use Regulations Off-Airport Land Use Compatibility Schedule. In such cases, the entire building or structure shall be brought into conformance with these requirements. For the purposes of this Article, substantially alter shall mean: **[Ord. 2010-005]**

- 1) the structure is more than 80 percent torn down, destroyed, deteriorated, or decayed; or **[Ord. 2010-005]**
- 2) the cost of repair, reconstruction or restoration exceeds 80 percent of the assessed value of the existing building or structure; or **[Ord. 2010-005]**
- 3) the non-structural alterations or repairs exceed 50 percent of the assessed value of the existing building or structure. **[Ord. 2010-005]**

If the structure does not meet these criteria, then only the new construction, alteration or repair shall be subject to the requirements of Art. 16, Airport Regulations. **[Ord. 2010-005]**

**5. Relocated Buildings**

Buildings or structures moved into or within Palm Beach County, into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions in Art. 16, Airport Regulations. **[Ord. 2010-005]**

**6. Obstruction and Marking Requirements**

Any repair restoration, reconstruction or alteration to a non-conforming structure or establishment of a new use shall require compliance with the Obstruction Marking and Lighting provisions in Article 16.B.1, Airspace Height Regulations. **[Ord. 2010-005]**

**Section 4 Nonconforming Use**

**A. Nonconforming Use Classifications**

There are three classes of nonconforming uses: Major, Minor, and Nonconforming to Airport Regulations. **[Ord. 2010-005]**

**1. Major**

A major nonconforming use is a use that was legally established in a zoning district where the use is now prohibited under the terms of this Code. Major nonconforming uses are inappropriately located and create or threaten to create incompatibilities that are detrimental to the public welfare. The intent of the PBC Comprehensive Plan is to eliminate or reduce existing or previously approved land uses, and activities, which were lawful before the adoption of the Plan but are now prohibited, regulated or restricted under the terms of the Plan. **[Ord. 2010-005]**

**2. Minor**

A minor nonconforming use is a use that was legally established in a zoning district under a prior code. The use has been changed to a more restrictive review and approval process under the terms of this Code, and where any DOAs or improvements to the use would exceed the development and approval thresholds or do not meet the property development regulations of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare. An applicant who is requesting modification or improvement to a minor nonconforming use is encouraged to apply pursuant to the review and approval process now in effect to correct the nonconforming status of the use for the benefit of future development order amendments and other types of improvements. **[Ord. 2010-005]**

**3. Nonconforming to Airport Regulations**

Requirements for uses nonconforming to Airport regulations are set forth in Art. 1.F.3.D, Uses and Structures within an Airport Zone. Nonconforming uses that are also nonconforming to the Airport zoning regulations shall comply with both the nonconforming provisions and the Airport nonconforming provisions. These uses shall be regulated as follows: **[Ord. 2010-005]**

- a. A major nonconforming use shall comply with the major nonconforming use provisions. **[Ord. 2010-005]**
- b. A minor nonconforming use shall comply with both provisions of the minor nonconforming use and the Nonconforming to Airport Regulations. **[Ord. 2010-005]**

**B. Change in Use**

A nonconforming use shall not be changed to any other use, unless the new use conforms to this Code. A nonconforming use physically replaced by a permitted use shall not be re-established. [Ord. 2010-005]

**C. Discontinuance or Cessation**

A nonconforming use that is intentionally discontinued, abandoned, or changed to an accessory use shall lose its nonconforming status and shall not be reestablished or resumed. Any subsequent use in the same location shall be consistent with this Code. A use that has been discontinued, abandoned, or changed to an accessory use for a period of more than 180 consecutive days, or for a total of 540 calendar days during any three year period shall constitute a presumption of the intent to discontinue, abandon, or change to an accessory use. In the event either time period has been exceeded, an applicant shall have the burden rebutting the presumption by presenting competent, substantial evidence of the intent to maintain the nonconforming use. [Ord. 2010-005]

**D. Expansion**

**1. Major Nonconforming Use**

Expansion shall not exceed the percentage pursuant to Table 1.F.1.F, Nonconformities - Percentage and Approval Process for Expansion. [Ord. 2010-005]

**2. Minor Nonconforming Use**

A minor nonconforming use may be expanded pursuant to Table 1.F.1.F, Nonconformities - Percentage and Approval Process for Expansion, and the following: [Ord. 2010-005]

- 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 or other traffic intensity measures. [Ord. 2010-005]

**E. Maintenance, Renovation and Natural Disaster Damage Repair**

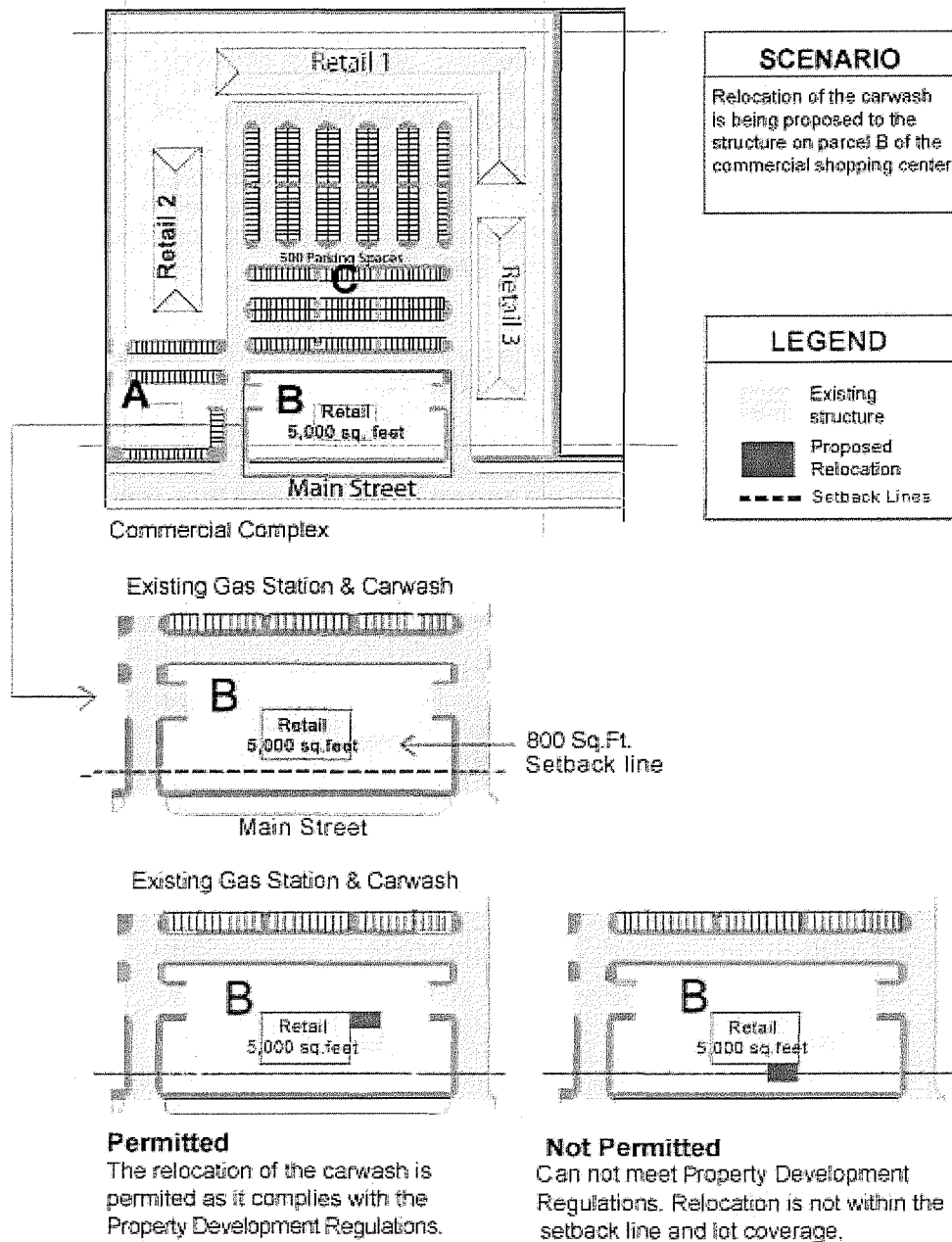
Shall not exceed the percentage pursuant to Table 1.F.1.G, Nonconformities - Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair. For natural disaster damage repair, improvement value shall be established at the time the damage occurred. [Ord. 2010-005]

**F. Relocation**

See Figure 1.F.4, Relocation and Expansion for permitted relocation of nonconformities. A nonconforming use shall not be relocated. [Ord. 2010-005]

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**Figure 1.F.4, Relocation and Expansion**



## Section 5 Nonconforming Site Element

### A. Applicability

This Section establishes procedures for improvements and modifications to a prior approval with nonconforming site elements and establishes thresholds for vesting nonconformities. This Section shall apply to non-conforming site elements, including but not limited to: Article 5.E.4.E, Outdoor Lighting, Article 6, Parking, Article 7, Landscaping, and Article 8, Signage that may be impacted by proposed improvements or modifications to a prior approval. In addition, this Section shall also apply to projects that meet the threshold pursuant to Article 5.B, Generators and Article 5.C, Design Guidelines. [Ord. 2010-005]

**B. Modification or Improvement to a Prior Approval with Nonconforming Site Elements**

Proposed modification or improvement to a project where the use or structure is conforming or has been brought into conformance with this Code through an applicable approval process, and where only the site elements are nonconforming, the following requirements shall be met: **[Ord. 2010-005]**

**1. Projects without an Approved Plan**

A project without an approved plan shall comply with this Code. **[Ord. 2010-005]**

**2. Unbuilt Projects with an Approved Plan**

An unbuilt project with an approved plan shall only comply with Article 6, Parking, Article 7, Landscaping, and Article 8, Signage in the affected area to the greatest extent possible without the loss of density, intensity or required parking. **[Ord. 2010-005]**

**3. Built Projects with an Approved Plan**

Projects, which have commenced development or have been constructed, shall comply with the requirements of this Code and the following: **[Ord. 2010-005]**

- a. Projects with 80 percent or more of the approved density or intensity (number of units, square feet or footprint of buildings) constructed shall remain valid for any information and items clearly shown on the approved development order. The affected area shall meet this Code to the greatest extent possible. **[Ord. 2010-005]**
- b. Projects with less than 80 percent of the approved density or intensity constructed shall comply with Article 6, Parking, Article 7, Landscaping, and Article 8, Signage in the affected area to the greatest extent possible without the loss of density, intensity, or required parking. **[Ord. 2010-005]**

**C. Additional Improvement Threshold for Nonconforming Site Elements**

When improvements are proposed to a conforming structure with a conforming use, the associated nonconforming site elements must also be improved to comply with current Code requirements. (See Zoning Division Technical Manual for examples). The required improvements shall be determined based on the Improvement Value of the structure pursuant to Table 1.F.5, Thresholds for Improvements – Nonconforming Site Elements. These improvements are required in addition to the standards pursuant to Article 1.F.5.B.3, Built Projects with an Approved Plan. **[Ord. 2010-005]**

**Table 1.F.5, Thresholds for Improvements - Nonconforming Site Elements**

Use or Structure	Percentage 1, 2	ULDC Requirements
Non-Government <sup>3</sup>	>35%	Art. 5.E.4.E, Outdoor Lighting
		Art. 6, Parking
		Art. 7, Landscaping
		Art. 8, Signage
	>75%	In addition to the above requirements: Art. 5.C, Design Standards, if applicable Art. 5.B.1.A.18, Permanent Generators, if applicable
Government <sup>3</sup>	>100%	Art. 5.E.4.E, Outdoor Lighting
		Art. 6, Parking
		Art. 7, Landscaping
		Art. 8, Signage
		Art. 5.C, Design Standards, if applicable
		Art. 5.B.1.A.18, Permanent Generators, if applicable
<b>[Ord. 2010-005]</b>		
<b>Notes:</b>		
1.	The percentage is based on the Improvement Value of conforming structure(s). <b>[Ord. 2010-005]</b>	
2.	The percentage applies to improvements for a conforming use or structure with nonconforming site elements. If the use or structure is nonconforming, the maximum allowable percentage shall comply with Table 1.F.1.F, Allowable Percentage and Approval Process for Nonconformities. <b>[Ord. 2010-005]</b>	
3.	Applies only to exterior renovations or additions to existing buildings and structures. <b>[Ord. 2010-005]</b>	

**D. Standalone Improvements to Nonconforming Site elements**

Standalone Improvements to Nonconforming Site elements shall comply with Article 1.F.5.B in the affected area, to the greatest extent possible, and the following, where applicable: **[Ord. 2010-005]**

**1. Outdoor Lighting**

Alterations or additions to outdoor lighting shall comply with Article 5.E.4.E, Outdoor Lighting. **[Ord. 2010-005]**

**2. Vehicular Use Areas**

Alterations or additions to vehicular use areas shall comply with Article 5.E.4.E, Outdoor Lighting Standards, Article 6, Parking, and Article 7, Landscaping. [Ord. 2010-005]

**a. Non-residential PDDs and TMDs Parking Calculation**

Proposed modifications to a previously approved development, whether modifications is for the entire or a portion of the development, shall be in compliance with the following: [Ord. 2010-005]

- 1) the minimum parking requirements pursuant to the non-residential parking requirements of Article 3.E.1.C.2.h, Parking; and, [Ord. 2010-005]
- 2) applicable sections of Article 7, Landscaping. [Ord. 2010-005]

**3. Sign Renovations or Additions**

Approved signs as shown on plans or pursuant to conditions of an approval shall remain valid. Renovations or additions to a sign shall be in compliance with Article 8, Signage. The maximum percentage of improvements for a nonconforming sign shall be based on the original value of the previously approved sign. [Ord. 2010-005]

**4. Landscaping**

Approved landscape plans shall remain valid unless the development is amended or modified. The affected area of the amended or modified plans shall be subject to Article 7, Landscaping to the greatest extent possible. All plans shall also be subject to Article 14.C, Vegetation Preservation and Protection. [Ord. 2010-005]

## **CHAPTER G EMINENT DOMAIN**

### **Section 1 Properties Affected by Eminent Domain Proceedings**

**A. Applicability**

For the purposes of this Code, an eminent domain action occurs when property is acquired through an eminent domain proceeding or where such property is voluntarily conveyed under the threat of condemnation to a condemning authority. This Section shall apply to all properties impacted by an eminent domain action. Site improvements and conditions, including nonconforming features and uses existing prior to the time of the eminent domain action shall not be affected by this Section. This Section alone shall not cause a specific use on a property impacted by an eminent domain action to cease.

**B. Development Standards**

Properties and site improvements impacted by eminent domain action may continue to exist and may expand as outlined below

**1. General**

Where, due to an eminent domain action, a reduction in the size of a lot causes a reduction below the required lot area, setbacks, parking, landscaping, sign location or other development regulations in this Code, the structure(s) on the property, the use(s) within the structure(s) and other site improvements may continue to exist in the configuration remaining after the condemnation, except that:

**a. Access**

The length of access ways shall not be less than ten feet measured from the R-O-W, unless otherwise approved by the County Engineer; and

**b. Direction**

Ingress and egress to and from the site shall be in a forward direction.

**2. Enlargement or Change In Use**

A structure or other site improvement located on property reduced by an eminent domain action may be enlarged or expanded if the enlarged or expanded portion meets the requirements of this Code.

**a. Parking**

Parking for the new use shall utilize the excess spaces, if any provided for the existing use.

- 1) For the purpose of determining the required parking, the code in effect at the time of the enlargement or change in use shall be used.
- 2) There shall be no reduction in required spaces designated for physically disabled persons. Where parking is reduced, the use of off-site parking, cross parking agreements and shared parking agreements are encouraged.

**3. Redesign of Sites**

Redesign of sites, at any time, is encouraged for the purposes of achieving safer sites and enhanced landscaping along roadways. Site improvements may be relocated or replaced elsewhere on site and shall be approved if the redesign meets current Code requirements, unless otherwise stated in this



Section. Redesign shall follow the permitting procedures of this Code, except for provisions specifically identified in this Section.

**a. Variance Required for New Deviation From Regulations**

A variance shall be obtained for any additional deviation from required property development regulations or site design standards proposed by the redesign. Any redesign or expansion which reduces an existing deviation from required property development regulations or site design standards shall not require a variance. When applying the variance standards in Article 2.B.3, Variances, the eminent domain action shall be presumed to be sufficient evidence to demonstrate a hardship. To encourage site redesign, in cases when a DRO site plan approval and a variance would both be required, only a variance shall be required.

**b. Modification of Zoning Commissions ZC or BCC Approved Plans**

Where a proposed redesign is located on property that is the subject of a plan approved by the ZC or BCC, redesign shall be approved by the DRO even if the redesign is in excess of the limitations in Article 2.D.1.G.1, Amendments to BCC/ZC Approvals. Conditions imposed by the ZC or BCC shall not be amended without ZC or BCC approval, whichever is applicable.

**c. Parking Area Reduction**

If site redesign involves either a lot combination, vehicular use area, or alteration required by Article 1.G.1, Properties Affected by Eminent Domain Proceedings, a reduction of up to 35 percent of the required spaces shall be permitted provided:

- 1) The access standards of Art. 6.C, Driveways and Access are met; and
- 2) A minimum of five feet wide landscape buffer with landscaping as required Art. 7.F.6, Buffer width Reduction, is installed along the frontage of the property.

**4. Damage and Restoration of Structures**

A structure subject to this Section which becomes damaged may be reconstructed in the location and manner as it legally existed before the eminent domain action except that a structure that is destroyed or damaged in excess of more than 50 percent of its value at the time of reconstruction shall be considered a vacant lot pursuant to Article 1.G.1.B.6, Vacant Lots. In determining the value of such a structure, the standards and procedures described in Art. 1.F.3, Nonconforming Structure, shall be used.

**5. Signs**

Any existing, legally established point of purchase or freestanding sign located on the property included in the eminent domain action may be relocated on site subject to the standards of this Section provided any sign(s) to be relocated shall comply with the requirements of this Code and the following criteria: **[Ord. 2005-002]**

**a. Sign Number and Size**

Any sign(s) to be relocated shall comply with the height, size (face area) and maximum number of signs allowed in accordance with the requirements of the Code. **[Ord. 2005-002]**

**b. Sign Relocation**

In no event shall the front setback be less than five feet from the ultimate R-O-W and have less than a two foot side setback, except upon issuance of a sign relocation permit. **[Ord. 2005-002]**

**c. Sign Relocation Permit**

Signs that must be relocated which are physically precluded from compliance with the setback requirements in Art.1.G.1.B.5.b, above may obtain, upon payment of a fee, a sign relocation certificate from the Zoning Director subject to this subsection. The Zoning Director shall issue a sign relocation certificate provided the applicant can meet the following standards: **[Ord. 2005-002]**

- 1) The sign relocation in accordance with Art.1.G.1.B.5.b, above, would not create additional loss in the number of required parking spaces; **[Ord. 2005-002]**
- 2) The proposed sign location does not encroach into the R-O-W, unless it is part of negotiated settlement with the condemning authority; and **[Ord. 2005-002]**
- 3) There is no other location on the subject property to place the sign consistent with safe vehicular use area design. **[Ord. 2005-002]**

**6. Vacant Lots**

A vacant lot reduced by an eminent domain action to any size or configuration below that required by the applicable zoning district may be developed. Uses subject to lot size requirements in Art. 4.B, Supplementary Use Standards, shall comply with those standards. In all cases, required district setbacks shall be used.

**7. Lot Combination**

Lot combinations are encouraged for the purposes of creating safer, more functional and aesthetically pleasing developments and attaining a greater degree of compliance with Code requirements. This Section may apply to the combined lots whether or not they are owned by the same person. Combined lots may be considered as a single lot for the purposes of applying property development regulations, provided either a cross parking or cross access agreement is executed. The agreement shall be made in the form acceptable to the County Attorney and recorded in the official records of PBC. Lot combination shall follow the permitting requirements and procedures of this Code, except as provided below:

**a. Parking Credit**

Except as provided below, required parking for combined lots may be administratively reduced by up to 20 percent upon approval by the DRO of a site plan which reduces the number of access points and the execution of a unity of control which includes a cross parking or cross access agreement.

**b. Razed Lots**

Lots which have been combined and where all principal structures have been demolished shall be considered a vacant lot pursuant to Art. 1.G.1.B.6, Vacant Lots.

**c. Sites Subject to Approved Site Plans or Certificates of Conformity**

For properties, which are the subject of a valid Certificate of Conformity, the Certificate may be amended, upon application by the property owner and approval of the DRO, to allow the combination and the configuration shown on the Certificate may be implemented. Where a proposed lot combination is located on property which is the subject of a site plan approved by the BCC, combination may be approved by the DRO even if the redesign proposes site plan changes in excess of the administrative limits contained in Art. 2.D.1.G.1, Amendments to BCC/ZC Approvals, of this Code. Conditions imposed by the BCC shall not be amended without BCC approval.

**C. Certificates of Conformity**

A Certificate of Conformity issued pursuant to either Ordinance No.1973-002, as amended, or Ordinance No.1992-020, as amended through June 1993, shall be honored provided the Certificate of Conformity was issued to the property owner, or a notice of intent to issue a certificate of conformity was signed by the property owner before June 30, 1994 and is presently on file at the Zoning Division.

## **CHAPTER H LOT OF RECORD**

### **Section 1 Potentially Buildable Lot**

**A. Applicability**

The following provisions shall apply to a lot that is not depicted on either a plat of record, affidavit of exemption, or affidavit of plat waiver.

**B. Standards**

A lot may be considered buildable for the purpose of constructing a single family dwelling and accessory uses or structures only if all of the following criteria are satisfied:

**1. Date of Creation**

The lot was created under one of the following two options: **[Ord. 2007-001]**

**a. Option 1 - Creation prior to February 5, 1973.**

The lot existed prior to February 5, 1973 in its current configuration as evidenced by a chain of title. **[Ord. 2007-001]**

**b. Option 2 - Creation on or subsequent to February 5, 1973 and before June 16, 1992.**

- 1) The lot was created on or subsequent to February 5, 1973 and existed prior to June 16, 1992 in its current configuration as evidenced by a chain of title; and **[Ord. 2007-001]**
- 2) The lot complied with the density requirements of the Plan in effect at the time the lot was created, and **[Ord. 2007-001]**
- 3) The lot complies with one of the following:
  - a) Art.3.D, Property Development Regulations (PDRS), Table 3.D.1.A, Property Development Regulations, or
  - b) Art.11.A.4.B, Building Permits and Other Approvals; or
  - c) The lot exists in its present configuration as shown in the 1989 PBC FLU Atlas adopted August 31, 1989. **[Ord. 2007-001]**

**2. Legal Access**

The lot has legal access (that was in existence at the time the lot was created, and which remains in place) to streets currently identified on the PBC Thoroughfare R-O-W Identification Map, as follows: **[Ord. 2007-001]**

- a. In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table 11.E.2.A, Chart of Access Hierarchy; or **[Ord. 2007-001]**
- b. From a recorded easement exclusively for the purposes of ingress and egress access, a minimum of 20 feet in width, granting the owner, its successors and assigns a perpetual right of useable access across all properties lying between said lot and a street. **[Ord. 2007-001]**

## **CHAPTER I     DEFINITIONS & ACRONYMS**

### **Section 1     General**

- A. Terms in this Code shall have the following definitions. Supplemental terms and definitions are defined in specific Articles and/or their Chapters. The definitions outlined in this Article apply to all Articles, unless specifically outlined in the respective Article. If a conflict exists in terms between Articles, the terms defined in the specific Article shall apply.
- B. All provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the BCC as established in the Plan may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the State of Florida for the same terms.
- C. In the interpretation and application of any provision of this Code it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than a general provision imposed by the Plan or another provision of this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

### **Section 2     Definitions**

- A. Terms defined herein or referenced in this Article shall have the following meanings:
  1. **1985 Manual** - for the purposes of Art. 12, the Highway Capacity Manual, 1985, as published by the Transportation Research Board.
  2. **2000 Manual** - for the purposes of Art. 12, the Highway Capacity Manual, 2000, as published by the Transportation Research Board.
  3. **A-Weighted Sound Pressure Level** - for the purposes of Art. 5, the sound pressure level as measured with a sound level meter using the A-Weighting network. The standard notation is dB.
  4. **Abandon** - given up, unused, vacant, or not occupied for the purpose it was originally intended.
  5. **Abandoned Tower** - any commercial communication tower whose principal use has been discontinued for a period in excess of three months.
  6. **Abutting Property** - lying immediately adjacent to and sharing a common property line with other property.
  7. **Accent Lighting** - For the purposes of Article 5.E.4.E, Outdoor Lighting shall mean lighting used to accent a sculpture, trellis, waterfalls, statue, foot bridge, rock outcrop, fountain or other similar feature and landscaping. **[Ord. 2008-037]**
  8. **Access, Legal** - the principal means of access from a lot to a public street or to a private street over which a perpetual ingress and egress easement or R-O-W has been granted to the owners of any lot serviced by such street.
  9. **Access, Primary** - for the purposes of a Lifestyle Commercial Center, a primary access shall be from an arterial street. If a development fronts two arterial streets, the primary access shall have the largest ADT as determined by the County Engineer. **[Ord. 2010-005]**
  10. **Access Way** - a non-dedicated area that is permitted for ingress or egress of vehicles or pedestrians. An access way is permitted to traverse a required landscape buffer.
  11. **Accessory Agricultural Uses** - For the purposes of Art. 4.B, 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]**

12. **Accessory Building or Appurtenant Structure** – for the purposes of Art. 18, a structure that is located on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment not to exceed 25 percent of the value of the primary structure, shall not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory buildings or appurtenant structures for flood damage purposes are detached garages, carports, storage sheds and barns. All structures used for human occupancy shall be deemed principal structures and shall comply with these regulations, and not be defined as an Accessory Building or Appurtenant Structure. **[Ord. 2004-013]**
13. **Accessory Building or Structure** - a detached, subordinate structure meeting all property development regulations (PDRs), the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.
14. **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.
15. **Accessory Overnight Accommodation (AOA)** - A limited service overnight facility for visiting researchers, scientists and dignitaries. **[Ord. 2004-040]**
16. **Accessory-Retail** – Where a retail sales use is not the principal use, but may be permitted as an accessory use. **[Ord. 2010-005]**
17. **Accessory Use** - see Uses, Accessory
18. **Acre** - land or water consisting of 43,560 square feet.
19. **Acreage, Gross** - the total land area, including all public and private areas, within the legal boundaries of a particular parcel of land or project.
20. **Act** - the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. §163.3161, et seq.
21. **Addition** – for the purposes of Art. 18, (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed expansion, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction, not an addition. **[Ord. 2004-013]**
22. **Adaptive Use** - for the purposes of Art. 9, the process of converting a building to a use other than that which it was originally designed.
23. **Adequate Protection by Treatment** - for the purposes of Art. 15, any one or any combination of the controlled processes of coagulation, sedimentation, absorption, filtration, or other processes in addition to disinfection which produces water consistently meeting the requirements of this Article including processes which are appropriate to the source of supply.
24. **Adjacent Parcel of Land** - A parcel of land that has all or part of a boundary in common with another parcel, including point to point, or is separated from such parcel by a street, easement, R-O-W, waterway, park or other minor geographical division. **[Ord. 2008-037]**
25. **Administrative Inquiry** - a request for a Board of County Commissioners (BCC) direction on procedural or interpretative matters.
26. **Adopted Level of Service (LOS)** - for the purposes of Art. 12, LOS D; except as specifically set forth by the Plan or pursuant to Policies of the Transportation Element. For Test 2 it is LOS E except as set forth by the Plan.
27. **Adult Entertainment Definitions** – for the purposes of Art. 4.B.I.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]**

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- 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** -
  - 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, 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]
  - 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]
- 28. **Adverse effect** – for the purpose of Article 9, any action which will significantly alter or destroy a historic resource. [Ord. 2008-037]
- 29. **Adverse Impact** – for the purposes of Art. 18, the increased probability of damage to structures from flooding or from floodwater erosion. [Ord. 2004-013]
- 30. **Advertising Structure** - for the purposes of Art. 8, a sign representing or directing attention to a business, commodity, service, or entertainment, conducted, sold, or offered.
- 31. **Aerobic Treatment Unit** - for the purposes of Art. 15.A, as defined by Rule 64E-6, F.A.C..
- 32. **Affected Area** - For the purposes of Art. 1.E, the area on a plan or a development that is subject to the proposed modification, including but not limited to: lot, structures, uses, or site elements. [Ord. 2010-005]
- 33. **Affidavit of Exemption** - for the purposes of Art. 2, a document, recorded in the public record, evidencing the grant of an exemption for an unrecorded subdivision existing prior to February 5, 1973, from the provisions of the former PBC Subdivision and Platting Regulations [Ord. No.1973-004], as amended, granted pursuant to said regulations.
- 34. **Affidavit of Waiver** - for the purposes of Art. 11, a document evidencing the grant of an exception to the platting requirement or the required improvements installation requirement.
- 35. **Affordable Housing** - a dwelling unit for which a household spends no more than thirty percent of its gross income for housing costs. Rental housing costs include contract rent and utilities. Owner occupied housing costs include mortgage principal and interest, property taxes, insurance, and, where applicable, homeowner's association fees. The current median income for PBC and income categories established within the Plan are available at the Planning Division.

36. **Affordable Housing Program** – a voluntary program used by an applicant seeking additional density for an affordable housing development. **[Ord. 2009-040]**
37. **AGR-PUD Gross Site Area** - the land area of the PUD less land dedicated per the Thoroughfare Identification Map. The gross site area includes land to be used for other R-O-W, streets, preservation areas, development areas, water retention, open space, commercial, recreation and civic uses.
38. **AGR-PUD Preservation Area** - land contained in the preservation pod preserved in perpetuity to bona-fide agriculture, fallow land, water preserve areas, wetlands or uplands.
39. **AGR-PUD 60/40 Development Area** - that portion of the PUD which contains the residential, recreational, civic, and commercial pods with support facilities such as streets, internal open space, and stormwater retention areas.
40. **AGR-PUD 80/20 Development Area** – that portion of the PUD which contains the residential, recreational, civic, a commercial pods.
41. **Agreement** –
  - a. For the purposes of Art. 2, the interlocal agreement between the BCC, the municipalities of PBC, and the PBC School Board effective January 25, 2001, and recorded in the Official Records Book 12272, Page 973, Public Records, PBC, Florida;
  - b. For the purposes of Art. 12, a Development Agreement, public facilities agreement, or other binding agreement entered into between the applicant and PBC or other service provider for the purpose of assuring compliance with the adopted LOS standards. The form of the Agreement may include, but not be limited to a Development Agreement pursuant to F.S. § 163.3220.
42. **Aggrieved or Adversely Affected Person** - any person or local government which will suffer an adverse effect to an interest protected or furthered by the Plan, including interests related to health and safety, police and fire protection systems, densities or intensities of development, transportation facilities, health care facilities, or environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but shall exceed in degree the general interest in common good shared by all persons.
43. **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.
44. **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. The determination as to whether or not the use of land is considered bona fide agriculture shall be made pursuant to FS 823.14, Florida Right to Farm Act. **[Ord. 2009-040]**
45. **Agriculture, Food Processing** – a facility for the canning, dehydration and basic preparation of raw food products, such as the washing and cutting prior to shipment.
46. **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.
47. **Agriculture, Packing Plant** – A facility accessory to bona fide agriculture, used for the packing of produce not necessarily grown on site. Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. **[Ord. 2005 – 002]**
48. **Agriculture, Research and Development** - the use of land or buildings for agriculture research and the cultivation of new agricultural products.
49. **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.
50. **Agriculture Storage** – the storage of equipment or products accessory or incidental to a principal agriculture use.
51. **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.
52. **Air Curtain Incinerator** - a combustion device used to burn trees and brush.
53. **Air Rights** - the right to use space above ground level.
54. **Air Space** - for the purposes of Art. 15.A, the distance from the liquid level up to the inside top of a treatment receptacle.



55. **Air Stripper** – a temporary remedial system which treats contaminated groundwater.
56. **Aircraft** - any vehicle which is used or designed for navigation of or flight in the air.
57. **Airport** - Palm Beach International Airport (PBI), Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, Palm Beach North County Airport and Boca Raton Airport and any area owned or operated by PBC, or other public entity, intended to be used for the taking-off, maneuvering and landing of aircraft, including any seaplane base, heliport or vertiport, validly licensed by the State of Florida for public use.
58. **Airport Elevation** - for the purposes of Art. 16, the highest point of an airport's usable landing area measured in feet above mean sea level (AMSL).
59. **Airport Hazard** - for the purposes of Art. 16, any man-made structure, object of natural growth or use of land which would exceed the Federal obstruction standards as contained in Federal Aviation Regulation Part 77 (as may be amended from time to time) and which obstructs the airspace or may otherwise be hazardous to aircraft taking-off, maneuvering or landing at an airport.
60. **Airport Hazard Area** - for the purposes of Art. 16, any area of land or water upon which an airport hazard might be established if not prevented as provided in this article.
61. **Airport, Landing Strip or Helipad** - any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft.
62. **Airport Obstruction** - for the purposes of Art. 16, any man-made structure, object of natural growth or use of land which would exceed the Federal obstruction standards as contained in Federal Aviation Regulation Part 77 (as may be amended from time to time).
63. **Airspace Height** - for the purposes of Art. 16, the height limits as established and set forth in this Section. Above Mean Sea Level (AMSL) elevation shall be the datum unless otherwise specified.
64. **Alley** - a R-O-W providing a secondary means of access to property and is not intended or used for principal traffic circulation.
65. **Alter Structurally** - for the purposes of Art. 8, in the case of a sign means to make a change in the supporting members of a structure, such as bearing walls, columns, beams, sign poles or posts, or girders, that will prolong the life of the structure.
66. **Alteration** -
  - a. for the purposes of Art. 9, any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance or structural changes involving changes in form, texture, materials or color or any such changes in appearance in specially designated historic sites, or historic interiors;
  - b. for the purposes of Art. 14.C, Human caused activity that modifies, transforms or otherwise changes the vegetation, including, but not limited to:
    - 1) Removal, displacement, mowing, or disturbance (severe pruning, hatracking or inter nodal cutting, or poisoning) of vegetation excluding prescribed burns for the management of native vegetation communities;
    - 2) Removal, displacement, demucking or disturbance of soil, rock, minerals or water within the plant's root zone;
    - 3) Introduction of livestock for grazing; [Ord. 2005-003]
    - 4) Placement of vehicles, structures, debris, fill or other material objects thereon, including introduction or injection of water and other substances; and
    - 5) Use of mechanical equipment within the plant's root zone.
67. **Alteration or Materially Alter** - for the purposes of Art. 14.A, the removal of sand from the Sand Preservation Zone (SPZ).
68. **Alteration, Building** - any change in the structure which will increase the number of dwelling units, the floor area, or height of the structure.
69. **Alternative Landscape Plan (ALP)** - a plan showing the location, quantity, and species of plants to be installed at non-residential, multi-family, or residential planned developments. This plan shall be designed to preserve and incorporate existing native vegetation in excess of minimum standards or demonstrate innovative use of plant material and improve site design.
70. **Animal Control Facility** – means a government owned facility charged with enforcement of all local, state and federal laws pertaining to animals or animal welfare, operation of an animal shelter(s), licensing of certain animals, investigations for dangerous dogs and animal-to-human bites, impoundment of stray or unwanted animals, disposition and adoption of animals, licensing and permitting of animal businesses as outlined in Palm Beach County Ordinance 98-22, as may be amended, administration and oversight of animal welfare and animal issues that relate to animal protection, public safety and public health, rabies surveillance and vaccination programs,

- development of local standards for both public and private animal shelters and animal rescue organizations, and development and oversight of pet overpopulation programs. [Ord. 2008-037]
71. **Animal Shelter** – means a not for profit institutional establishment regulated by ACC Ord. 98-022, as amended, as a humane society, or private animal non-profit organization on 2.5 acres or more or when open to the public, that is used for the protection of unwanted or abandoned domesticated animals, the use of which may include 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]
  72. **ANSI** - the American National Standards Institute or its successor bodies.
  73. **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.
  74. **Antenna Height** - the overall vertical length of the antenna and antenna support structure above grade, or if such system is located on a building, then the overall vertical length includes the height of the building upon which the structure is mounted. In the event a retractable or demountable-type antenna support structure is utilized, the antenna height is to be calculated as the overall vertical length of the antenna and antenna support structure when fully extended.
  75. **Antenna Support Structure** - any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennas.
  76. **Antiquated Subdivision** - as defined in the Plan.
  77. **Appeal** – for the purposes of Art. 18, a request for a review of the Flood Damage Prevention Administrator's interpretation of any provision of, or a request for a variance, from this Article. [Ord. 2004-013]
  78. **Applicant** -
    - a. the owner of record, the agent pursuant to an agent's agreement acceptable to the County Attorney or the mortgagor in the case of bankruptcy.
    - b. for the purposes of Art. 12, person seeking a Site Specific Development Order. In the unincorporated area, it consists of those Development Orders for which a Concurrency Certificate or Concurrency Exemption Determination is required.
  79. **Approach Zone** - for the purposes of Art. 16, an area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.
  80. **Appurtenance** - for the purposes of Art. 9, a part, possession, or other incidental part which is generally subordinate to, or adjoins the principal use of structure, i.e. fences, walls, steps, paving, sidewalks, signs and light fixtures.
  81. **Aquifer** - a groundwater bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water.
  82. **Arcaded Sidewalk** - a covered pedestrian walkway contiguous to a street, plaza or square that is open to the public.  
For the purposes of Art. 3.B.15, WCRAO, Westgate Community Redevelopment Agency Overlay, an arcaded sidewalk shall require usable floor area above the roof of the arcade. [Ord. 2006-004]
  83. **Archaeological Evaluation Report** - for the purposes of Art. 9, a letter prepared by the County Archaeologist evaluating the potential significance of an archaeological site after issuance of a Suspension Order by the Department.
  84. **Archaeological Resources** - all evidences of past human occupations which can be used to reconstruct the life ways of past peoples and evidence of past animal life in the form of non-human vertebrate fossils. These include sites, artifacts, environmental and all other relevant information and the contexts in which they occur. Archaeological resources are found in prehistoric and historic period sites and areas of occupation and activity.
  85. **Archaeological Site** - property or location which has yielded or might yield information on PBC, State or Nation's history or prehistory. Archaeological sites are evidenced by the presence of artifacts and features on or below the ground surface indicating the past use of a location at least 75 years ago by people or the presence of non-human vertebrate fossils. Archaeological sites include aboriginal mounds, forts, earthworks, village locations, camp sites, middens, burial mounds, missions, historic or prehistoric ruins which are, or may be the source of artifacts or other items of significant archaeological value.
  86. **Archaeologist, Qualified** - a member of, or qualified for membership in the Florida Archaeological Council (FAC), or the Society of Professional Archaeologists (SOPA), Registry of Professional

- Archaeologists (RPA) or a person who meets the minimum professional requirements for an archaeologist as set by the United States Secretary of Interior. [Ord. 2008-037]
87. **Architectural Features** - for the purposes of Art. 9, architectural features include the architectural style, scale, massing sitting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, type and texture of building material, public access open courtyards, windows, doors, and appurtenances. These features will include interior spaces where the interior has been given historic designation under the procedures listed in Art. 9.B.3.A, Application for Historic Site or District Designation.
88. **Architectural Terms** – for the purposes of Art. 5.C.
- a. **Architect** - a person licensed to engage in the practice of architecture under F.S. Chapter 481, Part I, and includes the term "registered architect." [Ord. 2009-040]
  - b. **Architectural Compatibility** - similar architectural composition that is agreeable, consistent, complimentary, and provides a degree of architectural integration with the structures in the surrounding area. Particular attention should be given to scale, proportion, unity, harmony, and context. [Ord. 2009-040]
  - c. **Architectural Composition** - the scale, height, mass, proportion, color, form, style, detail, treatment, texture, construction material, and roof design of a project or building. [Ord. 2009-040]
  - d. **Architectural Style Sheets** – examples of various architectural elements and components that define a particular character, style, or classification of architecture. [Ord. 2009-040]
  - e. **Balance** - the pleasing or harmonious arrangement or proportion of parts or elements in a design or composition. [Ord. 2009-040]
  - f. **Green Architecture** - a building designed to limit its environmental impact through environmentally conscious methods of design and construction. The focus shall pertain to the exterior of the building i.e. façade, roofline, exterior treatment, fenestration. [Ord. 2009-040]
  - g. **Harmony** - the orderly or congruent arrangement of elements or parts of a whole. [Ord. 2009-040]
  - h. **Order** - the condition of logical, harmonious, or comprehensible arrangement in which each element of a group is properly disposed with reference to other elements and to its purpose. [Ord. 2009-040]
  - i. **Proportion** - the comparative, proper, or harmonious relation of one part to another or to the whole with respect to magnitude, quantity, or degree. [Ord. 2009-040]
  - j. **Rhythm** - movement characterized by a patterned repetition or alternative of formal elements or not if it is in the same or a modified form. [Ord. 2009-040]
  - k. **Scale** - certain proportion to size, extent, or degree usually judged in relation to some standard or point of reference. [Ord. 2009-040]
  - l. **Style** - key elements associated with the style of a building. [Ord. 2009-040]
  - m. **Unique Structure** – a structure that is unusual, unequal, rare, or has distinct characteristics in relation to the architectural compatibility of a defined area. Scale, proportion, unity, and harmony shall be considered for unique structure classification. [Ord. 2009-040]
  - n. **Unity** - the state or quality of being combined into one that promotes a singleness effect. [Ord. 2009-040]
89. **Area of Potential Effect (APE)** – for the purposes of Art. 9, is the geographic area or areas within which a project's undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist. The area of potential effects is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the undertaking. [Ord. 2008-037]
90. **Area of Shallow Flooding** – for the purposes of Art. 18, a designated AO or AH Zone on the latest edition of FEMA issued FIRM for the county with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. [Ord. 2004-013]
91. **Area of Special Flood Hazard** - for the purposes of Art. 18, (see Special Flood Hazard Area (SFHA) the land in the floodplain which is subject to a one percent or greater chance of flooding in any given year (100-Year floodplain as defined by FEMA), and land developed into building sites without a master storm water drainage system. [Ord. 2004-013]
92. **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.

93. **Arterial Street** - see Street, Arterial.
94. **Articulated Parapet** - for the purposes of Art. 5, a parapet with a height variation proportional to the building height.
95. **Artifacts** - for the purposes of Art. 9, relics, specimens or objects of historical, prehistorical, archaeological or anthropological nature, over 75 years old, which may be found on, above, or below the surface of the earth, including land and water, which have a scientific or historic value as objects of antiquity, as aboriginal relics or as anthropological specimens, including but not limited to clothing, tools and weapons made of ceramics, worked stone, shell, bone, teeth, hide, feathers and horn, metal coins, glass, beads, building material, daub, and plant fibers. Objects over 75 years old but not of significant archaeological value shall not be considered an artifact for purposes of this Code. Further, objects under 75 years old and deemed by a qualified archaeologist to be of significant archaeological value shall be subject to the provisions of this Code.
96. **Artificial Light Source(s)** - for the purposes of Art. 14, any exterior source of light emanating from a man made device, including but not limited to, incandescent, fluorescent, mercury vapor, low voltage, metal halide or sodium lamps, spotlights, flood lights, landscaping lights, street lights, vehicular lights, construction or security lights.
97. **Artisanal Use** - a land use involving the manufacture and sale of goods using only hand labor or table mounted electrical tools.
98. **Asphalt or Concrete Plant** - an establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.
99. **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.
100. **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.
101. **Association, Master Property Owners'** - a property owners' association (POA) of which membership is mandatory with the ownership of property subject to the master POA and which has the authority to represent the members and bind the members by such representation.
102. **Association, Property Owners'** - an organization recognized under the laws of the State of Florida, operated under recorded maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, home, property or any other interest, is automatically a voting member, and each such member is automatically subject to a charge for a prorated share of expenses, either direct or indirect, for maintaining common properties within the subdivision, such as roads, parks, recreational areas, common areas and other similar properties. Within the text of this Code, a POA is considered to be a single entity for property ownership. As used in this Code, the term "property owners association" shall also be deemed to include a homeowners' association (HOA), condominium association or cooperative (apartment) association, as defined in F.S. Chapter 711, as amended, having a life tenure of not less than 20 years, as well as a third party having an agreement with a condominium or cooperative association as permitted by F.S. Chapter 711, as amended.
103. **Assured Construction** -
- a. For the purposes of Art. 12, Road Construction Improvements scheduled to be made to the Major Thoroughfare System by one or more of the following means:
    - 1) Inclusion in the adopted Five-Year County Road Program for commencement of construction; provided any anticipated non-public funds are secured by Performance Security;
    - 2) Inclusion in the adopted Five-Year State Department of Transportation Work Program for commencement of construction;
    - 3) Major Intersection or Link improvement for which a contract for construction which is secured by Performance Security has been executed and which, by its terms, requires that construction be completed within six years;
    - 4) Major Intersection or Link improvement which will be constructed pursuant to an Agreement; and which, by its terms, requires that construction be completed within six years;
    - 5) Major Intersection or Link improvements which is required to be constructed pursuant to a condition of a Development Order which by its terms requires that it be completed within six years and which has been secured by Performance Security;
    - 6) Specific inclusion in the capital improvements element of a municipal comprehensive plan for commencement of construction within five years provided:

- a) The improvements are financially feasible, based on currently available public revenue sources adequate to complete the improvement; and
    - b) A comprehensive plan amendment would be required to eliminate, defer, or delay construction; or
  - b. For purposes of a Concurrency Certificate for a Site Specific Development Order only, a Major Intersection or Link that the Applicant agrees to construct and guarantee through a condition of approval, or Agreement, said construction to be completed prior to issuance of the certificate(s) of occupancy which are phased to the improvement(s) and to be secured by Performance Security within six months of issuance of the Site Specific Development Order. No further Development Order's for the Project shall be issued if Performance Security is not timely posted.
104. **Attic** – the non-habitable storage area immediately beneath the pitch of a roof.
105. **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]
106. **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.
107. **Auto Service Station** - an establishment primarily engaged in the retail sale of gasoline or motor fuels. An auto service station may include accessory activities such as the sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the sale of convenience food items, or an accessory restaurant.
108. **Average Daily Traffic** - for the purposes of Art. 12, the average of two 24-hour weekday traffic counts taken at one location, with one count being taken in the Peak Season and the other in the Off-Peak Season. The Traffic Volume Map of the MPO shall normally be used to determine existing ADT for the West Palm Beach Urban Study Area. However, in all cases, where newer data are available from the FDOT or PBC, such newer data shall be used. Any person may provide a traffic count or counts which may be used, subject to the prior approval of the County Engineer for count location and adjustment factors based upon accepted traffic engineering principles, instead of the counts used in creating the Traffic Volume Map(s) where such counts are not available. The Average Daily Traffic established by the counts of PBC shall not include Friday counts after eight o'clock AM.
109. **Aviculture** - the raising and care of birds in captivity.
110. **Avigation Easement** - for the purposes of Art. 16, the assignment of a right to an airport proprietor to a portion of the total benefits of the ownership of real property. The selected rights may be granted or may be purchased.
111. **Awning** - a temporary hood or cover that projects from the wall of a building and that may include a type, which can be retracted, folded, or collapsed against the face of a supporting building.
- B. **Terms defined herein or referenced Article shall have the following meanings:**
- 1. **Background Traffic** - for the purposes of Art. 12, the projected traffic generation from Previously Approved but incomplete Projects, and other sources of traffic growth, as described in Art. 12.C.1.C.2.e, Pass by Trips and Art. 12.C.1.C.4, Background Traffic. [Ord. 2005-002]
  - 2. **Balloon** - an airtight bag that rises above the earth when force filled with hot air.
  - 3. **Banner** - see Flag.
  - 4. **Banquet/Reception Hall Facility** - a facility rented or used for temporary gathering of people for food, entertainment, and celebration of an event.
  - 5. **Base Building Line** - a line horizontally offset from and running parallel to the centerline of a street from which property development regulations, including landscaping, parking and setbacks for front yard, corner side yard, are measured as set forth in this Code.
  - 6. **Base Flood** -
    - a. the flood having a one percent chance of being equaled or exceeded in any given year.
    - b. for the purposes of Art. 18, the flood event having a one percent chance of being equaled or exceeded in any given year (also called the "100-Year Flood" and the "Regulatory Flood"). [Ord. 2004-013]
  - 7. **Base Flood Elevation (BFE)** – for the purposes of Art. 18, the highest water surface elevation associated with the base flood, set by FEMA in SFHAs. [Ord. 2004-013]
  - 8. **Beach** - the zone of unconsolidated material that extends landward from the mean high water line of the Atlantic Ocean and inlets to the place where there is a marked change in material or

physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. Beach is alternately termed shore.

9. **Beach Access Point** - for the purposes of Art. 5, any path through or over the dune used by the general public or, with respect to private property, by the owners or with the owner's permission, for the purpose of gaining access to the beach.
10. **Beach Compatible Sand** - for the purposes of Art. 14.A, any sand that is similar to the native beach and dune material in terms of grain, size, distribution and color. The fill material shall consist of sand that falls within the same size classification of sand within the Unified Soils Classification System [i.e., fine sand (0.074 to 0.42 mm), medium sand (0.42 to 2.0 mm) and coarse sand (2.0 to 4.76 mm)] as that of the native beach material. The acceptable silt/clay fraction (<0.074 mm) and gravel/cobble fraction (>4.76 mm) shall be determined by ERM based upon site conditions. Sand grain size analyses shall be consistent with the grain size methodology described in Folk, Robert L. 1980, Petrology of Sedimentary Rocks. The fill material color shall match the color of the existing beach and dune coloration as closely as possible.
11. **Beach Fill** - for the purposes of Art. 5, sand placed on the beach.
12. **Beachfront Lighting** - for the purposes of Art. 14, all lighting within or causing illumination within the jurisdictional boundaries of this Chapter. For the purpose of this Chapter, Coastal Lighting is synonymous with Beachfront Lighting.
13. **Beach Obstruction** - Any natural or artificially constructed structure(s) that: 1) does not constitute fixed structure(s), 2) does not require a building permit, 3) is not required for public safety, 4) upon review by the County Administrator or his/her designee does not present an actual or potential threat to the beach and the dune system and adjacent properties. [Ord. 2006-036]
14. **Bed and Breakfast** - an owner-occupied single family dwelling that offers lodging and breakfast only to paying guests.
15. **Benefit Zones** - for the purposes of Art. 13, the geographic area as set forth in individual chapters of this Article within which impact fees are collected and spent.
16. **Berm** - man made or natural change in grade not exceeding a 3:1 slope measured from the highest curb or parking area. A berm shall be constructed of clean fill as defined by DEP, excluding block, brick, tile and glass.
17. **Best Management Practices** - technologically and economically feasible means of preventing or reducing amounts of pollution generated by point and non-point sources to a level compatible with the water quality and quantity objectives of the PBC.
18. **Billboard** - a sign or structure, other than temporary signs as defined in this Article, portraying information or directing attention to a business, activity, commodity service, entertainment, or communication which is not conducted, sold or offered at the parcel on which the sign or structure is located, or which does not pertain to the parcel upon which the sign or structure is located.
19. **Billboard, Changeable Copy Sign Face** - a sign face containing one or more advertisements or promotions that are changed automatically or mechanically.
20. **Billboard Company** - any firm, organization, or individual which owns one or more billboards.
21. **Billboard Demolition Permit** - the permit issued by the Building Division which allows demolition of an existing billboard.
22. **Billboard Height** - measured from finished grade to the highest point of a billboard face, excluding temporary embellishments.
23. **Billboard Inventory** - the official inventory, as updated by the signatories to the billboard stipulated settlement agreement, of billboards existing in unincorporated PBC.
24. **Billboard, Lawfully Erected** - any billboard erected in PBC consistent with applicable zoning code and building permit procedures and described on the official inventory prepared by the PZB in 1988, and as updated pursuant to the billboard stipulated settlement agreement,
25. **Billboard Location** - an area within a radius of not more than 100 feet from the location of an existing billboard structure.
26. **Billboard Registration Permit** - the annual permit issued by the Zoning Division for existing billboards that can be replaced or relocated.
27. **Billboard Relocation** - the removal of an existing billboard structure from a billboard location included in the updated billboard inventory to a different location consistent with the terms of this Code and the billboard stipulated settlement agreement.
28. **Billboard Relocation Permit** - the permit issued by the Zoning Division which allows relocation of an existing billboard to another location.
29. **Billboard Replacement** - the removal of an existing billboard structure and construction of a new billboard within the permitted billboard location

30. **Billboard Setback** - the required minimum horizontal distance between a billboard structure and all property lines.
31. **Billboard Sign Face** - the fixed or changeable portion of the billboard structure upon which one or more advertising messages are displayed.
32. **Billboard Stipulated Settlement Agreement** - the agreement between PBC, Ackerley Advertising, 3M National Advertising, and any other affected parties who may agree to the stipulations therein, approved on February 6, 1996 by the BCC to terminate legal proceedings initiated by Case No. 92-8752, Case No. CL92-1187-AO, Case No. 92-1187-AO, and Case No. CL93-7958AH.
33. **Billboard Structure** - all structural elements of a billboard, including but not limited to structural framework and supports, and lighting.
34. **Billboard Temporary Embellishment** - additional billboard area attached to and extending beyond the side and top of a billboard.
35. **Biohazardous Waste** - any solid waste or liquid waste, which may present a threat of infection to humans. The term includes, but not limited to, non-liquid human tissue and body parts; hospital, laboratory or veterinary waste which contains human-disease causing agents; discarded sharps; human blood, human blood products and body fluids.
36. **Biomass** - For the purposes of Article 4, Plant material, vegetation or agricultural waste used as a fuel or energy source. **[Ord. 2008-037]**
37. **Blank Copy** - any paraphernalia including pennants, streamers, and banners that are intended solely to attract attention and which contain no letters or symbols.
38. **Block** -
  - a. A parcel of land entirely surrounded by streets, railroad R-O-W, parks or other public space or a combination thereof.
  - b. For the purposes of Art. 3, an area of land entirely bounded by streets.
39. **Boarding House** - a dwelling, or part thereof, in which lodging is provided by the owner or operation to three or more boarders.
40. **Boat Trailer** - any non-powered car coupled to, and drawn by, a motorcar in front of it for the carrying of boats.
41. **Boatyard** - a facility intended to provide complete construction or repair services for marine crafts in addition to such dry storage as may be found complimentary to the primary use, but not including docking of pleasure craft for residential purposes.
42. **Boca Taxing District** - the Greater Boca Raton Beach and Park Taxing District, including the municipal limits of Boca Raton.
43. **Bona Fide Agriculture** - see Agriculture, Bona Fide.
44. **Bottled Water** - for the purposes of Art. 15.B, water that is sealed in a container or package and is offered for sale for human consumption or other uses.
45. **Bottled Water Plant** - for the purposes of Art. 15.B, any place or establishment in which bottled water is prepared for sale.
46. **Boundary Plat** - see Plat, boundary.
47. **Branch** - for the purposes of Art. 7, a secondary shoot or stem arising from one of the main axes (i.e., trunk or leader) of a tree.
48. **Breakaway Walls** -
  - a. any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or other suitable building material, that is not part of the structural support of the building and is intended through its design and construction to collapse under specific later loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
  - b. for the purposes of Art. 18, a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
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.
50. **Buffer Area** - for the purposes of Art. 14.D, an area outside the perimeter of a designated natural area drawn by geographical information system reference which determines what is to be protected from unwanted seed source, prohibited invasive non native vegetation removed, incentives provided and canopy replaced.

51. **Buffer, Landscape** - see Landscape Buffer.
52. **Build-to-Line** - an alignment established a certain distance away from the curb line along which the front elevation of a building must be built for a TMD, TND Neighborhood Center, LCC, WCRAO or IRO project. [Ord. 2010-005]
53. **Buildable Area** - the portion of a lot remaining after the setbacks have been provided.
54. **Building** -
- a. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. For purposes of this Code, tanks (including but not limited to water, gas and other types of storage tanks) and water towers will not be considered buildings. [Ord. 2007-013]
  - b. For the purposes of Art. 18, a structure that encloses an area for any use and shall not include structures such as walls, playground equipment or gas tanks. [Ord. 2004-013]
55. **Building Construction** - the erection of a structure intended for human habitation in the case of residential land use, or occupancy or use of such in the case of non-residential land use.
56. **Building Coverage** - that portion of the area of a lot, expressed as a percentage, occupied by the square footage of the ground floor area of a building or structure.
57. **Building, Elevated** - a non-basement building that has its lowest floor elevated above ground level by fill, solid foundation perimeter wall pilings, columns, posts or piers, shear walls, or breakaway walls.
58. **Building Frontage** - the linear dimensions of a building which faces upon a public street, projected along the street property line. Where a building faces two or more streets, the frontage containing the principal street address shall be designated as the building frontage.
59. **Building Height** - the vertical distance measured in feet from finished grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs.
60. **Building Mezzanine** - a low-ceilinged story between two main stories of a building. A mezzanine shall be counted as one story if it covers more than one-third of the area of the floor below.
61. **Building Permit** -
- a. an official document or certificate issued by the governmental authority having jurisdiction, authorizing the construction of any building. Building permit includes a tie-down permit for a structure or building that does not require a building permit, such as a mobile home, in order to be occupied.
  - b. for the purposes of Art. 12, a Development Order under F.S. §163.3164, issued under the Standard Building Code by the Building Division of PZB in the unincorporated area or similar department in a municipality authorizing the construction of a structure.
62. **Building Site** - a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use and customary accessory buildings and open spaces.
63. **Building Square Footage** - the gross constructed area of all buildings and structures covered by a solid or screened roof and totally or partially enclosed by walls or other material. Nonresidential outdoor areas covered or uncovered which functionally extend the primary use, such as open seating and open retail are included, except that uses which generally completely occur outdoors, such as vehicle or monument sales, nurseries, gasoline sales, salvage yards, and outdoor storage, are not included. Nonresidential canopies and screened enclosures, which functionally extend the primary use, are included. Decorative canopies or canopies designed to protect from weather are not included. For Art.13, Impact Fees, purposes of residential development, the square footage is the conditioned area of the building as measured to the outside of the exterior wall. If the residential structure or addition has no conditioned area, square footage shall be the living area of the building as measured to the outside of the exterior wall.
64. **Building Story** - the Florida Building Code says for purposes of determining construction type (material requirements, etc.), that a basement is not counted as a story when the upper surface of the first floor above it complies with all of the following:
- a. Is less than seven feet above grade;
  - b. Is less than seven feet above finish ground level for more than 50 percent of the perimeter of a building; and
  - c. Is less than 12 feet above finish ground level around the entire building perimeter.
65. **Building, Modular** - constructed in accordance with PBC Building Code, composed of components substantially manufactured and assembled off-site and shipped for final assembly on the building site on a permanent foundation.



66. **Building, Principal** - a building in which is conducted the primary use of the lot on which it is located.
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.
68. **Building Supplies, Wholesale** - an establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.
69. **Buildout Period** - for the purposes of Art. 12, the anticipated time between the issuance of the Specified Development Order and December 31<sup>st</sup> of the year of completion of a proposed Project as assumed in the Traffic Impact Study and approved by the County Engineer in accordance with the standards set forth in Art.12.C.1.B.3, Projected Buildout Period. Completion of a project shall mean the issuance of the final certificates of occupancy (CO) for buildings in a project. **[Ord. 2005-002]**  
**[Ord. 2007-013]**
70. **Bulkheads** - for the purposes of Art. 11, structures of concrete, wood, or other permanent material affixed to the land adjacent to a water management tract or other water body for the purpose of establishing a vertical surface at the waters edge and stabilizing the land behind the bulkhead; provided, however, that water control structures and endwalls around outfalls and bridges shall not be considered bulkheads.
71. **Bus Bays (Turnouts or Pullouts)** - For the purposes of Art. 5.H, Mass Transit Standards, A specifically constructed area off the normal roadway section for bus loading and unloading. Typically, they are used in areas of high bus and rider volumes with adequate right of way where the roadway speed limit is 40 MPH or greater. Located outside of the sight triangle, cross walk area and adjacent to the sidewalk, they require a minimum 12-foot travel lane adjacent to the curb side lane measured parallel to the adjacent roadway with adequate provisions for appropriate curb side Bus Stop infrastructure. Minimum length is dependent on distance to the adjacent curb/shoulder. **[Ord. 2008-003]**
  - a. Urban (Curb and Gutter): A minimum 240-foot length is required (80-foot entrance taper, 100-foot stopping area for 2-buses, 60-foot exit taper). Increase the stopping area by 50-feet for each additional bus expected to stop simultaneously. **[Ord. 2008-003]**
  - b. Rural (Shoulder): A minimum 190-foot length is required (80-foot entrance taper, 50-foot stopping area for 1-bus, 60-foot exit taper). Increase the stopping area by 50-feet for each additional bus expected to stop simultaneously. **[Ord. 2008-003]**
72. **Bus Bulb Outs (Nubs or Curb extensions)** - For the purposes of Art. 5.H, Mass Transit Standards, A bus stop wherein the sidewalk is extended into the parking lane, thereby allowing the bus to pick up passengers without leaving the travel lane. Typically, they are used in areas of high pedestrian and vehicular activity with limited sidewalk space and where the roadway speed limit is less than 40 MPH. Located outside of the sight triangle, cross walk area and adjacent to the sidewalk, they require a minimum width of 30-foot measured parallel to the roadway. Adequate length measured perpendicular to the curb and transition to the curb are required. **[Ord. 2008-003]**
73. **Bus Rapid Transit (BRT)** - For the purposes of Art. 5.H, Mass Transit Standards, Flexible, rubber-tired rapid transit mode integrating facilities, services, and infrastructure that collectively improves the speed, reliability, and identity of bus transit by combining stations, vehicles, services, running ways, and Intelligent Transportation System (ITS) elements into an integrated system. **[Ord. 2008-003]**
  - a. Stations: Bus Stop Boarding & Alighting Areas widened to 50 feet typically spaced 2,000 to 7,000 feet apart enabling buses to operate at high speeds and located curbside or on the outside of bus-only roads or arterial median busways. **[Ord. 2008-003]**
  - b. Vehicles: Conventional standard and articulated diesel buses but may include innovative and distinctive designs for dedicated BRT vehicles. **[Ord. 2008-003]**
  - c. Services: Service Patterns may include express, limited-stop, or all stop operation in addition to feeder bus services at selected stations and extending beyond the limits of busways and bus lanes. **[Ord. 2008-003]**
  - d. Running Ways: Dedicated guideways and high occupancy vehicle lanes that can include mixed traffic lanes, curb bus lanes contra-flow freeway bus lanes, separated rights-of-way (busways), and median busways on urban streets; reserved lanes on freeways; and bus only roads, tunnels, and bridges. **[Ord. 2008-003]**
  - e. Intelligent Transportation System (ITS): Automated Vehicle Locator (AVL) systems; passenger information systems; and transit preferential systems at signalized intersections, controlled tunnel or bridge approaches, toll plazas, and freeway ramps. **[Ord. 2008-003]**

74. **Bus Stop Boarding and Alighting Area** - For the purposes of Art. 5.H, Mass Transit Standards, The Bus Stop Boarding and Alighting Area is the area at a Bus Stop consistent with the above Bus Stop standards with a minimum 30-foot length inside, parallel to, and along the property line; and a minimum 10-foot depth inside and perpendicular to the development site property line. It can be as much as 200-feet from any site triangle. It must agree with applicable portions of the Palm Tran Design Manual as well as other ADA, FDOT, PBC requirements. **[Ord. 2008-003]**
  75. **Bus Stop Zone** - For the purposes of Art. 5.H, Mass Transit Standards, The length of roadway designated, marked, or signed as available for use by a bus loading or unloading passengers including ingress and egress from a bus stop. **[Ord. 2008-003]**
  76. **Butcher Shop, Wholesale** - an establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.
- 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).
  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.
  3. **Canopy** - a permanently roofed shelter whether fabric or hand construct, projecting over a sidewalk, driveway, entry, window, or similar area, which shelter 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.
  4. **Canopy Tree** - see Tree, canopy or shade.
  5. **Capacity** - for the purposes of Art. 13, the maximum number of vehicles for a given time period which a road can safely and efficiently carry, usually expressed in terms of vehicles per day.
  6. **Capital Drainage Facility** - the planning of, engineering for, acquisition of land for, or the construction of drainage facilities necessary to meet the LOS for Capital Drainage Facilities.
  7. **Capital Facilities** - for the purposes of Art. 13, land, infrastructure, structures, and fixtures having a cost or value of at least \$1,000; personal property and equipment having an aggregate cost or value of at least \$1,000; hard-bound books and materials having a cost or value of at least \$25, which must be of a non-consumable nature and be expected to be in service for at least one year.
  8. **Capital Facility Costs** - all costs directly associated with the acquisition, design, engineering, site preparation, construction and placement of a capital facility. It excludes operation and maintenance costs, and the repair, replacement, or renovation of existing capital facilities where the capital facility improvement does not add capacity
  9. **Capital Fire-Rescue Facilities** - for the purposes of Art. 13, the planning of, engineering for, acquisition of land for, or the construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS for Capital Fire-Rescue Facilities.
  10. **Capital Improvement Element** - the Capital Improvement Element of the Plan.
  11. **Capital Mass Transit Facilities** - the planning of, engineering for, acquisition of land for, or the construction of or purchase of mass transit facilities and equipment necessary to meet the LOS for Capital Mass Transit Facilities.
  12. **Capital Potable Water Facilities** - the planning of, engineering for, acquisition of land for, or the construction of potable water facilities necessary to meet the LOS for Capital Potable Water Facilities.
  13. **Capital Recreation and Park Facilities** - the planning of, engineering for, acquisition of land for, or the construction of buildings and park equipment necessary to meet the LOS for Urban Capital Park and Recreation Facilities and Rural Capital Park and Recreation Facilities.
  14. **Capital Road Facilities** - the planning of, engineering for, acquisition of land for, or the construction of roads on the Major Road Network System necessary to meet the LOS for Capital Road Facilities.
  15. **Capital Sanitary Sewer Facilities** - the planning of, engineering for, acquisition of land for, or the construction of sanitary sewer facilities necessary to meet the LOS for Capital Sanitary Sewer Facilities.
  16. **Capital Solid Waste Facilities** - the planning of, engineering for, acquisition of land for, or the construction of solid waste facilities necessary to meet the LOS for Capital Solid Waste Facilities.
  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.
  18. **Carport/Private Garage** - a roofed accessory structure or a portion of a main building providing space for the parking or storage of motor vehicles of the occupants of the main building.

19. **Catchment** - for the purposes of Art. 11, a sub-area of a drainage basin which contributes stormwater runoff by overland flow to a common collection point.
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 burial. A cemetery may include an office, chapel, mausoleum, columbarium or crematory.
22. **Certificate of Appropriateness** - for the purposes of Art. 9, a written document, issued under the terms and conditions of this Article, allowing specified alterations, demolition, construction, or other work to a designated historic site, or for a building or structure within a designated historic district.
23. **Certificate of Completion** - see Chapter 1 of the Florida Building Code with PBC Amendments.
24. **Certificate of Occupancy (CO)** - see Chapter 1 of the Florida Building Code with PBC Amendments.
25. **Certificate to Dig** - for the purposes of Art. 9, a written document, issued under terms and conditions of this article and is necessary prior to:
  - a. Issuance of a development order for parcels identified on the map of known archaeological sites;
  - b. Removal of a suspension order on a site where artifacts or fossilized human remains or non-human vertebrate fossils are found during the development process; or
  - c. Issuance of a development order for a, Type III Excavation.
26. **Certification** - all applicable code regulations and standards have been addressed.
27. **Champion Tree** - the largest tree of a species which has been designated by the Florida Department of Agriculture and Consumer Services.
28. **Change of Message** - each text frame of an electronic message center sign shall hold constant for a minimum of two seconds.
29. **Chipping and Mulching** - an establishment using equipment designed to cut tree limbs, brush or wood construction debris into small pieces for use as mulch.
30. **Circumference** - for the purposes of Art.14.C, a measurement of the circular distance around a tree trunk measured at a point four and one half feet above the ground.
31. **Clean vegetative matter** - for the purposes of Art. 4.B, clean vegetative matter shall mean free of contamination with any excluded materials in feed stock. **[Ord. 2008-037]**
32. **Clean wood** - for the purposes of Art. 4.B, clean wood shall mean untreated wood. **[Ord. 2008-037]**
33. **Climb Gradient** - for the purposes of Art. 16, an aircraft instrument departure procedure requiring adherence to minimum climb stops or grade expressed in feet per nautical mile.
34. **Closure Permit** - for the purposes of Art. 14.B, that permit required by activities which must cease operation pursuant to the provisions of Art. 14.B.7, Wellfield Protection.
35. **Clustered Lots** - residential parking lots grouped on a common street or parking tract where access is either a dead-end street, loop, or otherwise designed so as to preclude its extension for access to additional lots.
36. **Coastal Construction** - means the carrying out of any activity within jurisdictional boundaries specified in Art. 14, Coastal Protection, to modify or improve site conditions including, but not limited to, building, clearing, filling, excavation, grading, removal or planting of vegetation, or the making of any material change in the size or use of any structure or the appearance of site conditions, or the placement of equipment or material upon such sites.
37. **Coastal High Hazard Area** -
  - a. The area subject to high velocity waters, including, but not limited to, hurricane wave wash or tsunamis. The area is designated on the FIRM as Zone VI-30.
  - b. For the purposes of Art. 18, a SFHA extending from offshore to the inland limit of a primary frontal dune along an open coast and any other areas including, but not limited to, hurricane surges or subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE, or V. **[Ord. 2004-013]**
38. **Coastal Protection Zone** - an area of jurisdiction established by this section. This zone extends from the mean high water line of the Atlantic Ocean to a line 25 feet landward of the crest of the dune or the State of Florida Coastal Construction Control Line, whichever is more landward.
39. **Code** - Code of Laws and Ordinances of PBC, including the Unified Land Development Code (ULDC).
40. **Code Inspector** - any authorized agent or employee of PBC whose duty is to assure Code compliance.
41. **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.

42. **Collocated Use** - Development in a standard zoning district with two or more uses classified with the definition of a use listed in Art. 4.B.1, Uses. **[Ord. 2006-013]**
43. **Collocation** – the placement of more than one service providers’ antenna on an existing commercial communication tower or structure. The term collocation also includes the ground-mounted, structure-mounted or roof-mounted installation of the accessory equipment and structures needed for the functioning of the wireless facility. **[Ord. 2006-004]**
44. **Colonnade** - a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns. Awnings are not considered colonnades.
45. **Combined Transmission/Communication Structure** - any combination of communication tower and electrical transmission line constructed within an electrical transmission line streets created pursuant to the “Transmission Line Sitting Act” in F.S. §403.52.
46. **Commercial Agricultural Development** - agriculture conducted for commercial purposes within the Agricultural Production Plan Category North of the L-8 Canal and East of the North Tieback Canal, the Agricultural Reserve (AGR) Plan Category, and those activities classified as special agriculture.
47. **Commercial Corridor** – For the purposes of the IRO, linear arterial or collector streets located in the Urban/Suburban Tier that are predominantly lined with properties having a commercial FLU designation or Zoning district. **[Ord. 2010-005]**
48. **Commercial Sewage Waste** – as defined by Rule 64E-6, F.A.C.
49. **Commercial Vehicle** - a vehicle principally used in commerce or trade or any vehicle that is not a recreational vehicle that exceeds the following limits: rated capacity of one ton; gross vehicle weight rating (GVWR) does not exceed 12,500 pounds, including load; height exceeds nine feet, including any load, bed or box; and total vehicle length of 26 feet. Such vehicles shall include tow trucks, transport vehicles, construction vehicles, semi-trucks and step-vans. **[Ord. 2008-003]**
50. **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.
51. **Communication Tower, Monopole** - see Monopole tower.
52. **Communication Tower Users List** – an official list of commercial communication tower service providers, maintained by the Development Review Officer, to assist new users to locate existing sites to encourage collocation, pursuant to Art. 4.C.6, Shared Use/Collocation. **[Ord. 2009-040]**
53. **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.
54. **Community Water System** - for the purposes of Art. 15.B, a public water system which serves at least 15 service connections used by year round residents or which serves at least 25 year round residents.
55. **Community Well** - for the purposes of Art. 15.A, a water well that is a source of potable water and functions as part of a community water system.
56. **Commuter Bus** – For the purposes of Art. 12, transit service connecting communities to employment centers. **[Ord. 2006-036]**
57. **Compatible/Compatibility** -
  - a. For the purposes of Art. 5, design, which utilizes accepted site planning (e.g. building placement, orientation and sitting) and the elements of architectural composition within the context of the surrounding area. Similar adjacent land uses or square footage shall not necessarily constitute architectural compatibility.
  - b. Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions.
58. **Compatible Sites** - residential uses or pods adjacent to residential uses or pods; or adjacent to residential uses or pods with a density difference less than or equal to two units per acre.
59. **Complaining Land** - for the purposes of Art. 5, that land which is included in a residential district receiving sound levels above those permitted by Art. 5.E, Performance Standards.
60. **Complement/Complementary** - for the purposes of Art. 5, having similar architectural composition.
61. **Complete Application** -

- a. For the purposes of Art. 12, an application filed with the Local Government which satisfied all application requirements of state law; and the relevant land development regulations, the general rules and policies adopted, and the customary general practices of the Local Government.
- b. For the purposes of Art. 14, an application which includes all materials and documents which are necessary to support the application and which has been accepted as complete by ERM.
- 62. **Completely Enclosed** - a building separated on all sides from adjacent open area, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods, or vehicles.
- 63. **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.
- 64. **Comprehensive Plan** - see Plan.
- 65. **Conceptual Master** - for the purposes of Art. 8, a conceptual plan indicating the total number, location, and sign area of all proposed signs on a site plan or typical building elevation.
- 66. **Concurrency, Affidavit of Waiver** - a document evidencing the grant of an exception to the platting requirement or the required improvements installation requirement.
- 67. **Concurrency Certificate** - for the purposes of Art. 12, in the unincorporated area, Concurrency Reservation, or Adequate Public Facilities Determination, as defined in Art. 2.F, Concurrency, and Art 1.I, Definitions and Acronyms; or similar confirmation in a Municipality.
- 68. **Concurrency, 80 Percent Built Out** - 80 percent built out means the evaluation of the entire project.
- 69. **Concurrency Exemption Certificate** - a properly issued order of the Hearing Officer pursuant to the Code of Laws and Ordinances of PBC, Florida, as amended, by which a parcel or lot is exempt from the concurrency requirements of the Plan.
- 70. **Concurrency Exemption Determination** -
  - a. For the purposes of Art. 2, a determination that the land in the unincorporated area is exempt from the concurrency standards of the Plan and this Code;
  - b. For the purposes of Art. 12, a determination that the property in the Unincorporated Area is exempt from the concurrency requirements of the Plan pursuant to the Ord. No.1989-005, as amended.
- 71. **Concurrency Exemption (Exemption)** - an order approved by the Zoning Director that the development is exempt from the concurrency standards of the Plan pursuant to meeting the requirements of Art. 2.E, Monitoring.
- 72. **Concurrency Exemption Extension** - an order issued by the Zoning Director extending a Concurrency Exemption for a two-year period.
- 73. **Concurrency, Equivalency Determination** - a determination approved by the Zoning Director that the proposed development or uses would require equal or lesser public facility capacity than the valid concurrency reservation or existing use(s) require(s). Approval of an equivalency determination results in either (1) amending an existing reservation or exemption or (2) the issuance of a new reservation.
- 74. **Concurrency, Level of Service (LOS)** - an indicator of the extent or degree of service provided by, or proposed to be provided by a public facility or service based on and related to the operational characteristics of the public facility or service.
- 75. **Concurrency, Public Facilities** - capital facilities including, but not limited to, roads, parks and recreation, fire-rescue, library law enforcement, public buildings, and school sites.
- 76. **Concurrency, Public Facilities Agreement** - an agreement entered into by PBC or a service provider and a developer or landowner for the purpose of ensuring public facility capacity is reserved for a proposed development.
- 77. **Concurrency Requirements of the Plan** - the provisions in the Plan and the implementing land development regulations requiring that public facilities for traffic circulation, mass transit, sanitary sewer, potable water, recreation/open space, fire-rescue, solid waste, and drainage are available at the minimum LOS concurrent with the impact of the Development; and, as to the applicability of expanded or more stringent traffic performance standards pursuant to State of Florida mandates under F.S. Chapter 163, and Rule 9J-5, F.A.C. such requirements as set forth in the future traffic performance standards ordinance(s).
- 78. **Concurrency Reservation** - a certificate approved by the Zoning Director with or without conditions, which may be considered in conjunction with a Development Agreement, public facility agreement, or other binding agreement and pursuant to the terms of Art. 2.F.1, General. Adequate Public Facility Standards, that constitutes proof of adequate public facilities to serve the proposed development.

79. **Concurrency Service Area (CSA)** - the specific geographic unit within a school district in which school concurrency is applied and measured.
80. **Concurrency, Service Provider** - any agency that is responsible for the provision of public facilities to development in PBC.
81. **Condition of Approval** - imposed as part of, or associated with, the issuance of a valid local government development order.
82. **Conditional Use** - those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration, intensity and density of use, structures, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location.
83. **Cone of Depression** - for the purposes of Art. 14.B, an area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, dewatering site or quarry. The aerial extent and depth of the depression is a function of the hydraulic properties of the aquifer, the pumping rates and recharge rates. **[Ord. 2006-036]**
84. **Confluent Growth** - for the purposes of Art. 15.B, a continuous bacterial growth covering the entire filtration area of a membrane filter used for coliform detection, or a portion thereof, in which bacterial colonies are not discrete.
85. **Conforming** - complies with the current regulations.
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.
87. **Congregate Living Personal Services** - assistance with or supervision of essential activities of daily living such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication and such other similar services as may be defined by the State of Florida Department of Health and Rehabilitative Services.
88. **Conical Zone** - for the purposes of Art. 16, the area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet.
89. **Consecutive Water System** - a water supply system which serves at least 15 service connections used by year round residents or which serves at least 25 year round residents which receives its water from a community water system. **[Ord. 2005-003] [Ord. 2006-004]**
90. **Consistency** - determined to satisfy the specific requirement(s) of this Code or F.S. § 163.3194.
91. **Constrained Facility** - for the purposes of Art. 12, a Link which is widened (or assumed to be widened under Test 2) to its adopted width as determined by the BCC as part of the Thoroughfare R-O-W Identification Map.
92. **Construction** - the placement, assembly, erection, substantial repair, alteration or demolition of a building or structure on land, the placement of concrete, asphalt, similar materials on land, or grading or earthwork of land.
93. **Construction Equipment** - a mechanical implement principally used in construction activity. Such equipment shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.
94. **Construction Work** –
- a. Any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action to buildings or land.
  - b. For the purposes of Art. 5, the use of mechanical or manual equipment to build or improve a lot or structure such as but not limited to: shovels, saws, drills, hammers that creates noise.
95. **Contaminant** - for the purposes of Art. 15.B, any physical, chemical biological or radiological substance or matter in water.
96. **Contiguous** -
- a. Lots that share a common border, or lands separated only by streets, easements, pipelines, power lines, conduits, R-O-W under ownership of the land owner of one of the subject parcels, a POA or a governmental agency, or a public utility. **[Ord. 2006-004]**
    - 1) For density purposes lots that touch point-to-point, or lots which are separated by waterways, streets or major easements are not considered contiguous. **[Ord. 2006-004]**

- 2) For the purpose of AGR preservation parcels, the following shall not be considered contiguous: lots that touch point-to-point or are separated by collector or arterial streets. [Ord. 2006-004]
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.
  98. **Contributing Resource** - for the purposes of Art. 9, building, site, structure, or object adding to the historic significance of a property or district.
  99. **Control Device** - the element of a discharge structure which allows release of water under controlled conditions.
  100. **Control Elevation** - for the purposes of Art. 11, the lowest elevation at which water can be released through a control device.
  101. **Convenience Store** - an establishment serving a limited market area and engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.
  102. **Convenience Store with Gas Sales** - a convenience store which includes accessory gasoline retail sales to the general public.
  103. **Corner Clip** - an area at each side of a street intersection, or driveway connection to a street, which is subject to restrictions on the construction, installation, placement, or maintenance of visual obstructions. The location and dimensions of said area, whether located within or adjacent to the legally established street boundaries, shall be as shown in Figure 3.D.1.D, Corner Clip Setback.
  104. **Corner Store** - a small store located in a multi-story mixed use building devoted to the retail sale of a limited line of food and household items with a corner entrance.
  105. **County** - Palm Beach County, Florida. Also referred to as PBC in this Code.
  106. **County Archaeologist** - for the purposes of Art. 9, staff member of or contracted to PZB who shall be a qualified Archaeologist.
  107. **County Standards** - the minimum standards, specifications, and details for design and construction of streets and other infrastructure improvements, as promulgated by the County Engineer pursuant to Resolution R-90-740 of the BCC as may be amended. Said standards include, but are not limited to those compiled in the most current edition of the Palm Beach County Land Development Design Standards Manual.
  108. **Covenant** - a recordable instrument that runs with the land, binds the fee simple owner, heirs, successors, and assigns, and is recorded. It may include recorded Development Agreements or other agreements. Covenants may include PBC as a party or intended beneficiary, shall recite the benefit intended, and shall include any terms or conditions under which it may be released.
  109. **Covered Walkway** - a pedestrian walkway that is covered by a roofed structure that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.
  110. **CRALLS** - constrained roadway at a lower LOS - a Major Thoroughfare on which a lower LOS is set pursuant to Art. 12.H, Constrained Facilities, herein.
  111. **Credit** - for the purposes of Art. 13, a reduction in the particular impact fee based on: (1) previous payments for which no benefit was received and future payments of the development toward the capital facilities for which the impact fee is assessed; (2) a reduction of impact due to: redevelopment of existing square footage; other assessments for the same capital facilities; in-kind contributions; or, in the case of park impact fees, alternative municipal provision of like capital facilities, or proximity to the beach.
  112. **Credit Factor** - For the purposes of Art. 12, a multiplier used in calculating points available as a result of a project's use of congestion mitigation strategies. [Ord. 2006-036]
  113. **Crest of Dune** - for the purposes of Art. 14.A, the highest point in elevation of the dune.
  114. **Crime Prevention Through Environmental Design (CPTED)** - design philosophy which promotes proper design and effective use of the built environment with the goal of reducing the fear and incidence of crime, and improving quality of life.
  115. **Critical Facility** - for the purposes of Art. 18, a facility for which any flooding would adversely affect essential public services. Critical facilities include, but are not limited to, nursing homes, hospitals, police, fire and emergency response installation, or installations which produce, use or store hazardous materials or hazardous waste. [Ord. 2004-013]
  116. **Critical Volumes** - for the purposes of Art. 12, the sum of all movements in an intersection which conflict with one or more other movements as established pursuant to the Transportation Research Board, Special Report 209, Highway Capacity Manual (1985), "Planning Analysis", pages 9-21 and 9-

22, as amended by the PBC Intersection Analysis by Critical Sum Method. (See LOS D and E definitions).

117. **Cross-connection** - for the purposes of Art. 15, any physical arrangement whereby any drinking water supply is connected, directly or indirectly, with any other supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the drinking water supply as the result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeable devices and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross connections.
118. **Crown** – for the purposes of Art. 7, the main point of branching or foliage of a tree or plant, or the upper portion of a plant or tree.
119. **Cul-de-sac** – see Street, Cul-de-sac.
120. **Cultural Resources** - for the purposes of Art. 9, are material culture remains including artifacts, pits, trash dumps, middens, architectural features, standing structures, remains of structures, and the physical alteration of the natural landscape such as ponds, roads landscaping, canals and fences. [Ord. 2008-037]
121. **Curb Side Mass Transit Factors** - For the purposes of Art. 5.H, Mass Transit Standards, Mass Transit infrastructure located off the roadway that affects rider comfort, convenience, and safety. [Ord. 2008-003]

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

1. **D Factor** - for the purposes of Art. 12, the ratio of peak hour directional traffic to peak hour two-way traffic, as provided in the FDOT Quality/LOS Handbook. Example: Peak Hour Two Way = 1,000 peak hour direction volume = 600, D = .60.
2. **Damage** – loss in structural integrity due to an act of calamity. Also see Natural Disaster Damage. [Ord. 2010-005]
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** -
  - a. **General** - an establishment licensed by the Health Department, which provides care, protection and supervision for 21 or more children or adults for a period of less than 24 hours per day on a regular basis.
  - b. **Limited** - an establishment licensed by the Health Department, which provides daytime care, protection and supervision for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. Limited day care does not include nighttime or overnight care.
6. **Day Labor** – an establishment engaged in providing temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades.
7. **Day-Night Average Sound Level (Ldn)** - a 24-hour average Noise level in weighted decibels, for a period from midnight to midnight, adding a ten-decibel penalty for each Noise event during the hours between midnight and 7:00 a.m. and 10:00 p.m. and midnight.
8. **DBA** - the total sound level of all noise as measured with a sound level meter using A- Weighting Network. The unit is decibel based on a reference sound pressure of .0002 microbars.
9. **Decibel** - a unit of sound pressure level abbreviated as dB.
10. **Decision Height** - for the purposes of Art. 16, the height at which a pilot must decide, during an Instrument Landing System (ILS) approach, to either continue the approach or to execute a missed approach.
11. **Defined Search Area** - the geographic area in which an antenna is proposed to be located to provide the carrier's designed service. [Ord. 2006-004]
12. **Demolition** - the act or process of wrecking, destroying, or removing any building or any exterior or structural part thereof.
13. **Density** - the ratio of the number of dwelling units per acre of land.
14. **Density Bonus** - an increase in the residential density above the maximum or PDD density permitted by the Plan for the applicable residential future land use category.
15. **Density, Entitlement** - granted by PBC which permits use of land until concurrency provisions can be satisfied as shown in Figure 2 of the FLUE of the Plan, as amended.



16. **Density, Maximum Level** - allowed by the Plan, as amended, with a Planned Development, as shown in the FLUE.
17. **Density, Minimum Level** - must be attained when land is developed pursuant to the 1989 Plan, as amended in the FLUE.
18. **Density, Standard** - allowed by the Plan, as amended, without a Planned Development as shown in Table 2.1-1 in the FLUE.
19. **Department** -
  - a. For the purposes of Art. 14, PBC Department of Environmental Resources Management or the PBC PZB Departments, or an entity of any municipality in PBC which has been assigned the responsibility of administering and enforcing this Code;
  - b. For the purposes of Art. 15, PBC Health Department.
20. **Design Professional** - an architect, landscape architect, or engineer licensed in the State of Florida with good standing.
21. **Designated Exterior** - for the purposes of Art. 9, all outside surfaces of any improvement, building, or structure as defined in the historic preservation survey and pursuant to Art. 9.B, Historic Preservation Procedures, or an exterior designated under Art. 9.B, Historic Preservation Procedures, as having significant value to the historic character of the building, district, or PBC.
22. **Designated Public Utility** - for the purposes of Art. 14.B, that public utility which operates a well or wells for which the Zones of Influence include part or all of the property on which the nonresidential activity is located.
23. **Designation** - for the purposes of Art. 9, the act of designating specific historic sites or districts pursuant to the provisions of this Code.
24. **Detention** - the collection and temporary storage of stormwater runoff for the purpose of treatment and/or discharge rate control with subsequent gradual release directly to surface waters. See also dry detention/retention.
25. **Determination** - for the purposes of Art. 16, the term used by FAA to denote the outcome of an aeronautical study under FAR Part 77 (See: Airport Hazard or No Hazard).
26. **Developed Area** - that portion of a site upon which any building structure, pavement, landscape material, stormwater facility, excavated lake, or other improvement has been or will be placed or on which a development activity occurs or has occurred.
27. **Developer** - any person, including a governmental agency, undertaking any development.
28. **Developer's Engineer** - for the purposes of Art. 11, a single engineering firm or a professional engineer registered in the State of Florida, and engaged by the developer to coordinate the design and monitor the construction of the work required under Art. 11, Subdivision, Platting and Required Improvements.
29. **Development** -
  - a. The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of land, or the dividing of land into two or more parcels;
  - b. For the purposes of Art. 9, archaeological preservation, the definition in F.S. § 380.04, as well as site preparation work consisting of excavation, earth moving, and the like. This definition shall not include the dividing of land into two or more parcels;
  - c. For the purposes of Art. 12, as defined in F. S. § 380.04, except that it shall not include the following items listed therein the: (1) demolition of a structure except as an adjunct of construction; (2) clearing of land except as an adjunct of construction; and (3) deposit of refuse, solid or liquid waste, or fill on a lot unless the Site Specific Development Order is specifically for such as the end use and not as an adjunct to the end use;
  - d. For the purposes of Art. 13, as the context indicates, either the carrying on of construction or any physical alteration of a building or structure; the result of such activity; a legally divisible parcel of land developed under a common plan; or the change in any use of a structure or land that increases the impact on capital facilities for which the particular impact fee is assessed. It includes the placement of a mobile home for dwelling purposes;
  - e. For the purposes of Art. 18, any man-made change of a building or other structure, or the carrying out of any activity to improved or unimproved real estate so as to change the use or appearance of the land, including, but not limited to, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment. **[Ord. 2004-013]**
30. **Development Agreement** - a development agreement, public facilities agreement, or other binding agreement entered into between the applicant and PBC or other service provided for the purpose of assuring compliance with the adopted LOS standards. The form of the agreement may include, but not be limited to a development agreement pursuant to F.S. § 163.3220.

31. **Development Order –**
- a. Any order granting or granting with conditions an application for a development permit.
  - b. For the purposes of Art. 2.F, any Concurrence Reservation that applies to lands that are owned by a unit of local, state, or federal government and utilized for buildings or facilities that are owned by a government entity and support government services or delivery of public services. **[Ord. 2007-013]**
  - c. For the purposes of Art. 9 and Art. 12, as defined in F. S. § 163.3164. **[Ord. 2007-013]**
32. **Development Order, Final** - a development order for site plan/final subdivision plan, or a building permit.
33. **Development Order, Local Government** - a development order properly issued by PBC through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. It shall include affidavits of exemption and subdivision approval. It typically involves the submission and review of a master plan, site plan, or building plans, but may not necessarily involve such. It shall not include land use designations established by Local Government's Comprehensive Plan. It does not include comprehensive general rezoning district boundary changes initiated by PBC. It typically involves a petition of the landowner for his property alone and not adjoining properties. It does not include vegetative removal, clearing, grading or demolition permits.
34. **Development Order, Preliminary** - a development order for an amendment to the official zoning map, a planned development, a conditional use, a special use, a variance, a coastal protection permit, a flood prevention permit, an environmentally sensitive lands permit, a wetlands permit, a Wellfield protection permit, or a sea turtle protection permit.
35. **Development Permit** - any amendment to the text of this Code or Official Zoning Map (rezone), conditional use, special use, planned development, site plan/final subdivision plan, subdivision, building permit, variance, special exception, certificate of conformity, unique structure, or any other official action of PBC having the effect of permitting the development of land or the specific use of land. **[Ord. 2009-040]**
36. **Development Plan, Preliminary** - a generalized depiction of use categories presented to the appropriate review body for planned development districts, previously approved planned developments (master plans and site plans), and Class A conditional use and Class B conditional use approvals.
37. **Development of Regional Impact** - as defined in F.S. § 380.06.
38. **Deviation(s) Subject To BCC Approval** - An abatement of the requirements of Articles 5, 6, and 7 of the ULDC for development supporting government facilities within the PO Zoning District, subject to approval by the BCC. **[Ord. 2007-013]**
39. **Deviation(s) Subject To County Engineer Approval** - An abatement of the requirements of Article 11 of the ULDC for development supporting government facilities within the PO Zoning District, subject to approval by the County Engineer. **[Ord.2007-013]**
40. **Dewatered Domestic Wastewater Residuals** - the solid, semisolid or liquid residue removed during the treatment of wastewater which is more than 12 percent or greater dry solids by weight. Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant.
41. **Diameter at Breast Height (DBH)** - the diameter of a tree trunk measured at a point four and one half feet above the ground.
42. **Discharge Structure** - a structural device, constructed or fabricated from durable material such as concrete, metal, or decay-resistant timber, through which water is released to surface water from detention.
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.
44. **Disposition, Off-site** - the off-premises transportation of excavated material.
45. **Disposition, On-site** - the on-premise use of extractive or excavated material.
46. **District** - any certain described zoning district of PBC to which these regulations apply and within which the zoning regulations are uniform.
47. **Disturbed Excavated Area** - the total area altered by excavation activities.
48. **Dock, Private** - a structure built on or over the water which is designed or used to provide no more than ten boat slips, and anchorage for, and access to, one or more boats belonging to the property owner. Necessary services such as water, and other utilities are considered a part of a dock; which does not provide a fuel facility, however, no cooking, sleeping or business activity shall be permitted.
49. **Dog Daycare** - an establishment which provides daytime care and training for domestic dogs.

50. **Domestic Sewage Waste** - as defined by F.S. §381.0065(2). Domestic sewage is further categorized as:
    - a. Blackwater by F.S. §381.0065(2).
    - b. Graywater by F.S. §381.0065(2).
    - c. Domestic Sewage Characteristics.
      - 1) Carbonaceous Biochemical Oxygen Demand, maximum 300 mg/l.
      - 2) Total Suspended Solids, maximum 200 mg/l.
      - 3) pH, 6 - 8; or within 1 pH unit of the water supply pH.
      - 4) Nitrogen (TKN) maximum 100 mg/l.
  51. **Domestic Sludge** - a solid waste resulting from sewage, seepage, or food service operations, or any other such waste having similar characteristics. Domestic sludge includes sludge resulting from the treatment of domestic wastewater.
  52. **Domestic Wastewater** - wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage.
  53. **Downtown Revitalization** - the physical and economic renewal of a central business district of a community as designated by the local government in its Comprehensive Plan, and including both downtown development and redevelopment.
  54. **Drainage Basin** - a sub-area of a watershed which contributes stormwater runoff to a watercourse tributary to the main receiving water.
  55. **Drainage Easement** - see easement, stormwater management.
  56. **Drainfield** - for the purposes of Art. 15, as defined by Rule 64E-6, F.A.C..
  57. **Dripline** - an imaginary vertical line extending from the outermost circumference of the branches of a tree to the ground.
  58. **Drive-through** - any place of business which serves, sells or otherwise makes available its services or products to patrons in automobiles for their off premise use or consumption.
  59. **Driveway, Shared** - a driveway that serves more than one dwelling unit.
  60. **Drop Lens Fixture** - Any luminaire that is not a full cut off luminaire. [Ord. 2005-041]
  61. **Drought-tolerant Tree** - see Tree, drought-tolerant. [Ord.2004-013]
  62. **Dry Detention/Retention** - detention or retention of water in a storage facility which is designed, constructed, and operated to limit the duration of ponding within the facility so as to maintain a normally dry bottom between rainfall events.
  63. **Dune** - a hill or ridge of windblown sand and marine deposits lying landward of, and adjacent to, the beach which is formed by natural or artificial processes.
  64. **Dune Profile** - the cross-sectional configuration of the dune.
  65. **Dwelling Unit** - one or more rooms designed, occupied or intended for occupancy as separate living quarters, with only one kitchen plus sleeping and sanitary facilities provided within the unit, for the exclusive use of a single family maintaining a household. Specialized residences, such as accessory apartments for the elderly or handicapped, congregate living facility quarters, groom's quarters, farm worker quarters, or migrant labor quarters shall not be considered "dwelling units" for the purpose of applying restriction on density contained in the Plan or this Code unless otherwise stated in the Plan or the Code.
- E. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Easement** - any strip of land created by subdivision or granted by the owner, for public or private access utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the land owner, subject to the right of use designated in the reservation of the servitude.
  2. **Easement Holder or Beneficiary** - the grantee or persons directly benefiting from the existence of the easement.
  3. **Easement, Lake Maintenance** - created by plat dedication or other instrument of record, establishing access and use rights on or to the periphery of a water management tract for purposes of construction, maintenance, and repair of wet detention/retention facilities and appurtenant structures therein.
  4. **Easement, Limited Access** - established adjacent to a street for the purpose of prohibiting vehicular access to the street from abutting property except at those locations specifically authorized by the BCC.
  5. **Easement, Public** - granted to a governmental entity, public agency, a utility, or the public.
  6. **Easement, Quasi-public** - granted to a POA in which PBC or the public have some beneficial interest.

7. **Easement, Stormwater Management** - establishing rights to collect, drain or convey surface water by way of natural or man-made facilities, including, but not limited to water bodies, water courses, canals, ditches, swales, storm sewers and overland flow. It also includes any fee interest of a governmental entity in land to collect, drain, or convey water.
8. **Easement, Utility** - established for the purpose of the installation, operation, repair, or maintenance of facilities and equipment used to provide utility services.
9. **Ecosystem** - an assemblage of living organisms (plants, animals, microorganisms, etc.) and nonliving components (soil, water, air, etc.) that functions as a dynamic whole through which organized energy flows.
10. **Elderly Person** - as defined in the Plan.
11. **Electrical Transmission Line** - street means the area necessary for construction and maintenance of a 230 kilovolt or greater electrical transmission line, as provided in F.S. §403.52.
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]
14. **Elevated Building** - see Building, Elevated.
15. **Emergency** - any unusual incident which results in immediate danger to the health, safety, welfare or resources of the residents of PBC, including damages to, or erosion of, any shoreline resulting from a hurricane, storm, or other such violent disturbance.
16. **Emergency Hazardous Situation** - or the purposes of Art. 14.B, occurs whenever there is an immediate and substantial danger to human health, safety, or welfare or to the environment.
17. **Emergency Work** - work made necessary to restore land to a safe condition following an emergency, or work required to protect persons or land from imminent exposure to danger.
18. **Eminent Domain Proceeding** - for the purposes of Art. 1, a formal court initiated civil action to acquire fee simple, easement, or R-O-W interest in land for governmental purposes, or a voluntary conveyance of such in lieu of formal court initiated action.
19. **Encroachment** - for the purposes of Art. 18, the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a SFHA, which may impede or alter the flow capacity of floodwaters. [Ord. 2004-013]
20. **Encroachment, Vehicular** - for the purposes of Art. 7, any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape or other area.
21. **Encumber** - to reserve or earmark funds for a specific expenditure or an identified development.
22. **Engineer** - a person registered to engage in the practice of engineering under F.S. § 471.001-471.037, and includes the terms "professional engineer" and "registered engineer."
23. **Endangered, Threatened, Rare, and Species of Special Concern** - any species listed as endangered, threatened, rare, or of special concern by one or more of the following agencies:
  - a. U.S. Fish and Wildlife Service;
  - b. Florida Game and Fresh Water Fish Commission;
  - c. Florida Committee on Rare and Endangered Plants and Animals;
  - d. Florida Department of Agriculture and Consumer Services; or
  - e. Treasure Coast Regional Planning Council.
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. [Ord. 2005-002]
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]
26. **Entrance Area** - 66 feet (see IES definition). [Ord. 2005-041]
27. **Environmental Appeal Board (EAB)** - For the purposes of Art. 15, is the five member board appointed by the Environmental Control Board (ECB) to hear appeals under this Article. [Ord. 2006-004]

28. **Environmental Control Board (ECB)** - for the purposes of Art. 15, is the board consisting of the seven members of the BCC, which adopts, reviews and amends ordinances and rules under Chapter 77-616, Special Acts, Laws of Florida, as amended.
29. **Environmental Control Hearing Board (ECHB)** - for the purposes of Art. 15, is the five member board appointed by the ECB, pursuant to Chapter 77-616, Special Acts, Laws of Florida, as amended, to conduct hearings on alleged violations of this Article.
30. **Environmental Control Officer (ECO)** - is the person appointed by the ECB under Chapter 77-616, Special Acts, Laws of Florida, as amended.
31. **Environmentally Sensitive Lands** - ecological sites (ecosites), other than wetlands, that are designated in the Inventory of Native Ecosystems in Palm Beach County and on its accompanying aerial photographs as "A" quality, representing high-quality native Florida upland ecosystems. These sites are indicated on the aerial photographs (received on May 30, 1989) that are on file at ERM and are incorporated herein by reference. Inventory of Native Ecosystems in Palm Beach County is a report and annotated aeriels produced during the study with this title, which was conducted by consultants under contract to PBC.
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. **Equivalency Determination** - means a determination approved by the Zoning Director that the proposed development or uses will require equal or lesser public facility capacity than the valid Concurrency Reservation or existing use(s) require(s). Approval of an Equivalency Determination results in either (1) amending an existing Reservation or Exemption or (2) the issuance of a new Reservation.
35. **Establishment** -
  - a. Single structure or a group of structures other than a single family residence on one or more parcels of land with common access, parking, drainage facilities and/or water supply. It may also include the premise on which the business is located, including the interior of the business, or portion thereof, upon which activities or operations are being conducted for commercial gain. **[Ord. 2005-041]**
  - b. For the purposes of Art. 15, single structure or a group of structures other than a single family residence on one or more parcels of land with common access, parking, drainage facilities and/or water supply.
36. **Estate Kitchen**- an accessory use which is physically integrated with the main residence.
37. **Ethanol** - type of alcohol used as a biofuel alternative to gasoline, that is made from biomass. **[Ord. 2008-037]**
38. **Excavate or Excavation** - the extraction of minerals from the earth necessary to (1) construct a single 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**- displacement of soil or sand by the processes not limited to digging, dredging, scooping, or hollowing out.
40. **Exceptional Hardship** - for the purposes of Art. 18, (as applied to variance criteria), a condition of a parcel of property which is unusual or exhibits peculiar physical characteristics. These characteristic(s) must be unique only to that property and not to be shared by adjacent parcels. These unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners. Mere economic or financial hardship alone is not "exceptional". Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors cannot, as a rule, qualify as exceptional hardships. A hardship shall not necessarily exist even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended. **[Ord. 2004-013]**
41. **Excessive Noise** - noise that disturbs a reasonable person of normal sensitivity.
42. **Exfiltration System** - for the purposes of Art. 14, any gallery, perforated or "leaky" pipe or similarly designed structure which is used to dispose of untreated stormwater by allowing the routed water to percolate by subsurface discharge directly or indirectly into the groundwater.

43. **Existing** – for the purposes of Art. 18, (as applied to building, development or structure), any man-made improvement on which the start of construction commenced before the enactment of the first Flood Damage Prevention Regulations adopted by the County, Ordinance 79-1, on January 31, 1979. **[Ord. 2004-013]**
  44. **Existing Manufactured Home Park or Subdivision** - for the purposes of Art. 18, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads was completed before the effective date of the first Flood Damage Prevention Regulations adopted by the County, Ordinance 79-1, on January 31, 1979. **[Ord. 2004-013]**
  45. **Existing Residential Use** - any residential structure on a parcel of land or property possessing either residential designation by the FLU atlas of the Plan or a residential zoning designation consistent with the underlying FLU designation.
  46. **Exotic Plant Species** - a plant species not indigenous to State of Florida including those plants listed as prohibited and invasive non-native plant species. A list of exotic plant species shall be maintained by ERM.
  47. **Expansion** – the increase in the floor area of a structure, including covered attached decks and porches, outdoor seating, coolers, and interior mezzanines or the increase in the height of a structure.
  48. **Expansions to an Existing Manufactured Home Park or Subdivision** - for the purposes of Art. 18, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads. **[Ord. 2004-013]**
  49. **Expenditure** – the irrevocable contractual obligation which requires the remittance of money by the applicant for services, goods, facilities, or fixtures, for the project; the post remittance of money for such.
  50. **Exterior** - for the purposes of Art. 9, the outside surfaces of a building.
- F. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Facility** – for the purposes of Art. 14, main structures, accessory structures and activities which store, handle, use or produce Regulated Substances. Where contiguous facilities exist and such facilities are separate in the nature of the businesses, they shall remain separate under this Chapter.
  2. **Family** - either a single person occupying a dwelling unit and maintaining a household, including not more than one boarder, roomer, or lodger as herein described; or two or more persons related by blood, marriage, or adoption occupying a dwelling, living together and maintaining a common household, including not more than one such boarder, roomer, or lodger; or not more than four unrelated persons occupying a dwelling, living together and maintaining a non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.
  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.
  7. **Farm Structure** - any building or structure used for agricultural purposes excluding those used for residences.
  8. **F.A.R. (Part 77)** - for the purposes of Art. 16, Federal Aviation Regulation. The "Part numbers" identify specific subject areas. All FARs are contained in Title 14, CFR. (Part 77 - Title: Objects Affecting Navigable Airspace).
  9. **Feeder Transit Services** – For the purposes of Art. 12, transit service connecting communities and/or employment centers directly to rail stations or bus terminals. **[Ord. 2006-036]**
  10. **Feed Stock** – for the purposes of Art. 4, biomass consisting of: authorized wood material (clean wood recovered from construction and demolition wood debris, land clearing debris, and yard waste consisting of tree and shrub trimmings, grass clippings, palm fronds, trees, tree stumps, and other clean vegetative matter); agricultural residue (waste resulting from the production of sugar, rice, vegetable crops or fruit). This definition specifically excludes hazardous substances and waste, biomedical waste, trash, garbage, sludge or special waste. **[Ord. 2008-037]**

11. **Feepayer** – for the purposes of Art. 13, the person paying the impact fee associated with a building permit or change in use, or the feepayer's agent.
12. **Fence** - an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
13. **Filling** - the placement of any material in, on, or over a jurisdictional wetland.
14. **Film Production Studio** - the use of a lot or building for the production of films or videotapes for exhibition or sale.
15. **Final Plan** - the most recent site or subdivision plan approved by the DRO.
16. **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.
17. **Finished Floor Elevation** – the highest finished ground floor surface elevation to which no additional permanent finished material would be applied. [Ord. 2005-002]
18. **Fire-Rescue Facilities** - mean the planning, engineering for, preparation of acquisition documents for, acquisition of land for, or the construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS for fire-rescue facilities.
19. **Firewall** - a wall of incombustible construction which subdivides a building or separates buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all stories to and above the roof, except where the roof is of fireproof or fire resistive construction and the wall is carried up tightly against the underside of the roof slab, pursuant to the PBC Building Code.
20. **First Directly Accessed Link** – For the purposes of Art. 12, Roadway(s) providing a main entrance to a project. [Ord. 2006-036]
21. **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.
22. **Five-Year Analysis Period**
  - a. For the purposes of Art. 12, the period of time between the submittal of a Traffic Impact Study and the end of the fifth year of the Florida Department of Transportation Five-Year Transportation Improvement Program in effect at the time of Traffic Impact Study submittal. [Ord. 2007-013]
23. **Fixed Mechanical Equipment** - mechanical equipment, such as an air conditioning unit, water cooling tower, swimming pool pump, irrigation pump, well water pump, fan, power generator or other similar power source equipment, permanently affixed to land or structure, as distinguished from temporary, portable, non-fixed mechanical equipment.
24. **Fixture** – the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and/or a refractor or lens. [Ord. 2005-041]
25. **Flag** - a fabric or plastic sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one end.
26. **Flag, Official** - a flag which represents a political/public region or jurisdiction and is not used for advertising purposes.
27. **Flag Poles** – a pole used to display a fabric or plastic sheet of square, rectangular or triangular shape.
28. **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.
29. **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.
30. **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]
31. **Flood or Flooding** –
  - a. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source. Terms associated with flooding include: Frequent, flooding which

- occurs more than once every two years on the average; and ten year flood elevation, which has a ten in 100 probability of being equaled or exceeded in any calendar year.
- b. For the purposes of Art. 18, a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or, the unusual and rapid accumulation or runoff of surface waters from any source. **[Ord. 2004-013]**
- 32. **Flood Boundary and Floodway Map (FBFM)** - for the purposes of Art. 18, the latest edition of the official map on which the FEMA or Federal Insurance Administration (FIA) has delineated SFHAs and regulatory floodway. **[Ord. 2004-013]**
  - 33. **Flooding, Area of Shallow** - a designated AO or VO Zone on the FIRM; the base flood depth ranges from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.
  - 34. **Flooding, Area of Special Flood Hazard** - the land in the flood plain subject to a one percent or greater chance of flooding in any given year.
  - 35. **Flood Insurance Study** – the official report provided by the Federal Emergency Management Agency (FEMA) that contains flood profiles, as well as the Flood Hazard Boundary Map and the water surface elevation of the base flood. **[Ord. 2004-013]**
  - 36. **Flood Damage Prevention** – for the purposes of Art. 18, the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the flood prone areas including, but not limited to, emergency preparedness plans, flood control works, flood damage prevention regulations, open space plans, and setting of minimum floor elevations. **[Ord. 2004-013]**
  - 37. **Flood Damage Prevention Administrator** - for the purposes of Art. 18, the County Building Official hereby appointed to administer and enforce these flood damage prevention regulations, including, but not limited to, all variance and appeal hearings before the Flood Damage Prevention Board or a designee of the Building Official's holding a FEMA Certified Floodplain Manager Designation. **[Ord. 2004-013]**
  - 38. **Flood Damage Prevention Board** – for the purposes of Art. 18, a group of citizens appointed to the Construction Board of Adjustments and Appeals, who shall hear and decide variance requests and appeals made under Art. 18, Flood Damage Prevention. **[Ord. 2004-013]**
  - 39. **Flood Damage Prevention Ordinance** - for the purposes of Art. 18, the regulations and FEMA documents referenced in Art. 18.A.1.A.1. In addition, there may be other controls on development in flood prone areas contained in zoning ordinances, subdivision regulations, building codes and other state and federal regulations. **[Ord. 2004-013]**
  - 40. **Flood Hazard Boundary Map (FHBM)** –
    - a. The official map of PBC, produced by the FEMA or by PBC, where the boundaries of the areas of special flood hazard have been designated as Zone A.
    - b. For the purposes of Art. 18, the latest edition of an official map of the County, issued by FEMA that indicate approximate areas of 100-year flood hazards in a community. **[Ord. 2004-013]**
  - 41. **Flood Insurance Rate Map (FIRM)** – – for the purposes of Art. 18, the latest edition of an official map of the County, on which FEMA has delineated both the FEMA SFHAs and the risk premium zones applicable to the County. **[Ord. 2004-013]**
  - 42. **Flood Insurance Study (FIS)** – for the purposes of Art. 18, the official hydraulic and hydrologic report provided by FEMA. This report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood. **[Ord. 2004-013]**
  - 43. **Floodplain** -
    - a. The land area adjacent to the normal limits of a watercourse or water body which is inundated during a flood event of specified magnitude or return period.
    - b. For the purposes of Art. 18, any land area susceptible to flooding, as defined in FIRM and any area without a master storm water drainage system. **[Ord. 2004-013]**
  - 44. **Floodway** –
    - a. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
    - b. For the purposes of Art. 18, the channel of a river or other watercourse, intercoastals, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 12 inches. **[Ord. 2004-013]**
  - 45. **Floor** - the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.



46. **Floor Area, Gross (GFA)** - horizontal square footage of all floors of a building measured from the exterior face of exterior walls or other type of enclosure, or from the centerline of a wall separating two buildings.
  47. **Floor Area, Gross Leasable** - the GFA minus the floor area of: elevator shafts and stairways; public restrooms; public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior, and/or aesthetic enhancement or natural lighting purposes; and permanently designated corridors.
  48. **Floor Area, Total Leasable** - see Floor Area, Gross Leasable.
  49. **Floor Area Ratio (FAR)** - the ratio of the GFA of all structures on a lot to the lot area, excluding vertical core circulation areas for multistory structures.
  50. **Floor, Ground** - a level of building, the floor of which is located not more than two feet below nor more than six feet above finished grade.
  51. **Florida Inventory of School Houses (FISH)** - for the purposes of Art. 2, the report of the capacity of existing facilities. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on using a percentage of the number of existing satisfactory student stations and a designated size for each program. In PBC, permanent capacity does not include the use of relocatables unless they meet the standards for long-term use pursuant to F.S. §235.061.
  52. **Florida's Turnpike** - a.k.a Ronald Reagan Turnpike
  53. **Focal Point** - non-commercial design element, either landscape, water feature or accessory structure, intended to create a visual point of interest.
  54. **Food Service** - at least one full meal being provided to each resident, every day, in a central dining area.
  55. **Foot-candle** - for the purposes of Art. 5, unit of light quantity or density when the foot is the unit of measure. One (1) foot-candle (fc) equals one (1) lumen per square foot of area. When metric units are used, lux is the unit of light quantity. One (1) lux equals one (1) lumen per square meter of area. One (1) foot-candle equals ten and seventy-six hundredths (10.76) lux. **[Ord. 2005-041]**
  56. **Form Based Code** - A method of regulating the physical form of the built environment to achieve a predictable urban form, public realm, and sense of place. **[Ord. 2010-005]**
  57. **Fossil** - for the purposes of Art. 9, a remnant or trace of an organism of a past geological age.
  58. **Frontage** - see Lot frontage.
  59. **Front Façade** - for the purposes of Art. 3, the wall of a building parallel with and facing a frontage line.
  60. **Full-cutoff Luminaire** - A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. **[Ord. 2005-041]**
  61. **Functions** - the roles wetlands serve, including but not limited to flood storage, flood conveyance, ground water recharge and discharge, erosion control, wave attenuation, water quality enhancement and protection, nutrient removal, food chain support, wildlife habitat, breeding and habitat grounds for fishery species, and recreational values.
  62. **Funeral Home** - an establishment which arranges and manages funeral and prepares the human deceased for burial.
  63. **Future Land Use** - as defined in the Plan, FLU Map.
- G. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Gallery** - a covered promenade over a pedestrian walkway, contiguous to a street, plaza or square that is open to the public, with no usable floor area above. **[Ord. 2006-004]**
  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, 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.
  5. **Gasoline Pump** - For the purposes of Article 4.B, a mechanism that draws gasoline from underground storage tanks. A gasoline pump may have multiple dispensers and may be installed within a fueling island adjacent to queuing spaces. **[Ord. 2010-005]**
  6. **Gathering** - the bringing together of a group of people for social, civic, or other casual, public assembly.
  7. **Gazebo** - accessory building consisting of detached, freestanding open on all sides of the structure with a solid roof.
  8. **Generic Substance List** - for the purposes of Art. 14, those general categories of substances set forth in Appendix 1, Generic Substances List attached hereto and incorporated herein.

9. **Glare** - a discomforting condition that occurs when the brightness of a light contrasts with a low brightness background and makes it difficult for the human eye to adjust. [Ord. 2005-041]
10. **Golf Course** - a facility providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.
11. **Government Facilities** - lands that are owned by a unit of local, state, or federal government, that support government services, customary government operations, or delivery of public services. [Ord. 2007-013]
12. **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.
13. **Grade, Finished** - see Chapter 2, Section 202 of the Florida Building Code for definition of Grade and all applicable PBC Amendments.
14. **Grain Milling or Processing** - means facilities for processing and storing grain or other nonperishable crops. Typical uses include cotton gins and grain mills.
15. **Grass Parking** - for the purposes of Art. 6, off-street turf parking spaces on an improved subbase.
16. **Grave Good/ Funerary Object** - for the purposes of Art. 9, any material culture object that is associated with a human burial. [Ord. 2008-037]
17. **Grease Trap** - for the purposes of Art. 15, a watertight receptacle or reservoir receiving wastewater from a kitchen or other source containing grease.
18. **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.
19. **Greenhouse** - an accessory structure consisting of a glass or hard plastic enclosure used to protect plants from insects, heat, cold and exposure to the sun.
20. **Greenway** - multi-purpose open space corridors of private and public lands, which may be located within a public street, an edge area, a landscape buffer, or an easement, and may contain pedestrian paths, bicycle facilities, jogging paths, equestrian paths and fitness trails. Greenways are employed to provide usable open space close to residential areas, and provide alternative access ways connecting a variety of uses, such as residential areas, parks, school, cultural facilities and employment centers. Greenways also provide aquifer recharge, preserve unique features or historic or archaeological sites, and can link urban rural areas.
21. **Groom's Quarters** - on-site living quarters for persons responsible for grooming and caring for horses boarded at a stable. Occupancy shall be limited to on-site employees and members of the employees' family only.
22. **Gross Acreage** - see Gross Land Area.
23. **Gross Land Area** - the total area, including all public and private areas within the legal boundaries of a particular parcel of land or project.
24. **Gross Leasable Area (GLA)** - see Floor Area, Gross Leasable.
25. **Gross Trips** - for the purposes of Art. 12, Project Trips plus internal trips.
26. **Ground Cover** - for the purposes of Art. 7, plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.
27. **Ground Floor** - a level of building, the floor of which is located not more than two feet below nor more than six feet above finished grade.
28. **Ground-Level Barrier** - for the purposes of Art. 14, any natural or artificial structure rising above the ground which prevents beachfront lighting from shining directly onto the beach-dune system.
29. **Ground Water** –
  - a. Water beneath the surface of the ground within a zone of saturation where such water is at or above atmospheric pressure, whether within the voids between soil particles or within solution channels or fractures in rock.
  - b. For the purposes of Art. 14.B, water that fills all the unblocked voids of underlying material below the ground surface, which is the upper limit of saturation, or water which is held in the unsaturated zone by capillarity.
  - c. For the purposes of Art. 15, a source of water existing below the surface of the ground and not exposed to the atmosphere.
30. **Groundwater and Natural Resources Protection Board (GNRPB)** - for the purposes of Art. 14.B, that board designated by the BCC, to hear alleged violations of this Chapter and other state and local laws protecting the groundwater and natural resources of PBC.
31. **Groves/Row Crops** - the cultivation of fruits and vegetables for bona-fide agricultural purposes.
32. **Grubbing** - removal of vegetation from land by digging, raking, dragging or otherwise disturbing the roots of the vegetation and the soil in which roots are located.

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33. **Guarantee** - sufficient funds over which PBC has control irrevocably committed by written instrument to secure complete performance of a contract for required improvements, condition of a Development Order or Road Agreement.
34. **Guest Cottage** - accessory sleeping quarters provided for non-paying guests by the occupant of a single-family or ZLL dwelling unit.
35. **Gun Club** - an open or enclosed facility used for the discharge of firearms or projectiles at targets.
36. **Gun Range, Private** - for the purposes of Art. 4, a private facility, open or enclosed, used for the discharge of firearms or projectiles at targets and not to be used for commercial purposes or by the general public.
37. **Guyed Tower** - a structure that is supported either partially or completely by guy wires and ground anchors.

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

1. **Habitable Room** - a room occupied by one or more persons for living, eating, sleeping, or working purposes. It does not include toilets, laundries, serving and storage pantries, corridors, cellars, and spaces that are not used frequently or during extended periods.
2. **Handicap Space** - for the purposes of Art. 6, a parking space designed, marked and reserved for exclusive use by persons registered as handicapped.
3. **Handicapped Person** - has the meaning given in F.S. §760.22(7).
4. **Hardship** – for the purposes of Art. 18, see Exceptional Hardship. **[Ord. 2004-013]**
5. **Hatchling** - for the purposes of Art. 14, any specimen of sea turtle, within or outside of a nest, which has recently hatched from an egg.
6. **Hatracking** - see Pruning, Hatracking.
7. **Hazard** - for the purposes of Art. 16, an advisory determination rendered by the FAA at the conclusion of an Aeronautical Study made under FAR Part 77 indicating the proposed structure is not a safe and/or efficient use of airspace.
8. **Health Hazard** - any condition, device, or practice in a water supply system or its operation, which creates or may create an imminent or substantial danger to the health and well-being of the water consumer.
9. **Health Threat** - for the purposes of Art. 15, any condition, device or practice in a water supply system or its operation which creates or may create an imminent or substantial danger to the health and well being of the water consumer.
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.
11. **Hedge** - for the purposes of Art. 7, a landscape barrier consisting of a continuous, dense planting of shrubs. A series of shrubs planted in a manner so as to form a continuous visual screen.
12. **Heliport or Vertiport** -
  - a. Any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft.
  - b. For the purposes of Art. 16, an identifiable ground level or elevated area which is validly licensed by the State of Florida for public use and is intended to be used for the take off and landing of helicopters, tilt rotors or any other vertical takeoff and landing rotorcraft.
13. **High Probability Area/Zone/Section/Portion/Tract** - for the purposes of Art. 9, terms used to describe a geographical area in real space that has an increased potential of containing previously undocumented archaeological or historic resources. These areas have dissimilar landforms compared to the surrounding landscape (an example would be an increase in elevation), have or had diverse ecological environments (examples include tree islands, low hammocks, coastal hammocks, costal dunes and strands) all are located within a reasonable proximity to a freshwater source, and a close proximity to any known archaeological sites. **[Ord. 2008-037]**
14. **Highest Adjacent Grade** - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
15. **Highest Adjacent Natural Grade (HANG)** – for the purposes of Art. 18, the highest natural elevation of the ground surface, prior to the start of any past or proposed construction, immediately next to the proposed exterior walls of a building. **[Ord. 2004-013]**

16. **Historic District** - for the purposes of Art. 9, a geographically defined area with a significant concentration, linkage, or continuity of sites, improvements, or landscape features united by historic events or by plan or physical development, and which area has been designated as a historic district, pursuant to Art. 9.B, Historic Preservation Procedures. Any historic district may have within its area contributing and non-contributing buildings or other structures that contribute to the overall visual character of the district.
17. **Historic Resources** - for the purposes of Art. 9, all evidences of human occupations that date from historic (i.e., recorded history) periods. These resources include documentary data (i.e., written records, archival material, photographs, maps, etc.) sites, artifacts, buildings, structures and all other cultural resources and relevant information pertaining to them. Historic resources are cultural resources and may be considered archaeological resources when archaeological work is involved in their identification.
18. **Historic Structure** - for the purposes of Art. 18, any structure that is listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register or certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district or individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on the Historic Palm Beach County Preservation Board's inventory of historic places. **[Ord. 2004-013]**
19. **Historical Traffic Growth Table** - for the purposes of Art. 12, a table prepared by the County Engineer showing the preceding three year's increase or decrease in Average Daily Traffic or two-way Peak Hour Traffic on various Links, based upon traffic counts and which provide the information to be used in Projecting the Background Traffic.
20. **Home Instruction, Inside** - teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.
21. **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.
22. **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]**
23. **Home(s)** - for the purposes of Art. 7, single family houses, zero-lot line houses, townhouses, duplexes, multi-family dwellings or other structures intended or used for residential housing. **[Ord. 2005-002]**
24. **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]**
25. **Horizontal Plane** - means an imaginary line drawn across the bottom of a light fixture above which no light shall be emitted. **[Ord. 2005-041]**
26. **Horizontal Zone** - for the purposes of Art. 16, the area around each airport with an outer boundary constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runways and connecting adjacent area by lines tangent to those arcs. The radius of the arc specified for each end of a value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the Horizontal Zone.
27. **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.
28. **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.

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

1. **Illuminance** - the quantity of light arriving at a surface divided by the area of the lighted surface, measured in footcandles. Horizontal illuminance applies to a horizontal surface; vertical illuminance applies to a vertical surface. Average illuminance is the level of illuminance over an entire illuminated target area. Maximum illuminance is the highest level of illuminance on any point within the entire area; minimum illuminance is the lowest level of illuminance on any point within the target area. [Ord. 2005-041]
2. **Illuminance Levels** - for the purpose of Art. 5.E.4.E, Outdoor Lighting, all illuminance levels and foot candles means the maintained illuminance levels utilizing lamp manufacture mean lumen values. The average illuminance level applies to an entire illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal illuminance levels. [Ord. 2005-041]
3. **Illumination** - for the purposes of Art. 14, any artificial light source directly or indirectly cast within the jurisdictional boundaries of this Chapter and visible from the beach.
4. **Impact Fee Coordinator** - the person responsible for the administration of PBC's Impact Fee program.
5. **Improvement** - for the purposes of Art. 9, any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, foundation, sign, work of art, earthworks, sidewalk, or other man-made objects constituting a physical change or betterment of real property, or any part thereof.
6. **Improved Parcel** - for the purposes of Art. 14, real property which has undergone an alteration from its natural state, initiated by the parcel owner or predecessor in interest, but not those alterations initiated on private property by a governmental agency. For the purpose of this Chapter alterations are at least the following: land clearing and relocation of native vegetation, mining and excavation, agriculture; installation of construction of paved or unpaved roads and paths, canals and structures for human or agricultural use.
7. **Improvement Value** - For the purposes of Article 1.E and Article 1.F, Improvement Value means a value placed on a structure and shall be determined by the PBC Property Appraiser. Also see Article 1.I.2.I, for definition of Improvement. [Ord. 2010-005]
8. **Incinerator** - a permanent facility operated alone or in conjunction with a resource recovery facility or landfill for the purpose of burning biohazardous waste, solid waste or trash to ash as regulated by the ERM under [Ord. No.1992-022] and Ord. No.1992-023, as amended.
9. **Income, WHP** - The following household income ranges shall apply to the WHP. These income ranges are based on the Area Median Income (AMI) for Palm Beach County, as published annually by the U.S. Department of Housing and Urban Development. [Ord. 2006-055]
  - a. **Income, Low** - A family of four that earns between 60 and 80 percent of the County's median income. [Ord. 2006-055]
  - b. **Income 1, Moderate** - A family of four that earns between 80 and 100 percent of the County's median income. [Ord. 2006-055]
  - c. **Income 2, Moderate** - A family of four that earns between 100 and 120 percent of the County's median income. [Ord. 2006-055]
  - d. **Income, Middle** - A family of four that earns between 120 and 150 percent of the County's median income. [Ord. 2006-055]
10. **Incompatibility of Land Uses** - the undesirable health and safety effects arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including aesthetics, noise, vibration, smoke, hazardous odors, radiations and other land use and environmental conditions such as the intensity, character, impact or amount of traffic.
11. **Incompatible Sites** -
  - a. Residential uses or pods adjacent to non-residential uses or pod.
  - b. Residential uses or pods adjacent to residential uses or pods with a density difference greater than three units per acre.
12. **Inconsistent Use** - any and all construction not related to the purpose of the easement, and any and all landscaping other than turf grass (seed/sod).
13. **Incorporated Vegetation Plan** - for the purposes of Art. 14, a comprehensive document or site plan that provides parcel specific information for native trees, excluding trees within Native Upland Preserves or Tree Preservation Areas, to be incorporated on the parcel. Documented trees are to be three inches or greater DBH, and palm trees with a minimum overall clear trunk height of eight feet. The Incorporated Vegetation Plan may be performed by a State of Florida licensed surveyor and mapper, using contemporary surveying techniques, or other professional using Global Positioning System (GPS) equipment with sub meter accuracy.

14. **Independent Calculation/Independent Analysis** - for the purposes of Art. 13, the data, analysis and report prepared by a feepayer for the purpose of establishing a different impact fee amount than the one set forth in the Impact Fee Schedule.
15. **Industrial Equipment/Heavy Machinery** - farm tractors and implements, bulldozers, drag lines, cranes, derricks, heavy earth moving equipment normally used in farming, excavation or heavy construction activities. For the purposes of this definition, all machinery that uses steel tracks for traction shall also be considered heavy machinery.
16. **Industrial, Hazardous or Toxic Waste** - for the purposes of Art. 15, as defined by Rule 64E-6, F.A.C..
17. **Infill Project** - a development project located on a parcel located in a predominantly developed area and adjacent to existing residential, commercial, or civic land uses on at least two sides.
18. **Ingress** - entry to lot or structure.
19. **In-kind Contribution** - for the purposes of Art. 13, the conveyance, dedication, construction, placement, delivery or remittance of land, buildings, improvements, fixtures, personal property or money to PBC or the PBC School Board for capital facilities for which impact fees are levied in Art. 13, Impact Fees.
20. **Inhabited Residential** - for the purposes of Art. 5, regularly occupied by the complainant and occupied at the time of the complaint.
21. **Instrument Approach Procedure** - for the purposes of Art. 16, a specified, published set of operating procedures issued by the FAA and used by a pilot to land an aircraft at an airport without visual reference to the ground.
22. **Integration** - For the purposes of Art. 3.B, Overlays and determining consistency with FLUE Policy 2.4-b and the vertical integration provision of FLUE Policy 2.2.2-f of the Plan, functional or vertical integration shall mean the horizontal or vertical combination of residential and non-residential uses that forms a single project providing for pedestrian and built form connectivity between uses, parking areas and public spaces. [Ord. 2006-004] [Ord. 2006-036] [Ord. 2009-040]
23. **Integration** - For the purposes of Art. 3.B.15.E.1, Mixed Use and determining consistency with FLUE Policy 2.4-b and the vertical integration provision of FLUE Policy 2.2.2-f of the Plan, functional or vertical integration shall mean the horizontal or vertical combination of residential and non-residential uses that forms a single project providing for pedestrian and built form connectivity between uses, parking areas and public spaces. [Ord. 2006-004] [Ord. 2006-036]
24. **Instrument Landing System (ILS)** - for the purposes of Art. 16, a landing approach system that establishes a course and a descent path to align aircraft with a runway for final approach.
25. **Intensity** - the number of square feet per acre and specific land use for non-residential uses.
26. **Intensity Entitlement** - for the purposes of Art. 2, the amount of intensity granted by PBC if a parcel couldn't satisfy concurrency as stated in the FLUE of the Plan, as amended.
27. **Interior Area** - for the purposes of Art. 7, the entire parcel to be developed exclusive of the required front, rear, or side perimeter landscape areas.
28. **Intermodal Transfer Center** - For the purposes of Art. 5.H, Mass Transit Standards, A station area adjacent to or within 6 to 8 miles of Mass Transit serving two or more Palm Tran Bus Routes at a time with a covered waiting area providing any or all of the above Infrastructure/Facilities including commuter parking is considered an Intermodal Transfer Center/Terminal. [Ord. 2008-003]
29. **Internal Trips** - for the purposes of Art. 12, trips from a Proposed Project that do not exit the Project or enter the Major Thoroughfare system.
30. **Inundation** - the presence of water, in motion or standing, of sufficient depth to damage property due to the mere presence of water or the deposition of silt or which may be a nuisance, hazard or health problem.
31. **Invasive Non-Native Plant Species** - any plant not indigenous to the State of Florida, which exhibits, or has the potential to exhibit, uncontrolled growth and invasion or alteration of the natural qualities of any native habitat. A list of invasive, non-native plant species shall be maintained by the ERM.
32. **Irreparable or Irreversible Harm** - A substantial injury that is beyond the possibility of repair; the injury suffered cannot be undone; damage or destruction of a natural resource that is so substantial and permanent that it is beyond the possibility of being repaired or restored to its previous condition. A natural resource shall be deemed irreparably harmed when an activity taken or caused by a person or persons alters the natural resource to such a degree that it cannot reasonably be restored or returned to the condition existing immediately prior to such alteration. A non-renewable natural resource shall be deemed irreparably harmed when the resource has been permanently removed or consumed. There shall be a rebuttable presumption that a natural resource has been irreparably harmed when the nature or extent of the alteration makes it impossible to ascertain the pre-alteration

condition of the natural resource. A natural resource shall not be deemed irreparably harmed when the alteration of the natural resource is authorized by County law. [Ord. 2006-036]

33. **Irrigation System** - a system of pipes or other conduits designed to transport and distribute water to plants.

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

1. **Jersey Barrier** - a device installed around the base of towers, guy anchors, or supports to protect structural integrity from vehicular impact.
2. **Jurisdictional Boundaries** - the area between the mean high water line of the Atlantic Ocean as well as the Jupiter, Lake Worth, South Lake Worth, and Boca Raton Inlets and a line 500 feet inland for structures greater than two stories tall or a line 300 feet inland for all other structures.

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

1. **K Factor** - for the purposes of Art. 12, the ratio of peak hour traffic to average daily traffic, as provided in the FDOT Quality/Level of Service Handbook. Example: ADT=10,000, peak hour traffic=1,000, k=0.10.
2. **Kenel, 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 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. **Kenel, Type I (Private)** - any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, owned by the occupants of the premises. [Ord. 2006-036]
4. **Kiosk** - a freestanding outdoor unmanned structure which offers products for sale.
5. **Kitchen** - that portion of a structure used or designed to be used for the preparation of food, and including or designed to include a stove with a 220 volt line, refrigerator, sink and cupboards.

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

1. **Laboratory** - for the purposes of Art.14, a designated area or areas used for testing, research, experimentation, quality control, or prototype construction, but not used for repair or maintenance activities (excluding laboratory equipment), the manufacturing of products for sale, or pilot plant testing.
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.
3. **Lake, Excavated** - a body of water, excluding canals of conveyance, greater than one acre in size or greater than six feet in depth from OWL and which will remain open for longer than 180 days. Multiple (more than one) bodies of water constructed on a parcel or parcels of property under common ownership or control shall be considered a lake when such water bodies have a combined surface area greater than one acre.
4. **Lake, Excavated-existing** - body of water constructed, under construction or to be constructed under permit of a jurisdictional agency prior to June 16, 1992.
5. **Lake, Finger** - that portion of a dead-end water body, which is less than 50 feet in width, and longer than one and one half times its width, as measured from the point at which the dead-end water body is less than 50 feet wide.
6. **Lake Maintenance Easement** - see Easement, Lake Maintenance.
7. **Lake, Mined** - a lake created by the extraction of minerals from the earth for commercial purposes.
8. **Land** - the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.
9. **Land Application** - for the purposes of Art. 14, means the application or disposal of effluent or sludge on, above or into the surface of the ground through spray irrigation, land spreading, or other methods.
10. **Land Development Permit** - for the purposes of Art. 11, the development permit issued by PBC authorizing construction of required improvements for a subdivision
11. **Land Development Regulations** - ordinances enacted by PBC for the regulation of any aspect of development and includes any zoning, rezoning, subdivision, health, environmental, or sign regulations controlling the development of land.
12. **Landing Strip** - any private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners, farm operators, or commercial operations.



13. **Landscape** - for the purposes of Art. 7, any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).
14. **Landscape Architect** - a person licensed to practice landscape architecture under F.S. Chapter 481, Part II (Landscape Architecture) and includes the term "registered landscape architect".
15. **Landscape Barrier** - for the purposes of Art. 7, a landscape design feature constructed within a landscape buffer that is intended to channel pedestrian movement and impede vehicular access and to provide an abrupt transition between otherwise incompatible uses. A landscape barrier may consist of living plants (such as a hedge), structures (such as a wall or fence), or changes in grade (such as a berm).
16. **Landscape Buffer** - a continuous area of land which is required by Art. 7, Landscaping, to be set aside along the perimeter of a lot or parcel in which existing native vegetation, relocated native vegetation, and landscaping is used to provide a transition between and to reduce the negative environmental, aesthetic, compatibility and other impacts of one use upon another.
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.
18. **Landscaping** - any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) or nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). Landscaping may include the preservation and incorporation of existing trees, vegetation, or ecosystems into site development.
19. **Landscape Feature** - for the purposes of Art. 9, any improvement or vegetation including, but not limited to: outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture or exterior lighting.
20. **Landscape Hierarchy** - for the purposes of Art. 7, planting creating a ranking of plants from small to large.
21. **Landscape Plan** - a plan showing the location, quantity, and variety of plants to be installed on a non-residential, multi-family, or residential planned development. This plan may also show the location of hardscape elements, buffers, or other landscape-related items.
22. **Large Scale Development** - any large single tenant retail use, with or without accessory tenants, in a single building, occupying 65,000 gross square feet or more. **[Ord. 2007-013]**
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.
24. **Legal Access** - see Access, Legal.
25. **Legal Positive Outfall** - the permanently established connection of a stormwater discharge conveyance facility serving a development site to a watercourse or water body under the control and jurisdiction of one or more public agencies, said connection being subject to all applicable agency permitting and approval requirements.
26. **Level of Service (LOS)** -
  - a. For the purposes of Art. 2, the measure of the utilization, expressed as a percentage, which is the result of comparing the number of students enrolled in any school with the satisfactory student stations (FISH capacity) at a given location or within a designated area (i.e., a CSA), e.g., a facility with 1,000 students and a FISH capacity of 970, has a LOS of 103 percent. Also referred to as the utilization of a facility.
  - b. For the purposes of Art. 12, the measure of the functional and operational characteristics of a roadway based upon traffic volume in relation to road capacity or the amount of vehicle delay or average speed.
27. **Level of Service (LOS) D** - for the purposes of Art. 12, as to Average Daily Traffic, Peak Hour Traffic two-way and Peak Direction on a Link, the numbers set forth in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, as to Traffic at an intersection, a Critical Volume of 1,400 or average delay of greater than 35 and less than or equal to 55 seconds based on the HCM 2000 operations analysis; as to speed thresholds, the numbers set forth in Table 12.B.2.C-3, 1C LOS D Speed Thresholds. **[Ord. 2005-002]**
28. **Level of Service (LOS) E** - for the purposes of Art. 12, as to Average Daily Traffic, Peak Hour Traffic two-way and Peak Direction on a Link, the numbers set forth in Table 12.B.2.C-4, 2A: LOS E-Link Service Volumes as to Peak Hour Traffic at an intersection, a Critical Volume of one 1,500 or average delay of greater than 55 and less than or equal to 80 seconds based on the HCM 2000

operational analysis, as to speed thresholds, the numbers as set forth in Table 12.B.2.C-6, 2C: LOS E Speed Thresholds

29. **Level of Service (LOS) for Rural Service Area** - the LOS established for the areas identified as the Rural Service Area in the FLUA of the Plan.
30. **Level of Service (LOS) for Urban Service Area** - the LOS established for those areas identified as the Urban Service Area in the FLUA of the Plan.
31. **Library Services** - those services provided by the PBC Library Taxing District.
32. **Light Cutoff** - for the purposes of Art. 5, a luminary with elements such as shields, reflectors, or refractor panels which direct light and eliminate light spillover and glare.
33. **Light Fixture** - any device that holds protects and provides the optical system and power connections for a lamp or emits illumination. [Ord. 2006-036]
34. **Lighting, Animated** - for the purposes of Art. 5.E.4.E, Outdoor Lighting, flashing or moving lights that otherwise change at intervals more frequently than once every six seconds. [Ord. 2005-041]
35. **Light Loss Factor** - for the purposes of Art. 5.E.4.E, Outdoor Lighting, a percentage amount applied to the actual anticipated foot-candle levels of a fixture, which reduces the calculated light level output on the photometric plan to account for lower light level output from a fixture due to the age of the bulb, debris or dust on the fixture, and other factors that degrade the output capacity of the fixture. [Ord. 2005-041]
36. **Light trespass** - the illumination of light produced by a luminaire, which is beyond the boundaries of the property on which the luminaire is located. [Ord. 2005-041]
37. **Limb** - see Branch.
38. **Limitation Ratings** - for the purposes of Art. 15, as defined by Rule 64E-6, F.A.C..
39. **Limited Use Water Systems** - for the purposes of Art. 15, a water system not covered or included in the State of Florida Safe Drinking Water Act, which is further defined as either:
  - a. Limited use commercial water system serves one or more non-residential establishments; or
  - b. Limited use community water system serves five or more residences or two or more rental residences.
40. **Limited Use Well** - for the purposes of Art. 15, a water well that is a source of potable water and is part of a limited use water system.
  - a. U.S. Fish and Wildlife Service;
  - b. Florida Fish and Wildlife Conservation Commission;
  - c. Florida Committee on Rare and Endangered Plants and Animals;
  - d. Florida Department of Agriculture and Consumer Services; and
  - e. Treasure Coast Regional Planning Council.
41. **Line of Sight of Beach** - for the purposes of Art. 14, any position that is visible from any portion of the nesting beach at sand level and is not limited to a shore perpendicular direction.
42. **Link** - for the purposes of Art. 12, the portion of a Major Thoroughfare between two Major Intersections.
43. **Listed Species** - for the purposes of Art. 14, any animal or plant species listed as endangered, threatened, rare, or of special concern by one or more of the following agencies:
  - a. U.S. Fish and Wildlife Service;
  - b. Florida Fish and Wildlife Conservation Commission;
  - c. Florida Committee on Rare and Endangered Plants and Animals;
  - d. Florida Department of Agriculture and Consumer Services; and
  - e. Treasure Coast Regional Planning Council.
44. **Litter** - any garbage, rubbish, trash, refuse, can, bottle, box, container, paper, tobacco product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, or air pollution control facility, or substance in any form resulting from domestic, industrial, commercial, mining, or government operations.
45. **Littoral Zone** - that region of the shoreline beginning at the OHW and extending waterward to a maximum depth of minus three feet OHW.
46. **Live/Work** - a mixed use supporting one residential dwelling unit collocated with any non-residential use permitted pursuant to the applicable Zoning District, where permitted by the Florida Building Code. [Ord. 2010-005]
47. **Loading Area** - For the purposes of Art. 6, an area consisting of two or more loading spaces. [Ord. 2008-037]
48. **Loading Bay** - For the purposes of Art. 6, a portion of a structure where deliveries are loaded and unloaded. [Ord. 2008-037]

49. **Loading Dock** – For the purposes of Art. 6, a platform where trucks can be loaded or unloaded. **[Ord. 2008-037]**
50. **Loading Space** – for the purposes of Art. 6, the space within which vehicles are temporarily parked during loading and unloading operations.
51. **Local Bus** – For the purposes of Art. 12, transit service interconnecting communities with employment centers and/or other attractions. **[Ord. 2006-036]**
52. **Local Government** - PBC, or a municipality in PBC.
53. **Local Government Development Order** - a Development Order properly issued by PBC through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. It shall include Affidavits of Exemption and Subdivision approval. It typically involves the submission and review of a master plan, site plan, or building plans, but may not necessarily involve such. It shall not include land use designations established by a Local Government's Comprehensive Plan. It does not include comprehensive general rezoning/district boundary changes initiated by PBC. It typically involves a petition of the land owner for his property alone and not adjoining properties. It does not include vegetative removal, clearing, grading or demolition permits.
54. **Local Government Plan** - for the purposes of Art. 12, the Comprehensive Plan of the Local Government adopted pursuant to Part II of F.S. Chapter 163.
55. **Local Planning Agency** - the local planning agency designated by the BCC to prepare the Comprehensive Plan pursuant to F.S. § Sec. 163.3161.
56. **Local Shuttle** – For the purposes of Art. 12, transit service connecting two developments: a) residential to interrelated services, or b) residential to employment centers. **[Ord. 2006-036]**
57. **Lot** -
  - a. The smallest division of land identified as a single unit of ownership for conveyance and legal development purposes, and delineated by a closed boundary, which is either:
    - 1) Depicted on a recorded plat;
    - 2) Depicted on a survey, map, or drawing for which an affidavit or waiver or affidavit of exemption has been recorded; or
    3. Described on a recorded deed or agreement for deed.
  - b. The total area of abutting lands joined pursuant to a recorded unity of title shall be deemed a single lot for the purposes of this Code. As used herein, the term shall be synonymous with the terms "plot," "parcel," or "tract" when referring to lands within a closed boundary not further divided by one or more interior property lines.
  - c. For the purposes of Art. 15.A, as defined by F.S. §381.0065(2).
58. **Lot Area** - the total horizontal area included within lot lines.
59. **Lot, Corner** - either a lot bounded entirely by streets, or a lot which adjoins the point of intersection of two or more streets.
60. **Lot Depth** - the horizontal length of a straight line drawn from the midpoint of the front property line of a lot to the midpoint of the rear property line.
61. **Lot Frontage** -
  - a. That side of the property line abutting a legally accessible street. On a corner lot, the frontage may be designated by the owner, subject to the approval by the Zoning Division who will determine whether it is consistent with the orientation of the other lots and improvements on the same side of the accessible street. **[Ord. 2006-004]**
  - b. For the purposes of TDD, WCRAO or IRO projects where a build-to-line is required, and vehicular access may be from the side or rear of the property, the property line used to meet the build-to-line requirements shall be the lot frontage. **[Ord. 2006-004] [Ord. 2010-005]**
62. **Lot, Flag** - a lot not meeting the minimum frontage requirement and where access to a public street is established by a narrow private street or easement.
63. **Lot, Interior** - any lot neither a corner lot nor a through lot.
64. **Lot Line, Front** - the lot line adjacent to a street.
65. **Lot Line, Interior** - any lot line not adjacent to a street.
66. **Lot Line, Rear** - that lot line which is opposite, generally parallel to, and most distant from the front lot line.
67. **Lot, Double Frontage** - any lot having frontage on two nonintersecting streets.
68. **Lot Width** – the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear property lines.

69. **Lots, Clustered** - residential parking lots grouped on a common street or parking tract where access is either a dead-end street, loop, or otherwise designed so as to preclude its extension for access to additional lots.
  70. **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.
  71. **Lowest Adjacent Roadway Crown (LARC)** - for the purposes of Art. 18, the lowest elevation of any point in the crown of a street or road immediately next to the site of a new structure. **[Ord. 2004-013]**
  72. **Lowest Floor** - for the purposes of Art. 18, the lowest floor of the lowest enclosed area (including basement) of a building. Any unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards. **[Ord. 2004-013]**
  73. **Lumen** – a unit of luminous flux. One footcandle is one lumen per square foot. **[Ord. 2005-041]**
  74. **Luminaire** – a complete lighting system, which includes a fixture and any associated freestanding pole or other similar structure. **[Ord. 2005-041]**
  75. **Luminaire Height** – the measurement from a paved or landscaped surface at ground level directly under the fixture to the top of the luminaire. **[Ord. 2005-041]**
- M. **Terms defined herein or referenced 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.
  2. **Machinery, Heavy** - see Industrial equipment/heavy machinery.
  3. **Maintenance** - repair or fix existing walls, fixtures, wiring, air conditioning and plumbing necessary to permit structures to remain in a state of good repair without creating additional improvements. See Repair for additional allowed improvement. **[Ord. 2010-005]**
  4. **Major Intersection** - for the purposes of Art. 12, the juncture of two or more Major Thoroughfares.
  5. **Major Road Network System** - all arterial and major collector roads in PBC (excluding local roads and minor collectors), and all roads on the thoroughfare R-O-W identification map of the Plan. The distinction between major and minor collectors shall be made by the County Engineer, based upon accepted traffic engineering principles. Consideration shall be given to such factors as traffic volumes, trip length continuity, and access.
  6. **Major Thoroughfares** - for the purposes of Art. 12, Major Thoroughfares are:
    - a. All streets as defined in the Thoroughfare R-O-W Identification Map, Map TE 14.1 of the Plan as it may be amended.
    - b. All existing, proposed or approved roadways that function or would function as major thoroughfares as determined by the County Engineer based on consideration of the following criteria:
      - 1) Provides continuity of an existing roadway;
      - 2) Provides connectivity to other Links of the thoroughfare network;
      - 3) Carries or is projected to carry a volume of at least 1,310 two - way peak hour trips;
      - 4) Provides an opportunity for decreasing vehicle miles traveled;
      - 5) Provides an alternative to a parallel thoroughfare network roadway such that the demand on the parallel roadway is decreased.
    - c. All proposed and approved roads that would, if built, function as arterials and major collectors during the Buildout Period of the Proposed Project as determined by the County Engineer in accordance with accepted Traffic Engineering principles.
    - d. As to restricting the issuance of Site Specific Development Order's, it shall not include roads, which are the responsibility of any Municipality pursuant to functional classification under F. S. Chapter 335.
  7. **Maneuvering Area** – For the purposes of Art. 6, an area of sufficient size to allow adequate turning motions for a vehicle to ingress/egress a loading area or loading bay. **[Ord. 2008-037]**
  8. **Mangrove** - any specimen of the species *Avicennia germinans* (black mangrove), *Laguncularia racemosa* (white mangrove), *Rhizophora mangle* (red mangrove), or *Conocarpus erecta* (buttonwood).
  9. **Mangrove Fringe** - those shoreline mangrove areas whose width does not exceed 30 feet as measured from the landward edge of the mangrove trunk most landward of MHW (or MHW itself in

the absence of any landward tree), waterward along a line perpendicular to MHW, to the waterward edge of the mangrove trunk most waterward of MHW.

10. **Mangrove Stand** - an assemblage of mangrove trees that is mostly low trees noted for a copious development of interfacing adventitious roots above the ground and that contain one or more of the following species: black mangrove (*Avicennia germinans*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and buttonwood (*Conocarpus erecta*).
11. **Manufactured Building** - a 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, which 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.
12. **Manufactured Home** - for the purposes of Art. 18, a single-family dwelling constructed entirely in a controlled factory environment built to HUD standards; defined in 24 CFR 3280.2 Subpart A Definitions as amended or replaced, as a structure transportable in one or more sections, which in the traveling mode, is eight feet or more in width or 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities which includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purpose of this Article, "mobile home" is considered to be synonymous with manufactured home. The term includes, but is not limited to, park trailers, travel trailers and commercial trailers placed on site for 180 consecutive days or longer and intended to be improved property. Those manufactured buildings for residential, commercial, institutional or other use, constructed under DCA programs for compliance with Florida Building Code are excluded from this definition. **[Ord. 2004-013]**
13. **Manufactured Home Park or Manufactured Home Subdivision** -
  - a. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, or the construction of streets) is completed on or after the effective date of this Code. See also manufactured building.
  - b. For the purposes of Art. 18, a parcel or contiguous parcel, of land divided into two or more manufactured home lots for rent or sale.
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.
15. **Map of Known Archaeological Sites** - for the purposes of Art. 9, a map adopted as part of this Article and updated as needed identifying known archaeological sites in the unincorporated areas of PBC.
16. **Marginal Access Street** - see Street, Marginal Access.
17. **Marina** - see Marine Facility.
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]**
19. **Market Value** - for the purposes of Art. 18, the building value, excluding the land, as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value), or adjusted assessed values. **[Ord. 2004-013]**
20. **Mass Transit Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or the construction of or purchase of mass transit facilities and equipment necessary to meet the LOS for mass transit facilities.
21. **Master Plan or Site Plan** -
  - a. For the purposes of Art. 2 and 3, a Master Plan or a Site Plan means a graphic and informational representation of a specific design solution for a development phase or entirety, meeting the requirements and conditions of this Code. The Master Plan or a Site Plan shows an overall development concept including present property uses as well as proposed land development

- uses, and layout of design and infrastructure components. Various stages of refinement and government approval qualify the Master Plan or the Site Plan to be certified as the proposed Master Plan or Site Plan. [Ord. 2009-040]
- b. For the purposes of Art. 12, a Master Plan or Site Plan shows how parcels and uses in a mixed-use development will integrate with one another. The Master or Site Plan dictates access, mitigation strategies, the build-out timeframe and shall be the controlling document for a mixed-use development. Approval of a Master Plan or Site Plan shall be binding upon the landowners subject to the Development Order, their successors and assigns, and shall constitute development regulations for the land. Development of the land shall be limited to the uses, intensities, access, configuration, mitigation strategies, and all other elements and conditions set forth in the Master Plan or Site Plan. Requirements for the submittal of a preliminary master or site plan and a final master or site plan to the Zoning Division are indicated in Art. 2 pursuant to the type of zoning application being submitted. [Ord. 2006-036] [Ord. 2009-040]
22. **Master Sign Plan** - for the purposes of Art. 8, a coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.
23. **Master Storm Water Drainage System** – for the purposes of Art. 18, an engineered system, which may include culverts, retention areas, water control gates, control devices, earth grading and/or minimum floor elevations in development of building sites, designed to ensure less than one percent annual chance of flooding of the building sites. [Ord. 2004-013]
24. **Material Culture** - for the purposes of Article 9 is any object that has been modified by a human being. [Ord. 2008-037]
25. **Material, Excess** - excavated material not required for backfill or grading of the premises as determined by a final site plan.
26. **Material, Extractive or Excavated** - earth, sand, gravel, rock, shellrock, muck, or other mineral or organic substance, other than vegetation, which naturally occurs upon a lot.
27. **Maximum Contaminant Level** - for the purposes of Art. 15, the maximum permissible level of a contaminant in water which is delivered to any user of a water supply system.
28. **Maximum Day** - for the purposes of Art. 15, the highest day of water consumption within any 24-hour period from midnight to midnight excluding fire flow.
29. **Mean High Water** - for the purpose of Art. 15, the average height of tidal high water over a 19-year period.
30. **Mean Sea Level** –
- a. The average height of the sea for all stages of the tide based on the NGVD.
- b. For the purposes of Art. 18, the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Article, the term is synonymous with 1929 National Geodetic Vertical Datum (NGVD). [Ord. 2004-013]
31. **Mechanical Equipment** – For the purposes of Art. 5, equipment and accessories, that relate to water supply, drainage, heating, ventilating, electrical, air conditioning and similar purposes. [Ord. 2008-037]
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 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.
34. **Membrane BioReactor Systems** - Facilities that treat raw sewage to tertiary levels for reuse water (irrigation quality water) or for discharge (ground or surface water recharge). These systems are enclosed within buildings and utilize hollow fiber or flat plate membranes and combine clarification, aeration and filtration to produce consistent, high quality effluent suitable for any discharge or reuse application. On-site storage tanks, distribution pumps and electrical equipment may also be associated with these facilities. [Ord. 2007-013]
35. **Mezzanine** - see Building Mezzanine.

36. **Midden** – is a deposit of material culture refuse. Midden soils contain a high abundance of cultural resources and occasionally human remains. Midden soils tend to differ in color and composition from the surrounding soil matrix. [Ord. 2008-037]
37. **Military Installation** - a facility designed for use by a branch of the United States Armed Forces.
38. **Minimum Descent Altitude (MDA)** - for the purposes of Art. 16, the lowest altitude expressed in feet above mean sea level (AMSL), to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure (SIAP) where electronic glide slope is not provided.
39. **Minimum Obstruction Clearance Altitude (MOCA)** - for the purposes of Art. 16, the lowest published altitude in effect between radio fixes on Federal VOR airways, off-airway routes, or route segments that meets obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage only within twenty-two miles to a VOR.
40. **Minimum Vectoring Altitude (MVA)** - for the purposes of Art. 16, the lowest altitude AMSL at which aircraft operating under IFR conditions will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.
41. **Mitigation** - for the purposes of Art. 9, a process designed to ameliorate adverse impact of an activity on a cultural resource by the systematic removal of the prehistoric, historic, or architectural data in order to acquire the fundamental information necessary for understanding the property within its proper historic context.
42. **Mixed Housing Projects** – for the purposes of Art. 5.G, Density Bonus Programs, projects that include both market rate and affordable units, and promote a balance of housing opportunities. [Ord. 2005-002]
43. **Mixed Use** - for the purposes of Art. 13, means a group of different uses of land within a tract of land or a building for which applications for development permits are sought.  
For the purposes of Art. 3.B.15, WCRAO, Westgate Community Redevelopment Agency Overlay, also means the combination of residential and one or more non-residential uses that are functionally integrated. [Ord. 2006-004]
44. **Mixed-Use Strategy** – For the purposes of Art. 12, the development of a neighborhood, tract of land, building, or structure combining residential development with a variety of complementary and integrated uses, such as, but not limited to, office, manufacturing, retail, public, and recreation, in a compact urban form. The purpose of a mixed-use development strategy for the Okeechobee Boulevard corridor is to internalize as much site-generated traffic as possible so as to reduce impact on the external streets. However, not all mixed use developments will necessarily maximize internalization and limit the amount of additional external traffic impact. Studies (such as the ITE Trip Generation Handbook) which show interactions between various land use combinations should be used as a guide in determining the optimal mix and quantities of land uses for a particular site. [Ord. 2006-036]
45. **Mobile Home** - A detached, transportable single family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.
46. **Mobile Home Dwelling** - for the purposes of Art. 4, the use of a lot or a unit for one mobile home.
47. **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.
48. **Monopole Tower** - for the purposes of Art. 4, a structure that consists of a single pole supported by a permanent foundation.
49. **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.
50. **Motor Vehicle** - the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.
51. **Mound System** - for the purpose of Art. 15, a drainfield system in which the distribution pipe is installed in fill material above natural grade.

52. **Mulch** - for the purposes of Art. 7, non-living organic material customarily used in landscape design to retard erosion and retain moisture.
53. **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.
54. **Multi-Family Water System** - for the purposes of Art. 15, a water system that provides potable water for three to four residences, one of which may be a rental residence.
55. **Multi-Family Well** - for the purposes of Art. 15, a water well that is a source of potable water and is part of a multi-family water system.
56. **Municipal Engineer** - for the purposes of Art. 12, a Professional Engineer practicing traffic engineering employed or retained by the Municipality.
57. **Municipal Official** - for the purposes of Art. 12, the public official responsible for coordinating the application of this Section in the Municipality, it may be the Municipal Engineer.
58. **Municipalities** - for the purposes of Art. 2, all municipalities in PBC, except those that are exempt from participating in the school concurrency program, pursuant to F.S. §163.3180.

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

1. **Nadir** – For the purposes of Art. 5.E.4.E, Outdoor Lighting nadir shall mean the lowest point on its sphere when measuring a foot candle. **[Ord. 2008-037]**
2. **National Geodetic Vertical Datum (NGVD)** – for the purposes of Art.18, as corrected in the year of 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain. This datum is referenced on existing FIRM of FEMA. **[Ord. 2004-013]**
3. **National Register of Historic Places** - for the purposes of Art. 9, official Federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.
4. **Native Tree(s) or Native Vegetation** - for the purposes of Art. 14, vegetation with a natural geographic distribution indigenous to the State of Florida and not introduced by humans.
5. **Native Upland Vegetation** - the plant component of a native State of Florida upland community (a characteristic assemblage of native plant and animal species which are interrelated and occupy predominantly upland terrain), which includes intact upland vegetation include, but are not limited to, Florida scrub, pine flatwoods, scrubby flatwoods, coastal dune and strand, hammocks (natural, tropical, mesic, and hydric), dry prairies, and drained cypress heads.
6. **Native Vegetation Community** - for the purposes of Art. 14, a characteristic assemblage of native vegetation including scrub, pine flatwoods, scrubby flatwoods, hammocks, dry prairies, wetlands, dunes, maritime forests, freshwater and saltwater marshes, swamps and mangroves.
7. **Natural Area** - for the purposes of Art. 14, all public or private parcels as approved under this Chapter containing high quality native ecosystems that are under or assigned to a public entity for management, maintenance, and operation; or private parcels for which the parcel owner applies to ERM for designation as a natural area, is operating under a management plan approved or accepted by ERM, and is legally described in an applicable deed restriction, plat, restricted covenant, conservation easement, or a separate instrument recorded pursuant to F.S. § 704.06.
8. **Natural Disaster** - natural disaster is the consequence or effect of a hazardous event, occurring when human activities and a natural phenomenon (a physical event, such as a hurricane or landslide etc.) become enmeshed. The resulting fatalities, or property damages depend on the capacity of the population to support or resist the disaster. **[Ord. 2006-036]**
9. **Natural Disaster Damage** - loss in structural integrity due to an act of nature such as hurricane, tornado, wild fire, flood. This does not include fire, termites and other damages not related to those listed herein. **[Ord. 2010-005]**
10. **Nautical Mile** - for the purposes of Art. 16, a unit of length used in air navigation, based on the length of one minute of arc of a great circle, and equivalent to U.S. unit equal to 1,852 meters, or 6,076 feet.
11. **Neighborhood Center** - as defined in the Plan.
12. **Nest** - for the purposes of Art. 14, the area in which sea turtle eggs are naturally deposited or relocated beneath the sediments of the beach/dune system.
13. **Nesting Season** - for the purposes of Art. 14, the period from March 1 through October 31 of each year.
14. **Net Acreage** – For the purposes of Art. 12, a measure of the net area of the site that is available for development, excluding non-site related areas donated to and accepted by a governmental agency, by deed or easement, in perpetuity, for utility, drainage, roadway, and preservation purposes. **[Ord. 2006-036]**



15. **Net Trips** - for the purposes of Art. 12, Project Trips minus Pass-By Trips and the Previous-Approval Traffic or traffic from the Existing Use established in accordance with Art. 12.A.3.B, Credits Against Project Traffic.
16. **Net Usable Land** - for the purposes of Art. 15, the total area of a parcel less all street, wet areas, canals, R-O-Ws, drainage easements and other impairments to the owner's unrestricted use thereof as a building site.
17. **New Building** – for the purposes of Art. 18, a structure that encloses an area for any use, and shall not include structures such as walls, playground equipment or gas tanks, for which the “start of construction” commenced on or after the effective date of this Article. The term also includes any subsequent improvements to such buildings. **[Ord. 2004-013]**
18. **New Capital Facilities** - for the purposes of Art. 13, newly constructed, expanded or added capital facilities which provide additional capacity. New capital facilities shall not include that portion of reconstruction or remodeling of existing facilities that does not create additional capacity.
19. **New Construction** -
  - a. For the purposes of Art. 13, structures for which the start of construction commenced on or after the effective date of this Code.
  - b. For the purposes of Art. 18, any structure, including duct work and Heating, Ventilating, and Air Conditioning (HVAC) equipment, for which the “start of construction” commenced on or after the effective date of this Article. The term also includes any subsequent improvements to such structures. **[Ord. 2004-013]**
20. **New Manufactured Home Park or Manufactured Home Subdivision** –
  - a. See Manufactured Home Park or Manufactured Home Subdivision.
  - b. For the purposes of Art. 18, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of this Article. **[Ord. 2004-013]**
21. **No-Hazard** - for the purposes of Art. 16, an advisory determination rendered by the FAA at the conclusion of an Aeronautical Study made under FAR Part 77 indicating the proposed structure may be safely and/or efficiently accommodated in navigable airspace.
22. **Noise Level Reduction** - for the purposes of Art. 16, a comparison of outdoor to indoor Noise levels, expressed in dB., i.e., a structure requiring a 30 dB NLR is one to which modifications must be made to achieve a 30 dB reduction in interior noise levels as compared to exterior noise levels.
23. **Non-Combustible Refuse** - wastes that are unburnable at ordinary incinerator temperature (800 to 1800 degrees Fahrenheit) such as metals, mineral matter, appliances, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to operation of stores or offices.
24. **Non-Commencement** - the failure to begin, or the discontinuation of, construction activity that would make a material change in a structure as evidenced by the cancellation, lapsing, or revocation of a building permit; or the failure to begin, or the discontinuation of, any other land use activity that would make a material change in the use of land.
25. **Non-Community Water System** - for the purposes of Art. 15, a public water system that is not a community water system. A non-community system is either a non-transient non-community water system or a transient non-community water system, which are further defined as:
26. **Non-Transient Non-Community Water System** - a non-community water system that regularly serves at least 25 of the same persons for more than six months per year.
27. **Non-Community Well** – for the purposes of Art. 15, a water well that is a source of potable water and is part of a non-community water system.
28. **Non-Conforming, Sign** - for the purposes of Art. 8, a sign or advertising structure or parts therein existing within the unincorporated area on the effective date of this Code which, by its height, square foot area, location, use, operating characteristics or structural support does not conform to the requirements of Art. 8, Signage.
29. **Non-Conforming Lot** - for the purposes of Art. 1, a single lot, tract or parcel of land of record that was conforming at the time of its creation, but which fails to meet the requirements for area, width or depth under the current district regulations of this Code or the Plan.
30. **Non-Conforming Structure** - for the purposes of Art. 1, a structure that was lawfully established before this Code was adopted or amended, and that does not conform to the property development regulations of area, height, lot coverage, yard setbacks, lot location, parking, or other dimensional requirements for the zoning district in which it is located.

31. **Non-Conforming Use** - a use that was lawfully established prior to the adopted code or amendment that creates the nonconformity and now does not conform to the use regulations of the zoning district in which it is located.
  32. **Non-Conforming Use, Major** - a major nonconforming use is a use that was legally established in a zoning district where the use is now prohibited under the terms of this Code. Major nonconforming uses are inappropriately located so as to create or threaten to create incompatibilities detrimental to the public welfare.
  33. **Non-Conforming Use, Minor** - a minor nonconforming use is a use that was legally established in a zoning district under a prior code. The use has been changed to a more restrictive review and approval process under the terms of this Code, and where any DOAs or improvements to the use would exceed the development and approval thresholds or do not meet the property development regulations of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare. [Ord. 2010-005]
  34. **Non-Conformities** - for the purposes of Art. 1, uses of land, structures, lots, site elements, and property development regulations and site development standards that were lawfully established before this Code was adopted or amended, that are not in conformity with the terms and requirements of this Code. [Ord. 2010-005]
  35. **Non-Contributing Resource** - for the purposes of Art. 9, building, site, structure, or object that does not add to the historic significance of a property or district.
  36. **Non-Native Vegetation** - for the purposes of Art. 14.C, a plant not indigenous to the State of Florida, including those listed as prohibited and invasive non native vegetation in this Chapter.
  37. **Non-Plan Collector Street** - see Street, Collector, Non-Plan.
  38. **Non-Potable Water Well** – for the purposes of Art. 15, as defined by Rule 64E-6, F.A.C..
  39. **Non-Precision Instrument Runway** – for the purposes of Art. 16, a runway having a non-precision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type of navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision instrument approach facilities are planned or indicated on an appropriate FAA civil or military service airport planning documents.
  40. **Non-Residential** - for the purposes of Art. 2.
  41. **Non-Residential Construction** – for the purposes of Art. 18, new construction or substantial improvement of structures not defined as “Residential Construction” and including, but not limited, to small business concerns and commercial hotels/motels as defined by FEMA, churches, schools, nursing homes, farm buildings, government buildings, mercantile structures, industrial plants and warehouses. [Ord. 2004-013]
  42. **Non-Residential Activity** - for the purposes of Art. 14, any activity which occurs in any building, structure or open area which is not used primarily as a private residence or dwelling.
  43. **Non-Transient Non-Community Water Supply** - for the purpose of Art. 15, a water system for provision of piped water under pressure for human consumption, culinary, sanitary, or domestic purposes that regularly serves at least 25 of the same person over six months per year but is not a community water system.
  44. **North American Vertical Datum (NAVD)** – for the purposes of Art. 18, a proposed replacement datum of NGVD, identified by FEMA to be the reference of new FIRM from FEMA when current 1979 and 1982 flood maps are replaced. [Ord. 2004-013]
  45. **Nuisance** - for the purposes of Art. 5, interference with the enjoyment and use of property.
  46. **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.
  47. **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.
  48. **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:**
1. **“O” Horizon** – for the purposes of Art. 15, the layer of organic matter on the surface of a mineral soil. This soil layer consists of decaying plant residues.
  2. **Objectionable Odor** - An objectionable odor is defined as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to

- human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance, in accordance with Rule 62-210 F.A.C. **[Ord. 2006-004]**
3. **Obstruction to Air Navigation** - for the purposes of Art. 16, any existing or proposed manmade object or object of natural growth or terrain that exceeds the standards contained in this Article, and contained in 14 CFR ss. 77.21, 77.23, 77.25, 77.28, and 77.29.
  4. **Off-Peak Season** - for the purposes of Art. 12, the time from June 1 through August 15, inclusive.
  5. **Off-Site Improvements** - improvements constructed outside of the boundaries of the project which are required as a part of a development approval.
  6. **Office** - for the purposes of Art. 13, a building used primarily for conducting the affairs of or the administration of a business, organization profession, service, industry or similar activity.
  7. **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.
  8. **Office of Industrial Nature** - an establishment providing executive, management, or administrative support, but not involving medical or dental services, the sale of merchandise, or professional services (business or professional offices). Typical uses involve corporate headquarters or other similar offices whose function does not include frequent visits by the public or the provision of services.
  9. **Official Zoning Map** - the official map upon which the boundaries of each district are designated and established as approved and adopted by the governing body, made a part of the official public records of PBC, and shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the unincorporated area of PBC and incorporated into this Code by reference.
  10. **Onsite** - within the boundaries of a facility location, property or site including sites separated by public or private R-O-W.
  11. **Onsite Sewage Treatment and Disposal System (OSTDS)** - for the purposes of Art. 15, as defined by Rule 64E-6, F.A.C..
  12. **One-foot Drawdown Contour** - for the purposes of Art. 14, the locus of points around a well or wellfield where the free water elevation is lowered by one foot due to a specified pumping rate of the well or wellfield.
  13. **Open Space** - unbuilt land reserved for, or shown on the approved site plan or PDP, as one or more of the following uses: preservation, conservation, wetlands, well site dedicated to PBCWUD, passive recreation, greenway, landscaping, landscape buffer, and water management tracts. In the AGR district, open space shall also include unbuilt land use for bona fide agriculture uses.
  14. **Open to the Public** - see Park, Open to the Public.
  15. **Operating Permit** - for the purposes of Art. 14, means the permit required of certain activities under Art. 14.B.7, Wellfield Protection.
  16. **Ordinary High Water (OHW)** - for areas with an established control elevation, the control elevation will be the OHW. For areas without an established control elevation, the wet season water table prior to the excavation activity will be OHW.
  17. **Ordinary Maintenance or Repair** - for the purposes of Art. 9, any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any physical deterioration or damage of an improvement, or any part thereof by restoring it, as nearly as practical, to its appearance prior to the occurrence of such deterioration or damage.
  18. **Ordinary Water Level (OWL)** - the average level of water as determined by an engineer or by the applicant's appointee. The established water surface elevation shall consider seasonal fluctuations in the groundwater table and other factors that may cause fluctuations of the water level.
  19. **Original Value of the Structure** - the value of the structure at the time it was issued a CO, based upon an appraisal by a Member of the Appraiser's Institute (MAI).
  20. **Other Than Utility Runway** - for the purposes of Art. 16, a runway designed for and intended to be used by all types of aircraft including those having gross weights greater than 12,500 pounds.
  21. **Outdoor Display of Merchandise, Temporary** - a temporary display for the introduction, promotion or announcement of a new product.
  22. **Overlay Zoning District** - for the purposes of Art. 3, a set of zoning regulations for a defined area which are required either in addition to the standard zoning district's regulations or in lieu of those

regulations. Overlay zoning is used to protect the character of an area of special concern or to encourage new development subject to additional controls.

- 23. **Owner** - the owner of the freehold estates, as appears by deed of record. It shall not include lessees, reversioners, remaindermen, or mortgagees.
- 24. **Owner, Motor Vehicle** - the person to which the motor vehicle is registered on the motor vehicle certificate of title and shall include, if under lease, rental agreement or loan under any other type of arrangement, gratuitous or otherwise, the person having possession or control of the vehicle.

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

- 1. **Pain Management Clinic** – all privately owned pain management clinics, facilities, or offices, which advertise in any medium for any type of pain management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and are required to register with the Florida Department of Health pursuant to Sec. 458.309 or Sec. 459.005, FL Stat. (2009). A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists: 1) beyond the usual course of the disease or the injury that is the cause of the pain; or 2) more than 90 days after surgery. [Ord. 2010-009]
- 2. **Parcel** - for the purposes see Land; Art. 14, a unit of land with a legally established property line.
- 3. **Park, Beach** - for the purposes of Art. 5, facilities that front the Atlantic Ocean or its inlets and provide public beach access. Recreational facilities include those necessary to support beach access, swimming, surfing, fishing, and snorkeling as well as play areas, picnic areas, and adequate parking areas to serve those utilizing the facility.
- 4. **Park, Beach/Park, District/Park, Regional** - for the purposes of Art. 13, refer to Art. 5.D, Parks and Recreation Rules and Recreation Standards.
- 5. **Park, Community** - for the purposes of Art. 5, facilities generally more than five but less than 40 acres in size that provide active, and to a lesser degree passive, recreational facilities to population areas within three miles or less of the facility. Recreational facilities include play areas, small groups of lighted fields or courts suitable for programmed youth activities, community centers, and adequate bicycle and automobile parking areas and pedestrian paths to serve the facility.
- 6. **Park, Countywide Level** - for the purposes of Art. 5, those large scale recreational facilities for which Countywide Park Impact Fees are assessed on new residential development and that include a system of public parks generally classified as Regional, District or, Beach, and that are designed to meet the general active and passive recreational needs of the countywide populace.
- 7. **Park, District** - for the purposes of Art. 5, facilities generally greater than 40 acres in size that primarily provide active recreational facilities, and to a lesser degree some passive recreational facilities, to population areas within five miles or less of the facility if within the USA, or within ten miles or less of the facility if outside the USA. Recreational facilities typically include groups of lighted fields or courts suitable for scheduled athletic league activities, exercise trails and support facilities such as restrooms and concessions with bicycle and automobile parking areas and pedestrian path systems to accommodate park users. Special facilities such as recreation centers, aquatic centers, golf courses, and boat ramps and docks may also be included.
- 8. **Park, Local Level** - for the purposes of Art. 5, those relatively small scale recreational facilities that include both public parks generally classified as community, neighborhood, or infill neighborhood, and required private recreation areas that are designed to meet the recreational needs for specific population areas or for planned developments.
- 9. **Park, Neighborhood** - for the purposes of Art. 5, facilities generally less than five acres in size. 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. In addition to the above-mentioned characteristics, for the purposes of Art. 3.E.3, Multiple Use Planned Development (MUPD) Art. 3.E.4, Mixed Used Planned Development (MXPD), and Art. 3.F.3, Traditional Neighborhood Development (TND), neighborhood parks shall consist of usable open space within walking distance of housing.
- 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.

11. **Park, Open Space, Usable** - for the purposes of Art. 5, an area such as a park, square, plaza, or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings.
12. **Park, Open to the Public** - for the purposes of Art. 5, those park acres developed according to the Parks and Recreation Department's adopted Park Master Plan and made available to the general public for specific recreational purposes whether for a fee or free of charge.
13. **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, Private** - for the purposes of Art. 5, a privately-owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.
15. **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.
16. **Park, Regional** - for the purposes of Art. 5, facilities generally more than 200 acres in size that also provides access to a substantial natural or manmade resource base. Regional parks primarily provide passive recreational facilities, and to a lesser degree, active recreational facilities where no adverse impact on the resource base results. Recreational facilities in regional parks are primarily passive or resource based with picnicking, camping, hiking, fishing, and boating as the main activities. Special facilities such as museums, nature centers, special event areas, golf courses, or water skiing facilities may also be included, as well as some of those active facilities often found in district parks.
17. **Park Recreation and Park Facilities** - for the purposes of Art. 5, the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of buildings and park equipment necessary to meet the LOS for Urban Park and Recreation Facilities and Rural Park and Recreation Facilities.
18. **Parking Garage/Structure** - 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 and subject to:
19. **Parking Lot** - for the purposes of Art. 6, an off-street, area constructed at grade that is used for the temporary parking of automobiles, motorcycles and trucks. Parking lots include access aisles, ramps, maneuvering and all related vehicle use areas.
20. **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.
21. **Parking Lot, Shared or Common** - for the purposes of Art. 6, an off-street parking lot that serves more than one lot, building, use or dwelling.
22. **Parking, Off-Street** - for the purposes of Art. 6, the minimum number of parking spaces on the same lot or parcel of the facility that it serves.
23. **Parking, On-Street** - a row of parking spaces along a street that may be designed in a parallel or angled layout. [Ord. 2010-005]
24. **Parking, Shared** - for the purposes of Art. 6, the development and use of parking areas for joint use by separate businesses in one or more properties. Typically, sharing of parking space during off-peak hours and confirmed by a traffic analysis allows for a shared parking agreement.
25. **Parking Space** - for the purposes of Art. 6, a paved enclosed or unenclosed grass area, meeting the dimensional and access requirements of this Article, and approved to temporarily park or store one motor vehicle.
26. **Parking Tract** - for the purposes of Art. 6, a parking lot delineated on a plat or otherwise created by an instrument of record for the purpose of providing common off-street parking and legal access for owners of adjacent lots.
27. **Pass-By-Trips** - for the purposes of Art. 12, trips generated by a proposed Project which are trips already on the road Link on which the proposed Project is located.
28. **Patio** - an open unoccupied space which may be partially enclosed by a wall, fence, or building and not considered part of the residential living structure.
29. **Patio Home** - see Zero Lot Line Home.
30. **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.

31. **PBC Register of Historic Places** - for the purposes of Art. 9, official PBC list of archeological sites identified on the Map of Known Archeological Sites, and historic sites and districts designated by the BCC.
32. **PBC Standards** - for the purposes of Art. 11, the minimum standards, specifications, and details for design and construction of streets and other infrastructure improvements, as promulgated by the County Engineer pursuant to R-90-740 of the BCC as may be amended. Said standards include, but are not limited to those compiled in the most current edition of the PBC Land Development Design Standards Manual.
33. **Peak Hour Traffic** - for the purposes of Art. 12, shall mean the one hour of traffic representative of the peak period, as defined in Art.12.C.1.B.5 and includes two-way and peak direction volumes. Peak Hour Traffic shall be determined from actual traffic counts conducted by the PBC. The Project may provide actual counts, at the approval of the County Engineer, or at the approval of the County Engineer, the Peak Hour Traffic may be determined by factoring the Average Daily Traffic by an approved "K" factor. **[Ord. 2005-002]**
34. **Peak Season** - for the purposes of Art. 12, the time from January 1 through March 31, inclusive.
35. **Pennant** - see Flag.
36. **Percolation Pond** - for the purposes of Art. 14, an artificial impoundment similar to a holding pond for which the design and operation provides for fluid losses through percolation or seepage.
37. **Performance Security** –
  - a. To secure the complete performance of a contract or condition of a development order, Development Agreement, or covenant. Performance securities shall be denominated in United States dollars. The form of the security shall be approved by the County Attorney, and may include:
    - 1) Irrevocable letter of credit;
    - 2) Escrow agreement;
    - 3) Surety bond; or
    - 4) Cash bond.
  - b. For the purposes of Art. 12, sufficient funds over which PBC has control irrevocably committed by written instrument to secure complete performance of a contract or condition of a Development Order, or other Agreement in the form set forth by PBC policy of a:
    - 1) Letter of Credit;
    - 2) Escrow Agreement;
    - 3) Surety Bond; or
    - 4) Cash Bond.
38. **Perimeter Street** – For the purposes of the IRO, a private or public street R-O-W abutting the perimeter boundary of an eligible IRO parcel. **[Ord. 2010-005]**
39. **Permitted Agent of the State** - for the purposes of Art. 14, any qualified individual, group or organization possessing a permit from the Florida Fish and Wildlife Conservation Commission (FFWCC) to conduct activities related to sea turtle protection and conservation.
40. **Person** -
  - a. For the purposes of Art. 14, any individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, owner, lessee, tenant or any other entity whatsoever or any combination of such jointly or severally.
  - b. For the purposes of Art. 15 - any individual, corporation, company, association, partnership, state, subdivision of the State, municipality or federal agency.
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.
42. **Pervious Surface** - ground cover through which water can penetrate at a rate comparable to that of water through undisturbed soils.
43. **Phased Development** - development which is designed, permitted or platted in distinct, sequential stages to be developed over a specified period of time.
44. **Places of Assembly** - Includes Nonprofit Institutional Assembly, Nonprofit Membership Assembly, and Places of Worship. **[Ord. 2006-004]**
45. **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]

46. **Plan, Planting** - for the purposes of Art. 7, a plan that is not required to be done by a landscape architect, showing the location, quantity, and variety of plants to be installed on a single family, two-unit townhouse, or two-unit multi-family lot or other use as authorized by this Code.
47. **Plan** - the 1989 Comprehensive Plan of PBC, Florida, as amended.
48. **Planned Development** - a planned development district or a previously approved planned development. A regulation containing the term "planned development" that the regulation applies to a planned development district and a previously approved planned development.
49. **Planned Development, District (PDD)** - a zoning district which is approved pursuant to the policies and procedures of Art. 3.E, Planned Development Districts of this Code including: PUD, Residential Planned Unit Development District; MXPd, Mixed-Use Planned Development District; MUPD, Multiple Use Planned Development District; PIPD, Planned Industrial Park Development District; MHPD, Mobile Home Park Planned Development District; RVPD, Recreational Vehicle Park Planned Development District; and LCC, Lifestyle Commercial Center. [Ord. 2010-005]
50. **Planned Development, Previously Approved** - for the purposes of Art. 3 - a Planned Development approved by rezoning, special exception or conditional use prior to the effective date of this Code. Previously Approved Planned Developments include: Planned Unit Developments (PUD); Traditional Neighborhood District (TND) Developments; Mixed-Use Developments; Planned Neighborhood Commercial Developments (PNCD); Planned General Commercial Developments (PGCD); Large Scale Community and Regional Shopping Center Developments 30,000 square feet and 50,000 square feet; Planned Office Business Park Developments (POBPD); Planned Industrial Park Developments (PIPD); Mobile Home Rental Park, Condominium, and Conditional Use Developments; Recreational Vehicle Park Developments (RVPD); Sanitary Landfill, Resource Recovery Facility, Volume Reduction Plant and Incinerator Developments; and other special exceptions, or conditional uses approved prior to the effective date of this Code which support land uses regulated by Art. 3.E, Planned Development Districts (PDDs).
51. **Plant Species, Controlled** - those plant species, that are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.
52. **Plant Species, Native** - any plant species with a geographic distribution indigenous to all or part of South Florida. Plant species which have been introduced by man are not native vegetation.
53. **Plant Species, Prohibited** - those species as defined in the landscape section of this Code, as being demonstrably detrimental to native plants, wildlife, the ecosystem or public health, safety, or welfare.
54. **Plat** - for the purposes of Art. 11, a map or delineated representation of the subdivision of lands, being a complete, exact representation of the subdivision and other information in compliance with the requirements of all applicable provisions of Art. 11, Subdivision, Platting and Required Improvements, and F.S. Chapter 177, and may include the terms "replat," "amended plat," or "revised plat".
55. **Plat, Boundary** - for the purposes of Art. 11, a map or delineated representation for recordation of a single lot for development purposes prepared, approved, and recorded in accordance with requirements and procedures for a plat pursuant to Art. 11, Subdivision, Platting and Required Improvements, and F.S. Chapter 177.
56. **Plat, Final** - for the purposes of Art. 11, a finished plat including all signatures required for recordation except those signifying approval by PBC.
57. **Plat, Preliminary** - for the purposes of Art. 11, a copy of the plat in sufficient form to readily compare the plat with the subdivision plan and construction plans.
58. **Plat of Record** - for the purposes of Art. 11, a plat which conforms to the requirements of the applicable state laws and Art. 11, Subdivision, Platting and Required Improvements which has received all required PBC approvals for recordation, and which has been placed in the official records of PBC.
59. **Plaza** - outdoor space accessible to the public, dedicated to active or passive activities where pedestrians gather, designed to include streetscape and accented with landscape or focal points. [Ord. 2010-005]
60. **Pole Barn** - a permanent structure constructed for storage or shelter purposes with no horizontal structural components or walls, excluding beams which support a roof system.
61. **Pole Trailer** - shall have the meaning ascribed by F.S. providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.
62. **Pollutant** - any substance which is harmful or threatening to plant, animal or human life.

63. **Pond** - a permanent body of water less than one acre in size and less than six feet in depth.
64. **Positive Drainage** - for the purposes of Art. 11, the provision of a stormwater management system which conveys stormwater runoff to a point of legal positive outfall.
65. **Potable Water** - for the purposes of Art. 14, water that is intended for drinking, culinary or domestic purposes, subject to compliance with PBC, State of Florida or Federal drinking water standards.
66. **Potable Water Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of potable water facilities necessary to meet the LOS for potable water facilities.
67. **Potting Soil Manufacturing** - for the purposes of Art. 4, an establishment engaged in producing potting soil, including the use of incineration.
68. **Precision Instrument Runway** - for the purposes of Art. 16, a runway having an instrument approach procedure utilizing horizontal and vertical guidance through an Instrument Landing System (ILS), Microwave Landing System (MLS), or a Precision Approach Radar (PAR) including a runway for which such a system is planned and is so indicated on an approved civil or military airport layout plan, other FAA planning documents, or comparable military service planning documents.
69. **Preliminary Assessment Letter (PAL)** – For the purposes of Art. 4.D, a letter from Department of Environmental Protection, Bureau of Mining and Minerals Regulations in response to a pre-application meeting conducted in accordance with Article 4.E. **[Ord. 2008-037]**
70. **Preliminary Development Plan** - for the purposes of Art. 3, a generalized depiction of use designations presented to the appropriate review body for planned development districts, previously approved planned developments (master plans and site plans), and Class A and B conditional use approvals.
71. **Premises** - any lot, area, or tract of land whether used in connection with a building or not.
72. **Preservation** - for the purposes of Art. 9, the identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties.
73. **Preserve or Preserve Area** - that portion of native vegetation which is required to be set aside from development to be retained in its natural state in perpetuity.
74. **Pre-application Conference** - a meeting to review preliminary application and conceptual site plan for review by the Zoning Division.
75. **Previous Approval, Previously Issued DO, Previously Approved DO** - for the purposes of Art. 12, a Site Specific Development Order which:
  - a. In the unincorporated area, received a Concurrency Exemption Determination based on a Development Order for which completed application was made prior to or on May 21, 1987. It does not include an amendment or amendments to a Previous Approval applied for after May 21, 1987; and
  - b. In the incorporated area is a Valid Site Specific Development Order formally approved by a municipality: (1) for which a complete application was made to, and accepted by, a Municipality, prior to February 1, 1990; or (2) in the case of a Development of Regional Impact, a Development of Regional Impact which received a report and recommendation by the Treasure Coast Regional Planning Council prior to February 1, 1990, all pursuant to formally established procedures pursuant to the Municipality's land development regulations. It does not include applications for Site Specific Development Order's on a lot subject to an Interlocal Agreement entered into by the municipality and PBC, after May 21, 1987, as a result of an annexation where the agreement requires compliance with traffic performance standards. A determination of a Previous Approval in Incorporated Areas shall be in accordance with Art. 12.A.3.E, Municipal Concurrency Management System. It does not include an amendment or amendments to a Previous Approval applied for on or after February 1, 1990.
76. **Previous Approval-Traffic** - for the purposes of Art. 12, Project Traffic resulting from units or square footage of a Previous Approval established pursuant to Art.12.A.3.B, Credits Against Project Traffic.
77. **Previously Captured Project** - for the purposes of Art. 12, a Project approved after May 21, 1987 in the Unincorporated Area or after February 1, 1990 in the incorporated Area. **[Ord. 2007-013]**
78. **Primary Zone** - for the purposes of Art. 16, an area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.
79. **Principal Use** - see Use, Principal.
80. **Printing and Copying Services** - for the purposes of Art. 4, an establishment engaged in retail photocopy, reproduction, or blueprinting services.



81. **Prior Ordinances** - prior Ordinances include [Ord. No.1957-3-1957]; [Ord. No.1973-002]; [Ord. No.1973-004]; and, [Ord. No.1992-020]; as amended.
82. **Privacy Fence or Wall** - a structural barrier of an opaque quality, constructed such that the privacy of the area to be enclosed is maintained.
83. **Private Street** - see Street, Private.
84. **Private Water System** - for the purposes of Art. 15, a water system that provides piped water for one or two residences, one of which may be a rental residence.
85. **Private Well** - for the purposes of Art. 15, a water well that is a source of potable water and is part of a private water system.
86. **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.
87. **Project** -
  - a. Land use or group of land uses involving the development of a particular parcel of land at a particular density which was granted a valid local government development order, or which substantially complies with applicable provisions of the PBC Subdivision Code as determined by the Director of the Land Development Division of the PBC Engineering Department.
  - b. For the purposes of Art. 12, a land use or group of land uses, or land development activity or activities, or amendment thereto, which require the issuance of a Development Order(s). All Public Civic Sites dedicated as part of a PUD or otherwise obtained by a governmental agency for public use shall be considered a Project separate from the PUD for the purposes of reviewing the traffic impacts of the Civic Sites under this Article.
  - c. For the purposes of Art. 12, a land use or group of land uses, or land development activity or activities, or amendment thereto, which require the issuance of a Development Order. [Ord. 2006-036]
88. **Project Accessed Link** - for the purposes of Art. 12, the paved Link(s) that serve as the Projects immediate and direct access or means of ingress and egress. If not directly accessed, the first Link reached. Each access point of a Project shall be considered to have access to at least one Link provided that the access points of a Project may be considered to share a common Link.
89. **Project to Provide Affordable Housing** - for the purposes of Art. 12, a Project eligible for the special applicability in Art.12.G, Affordable Housing, pursuant to either:
  - a. BCC determination, upon the recommendation of the Commission on Affordable Housing, both based upon the criteria developed by the Commission on Affordable Housing and adopted by ordinance of the BCC; or
  - b. Art.12.G.1, Applicability, of this Section.
90. **Project Traffic/Project Trips** - for the purposes of Art. 12, the number of trips generated by the proposed Project (this includes reductions for internal trips). In the event no specific use, size, or density is proposed, the maximum trips possible under the Site Specific Development Order shall be Project Traffic. Average Daily Project traffic shall be generated using the "Official Daily Trip Generation Rate" Table 10.8-1 of Art. 13, Impact Fees. If the appropriate rate is not provided in this table, then latest edition of Trip Generation published by the Institute of Transportation Engineers (ITE) shall be used to determine the trip generation rate. Peak hour Project traffic volumes shall be generated using the latest edition of the ITE Trip Generation handbook or as approved by the County Engineer pursuant to Art.12.C, Traffic Impact Studies.
91. **Prop Root** - the structures originating below the lowest limbs of the red mangrove that are also known as stilt roots.
92. **Propagation Study** - for the purposes of Art. 4, a method utilized by radio-frequency (RF) engineers for site placement. The study indicates signal strength as it relates to adjacent sites, including the potential for towers or tall structures within the study area to be utilized for collocation and the avoidance of additional towers. [Ord. 2006-004]
93. **Property Control Number** - 17 digit PBC identification number assigned for each parcel of land.
94. **Proposed New Residential Development** - for the purposes of Art. 2, any application for residential development or amendment to a previously approved residential development that increases the number of housing units. This shall include any request for any approval of the type that establishes a density of development and which approves a site-specific development order on a specific parcel of property.
95. **Protection** - for the purposes of Art. 9, the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to

cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archaeological sites, the protective measure may be temporary or permanent.

96. **Pruning** - for the purposes of Art. 7, the removal of plant parts, dead or alive, in a careful and systematic manner so as to not damage other parts of the plant.
97. **Pruning, Hatracking** - for the purposes of Art. 7, or tree topping means the cutting back of limbs to a point between branch collars/buds larger than one inch in diameter within the tree's crown.
98. **Pruning, Hatracking, Type 1** - for the purposes of Art. 7, trees that are damaged to the extent they will never regrow a natural canopy and must be replaced.
99. **Pruning, Hatracking, Type 2** - for the purposes of Art. 7, trees that are damaged to the extent they will not regrow a natural canopy without proper pruning.
100. **Pruning, Topping** - for the purposes of Art. 7, undesirable pruning practices resulting in internodal cutting back of branches with little regard to the natural shape of the tree.
101. **Pruning, Tree Shaping** - for the purposes of Art. 7, the pruning of a tree beyond its natural growth habit to create a distinct shape or form.
102. **Public Agency** - any government or governmental agency, board, commission, authority or public body of PBC, the State of Florida, or of the United States government, or any legally constituted governmental subdivision or special district.
103. **Public Civic Sites** - for the purposes of Art. 4, any property in any zoning district which accommodates a use under the ownership of or leased by a public agency as defined in Art. 3, Overlays and Zoning Districts, of the Code.
104. **Public Easement** - see Easement, Public.
105. **Public Facilities** - capital facilities including but not limited to roads, parks and recreation, fire-rescue, library, law enforcement, public buildings, and school sites.
106. **Public Facilities Agreement** - an agreement entered into by PBC or a Service Provider and a developer or landowner for the purpose of ensuring public facility capacity is reserved for a proposed development.
107. **Public Health, Safety and General Welfare** – for the purposes of Art. 18, conditions concerning the safety or health of an entire community or neighborhood, or any considerable number of people.  
[Ord. 2004-013]
108. **Public Street** - see Street.
109. **Public Utility** -
  - a. An entity owning, operating, managing or controlling a system or proposing construction of a system that is providing or proposing to provide water or sewer service, electricity, natural or manufactured gas, or any similar gaseous substance, telephone, telegraph or other communication service to the public for compensation.
  - b. For the purposes of Art. 14, any privately-owned, municipally-owned, PBC-owned, special district-owned, or State of Florida-owned system providing water or wastewater service to the public which has at least 15 service connections or regularly serves at least 25 individuals daily for at least 60 days of the year.
110. **Public Water System** - for the purposes of Art. 15, a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system is either a community water system or a non-community water system. The term "Public Water System" includes:
  - a. Any collection, treatment, storage, and distribution facility or facilities under the control of the operator of such system and used primarily in connection with such system; and
  - b. Any collection or pretreatment storage facility or facilities not under the control of the operator of such system but used primarily in connection with such system.
111. **Public Works Projects** - projects that may be conducted by government agencies or are linear projects, such as pipelines, transmission lines, telephone lines, etc., that are constructed for no single property.

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

1. **Qualified Parcel** - for the purposes of Art. 14, for unincorporated County, a parcel improved prior to April 28, 1986. For incorporated areas, a qualified parcel is a parcel improved prior to the effective date of a municipal ordinance requiring removal of prohibited invasive non native vegetation.
2. **Quasi-public Easement** - see Easement, Quasi-public.

3. **Quasi-public Use** - a use or group of uses open for general public use, such as stadiums, amphitheaters, civic centers, and colleges. It does not include shopping centers or other retail uses, or hotels.
  4. **Queuing** - for the purposes of Art. 6, a one-way aisle that provides a waiting area for a specified number of cars.
- R. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Radius of Development of Influence** - for the purposes of Art. 12, the area surrounding a proposed Project as set forth in Table 12.B.2.D-7, 3A: - Radius of Development Influence herein. The distance shall be measured in road miles from the point at which the proposed Project's traffic enters the first Link, or Links, not as a geometric radius. If a Project's Traffic is only significant in one direction from the point at which it enters the first Link, then the Radius of Development Influence shall only include that portion of the first Link. **[Ord. 2006-043]**
  2. **Raised Basement** - for the purposes of Art. 3, a semi-underground story of a building.
  3. **Real Estate Sales Model** - 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.
  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.
  5. **Real Estate Sales Office, Planned Development** - for the purposes of Art. 3, an office for the sale and resale of new and existing residential units in a planned development.
  6. **Rebuild or Reconstruct** - replacement or rehabilitation of a structure due to damage or proposed modification in excess of 30 percent of its' original assessed value.
  7. **Reclamation** - re-establishments if the soil and earth to a useable condition.
  8. **Reclamation, Water** - Water treated to tertiary standards considered suitable for storage, distribution and application as irrigation water under FDEP guidelines. **[Ord. 2007-013]**
  9. **Recreation, Facility** - a facility designed and intended for use by occupants of a residential development. Typical uses include golf courses, swimming pools and tennis courts and required recreational areas.
  10. **Recreation and Park Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of buildings and park equipment necessary to meet the LOS for Urban Park and Recreation Facilities and Rural Park and Recreation Facilities.
  11. **Recreation, Required Areas** - recreational tracts of land with facilities required within a residential development, dedicated or reserved to a property owners association for the perpetual use by all residents of the development for recreation.
  12. **Recreational Vehicle** -
    - a. For the purposes of Art. 6, a truck, bus, trailer, pickup camper, pop-up camper, fifth wheel or other vehicle with or without motor power which has been converted or equipped with living or sleeping quarters and is designed and constructed to travel on public thoroughfares without a special permit in accordance with the provisions of the Vehicle Code of the State of Florida.
    - b. For the purposes of Art. 18, a vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle (see F.S. 320.01), as amended or replaced. Such vehicles shall comply with the length and width provisions of F.S. 316.515, as amended or replaced. **[Ord. 2004-013]**
  13. **Recycling Center** - for the purposes Art. 4, a permanent facility designed and used for collecting, purchasing, storing, dropping-off and redistributing pre-sorted, recyclable materials that are not intended for disposal. A recycling center shall be used for limited processing of recyclable materials, such as can and glass crushing and sorting.
  14. **Recycling Drop-Off Bin** - for the purposes of Art. 4, a totally enclosed mobile structure, containing no more than four cubic yards, within which pre-sorted, non-biodegradable recovered materials are collected for redistribution or sale for the purpose of reuse.
  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.
  16. **Recycling Collection Station** - for the purposes of Art. 4, a totally enclosed structure or mobile container, containing more than four cubic yards, within which pre-sorted, recyclable and recovered materials are collected for redistribution or sale for the purpose of reuse.

17. **Regional Water Management Areas** - areas which are managed consistent with the multiple objectives and purposes of F.S. Chapter 373, including but not limited to water supply development, environmental restoration, water quality improvement, flood protection, water storage, see also page management, and wetland enhancement and mitigation.
18. **Regulated Substances** -
- a. For the purposes of Art. 14,
    - 1) Those deleterious substances or contaminants, including degradation and interaction products which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non degradability) in nature, or any other characteristic, may cause significant harm to human health and environment (including surface and groundwater, plants, and animals).
    - 2) Those substances set forth in, but not limited to, the lists, as amended from time to time, entitled Lists of Hazardous Wastes (40 CFR Part 261, Subpart D), 40 CFR, Part 261, Appendix VIII-Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA (40CFR302), effective July 3, 1986; provided, however, that this Chapter shall only apply whenever the aggregate sum of all quantities of any one Regulated Substance at a given facility/building at any one time exceeds 5 gallons where said substance is a liquid, or 25 pounds where said substance is a solid.
  - b. This Chapter shall also apply if no single substance exceeds the above reference limits but the aggregate sum of all Regulated Substances present at one facility/building at any one time exceeds 100 gallons if said substances are liquids, or 500 pounds if said substances are solids.
    - 1) Where Regulated Substances are dissolved in or mixed with other non Regulated Substances, only the actual quantity of the Regulated Substance present shall be used to determine compliance with the provisions of this Article.
    - 2) Where a Regulated Substances is a liquid, the total volume of the Regulated Substances present in a solution or mixture of said substance with other substances shall be determined by volume percent composition of the Regulated Substance, provided that the solution or mixture containing the Regulated Substances does not itself have any of the characteristics described in 1 above.
19. **Regulating Plan** - See TND, Regulating Plan.
20. **Regulatory Floodway** – for the purposes of Art. 18, the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 12 inches. **[Ord. 2004-013]**
21. **Rehabilitation** - for the purposes of Art. 9, the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historic, architectural and cultural value.
22. **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]**
23. **Renewable Energy Facility, Wind** – A facility that uses wind turbines or other systems with a principal use of producing electrical or mechanical power from the wind. **[Ord. 2010-005]**
24. **Renovation** - improvements to modify the interior or exterior physical characteristics of an existing structure. Renovation may include: conversion, rehabilitation, remodeling, or modernization of floor area, air conditioning, wiring or plumbing.
25. **Repair** - for the purposes of Article 15, as defined by Rule 64E-6, F.A.C. For the purposes of Article 1.F, improvements to restore to a structural sound condition and shall include walls and other improvements included under Maintenance. **[Ord. 2010-005]**
26. **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.
27. **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.

28. **Repetitive Loss** – for the purposes of Art. 18, flood-related damages sustained by a property, which the National Flood Insurance Program has paid two or more flood claims of \$1,000.00 or more in any given ten year period since 1978. [Ord. 2004-013]
29. **Required Recreation Areas** - recreational tracts of land with facilities required within a residential development, dedicated or reserved to a POA for the perpetual use by all residents of the development for recreation.
30. **Residence** - see Dwelling unit.
31. **Residential** - for the purposes of Art. 4, property possessing either a residential designation by the FLUA of the Plan or a residential zoning designation consistent with the underlying FLU designation.
32. **Residential Access Street** - see Street, Residential Access.
33. **Residential Construction** – for the purposes of Art. 18, new construction or substantial improvement of structures including, but not limited to, high-rise and low-rise condominium units, apartment buildings, timeshares, townhouse/rowhouse structures, residential hotels/motels and “other residential structures” as defined by FEMA, manufactured and mobile/trailer homes, single family structures and duplexes. [Ord. 2004-013]
34. **Residential Development** -
- a. For the purposes of Art. 2, any development that is comprised in whole, or part, of dwelling units; for permanent human habitation.
  - b. For the purposes of Art. 13, a building, or many buildings or dwelling units, or portion of a building or land used primarily for human habitation.
35. **Residential District** - any area that has a district classification of AR, RE, RT, RM, and RS as well as residential pods of any PDD or TND. Any creation of an additional residential district by amendment to the Official Zoning Map which occurs shall automatically be included in the definition of residential district for the purposes of this Code.
36. **Respondent/Alleged Violator** - those persons including both landowners and tenants who have been issued a notice of violation.
37. **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]
38. **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. **Restoration** -
- a. For the purposes of Art. 1, return to a former, normal or unimpaired condition. A reconstruction of the original form or structure.
  - b. For the purposes of Art. 9, the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time, by means of the removal of later work or by replacement of earlier work.
40. **Retail Sales, Auto Accessories and Parts** - for the purposes of Art. 4, an establishment providing retail sales of auto accessories and parts.
41. **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). 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.
42. **Retail Sales, Mobile, or Temporary** - for the purposes of Art. 4, general retail sales without a fixed or permanent location.
43. **Retention** - the collection and storage of a specific portion of stormwater runoff without subsequent direct release to surface waters of said portion or any part thereof.

44. **Retention or Detention Pond** - for the purposes of Art. 14, any pit, pond, or excavation excluding canals of conveyance which creates a body of water by virtue of its connection to groundwater, and which is intended to receive stormwater.
  45. **Ridesharing** – For the purposes of Art. 12, shall mean the use of one motor vehicle by two or more employees to commute to and from the project site for at least of 60 percent of the total number of days the ridesharing employees travel to and from the project site. **[Ord. 2006-036]**
  46. **Right of Way (R-O-W)** - a strip of land dedicated or deeded for the perpetual use of the public. See also Street.
  47. **Road Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of roads on the major road network system necessary to meet the LOS for road facilities.
  48. **Ronald Reagan Turnpike** - a.k.a Florida's Turnpike.
  49. **Rooming House** - see Boarding House.
  50. **Rubbish** - waste consisting of any accumulation of paper, excelsior, rags, wooden or paper boxes or containers, sweeping, and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, and also any bottles, cans, container, or any other products which due to their ability to retain water may serve as breeding places for mosquitoes or other water-breeding insects; rubbish shall not include noncombustible refuse.
  51. **Runway** - for the purposes of Art. 16, a defined area on an airport prepared, used or intended to be used for the taking-off and landing of aircraft along its length.
  52. **Runway Protection Zone (RPZ)** - for the purposes of Art. 16, an area off the runway end established to enhance the protection of people and property on the ground. Specifically, the RPZ is an area off the runway end extending outward and upward, parallel to the extended runway centerline, in the dimensions shown in Table 1.
  53. **Rural Service Area (RSA)** - that area as designated by the Plan.
  54. **Rural Subdivision** - for the purposes of Art. 11, a division of land within an Agricultural Reserve (AGR), Agriculture Residential (AR), or Agricultural Production (AP) district.
- S. **Terms defined herein or referenced Article shall have the following meanings:**
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.
  2. **Sand** - for the purposes of Art. 14, sediments having a distribution of particle diameters between 0.074 and 4.76 millimeters, as defined in the Unified Soils Classification System. Sand grain analyses shall follow the methodology described in Folk, Robert L. 1980, Petrology of Sedimentary Rocks to determine grain size distribution.
  3. **Sand Preservation Zone (SPZ)** - for the purposes of Art. 14, an area of jurisdiction, established by this Chapter, for the purpose of maintaining the volume of beach sand within the beach/dune system. This zone extends from the mean high water line of the Atlantic Ocean to a line 600 feet landward.
  4. **Sanitary Hazard** - any percolation pond for domestic wastewater effluent disposal, the land application of domestic wastewater sludge or domestic wastewater effluents that have not received high-level disinfection as defined in Chapter 17-610, F.A.C and any on-site sewage disposal system (septic tank).
  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.
  6. **Sanitary Nuisance** - any act, or the keeping, maintaining, propagation, existence or permission of anything, by an individual, municipality, organization or corporation, by which the health or life of an individual may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused.
  7. **Sanitary Sewer Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of sanitary sewer facilities necessary to meet the LOS for sanitary sewer facilities.
  8. **Sanitary Survey** – for the purposes of Art. 15, onsite review of the water source, facilities, equipment, operation and maintenance of a public water system to evaluate the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.
  9. **School Board** - the PBC School Board.

10. **School District** - for the purposes of Art. 2, the school district for PBC created and existing pursuant to Section 4, Article IX of the State Constitution.
11. **School District Five Year Capital Facilities Plan** - for the purposes of Art. 2, the School District of PBC Five Year Work Plan and Capital Budget as authorized by F.S. §235.185.
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.
14. **School, Private** - for the purposes of Art. 4.B.
15. **Screen Enclosure** - a structure, which may or may not be roofed, used to completely enclose an outdoor living space with screening.
16. **Seagrasses** - those submerged beds of the genera *Halophila*, *Syringodium*, *Halodule*, *Thalassia*, and/or the green algae *Caulerpa* spp.
17. **Sea Turtle(s)** - for the purposes of Art. 14, any specimen belonging to the species *Caretta caretta* (loggerhead turtle), *Chelonia mydas* (green turtle), *Dermochelys coriacea* (leatherback turtle) or any other marine turtle using PBC beaches as a nesting habitat or natal beach.
18. **Sea Turtle Lighting Plan (STLP)** - for the purposes of Art. 14, a plan showing elevations and locations of structures, vegetation and proposed lighting fixtures and meets the requirements of Art. 14.A.8.F, Sea Turtle Protection Lighting Plan, for the purpose of ensuring no adverse impacts to sea turtles, their nests, or habitat.
19. **Sea Turtle Protection Zone (STPZ)** - for the purposes of Art. 14, an area of jurisdiction, established by this Chapter, for the purpose of regulating coastal lighting. This zone extends from three miles offshore of the Atlantic Ocean and along inlet shorelines to a line 600 feet landward of the mean high waterline.
20. **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.
21. **Seedling, Sapling, Runner, or Sucker** - any young plant or tree in early stages of growth.
22. **Segment** - for the purposes of Art. 12, a section of roadway containing thoroughfare and non-thoroughfare Links and intersections which comprise a unit of roadway, of sufficient length and characteristics to be defined by the County Engineer, for the HCM operational analysis allowed under Test One – Option Analysis iii or Test 2 – Optional Analysis iii. **[Ord. 2006-043]**
23. **Self-Service Storage** - for the purposes of Art. 4, a facility consisting of individual, self-contained units that are leased for the storage of business or personal goods.
24. **Self Support/Lattice Tower** - for the purposes of Art. 4, a structure that is constructed without guy wires or ground anchors.
25. **Semi-public Water System** - for the purpose of Art. 15, a water system for provisions of piped water under pressure for human consumption, culinary, sanitary or domestic purposes to:
  - a. Less than 25 individuals daily at least 60 days out of the year, or
  - b. At least 25 individuals daily less than 60 days out of the year.
26. **Septage** - for the purposes of Art. 15, a mixture of sludge, fatty materials, human feces, and wastewater removed during pumping of an OSTDS. Excluded from this definition are contents of portable toilets, holding tanks and grease interceptors.
27. **Septic Tank** - for the purposes of Art. 15, as defined by Rule 64E-6, F.A.C. .
28. **Septic Tank System** - for the purposes of Art. 15, septic tank, distribution box and drainfield. When pump equipment is utilized, it is also considered part of the septic tank system.
29. **Service Provider** - for the purposes of Art. 2, means any agency that is responsible for the provision of public facilities to development in PBC.
30. **Service Truck** - for the purposes of Art. 15, a vehicle used to pump out the contents of OSTDS, grease traps, laundry interceptors and/or portable toilets.
31. **Setback** - the required minimum horizontal distance between any structure and the related front, side, or rear property lot line or base building line.
32. **Setback, Front** - the setback extending along the full length of the front lot line or base building line.

33. **Setback, Interior Side** - the setback extending along an interior side lot line between the front and rear setbacks.
34. **Setback, Rear** - the setback extending along the full length of the rear lot line.
35. **Setback, Street Side** - the setback extending along a street side lot line or base building line between the front and rear setbacks.
36. **Sewer System, Central** - for the purposes of Art. 15, a regional sewage system, owned and operated by a municipal, county, special district or other governmental entity, which provides sewer service to several developments located within its service area.
37. **Sewer System, Individual** - for the purposes of Art. 15, a privately owned sewage system, which provides sewer service to a single development, because of unavailability of a central sewer system.
38. **Shade House** - for the purposes of Art. 4, a temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.
39. **Shade Tree** - see Tree, canopy or shade.
40. **Shipping Container** - a unit designed and built for the shipment of material or goods.
41. **Shopping Center** - a group of commercial establishments planned, developed, managed and operated as a unit, with off street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.
42. **Shrub** - for the purposes of Art. 7, a self supporting woody perennial plant more than 30 inches in height at maturity, characterized by multiple stems and branches continuous from the base.
43. **Sign Distance** - see Corner clip.
44. **Sign** - any character, letter, figure, symbol, design or device or combination of these used to attract attention or convey a message and which is visible to any area outside of a building. The term includes banners, pennants, streamers, moving mechanisms and lights.
  - a. **Sign Types** -
    - 1) **A-Frame or Sandwich** - for the purposes of Art. 8, a portable sign which is ordinarily in the shape of an "A" or some variation thereof that usually has no wheels nor permanent foundation.
    - 2) **Abandoned** - for the purposes of Art. 8, a sign on which is advertised a business that is no longer licensed, no longer has a CO, or is no longer doing business at that location.
    - 3) **Advertising** - for the purposes of Art. 8, a sign representing or directing attention to a business, commodity, service, or entertainment, conducted, sold, or offered.
    - 4) **Advertising Structure** - for the purposes of Art. 8, any structure erected for advertising purposes, with or without any advertisement displayed thereon, situated upon or attached to land, upon which any poster, bill, printing, painting, device or other advertisement may be placed, posted, painted, tacked, nailed, or otherwise fastened, affixed, or displayed. "Advertising structure" does not include buildings.
    - 5) **Area** - the background area upon which the advertising surface area is placed. Where the advertising surface area is attached directly to the wall of a building that wall shall not be construed to be the background sign area unless it is an integral part of the sign. (For painted wall signs, see surface area).
    - 6) **Awning or Canopy** - for the purposes of Art. 8, a type of wall sign which is placed on or integrated into fabric or other material that is an integral part of an awning or canopy.
    - 7) **Building Mounted** - for the purposes of Art. 8, any sign mounted or erected on or against any building or façade and includes all wall signs, awning and canopy signs and projecting signs.
    - 8) **Bulletin Board** - for the purposes of Art. 8, a sign of permanent character, but with removable letters, words or numerals, indicating the names or persons associated with, or events conducted upon, or products or services offered upon, the premises upon which such a sign is maintained.
    - 9) **Changeable Copy** - for the purposes of Art. 8, sign copy, including numbers, letters, and illustrations which can be changed manually, for example, on a menu board or theater marquee.
    - 10) **Change of Message** - for the purposes of Art. 8, each text frame of an electronic message center sign shall hold constant for a minimum of two seconds.
    - 11) **Construction** - for the purposes of Art. 8, erected on the parcel on which construction is taking place, or will take place within one year, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supports, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.



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- 12) **Directional** - for the purposes of Art. 8, any sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy. Directional signs intended for residential planned developments may be on or off premise such as model home complex signs.
- 13) **Directory** - for the purposes of Art. 8, a sign intended to show the relative locations of or direction to the several commercial or industrial activities within an outdoor shopping center or multiple use industrial or business park, or multiple building residential complex.
- 14) **Double-faced** - for the purposes of Art. 8, a sign with two faces which are usually parallel and back-to-back.
- 15) **Electronic Message** - for the purposes of Art. 8, a sign that uses changing lights or an electronic medium to form a sign message or messages wherein the sequence of the messages and the rate of change are electronically programmed and can be modified by electronic processes.
- 16) **Entrance Wall** - for the purposes of Art. 8, an identification structure located along the main access to a PBC approved subdivision or a development. The only advertising on the structure shall be the subdivision or development name and logo.
- 17) **Equipment** - for the purposes of Art. 8, signs incorporated into displays, machinery, or equipment by a manufacturer, distributor, or vendor that identifies or advertises only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards, and umbrellas. **[Ord. 2006-036] [Ord. 2008-003]**
- 18) **Face** - for the purposes of Art. 8, the surface(s) used for the display of a sign message as seen from any one direction.
- 19) **Fixed Projecting** - for the purposes of Art. 8, any sign which is attached to a building and extends beyond the wall of the building to which it is attached.
- 20) **Flashing** - for the purposes of Art. 8, any illuminated sign, which exhibits changes in light or color. Illuminated signs which indicate the time, temperature, weather, or other similar information shall not be considered flashing signs.
- 21) **Freedom of Speech** - for the purposes of Art. 8, a sign communicating a message or ideas for non-commercial purposes, including political free speech and which does not constitute, among others, any of the following: construction sign, directional sign, billboard, grand opening sign, holiday sign, on-premises real estate sign, or political campaign sign.
- 22) **Freestanding** - for the purposes of Art. 8, a detached sign which shall include any sign supported by uprights or braces placed upon or in or supported by the ground and not attached to any building.
- 23) **Grand Opening** - for the purposes of Art. 8, a temporary sign for introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business or the changing of ownership. A business may have a grand opening sign when it has been closed to the public and is re-opened.
- 24) **Ground Mounted** - for the purposes of Art. 8, any sign which is permanently erected or standing on the ground and supported from the ground by one or more poles, columns, uprights, braces, or anchors and includes all freestanding signs, monument signs and electronic message center signs.
- 25) **Height** - for the purposes of Art. 8, the vertical distance measured from the lowest ground level directly beneath the sign to the highest point at the top of the sign. The ground level shall be either the natural grade or finished grade, whichever is lowest.
- 26) **Holiday** - for the purposes of Art. 8, a temporary sign, for non-commercial purposes, communicating only a holiday's name and event.
- 27) **Identification** - for the purposes of Art. 8, a sign, other than a bulletin board sign, or nameplate sign, indicating the name of the primary use, the name or address of a building, or the name of the management thereof.
- 28) **Illegal** - for the purposes of Art. 8, any sign erected in violation of this Code.
- 29) **Illuminated** - for the purposes of Art. 8, a sign in which a source of light is used in order to make the message readable and shall include internally and externally lighted signs. Illuminated signs do not include signs that flash time and temperature.

- 30) **Instructional** - for the purposes of Art. 8, any sign conveying instructions with respect to the premises on which it is maintained, such as the entrance or exit of a parking area, a no trespassing sign, a danger sign, and similar signs.
- 31) **Marquee** - for the purposes of Art. 8, a projecting sign that is part of a permanent entryway or canopy and traditionally associated with theaters. A marquee may include a projecting vertical sign extending above the cornice line of a building. [Ord. 2008-003]
- 32) **Menu Board** - an outdoor sign associated with a restaurant with a drive-thru window, which gives a detailed list of foods served that are available at the restaurant and which may incorporate a speaker for voice communications. [Ord. 2005-002]
- 33) **Mobile Vendor** - for the purposes of Art. 8, signs fixed to mobile vending carts that identify or advertise the name, product, or service provided by the vendor. [Ord. 2006-036]
- 34) **Monument** - for the purposes of Art. 8, a freestanding sign not erected on one or more poles or similar structures but erected to rest on the ground or to rest on a monument base designed as an architectural unit.
- 35) **Moving** - for the purposes of Art. 8, the signs that are moved by mechanical or natural means such as wind. These signs including moving, revolving, rotating, and twirling signs. [Ord. 2008-003]
- 36) **Nameplate** - for the purposes of Art. 8, a sign indicating the name, address, profession or occupation of an occupant or a group of occupants.
- 37) **Neon** - for the purposes of Art. 8, a sign with tubing that is internally illuminated by neon or other electrically charged gas.
- 38) **Off-Premises** - for the purposes of Art. 8, any framework for signs announcing or advertising merchandise, services, or entertainment available, sold, produced, manufactured, or furnished at a place other than the lot on which the sign is erected.
- 39) **Off-Site Directional** - for the purposes of Art. 8 - a sign offering directional information to a business, location or place located in an area different from where the sign is located.
- 40) **On-Site** - for the purposes of Art. 8, a permanent sign, identifying a business, commodity, service, or product conducted, sold or offered on the same premises as those upon which the sign is located.
- 41) **Painted Wall** - for the purposes of Art. 8 - any sign painted on any surface or roof of any building, visible from any public R-O-W.
- 42) **Parking and Directional** - for the purposes of Art. 8, on-site parking and directional signs, that do not include any advertising messages or symbols may be wall or ground mounted. [Ord. 2006-036]
- 43) **Permanent** - for the purposes of Art. 8, any sign which is intended to be, and is so constructed as to be a lasting and enduring condition remaining unchanged in character, condition beyond normal wear and tear, and in a permanent manner affixed to the ground, wall, or building; provided the sign is permitted by this Code.
- 44) **Plastic** - for the purposes of Art. 8 - any sign, embellishment or sign area made of flat sheet, corrugated panels, formed or molded plastic on one or more faces.
- 45) **Point of Purchase** - for the purposes of Art. 8 - any structure with characters, letters or illustrations placed thereto, thereon, or thereunder by any method or whatsoever where the matter displayed is used for advertising on the premises, a product actually or actively offered for sale or rent thereon or therein or services rendered.
- 46) **Political Campaign** - for the purposes of Art. 8, a temporary sign, which indicates an individual, party or issue that will be placed on the federal, state or local election ballot in the subject calendar year.
- 47) **Portable** - for the purposes of Art. 8, any sign not permanently attached to the ground or other structure.
- 48) **Project Identification** - for the purpose of Art. 8, a sign placed on the perimeter of a recorded subdivision, planned development, shopping center, business office park, industrial park, or mixed use complex at a major street or driveway entrance to identify the name of the project. Project identification signs include entrance signs.
- 49) **Projecting** - for the purposes of Art. 8, any sign viewed from directly overhead is affixed at an angle or perpendicularly to the wall of any building in such a manner to read perpendicularly or at an angle to the wall on which it is mounted and located under a canopy or cover, and usually has two message surfaces.

- 50) **Public Service Information** - for the purposes of Art. 8, any sign intending to promote items of general interest to the community, such as time, temperature, date, weather, news, or traffic information.
  - 51) **Real Estate** - for the purposes of Art. 8, any sign erected by the owner, or an agent, advertising the land upon which the sign is located for rent or for sale.
  - 52) **Recreational Vehicle Park** - for the purposes of Art. 8, any sign erected by the owner, or an agent, advertising the land upon which the sign is located for rent or for sale a land area under unified control designed and intended to accommodate short term, overnight parking of recreational vehicles and not for permanent residential use.
  - 53) **Roof** - for the purposes of Art. 8, any sign erected, constructed, and maintained wholly upon or over the roof of any building.
  - 54) **Sale, Lease, and Rent** - for the purposes of Art. 8, temporary signs, which indicate that a parcel or building is currently for sale, lease or rent.
  - 55) **Snipe** - for the purposes of Art. 8, any sign made of any material, including paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which the sign is located.
  - 56) **Temporary Balloon Type** - for the purposes of Art. 8, a temporary display using a balloon to display a sign message for the introduction, promotion or announcement of a new product or new business.
  - 57) **Vehicular** - for the purposes of Art. 8, a sign affixed to or painted onto a transportation vehicle or trailer, for the purposes of business advertising; however, a vehicular sign shall not include signs affixed to vehicles or trailers for identification purposes or signs required by licensing ordinances. **[Ord. 2008-003]**
  - 58) **Wall** - for the purposes of Art. 8, any sign affixed to the building which shall not extend beyond the peak of the roof at the location of the sign. Wall graphics, murals and art work are considered as signs and shall be included when calculating the total permitted square footage. **[Ord. 2008-003]**
45. **Significances Determination** – for the purposes of Art. 9, is a judgment made by local, State or Federal official(s) tasked with enforcing historic preservation regulations that deem an area, site, and structure important to the understanding or to the potential understanding of the history of Palm Beach County, the State of Florida and the nation. An area, site, and structure will be deemed to be significant if it is associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, paleontological and architectural history that have contributed to the pattern of history in the community of the South Florida region, the State or the nation; or it is associated with the lives of persons significant in our past; or embody the distinctive characteristics of a type, period, style, or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or have yielded or are likely to yield information in history or prehistory; or is listed on the National Register of Historic Places (NRHP). **[Ord. 2008-037]**
  46. **Significant** – for the purposes of Art. 12, significant or significance shall refer to the amount of traffic that has been deemed to be of a level that requires the analysis of roadway Links and or intersections. For purposes of Test One, significance is calculated as the amount of two-way peak hour Project traffic assigned to a link taken as a percent of the LOS D service volume for that Link, as shown in Table 12.B.2.D-9 3C: Test One Levels of Significance. For Test Two, Significance shall be calculated as the amount of Average Daily Project traffic assigned to a Link divided by the LOS E service volume for that link, as shown in Table 12.B.2.D-10 3D: Test Two Levels of Significance. **[Ord. 2005-002]**
  47. **Significant Archeological Value** - for the purposes of Art. 9, an archaeological site, fossil or artifact which could yield or has yielded information deemed by a qualified archaeologist to be of significant scientific, historical, ethnic or public significance to the history or prehistory of the PBC, the State or Nation.
  48. **Significant Degradation** – for the purposes of Art. 7, means any of the following: **[Ord. 2005-002]**
    - a. Where 20 percent or more of the homes on one side of a street within the same address block have been demolished and the remaining lots are left vacant; or **[Ord. 2005-002]**
    - b) Where homes on two or more contiguous lots are demolished and the remaining lots are left vacant; or **[Ord. 2005-002]**

- c) Where a home(s) on a contiguous lot(s) is demolished and the remaining lot(s) is left vacant, creating a gap in the combined lot frontage measuring 100 linear feet or greater in length. **[Ord. 2005-002]**
49. **Single-Faced, Sign** - for the purposes of Art. 8, only one side of a double-faced sign.
  50. **Single Family** - 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.
  51. **Single-Family Cluster** - a dwelling unit which is part of a cluster of similar dwelling units within a planned development but which is separated from other similar units by common areas dedicated to a POA.
  52. **Single-family District** - the AR, RE, RT, RM and RS districts, as well as single-family pods of PDD's.
  53. **Single Room Occupancy** - A residential property that includes multiple single room dwelling units. Each unit is for occupancy by a single individual. The unit need not, but may, contain food preparation or sanitary facilities, or both. **[Ord. 2007-013]**
  54. **SingleTenant** - For the purposes of Art. 6.B.1, Loading, single tenant shall mean a structure or tenant space less than 10,000 square feet. **[Ord. 2008-037]**
  55. **Site** - the total area within the property boundaries of a principal parcel to be developed, or contiguous parcels intended for development under a common scheme or plan.
  56. **Site Elements** - For the purposes of Article 1.E, and Article 1.F Site Elements shall include existing or proposed items for the site, which include but not limited to: parking, loading, outdoor lighting, landscaping, or signage. **[Ord. 2010-005]**
  57. **Site, Historic Preservation** - for the purposes of Art. 9, any area or location occupied as a residence or utilized by humans for a sufficient length of time to leave physical remains or traces of occupancy. Such localities vary in size, settlements and activity areas, and the transportation networks linking them. A site may consist of secondarily deposited archaeological remains.
  58. **Site-related Improvements** - road construction or road improvements at or near the development site which are necessary to interface the development's external trips with the major road network system, or which are necessary to interface the development's internal trips with the major road network system where a portion of the major road network system is included within the development.
  59. **Site Specific Development Order** - for the purposes of Art. 12, a Development Order issued by a Local Government which establishes the density or intensity, or maximum density or intensity, or use, group of uses, or permitted uses and which approves a specific plan of Development on a lot or lots pursuant to an application by or on behalf of an Owner or contract purchaser, including applications initiated by a Local Government. It may apply to a lot or lots under single ownership or a group of lots under separate ownership. It shall not include general rezoning/district boundary changes initiated by the Local Government which do not involve a particular development concept, except "down zonings" under this Article of the Code. It includes those Development Order's referenced in policies 2-g and 2-h of the Plan in the Capital Improvements Element, including amendments thereto. It shall apply to all parcels or lots in their entirety taken together of any Subdivision. It includes site specific rezonings, special exceptions, conditional uses, special permits, master plan approvals, site plan approvals, plat approvals, and building permits. It may or may not authorize the actual commencement of development. Two or more Development Order's which individually do not constitute a Site Specific Development Order shall be considered a Site Specific Development Order if when taken together they meet the definition of Site Specific Development Order.
  60. **Sky Exposure Plane** - an imaginary inclined plane beginning at a specified height of a building façade and rising over the building at a ratio of vertical distance to horizontal distance. **[Ord. 2006-004]**
  61. **Solid Waste** - garbage, rubbish, refuse, sludge, septage, dewatered domestic wastewater residuals, grit and screenings from a domestic wastewater treatment facility or other discarded solid or liquid material resulting from domestic, commercial, industrial, agricultural activities or governmental operations but does not include storm water discharges or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants.
  62. **Solid Waste Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of solid waste facilities necessary to meet the LOS for solid waste facilities.
  63. **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.

64. **Sound Level** - For the purposes of Art. 5, the weighted sound pressure obtained by use of a metering characteristic with an A-Weighting as specified in the ANSI specifications for sound level meters.
65. **Sound Level Meter** - for the purposes of Art. 5, an instrument that includes a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a manner to meet ANSI standards.
66. **Source Property** - for the purposes of Art. 5, the land from which the subject sound is originating including public or private streets, sidewalks, or other public or open space areas.
67. **Special Allocation** - for the purposes of Art. 13, the assignment by the BCC of impact fee credits for in-kind contributions to a fee payer, or a portion of a development. It may involve the pro rating of impact fee credits for in-kind contributions.
68. **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.
69. **Special Flood Hazard Area (SFHA)** – for the purposes of Art. 18, (see Area of Special Flood Hazard) is a geographic area identified by FEMA and the county as being low lying areas or especially susceptible to flooding and shown on the latest edition of maps (FHBM or FIRM) as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE, or V; and any area developed as building sites, without a master storm water drainage system, in unincorporated Palm Beach County outside FEMA A or V zones. [Ord. 2004-013]
70. **Special Permit Uses** - are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use, buildings and structures, and may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location. These uses are generally temporary for a specified, fixed period of time.
71. **Specimen Tree** - for the purposes of Art. 14, a tree that has attained an age where its size, stature, health, and appearance contributes to the aesthetics of an area. Trunk sizes designating specimen stature of the most commonly found native trees are listed in Appendix 8, Specimen Tree List. Other trees are specimen trees, if the trunk has attained a diameter size of at least 33 percent of that of the State of Florida Division of Forestry's listed State of Florida champion for the applicable tree.
72. **Speculative Clearing** - the clear cutting of a site when no final site plan or approved vegetation management plan has been prepared for the site.
73. **Spent** - the commitment of funds to a particular capital facility acquisition by the awarding of a contract.
74. **Spill** - for the purposes of Art. 14, the unpermitted release or escape of a Regulated Substance, irrespective of the quantity thresholds identified in the definition of "Regulated Substance" above directly or indirectly to soil, surface waters or groundwaters.
75. **Spillover Light** - for the purposes of Art. 5, light that is distributed into areas where the illumination is not needed or intended. [Ord. 2005-041]
76. **Sports Vehicle** - for the purposes of Art. 6, any wheeled or tracked motorized vehicle designed or adapted to travel on public thoroughfares, public waterways, on unpaved thoroughfares, etc. without a special permit in accordance with the provisions of the Vehicle Code of the State of Florida.
77. **Spot Light** – Any light fixture or luminaire that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction. [Ord. 2005-041]
78. **Square** - an outdoor civic tract located within a neighborhood to provide community services and usable open space.
79. **Square Footage** - see Building Square Footage.
80. **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.
81. **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.
82. **Start of Construction** - for the purposes of Art. 18, (for other than new construction or substantial improvement under the Coastal Barrier Resources Act P.L. 97-348, as amended or replaced), for all construction, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a

building, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first installation of any foundation, wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building, on all residential, commercial, institutional, and other buildings.

**[Ord. 2004-013]**

83. **State Standards** - for the purposes of Art. 11, the various design and construction guidelines, policies and standards promulgated, and amended, by the departments and agencies of the State of Florida, including but not limited to the Policy and Guidelines for Vehicular Connections to Roads on the State Highway Systems, Manual of Uniform Traffic Control Devices for Streets and Highways (as adopted by the DOT), Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (a/k/a "The Greenbook"), Standard Specifications for Road and Bridge Construction, Roadway and Traffic Design Standards, and Handbook for Drainage Connection Permits.
84. **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.).
85. **Standards of this Section** - for the purposes of Art. 12, the requirements that Site Specific Development Orders satisfy the LOS provisions of this Section.
86. **Stoop** - A small porch or platform
87. **Storage Container** - a shipping container that has been permanently located on a recognized bona fide agricultural use site that is tied down to meet building code requirements.
88. **Store Front** - for the purposes of Art. 3, the front of a retail establishment facing a street where the main building entrance is located.
89. **Stormwater** - the flow of water that results from and occurs immediately following a rainfall event.
90. **Stormwater Management Easement** - see Easement, Stormwater Management.
91. **Stormwater Management Plan** - for the purposes of Art. 11, an engineering drawing and written report outlining the proposed secondary and tertiary stormwater management system needed for the proper development of a specific increment of the unincorporated area of PBC, including details of drainage-related conditions and characteristics of the existing development site and surrounding lands.
92. **Stormwater Management System** - for the purposes of Art. 11, a comprehensive system designed and constructed or implemented to collect, convey, store, absorb, inhibit, treat, use or reuse stormwater in order to prevent or reduce inundation, flooding, over-drainage, environmental degradation, and water pollution, or otherwise affect the quantity and quality of stormwater runoff.
93. **Stormwater Runoff** - for the purposes of Art. 11, that portion of stormwater which occurs either as overland surface flow or subsurface lateral flow through normally unsaturated soils, and which is neither intercepted by vegetation, evaporated, nor recharged to groundwater.
94. **Stormwater System, Primary** - for the purposes of Art. 11, classified surface waters of the State of Florida which convey stormwater runoff toward the ocean or a major inland water body.
95. **Stormwater System, Secondary** - for the purposes of Art. 11, that component of a stormwater management system which consists of facilities and features designed to provide for treatment and control of stormwater runoff generated by specifically delineated lands, in order to meet regulatory requirements governing the quality and quantity of stormwater discharged to the primary stormwater system.
96. **Stormwater System, Tertiary** - for the purposes of Art. 11, that component of a stormwater management system which consists of facilities and features designed to provide for rapid removal of stormwater from structures, building sites, streets, and other areas of development or uses sensitive to damage or disruption by inundation.
97. **Stormwater Treatment** - for the purposes of Art. 11, removal of pollutants, debris, and other undesirable materials from stormwater runoff by of natural chemical, biological or physical processes, including, but not necessarily limited to, detention, retention, filtration, percolation, sedimentation, floatation, and skimming. This definition does not normally include active treatment processes, requiring the consumption of electrical or mechanical energy.

98. **Stream** - for the purposes of Art. 15, any river, creek, slough, or other natural watercourse whether or not the bed shall have been dredged or otherwise improved in whole or in part.
99. **Street** - 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, boulevard, expressway, lane, throughway, place, and square, or however otherwise designated. Streets are further classified according to the function they perform.
100. **Street, Arterial** - for the purposes of Art. 11, a major street of higher classification than a plan collector street, used primarily for traffic traveling considerable distance within or through an area not served by an expressway, of considerable continuity, and used primarily as a main traffic artery.
101. **Street, Collector** - for the purposes of Art. 11, a street which carries traffic from local streets to arterial streets. Collector streets have more continuity, carry higher traffic volumes and may provide less access than local streets.
102. **Street, Collector, Non-plan** - for the purposes of Art. 11, a collector street which is not included on the Thoroughfare Plan and which is the highest classification of minor street.
103. **Street, Collector, Plan** - for the purposes of Art. 11, a collector street which is part of the Thoroughfare Plan, and which is the lowest classification of major street.
104. **Street, Cul-de-sac** - for the purposes of Art. 11, a dead-end street terminating in a circular vehicular turn-around.
105. **Street, Dead-end** - for the purposes of Art. 11, a street with only one outlet.
106. **Street Frontage** - see Lot, Frontage.
107. **Street Layout Plan** - For the purposes of Art. 3.E.2, Planned Unit Development (PUD), this plan shall provide a method to calculate cul-de-sacs in a PUD. The plan shall show the general layout of all streets and clearly identify the streets that are to be included when calculating the cul-de-sacs. **[Ord. 2008-037]**
108. **Street, Limited Access** - for the purposes of Art. 11, a street to which access from abutting property is under the control and jurisdiction of the County pursuant to a limited access easement or other regulatory access restriction.
109. **Street, Local Commercial** - for the purposes of Art. 11, a street designed and maintained primarily to provide legal and vehicular access to abutting commercial or industrial lots. A local commercial street is of limited continuity, is not for through traffic, and is the middle order street of minor streets.
110. **Street, Local Residential** - for the purposes of Art. 11, a street designed and maintained primarily to provide legal and vehicular access to abutting residential lots. A local residential street is of limited continuity, is not for through traffic, and is the middle order street of minor streets, being of a higher classification than a residential access street.
111. **Street, Main** - for the purposes of a Lifestyle Commercial Center, a street consisting of buildings located on both sides with on-street parking; sidewalks for pedestrian circulation with provisions for streetscape; usable open spaces, and buildings with a variety of heights and sizes characterized by distinctive architectural elements. **[Ord. 2010-005]**
112. **Street, Major** - for the purposes of Art. 11, a street depicted on the adopted thoroughfare plan; a thoroughfare plan road. Major streets are further classified as collector street, arterial street, and expressway.
113. **Street, Marginal Access** - for the purposes of Art. 11, a special purpose local street which is parallel and adjacent to a plan collector street, expressway, arterial street or other limited access street and which has its principal purpose of relieving such streets from local service of abutting property by providing access to abutting property and separation from through traffic. A marginal access street may also be called a "frontage street".
114. **Street, Minor** - for the purposes of Art. 11, not classified as a major street, and includes streets providing traffic circulation within the development.
115. **Street, Private** - for the purposes of Art. 11,
  - a. Has not been dedicated for public use;
  - b. Is reserved to a property owners' association pursuant to recorded restrictions and covenants or a plat of record; or
  - c. Is dedicated for public use but has not been accepted for maintenance by PBC, another local governmental entity, the State of Florida or a special district.
116. **Street, Residential Access** - for the purposes of Art. 11, the lowest order of minor street which is intended to carry the least amount of traffic at the lowest speed.
117. **Streetscape** - For the purposes of the IRO, WCRAO, LCC and TDDs, the visual elements of a street, adjoining buildings, street furniture, trees, pedestrian areas and open spaces, that combine to form the street's character. **[Ord. 2010-005]**



- 118. Street Side Mass Transit Factors** - For the purposes of Art. 5.H, Mass Transit Standards, Mass Transit infrastructure associated with the roadway that influences bus operations. [Ord. 2008-003]
- 119. Street Structure** - that which is three feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels.
- 120. Street Wall** - A characteristic of a streetscape resulting from the placement of continuous and harmonious building facades. May also include walls of proportional or sufficient height used to separate the streetscape from parking lots or other similar use areas, so as to maintain visual continuity with emphasis on establishing livable pedestrian use areas. [Ord. 2010-005]
- 121. Structure** -
- a. Unless specified otherwise, means that which is three feet or more in height which is built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices and poster panels. [Ord. 2004-013] [Ord. 2007-001]
  - b. For the purposes of Art. 16, any object, temporarily or permanently constructed or installed by man, including but not limited to: buildings, towers, smoke stacks, utility poles, antennas, construction cranes and overhead transmission lines.
  - c. For the purposes of Art. 18, that constructed by humans, including gas or liquid storage tanks that are principally above ground, walls and roofed buildings. [Ord. 2004-013]
- 122. Structure, Principal** - see Building, Principal.
- 123. Subdivision**
- a. For the purposes of Art. 11, the division of land, whether improved or unimproved, whether previously platted or not, into two or more contiguous lots for the purpose, whether immediate or future, of transfer of ownership. The term shall include any modification of legal boundaries for the purpose of redividing or combining any lot(s) depicted on a record plat, or on a certified survey or other map recorded pursuant to an affidavit of exemption or affidavit of waiver. When appropriate to the text, the term refers to the process of subdividing or the land proposed to be or which has been subdivided.
  - b. For the purposes of Art. 12, as defined in Art. 11, Subdivision, Platting and Required Improvements of the Code of PBC, Florida as to the unincorporated area, and as defined in the Municipal Land Development Regulations in the Municipality.
  - c. For the purposes of Art. 15.A, any tract of land divided into three or more lots or parcels, regardless of the method by which the lots or parcels are described.
- 124. Substantial Change in Land Use** -
- a. Change in land use or site design that increases the intensity of land use,
  - b. Change in land use or site design that increases the intensity of land use,
  - c. An increase in the total floor area of multiple-family dwellings or nonresidential buildings which results in increased traffic.
- 125. Substantial Damage** - for the purposes of Art. 18, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. This term also includes structures that have incurred "repetitive loss". [Ord. 2004-013]
- 126. Substantial Improvement** -
- a. For the purposes of Art. 9, any combination of repairs, reconstruction or improvement of a structure, where the improvement creates additional enclosed space that contains equipment or utilities relative to the primary structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any development for improvement of a structure to comply with existing State or local health, sanitary, or safety Code specifications that are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Place.
  - b. For the purpose of Art. 18, any combination of repairs, reconstruction, rehabilitation, addition, alteration for the purposes, or other improvements to a building taking place during a five year period, in which the cumulative cost of such improvements equals or exceeds 50 percent of the market value of the building before the "start of construction" of the repair or improvement. This

term does not include any repair or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for the permit for improvement, and which are the minimum necessary to assure safe living conditions. For the purposes of this definition, “substantial improvement” occurs when the first installation of any foundation, wall, ceiling, floor, or other structural part of the building commences, whether or not that installation affects the external dimensions of the structure. This term includes structures that have incurred “repetitive loss” or “substantial damage”, regardless of the actual repair work performed. **[Ord. 2004-013]**

127. **Substantially Improved Existing Manufactured Home Parks or Subdivisions** - for the purposes of Art. 18, the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced. **[Ord. 2004-013]**
128. **Substantial Renovation** - for the purposes of Art. 5, any expansion, alteration, renovation, addition, redevelopment, or similar improvement to an existing building that exceeds 75 percent of the assessed value of the building, as indicated in the latest official PBC Property Appraiser’s records.
129. **Sugar Mill or Refinery** - for the purposes of Art. 4, an establishment for the extraction and refining of sugar from agricultural products.
130. **Superintendent** - the Superintendent of the PBC School Board.
131. **Supplier of Water** - for the purposes of Art. 15, any person, company, or corporation that owns or operates a community, non-transient non-community, transient non-community, limited use, multi-family, or private water system; also applies to consecutive water systems. **[Ord. 2005-003]**
132. **Surface Water** - water upon the surface of the earth whether contained within natural or artificial boundaries or diffused.
  - a. For the purposes of Art. 15.A, a recognizable body of water, including swamp or marsh areas, bayheads, cypress ponds, sloughs and natural or constructed ponds contained within a recognizable boundary. This does not include storm water retention or detention areas designed to contain standing or flowing water for less than 72 hours after a rainfall.
  - b. For the purposes of Art. 15.B, a source of water existing above the surface of the ground and exposed to the atmosphere. **[Ord. 2005-003] [Ord. 2006-004]**
133. **Surveyor and Mapper** – a person registered to engage in the practice of surveying and mapping under F.S § 472.001-471.041, and includes the terms “surveyor,” and “professional surveyor and mapper.”
134. **Suspension Order** - for the purpose of Art. 9, suspension of construction work directly over the potential archaeological find. During the initial site visit, a qualified archaeologist may extend the boundary of the suspension order based on the potential significance and geographic coverage of the find.
135. **Sustainability** – The integration of social, economic and ecological needs of the community with policies advocating management of resources for future generations. **[Ord. 2010-005]**
136. **Swale** – for the purpose of Art. 15, a stabilized and graded depression designed to convey stormwater runoff and retain water for only a brief period following a rainfall event.
137. **Swimming Pool** – any confined body of water, located either above or below the existing finished grade of the site, exceeding 150 square feet in surface area, and two feet in depth, designed used, or intended to be used for swimming or bathing purposes.

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

1. **Tabular Tree List** - for the purposes of Art. 14, a complete listing of all native trees three inches or greater DBH in a tabular form.
2. **TDR Agricultural Conservation Easement** - for the purposes of Art. 5, an interest in land, which interest represents the right to retain land in bona fide agriculture, fallow land, and uses permitted in the Conservation WRA future land use category, created pursuant to F.S. §704.06.
3. **TDR, Bank** - for the purposes of Art. 5, accounting and monitoring system authorized by this Code empowering PBC to purchase and sell development rights. The TDR Bank offers an alternative to TDRs being transferred via the private market. The bank consists of development rights from lands designated for preservation as provided for in this Section and purchased by PBC. These rights may then be sold to developers for use in qualified receiving areas or held in reserve for future release.
4. **TDR, Community Commercial Facility** – for the purposes of Art. 5, a commercial facility constructed on ten or more acres supporting at least 100,000 square feet of GFA. The community commercial facility shall not be construed to mean the community commercial zoning district described in this Code.

5. **TDR, Conservation Easement** - for the purposes of Art. 5, an interest in land which represents the right to restrict or prevent the development or improvement of the land for purposes other than water preserve areas, wetlands, or uplands, created pursuant to F.S. §704.06.
6. **TDR, Contract for Sale and Purchase of Development Rights** - for the purposes of Art. 5, a valid contract which must be in writing pursuant to the State of Florida law, for the sale of development rights for the purpose of increasing density on a receiving area parcel.
7. **TDR, Deed of Transfer of Development Rights** - for the purposes of Art. 5, a legal document which transfers the ownership of specified development rights from one parcel of land to another, and which is recorded in the Public Records of PBC.
8. **TDR, Development Right** - for the purposes of Art. 5, the ability to develop a residential dwelling unit on a parcel of land. The landowner may sell, donate, or transfer the development rights and retain title to the land and the right to use the surface of the land on a limited basis. For the purpose of this Section, one development right shall equal one residential dwelling unit.
9. **TDR, Development Rights Certificate** - for the purposes of Art. 5, a legal document presented to a property owner who deeds to PBC, without compensation, environmentally sensitive, Rural Residential 20 (RR-20) land or land designated CON on the FLUA within a sending area, or records an agricultural conservation easement for a sending area designated AGR on the FLUA. The certificate shall specify the number of development rights the property owner is entitled to sell or trade, and the certificate shall remain valid until the development rights are permanently transferred to a property within a receiving area.
10. **TDR, Escrow Agreement** - for the purposes of Art. 5, a legal document which holds money or an approved surety in trust by a third party to be turned over to PBC upon the fulfillment of a condition. **[Ord. 2007-001]**
11. **TDR, Major Department Store** - for the purposes of Art. 5, a nationally or regionally recognized retail store which anchors a regional commercial facility and contains at least 100,000 square feet of GFA.
12. **TDR, Major Industrial Facility** - for the purposes of Art. 5, an industrial facility constructed on more than 35 acres supporting at least 700,000 square feet of GFA.
13. **TDR, Priority Acquisition Site** - for the purposes of Art. 5, a parcel of land designated by the ESLASC or CLASC as such and approved for acquisition by the BCC.
14. **TDR, Receiving Area** - for the purposes of Art. 5, parcel of land within the USA, which are permitted to increased density, as specified herein, and receive development rights purchased from the owners of land in a sending area. The transfer capacity of these development rights is based on the number of transferable development rights which a specified area can accommodate, subject to Art. 5.G.2.H, Receiving Areas, and Art. 5.G.2.J, TDR: Receiving Area Procedure.
15. **TDR, Regional Commercial Facility** - for the purposes of Art. 5, a commercial facility constructed on 40 or more acres supporting at least one major department store and 350,000 square feet of GFA.
16. **TDR, Sending Area** - for the purposes of Art. 5, an area which the TDR Program is designed to protect, as specified herein, and from which development rights are transferred pursuant to the provisions of this Section.
17. **Technical Manual** - a manual maintained by the Zoning Division that outlines the minimum technical requirements for preparing applications for zoning review. The Manual shall be posted on the Zoning web page. **[Ord. 2009-040]**
18. **Telecommuting** - For the purposes of Article 12, a system whereby employees are allowed to work from home or another location (such as a neighborhood office) an average of at least two week days per week in order to reduce commute travel. **[Ord. 2006-036]**
19. **Temporary** - for the purposes of Art. 8, a single period or an accumulation of periods not exceeding 90 days in any 365-day period unless further restricted.
  - a. For the purposes of Art. 15.A, as defined by Rule 64E-6, F.A.C..
20. **Terminal Navigational Aid** - for the purposes of Art. 16, any visual or electronic device on the surface which provides point-to-point guidance information or position data to aircraft in flight and is located on a public use airport in PBC.
21. **Test 2 Radius of Development Influence** - for the purposes of Art. 12, the radius of development influence used in Test 2 as set forth in Table 12.B.2.D-7 3A- Radius Development Influence. The distance shall be measured in road miles from the point at which the Proposed Project's traffic enters the first Link, not as a geometric radius. **[Ord. 2006-043] [Ord. 2007-013]**
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.
23. **Test 2 Road Network** - for purposes of Art. 12, the Thoroughfare Plan roadway network that will be in place or is anticipated to have construction commenced by the end of the 5-Year Analysis Period

for Test 2. This includes any roadway projects for which construction funds are budgeted within the Palm Beach County 5-Year Road Program and FDOT 5-Year Transportation Improvement Program in effect at the time of the traffic analysis submittal. **[Ord. 2006-043]**

24. **Theater, Indoor** - for the purposes of Art. 4, an establishment for showing motion pictures or live performances in an enclosed building.
25. **Third Party** - party not affiliated with the Architect or Landscape Architect who prepared the original drawings to satisfy the regulations in Art. 5, Supplementary Standards, and Art. 7, Landscaping.
26. **Thoroughfare Plan, Thoroughfare R-O-W Identification Map or Plan** -
  - a. That which is described in the Transportation Element of the Plan, Supporting Document, II, Existing Transportation System.
  - b. For the purposes of Art. 12, as described in the Transportation Element of the Plan, Support Document II, Existing Transportation System.
27. **Through-Intersection Continuity** - for the purposes of Art. 12, at least one left turn lane at the intersection and the same number of through lanes as on the Link for at least 3,120 feet beyond the Major Intersection, including transition in accordance with FDOT Standards.
28. **Tinted Glass** - for the purposes of Art. 14, any window or door glass which has: (a) a visible light transmittance value of 45 percent or less; and (b) a minimum of five year warranty; and (c) performance claims which are supported by approved testing procedures and documentation. For the purpose of this Chapter Window Tint shall be synonymous with Tinted Glass.
29. **TMD, Frontage, Primary** - for the purposes of Art. 3, a type of building frontage that is primarily located along Main Streets and is characterized by zero front setbacks and limitations on the physical separation between buildings.
30. **TMD, Frontage, Secondary** - for the purposes of Art. 3, a type of building frontage that allows for variable front setbacks and more frequent physical separation between buildings than allowed on Primary Frontages.
31. **TMD, Street, Main** - for the purposes of Art. 3.F, a street connecting adjacent land uses and local streets with parks, plazas and squares in a TMD.
32. **TMD, Street Wall** - for the purposes of Art. 3, a wall, fence or hedge installed along the frontage line to fill in building frontage.
33. **TND, Accessory Structure** - for the purposes of Art. 3, a detached accessory building constructed on a residential lot housing a garage, accessory apartment or handicapped or elderly apartment.
34. **TND, Colonnade** - for the purposes of Art. 3, a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns. Awnings are not considered colonnades.
35. **TND, Enfront** - for the purposes of Art. 3, to face across a street.
36. **TND, Meeting Hall** - for the purposes of Art. 3, a building designed for public assembly.
37. **TND, Neighborhood Center** - for the purposes of Art. 3, Neighborhood Center is intended to accommodate neighborhood-oriented retail and commercial services. It may include professional offices, community facilities, and civic uses to serve the population of the TND and adjacent neighborhoods.
38. **TND, Porch** - for the purposes of Art. 3, a roofed platform attached to the front of a dwelling unit. The structure is un-airconditioned, and may not be more than 75 percent enclosed by walls.
39. **TND, Raised Basement** - for the purposes of Art. 3, a semi-underground story of a building.
40. **TND, Regulating Plan** - for the purposes of Art. 3, a graphic and written representation of the detailed land use and development regulations applicable to a particular TND.
41. **Too Numerous to Count (TNTC)** - for the purposes of Art. 15.B, equal to or greater than 200 non-coliform bacteria per 100 ml of sample.
42. **Total Traffic** - for the purposes of Art. 12, the sum of:
  - a. Existing Traffic;
  - b. Net Trips; and
  - c. Background Traffic.
43. **Tower Hierarchy** - for the purposes of Art. 4, for the purpose of determining impact the following hierarchy has been established.

#### **LEAST IMPACT**

Stealth  
Camouflage  
Monopole  
Self support/Lattice  
Guyed

#### **MOST IMPACT**

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:
  - a. Outdoor storage standards and screening requirements of Art. 5.B, Accessory and Temporary Uses.
  - b. Towtruck and towing and storage regulations of Towtruck Ord. 2002-007 as amended.
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.
46. **TPS Database** – for purposes of Art. 12, a database which was initially approved by the Board of County Commissioners on. On an ongoing basis, the Database compiles traffic from existing traffic counts as well as approved but unbuilt developments for each Link and Major Intersection on the County's Major Thoroughfare network in order to provide Background Traffic volumes for use in traffic studies addressing compliance with Test 1 and Test 2. The Database shall also identify the double counting adjustment and historic growth rate, derived from the Historic Traffic Growth Table, that is appropriate for each Link and Major Intersection. The Background Traffic data shall be maintained by the County and updated to reflect all new project concurrency approvals as well as the buildout status of previously-approved projects. [Ord. 2006-043]
47. **Traffic Impact Study** - for the purposes of Art. 12, a traffic study of Links and intersections within the Test 1 Radius of Development Influence and Test 2 Radius of Development Influence of a proposed Project; and including the information, and prepared in accordance with the requirements, set forth in Art. 12.C.1.C.2, Traffic Generation. For the Transportation Element of the Plan, it is the "LOS Impact Statement" referred to in the Capital Improvement Element of the Plan. [Ord. 2006-043]
48. **Traffic Performance Standards Appeal Board** - for the purposes of Art. 12, the administrative appeals board with the authority and responsibility to hear appeals from the decision of the County Engineer or Municipal Engineer as to traffic engineering issues.
49. **Traffic Volume Maps** - for the purposes of Art. 12, the maps of the Major Thoroughfares produced and maintained jointly by the office of the MPO and County Engineer showing Average Daily Traffic, Peak Hour Traffic; two-way and peak directional.
50. **Trailer Coach** - shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida. The term shall also include all types of mobile homes and those types of self-propelled trucks or buses that have been converted or equipped with living or sleeping quarters, such as pick-up trucks with sleeping quarters installed, and converted buses. This definition shall exclude suburban, passenger vans and other types of automobiles for private use that have been equipped with camping equipment.
51. **Transect Zones** – For the purposes of the IRO, a distinct category of physical form ranging from the most urban to the least urban. The IRO requires the application of one or more of four transect zones: Core, General, Edge and Open Space. [Ord. 2010-005]
  - a. **Transect Zone, Core** – The most intense zone, typically comprised of larger interconnected buildings that create a continuous façade along one or more streetscapes. May front arterials, collectors, local commercial streets, and internal streets, but are discouraged from abutting local residential streets or other similar access-ways, and abutting residential uses unless density, intensity and built form are consistent. [Ord. 2010-005]
  - b. **Transect Zone, General** – A moderately intense zone, typically comprised of smaller interconnected buildings, and used as a transition between the Core Transect Zone and less intense zones or abutting uses, or for smaller parcels with size constraints. May front arterials, collectors, local commercial streets, and internal streets, and local residential streets or other similar access-ways, but are discouraged from abutting local residential streets or other similar access-ways, and abutting residential uses unless density, intensity and built form are consistent. [Ord. 2010-005]
  - c. **Transect Zone, Edge** – A low intensity zone comprised of residential or work live uses that are compatible with or similar in scale with adjoining neighborhoods. [Ord. 2010-005]
  - d. **Transect Zone, Open Space** – A passive zone typically located within other transect zones, or used as a transition or buffer between abutting uses. Typical uses include passive civic, recreation or other public open spaces such as plazas and squares, or drainage areas, environmental preservation, or landscape buffers. [Ord. 2010-005]
52. **Transfer of Development Rights (TDR) Bank** - See TDR, Bank.

53. **Transient Non-Community Water System** - a non-community water system that has at least 15 service connections or regularly serves 25 persons daily at least 60 days out of the year but that does not regularly serve 25 or more of the same persons for more than six months per year.
54. **Transient Occupancy** - residential occupancy when it is the intention of the parties that the occupancy will be for less than one month.
55. **Transit** – For the purposes of Article 12, a bus, train, or other public conveyance system. [Ord. 2006-036]
56. **Transitional Zone** - for the purposes of Art. 16, the area extending outward from the sides of the Primary Zones and Approach Zones connecting them to the Horizontal zone.
57. **Transit Center** – For the purposes of Article 12, a rail station or a transfer location for fixed-route service routes. [Ord. 2006-036]
58. **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.
59. **Transit Corridor** – For the purposes of Article 12, a roadway segment which (1) is located on a bus line with at least 30-minute peak headways and that connects directly to at least two transit centers, and (2) contains a transfer point to at least one other bus route. [Ord. 2006-036]
60. **Transportation Transfer Facility (distribution)** - for the purposes of Art. 4, an establishment providing for the transfer of transportation or other motorized vehicles, but not involving vehicle sales or rental (retail or wholesale). Typical uses include the transfer of automobiles, trucks, heavy equipment, or other motorized vehicles prior to distribution to retail dealers.
61. **Tree** -
- For the purposes of Art. 7, woody perennial plant commonly with a single stem and having a minimum diameter at breast height (DBH) of three inches, having a more or less defined crown, that usually grows to at least four meters or 13 feet in height at maturity.
  - For the purposes of Art. 14, a woody or fibrous perennial plant commonly with a single stem and having a minimum trunk DBH of three inches and having a more or less defined crown, that usually grows to at least four meters or 13 feet in height at maturity.
62. **Tree, Canopy or Shade** - for the purposes of Art. 7, a tree that reaches a minimum height of 15 feet at maturity, provides relief from direct sunlight for at least six months each year, and is indicated as a shade tree on the Preferred Species List.
63. **Tree Credits** - for the purposes of Art. 7, a numerical representation of the value of a two-inch DBH ten foot high tree, used to assign values to trees of various sizes to calculate either credit against reforestation requirements, as in the case of trees protected during the development process, or to determine the extent of replanting required as in the case of removal of protected trees.
64. **Tree, Champion** - for the purposes of Art. 7, the largest tree of a species which has been designated by the Florida Department of Agriculture and Consumer Services.
65. **Tree, Drought-Tolerant** - for the purposes of Art. 7, a tree, excluding prohibited or controlled species, classified as very or moderately drought tolerant in the SFWMD Xeriscape Plant Guide.
66. **Tree Preservation Area** - for the purposes of Art. 14, an area of significant native vegetation that may be too small to be included as a preserve but has been determined to be worth designating for protection on the site plan and that the parcel owner is encouraged to manage with periodic maintenance activities, including the removal of prohibited and invasive non-native vegetation and protection of native vegetation from alteration.
67. **Tree, Specimen** - for the purposes of Art. 7, a tree that substantially contributes to the aesthetics of an area and which is protected through the permitting process, or which attains 33 percent or greater of the champion tree DBH. A specimen tree may be native or non-native and must be in good health.
68. **Tree Survey** -
- For the purposes of Art. 7, a comprehensive survey document or site plan that provides the following information for trees greater than four inches diameter at breast height (DBH), or palm trees with an overall height of eight feet, that delineates the location and identifies the species of trees and vegetation upon a lot, and that meets the tree survey requirements of this Article. The Department shall determine the applicability and the extent of each survey. The survey shall provide the following information:
    - The surveyed location, by a Florida licensed land surveyor, in relation to all proposed development, of all existing trees that are proposed to be destroyed, relocated or preserved.
    - The common and scientific name of each tree.
    - The DBH of each tree, or, if a multiple trunk tree, the sum of the DBH of all trunks.

- b. For the purposes of Art. 14, a comprehensive survey document or site plan that provides site specific information for trees three inches or greater DBH or for palm trees with an overall clear trunk height of eight feet that are on the site. The survey shall be performed by a Florida-licensed land surveyor, and ERM shall determine the applicability and the extent of each survey.
69. **Trip** - a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).
70. **Trip Generation** - for the purposes of Art. 12 and Art. 13, the attraction or production of trips caused by a given type of land development. The daily generation rates shall be as presented in Table 13.H.4-20, Fair Share Road Impact Fee Schedule. For daily rates not included in the table and all peak hour rates the latest edition of Trip Generation Manual published by the ITE or other trip generation approved by the County Engineer pursuant to Art. 12.C.1.C.2, Traffic Generation, shall be used to determine the trip generation rate.
71. **Truck** - for the purposes of Art. 6, shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation or ownership of motor vehicles in the State of Florida.
72. **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.
73. **Turbine, Wind** - A rotary engine assembly with attached blades utilized in the process to convert wind into energy. [Ord. 2010-005]
- U. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Ultimate R-O-W** - an area set aside for future road widening or used as means of ingress, egress or approach as determined by the FDOT, the Office of the County Engineer, the BCC, or by this Code, whichever provides the widest R-O-W.
  2. **Understory** - for the purposes of Art. 14.C, the shrub and ground cover component of a vegetation community.
  3. **Undue Economic Hardship** - for the purposes of Art. 9, an exceptional financial burden that might otherwise result in a taking of property without compensation or otherwise denies use of the property in an economically viable manner.
  4. **Unincorporated Area** - for the purposes of Art. 13, all of the area within the boundaries of PBC not within the boundaries of any municipality. For the purposes of park impact fees it excludes the Boca Taxing District.
  5. **Unincorporated Area (law enforcement)** - for the purposes of Art. 13, the unincorporated area of PBC and the municipalities of Cloud Lake, Haverhill, Glen Ridge and Village of Golf.
  6. **Unit** - building or portion of a building, or a mobile home used primarily for human habitation purposes with separate bathing, cooking and/or dining facilities. In the case of a hotel or motel, or a congregate living facility, it shall mean the room and bathrooms.
  7. **Unity of Control** - covenant recorded in the office of the Clerk of the Circuit Court of PBC stipulating that a lot, lots, or project with different owners shall be developed according to a common site or master plan providing unified control and the combined lots shall meet land development requirements as if they are one lot.
  8. **Unity of Title** - a document recorded in the office of the Clerk of the Circuit Court of PBC stipulating that a lot, lots or parcel of land shall be held under single ownership, shall not be eligible for further subdivision and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety.
  9. **Unmarked Human Burial** - for the purposes of Art. 9, any human skeletal or fossilized remains discovered during any land development activity or archaeological excavation.
  10. **Unobstructed Land** - for the purposes of Art. 15.A, that area on a lot or property which does not contain structures or other hindrances which would affect the installation, operation and/or maintenance of an OSTDS. This includes, but is not limited to, pools, playgrounds, concrete slabs, trees, buildings, driveways, parking areas and tennis courts.
  11. **Upland Reclamation Area** - land area preserved or re-established around the perimeter of an excavated area created to ensure useable end-use of the land.
  12. **Upland Reclamation Planting** - installation of vegetation to re-establish plant and animal habitats.
  13. **Urban Infill** - for the purposes of Art. 12, the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average non-residential intensity is at least a floor area ratio of 1.0 and vacant developable land does not constitute more than ten percent of the area.

14. **Urban Redevelopment** - for the purposes of Art. 12, demolition and reconstruction or substantial improvement of existing buildings or infrastructure within urban infill areas or existing urban service areas.
  15. **Urban Service Area (USA)** - that portion of PBC as designated by the Plan.
  16. **Urban Service Area, Existing** - for the purposes of Art. 12, an area defined and mapped in a local government comprehensive plan that is a built-up area where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas are already in place.
  17. **Usable Open Space** - an area such as a park, square, plaza or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings.
  18. **Usable Open Space for WHP** - a common area such as a park, square, plaza or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-W's, building setback areas, lakes or other water bodies, drainage or retention areas, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation. **[Ord. 2006-055]**
  19. **Use** - any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.
  20. **Use, Accessory** - 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.
  21. **Use, Principal** - the primary and major purpose for which land or building is used as allowed by the applicable zoning district.
  22. **Utility** -
    - a. Government or franchised provider of water, sewer, electric, gas, phone, cable television, or similar service.
    - b. For the purposes of Art. 14, a public utility, power company or telephone company which serves the general public.
  23. **Utility Easement** - see Easement.
  24. **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, sewage lift stations, telephone exchange buildings, and communication substations. **[Ord. 2006-004]**
  25. **Utility Runway** - for the purposes of Art. 16, a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- V. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Vacant Lot** - for the purposes of Art. 7, any tract or parcel of land upon which a home has been demolished and which has not been redeveloped. For the purposes of this definition only, redevelopment means the construction of a home. **[Ord. 2005-002]**
  2. **Vacant Residential Parcel** - any undeveloped parcel of land or property, including any parcel or property with an approved development order, possessing either a residential designation by the FLUA of the Plan or a residential zoning designation consistent with the underlying Future Land Use designation.
  3. **Valid** - for the purposes of Art. 13, Impact Fees, a development order or other authorization which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or canceled; or is not subject to such by the passage of time or the conduct of the owner or developer, and on which or for which all conditions of approval are satisfied that must be satisfied by the terms or conditions of approval.
  4. **Valid Site Specific Development Order** - for the purposes of Art. 12, a Valid Site Specific Development Order which: was issued by a Local Government: (1) in accordance with proper procedure and in compliance with state law, and the land development regulations and codes, administrative rules and procedures, and general policies of Local Governments, and the requirements of all other agencies; (2) not by mistake; and (3) which has not expired, lapsed, or been abandoned, revoked, or canceled by operation of law, or by the Local Government or pursuant to the Local Government land development regulations or codes, rules, or policies.



5. **Value -**
  - a. For the purposes of Art. 1, the most recent PBC Property Appraiser's assessed value of the structure.
  - b. For the purposes of Art. 13, in the case of land, the appraised value as determined by an appraiser from a list of approved appraisers of Palm Beach County. In the case of improvements to real property or chattel, it means the actual cost to the feeowner or developer of such improvements or chattel. In all cases, the values shall be established in or as if in an arm's length, bona fide transaction in a competitive market between a willing seller and a willing buyer, neither of whom are under any special circumstances, as approved by the Impact Fee Coordinator based upon the standards in Art. 13, Impact Fees. If the Impact Fee Coordinator rejects an appraised value, the Impact Fee Coordinator may obtain another appraisal using an appraiser from the approved list, in which case that appraisal shall prevail.
6. **Vanpool** – For the purposes of Article 12, a vehicle carrying six or more persons to and from work and on a regular basis. **[Ord. 2006-036]**
7. **Variance –**
  - a. An abatement of the terms of the ULDC for a use, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.
  - b. For the purposes of Art. 18, after a public hearing before the Flood Damage Prevention Board, a grant of relief from the requirements of this Article, which permits construction in a manner otherwise prohibited by this Article where specific enforcement would result in exceptional hardship. **[Ord. 2004-013]**
8. **Vegetation** - for the purposes of Art. 14.C, plant life including groundcover, grasses, herbs, vines, shrubs and trees.
9. **Vegetation, Native** - any plant species with a geographic distribution indigenous to all or part of the State of Florida. Plant species, which have been introduced by man, are not native vegetation.
10. **Vegetation Required to be Preserved by Law** - for the purposes of Art. 7, areas of vegetation which are clearly delineated on a Site Plan/Plat, or in some other legally binding manner based upon which the lot area is being preserved.
11. **Vehicle Rental Facility, Neighborhood** - a rental facility that is limited to a maximum of six vehicles stored on site. **[Ord. 2009-040]**
12. **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.
13. **Vehicular Use Area -**
  - a. An area designed or used for off-street parking; or
  - b. An area used for loading, circulation, access, storage, or display of motor vehicles. Designated parking areas on public or private streets shall not be considered a vehicular use area.
14. **Vehicular Use Area, Specialized** - an area designed for storage of vehicles in operative condition, or for warehousing, transportation or trucking operations, and which is not open to the general public.
15. **Vessel** - Synonymous with boat as referenced in s.1.(b), Art. VII of the Florida Constitution and includes every description of watercraft, barge and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. The term "floating structure" is expressly excluded from the definition of a vessel. **[Ord. 2007-013]**
16. **Vested** - pursuant to the application of the State of Florida law.
17. **Veterinary Clinic** - for the purposes of Art. 4.B, an establishment engaged in providing medical care, treatment and temporary boarding for animals.
18. **Violation** – for the purposes of Art. 18, the failure of a structure or other development to be fully compliant with this Article. In addition, a structure or other development without a required FEMA elevation certificate, other acceptable elevation certifications, or other evidence of compliance required in this Article is presumed to be in violation until such time as that documentation is provided. **[Ord. 2004-013]**
19. **Visual Impact Analysis** - for the purposes of Art. 5, a written and graphic assessment which determines the appropriate contextual relationship of a proposed building with respect to architectural composition and compatibility.

20. **Visual Hazard** - for the purposes of Art. 16, any source which emits occasional or permanent smoke, glare, dust, or any other perceptible emission that could be a risk to safe aircraft operations.
21. **Visual Runway** - for the purposes of Art. 16, a Runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation planned or indicated on the FAA approved civil or military airport layout plan, or by any other planning document submitted to the FAA by competent authority.
22. **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.
23. **Volume to Capacity (V/C) Ratio** - for the purposes of Art. 12, the ratio of the volume of traffic on a Major Thoroughfare Link to the capacity of that Link as set forth in Table 12.B.2.C-1, LOS D Link Service Volumes.

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

1. **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.
2. **Waste** - discarded material including but not limited to garbage, rubbish, yard trash, litter, non-combustible refuse and industrial wastes.
3. **Wastewater Residuals** - the solid, semisolid, or liquid residue removed during the treatment of municipal wastewater. Not included is the treated effluent or reclaimed water from domestic wastewater treatment plant.
4. **Watercourse** -
  - a. Any stream, canal, ditch, or other natural or artificial channel in which water normally flows within a defined bed, banks, or other discernible boundaries, either continuously or seasonally, whether or not such flow is uniform or uninterrupted.
  - b. For the purposes of Art. 18, a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. **[Ord. 2004-013]**
5. **Wastewater Residuals (Dry)** - domestic wastewater residuals that contain 65 percent solids or greater, by weight.
6. **Water Management Tract** - for the purposes of Art. 11, a parcel of land under single ownership, identified and created as a single unit on a plat or other instrument of record, established for the purpose of delineating a complete facility or unified area to be utilized for detention, retention, or groundwater recharge of stormwater runoff prior to discharge from a development site.
7. **Water Reclamation Production Facility** - These facilities can either treat raw wastewater to irrigation quality water or treat secondary effluent to tertiary standards for use as irrigation water. These facilities can be accessory to a Wastewater Treatment Plant or can be stand-alone facilities. They are comprised of pump and filtration systems, storage tanks, electrical sheds and other facilities as necessary to process, store and distribute irrigation quality water to an identified and reasonably proximate service area. **[Ord. 2007-013]**
8. **Water or 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 Treatment Plant, Open Process** - These are also known as "conventional" water treatment plants and use a series of unenclosed tanks without roof structures to treat raw water to drinking water standards. **[Ord. 2007-013]**
  - b. **Water 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]**
9. **Water Supply System or Water Supply Facility or Water System or Water Facility** - for the purposes of Art. 15.B, or "Water Supply Facility" or "Water System" or "Water Facility," means any or all works and auxiliaries for collection, treatment, storage and distribution of water from the source or sources of supply to the consumer or processing plants including ice making vending machines, water vending machines and bottled water plants.
10. **Water System, Central** - for the purposes of Art. 15, a regional water supply system owned and operated by a municipality, county, special district or other governmental entity, which provides water service to several development located within its service area.
11. **Water System, Individual** - for the purposes of Art. 15, a privately owned water supply system which provides water service to a single development because of unavailability of a central water system.

12. **Water Surface Elevation** – for the purposes of Art. 18, the height, in relation to NGVD of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. **[Ord. 2004-013]**
13. **Water Table Elevation** - for the purposes of Art. 15, as defined by Rule 64E-6, F.A.C..
14. **Water Treatment Facility** - a facility designed for treatment of ground or surface water for potable and sanitary purposes, with a design capacity of more than 10, 000 gallons per day.
15. **Water Well** -
  - a. Source of water used for drinking, culinary, sanitary and other domestic purposes.
  - b. For the purposes of Art. 15, any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is to conduct groundwater from a source bed to the surface by pumping or natural flow.
16. **Waters of the State** - waters, as defined in F.S § 403.031 (12), subject to compliance with State Water Quality Standards adopted pursuant to F.S. Chapter 403 and set forth in Chapter 17-3, F.A.C..
17. **Watershed** - the land area, which contributes to the total flow of water entering a receiving stream or water body.
18. **WCRA Plan** - The Westgate/Belvedere Homes Community Redevelopment Plan adopted by the BCC on January 11, 2005, as may be periodically amended. **[Ord. 2006-004]**
19. **Well** - for the purposes of Art. 14, any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from a source bed to the surface by pumping, natural flow or other method.
20. **Wellfield** -
  - a. For the purposes of Art. 14, an area of land which contains one or more than one well for obtaining water.
  - b. For the purposes of Art. 15, an area of land which contains more than one potable well that is designed for a pumping rate of at least 100,000 gallons per day.
21. **Wellfield Zones 1, 2, 3 and 4** - zones of influence delineated by iso-travel time contours around public water supply wellheads. Zone 1 is identified as the land area within a 30-day travel time and Zone 2 is the land area within a 210-day travel time. Zones of influence maps, including Zones 3 and 4 are developed pursuant to the Wellfield Protection Section and are on file and maintained by ERM Department.
22. **West County Agricultural Area (WCAA)** - the WCAA area is bounded roughly by Lake Okeechobee, Palm Beach-Hendry County Line, and the SFWMD Levees L-4, L-5, L-6, L-7 and L-8.
23. **Wet Detention/Retention** - detention or retention in a storage facility not designed, constructed, and operated so as to provide dry detention/retention.
24. **Wetland** - any persistent or intermittent water body or area characterized by the dominance of those submerged or transitional wetland species listed in the Chapter 17-301, F.A.C. or located within or up to three miles directly offshore of PBC. Dominance shall be defined in accordance with Chapter 17-301, F.A.C. and shall be determined in the appropriate plant stratum (canopy, sub canopy, or ground cover) as outlined in Chapter 17-301, F.A.C..
25. **Wettest Season** - for the purposes of Art. 15, as defined by Rule 64E-6, F.A.C..
26. **Wildlife Corridor** - a continuous corridor of habitat, with a width of at least one mile, that is established by linking conservation areas, wildlife preserves, sanctuaries, refuges, parks, open space areas, and agricultural areas to provide a pathway for wildlife movement.
27. **Whip Antenna** - for the purposes of Art. 4.C, a cylindrical or similarly shaped omni directional antenna utilized for transmission or receiving of electronic communications.
28. **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.
29. **Woodworking or Cabinetmaking** - an establishment engaged in the production of finished products from wood.
30. **Work** - for the purposes of Art. 11, all required construction as shown on approved construction plans and specifications for all facilities and features of any kind which are required, related to the process of subdivision of land under Art. 11, Subdivision, Platting and Required Improvements.
31. **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]

- X. **Terms defined herein or referenced Article shall have the following meanings:**
- Y. **Terms defined herein or referenced Article shall have the following meanings:**
  - 1. **Yard** - any open space that lies between the principal building or buildings and the nearest lot line.
- 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.
  - 2. **Zones of Influence** - for the purposes of Art. 14, zones delineated by iso-travel time contours and the one foot contour within cones of depression of wells which obtain water from the unconfined or surficial aquifer system. These zones are calculated, based on the rate of movement of groundwaters in the vicinity of wells at a specific pumping rate.
  - 3. **Zones of Influence Maps** - for the purposes of Art. 14, Zones of Influence contour lines that overlay the latest digital ortho-photography prior to BCC adoption at scales determined by ERM showing the location on the ground of the outer limits of Zones of Influence for present and future public potable water supply wells and wellfields permitted for 100,000 gallons per day or more. [Ord. 2006-036]
  - 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.

### Section 3      **Abbreviations and Acronyms**

<b>AAAB</b>	Airports and Aviation Advisory Board [Ord. 2006-036]
<b>AASHTO</b>	American Association of State Highway and Transportation Officials
<b>ABN</b>	Development Order Abandonment [Ord. 2010-005]
<b>ACLF</b>	Adult Congregate Living Facility
<b>ACOE</b>	Army Core of Engineers [Ord. 2008-037]
<b>ADA</b>	Americans with Disabilities Act
<b>ADT</b>	Average daily traffic
<b>AEE</b>	Adult Entertainment Establishment
<b>AGR</b>	Agricultural Reserve
<b>AHP</b>	Affordable Housing Program [Ord. 2009-040]
<b>ALP</b>	Alternative Landscape Plan
<b>ALUNZ</b>	Airport Land Use Noise Zone
<b>AMI</b>	Area Median Income [Ord. 2006-055]
<b>AMSL</b>	Above Mean Sea Level
<b>ANSI</b>	American National Standards Institute
<b>AP</b>	Agricultural Production [Ord. 2005-002]
<b>APE</b>	Area of Potential Effect [Ord. 2008-037]
<b>APF</b>	Adequate Public Facilities Determination
<b>AR</b>	Agricultural Residential [Ord. 2005-002]
<b>Art.</b>	Article
<b>ASP</b>	Alternate Site Plan
<b>ASR</b>	Airport Surveillance Radar
<b>ATM</b>	Automated Teller Machines
<b>AUR</b>	Annual Public Facilities Update Report
<b>AZO</b>	Airport Zoning Overlay
<b>BCC</b>	Board of County Commissioners
<b>BOR</b>	Basis of Review
<b>CAH</b>	Commission on Affordable Housing
<b>CC</b>	Community Commercial [Ord. 2005-002]
<b>CCRT</b>	Countywide Community Revitalization Team
<b>CFR</b>	Code of Federal Regulations
<b>CG</b>	General Commercial [Ord. 2005-002]
<b>CH</b>	Commercial High Intensity [Ord. 2005-002]
<b>CHO</b>	Commercial High Office [Ord. 2005-002]
<b>CH-O</b>	Commercial High Intensity-Office Only [Ord. 2005-002]
<b>CIE</b>	Capital Improvement Element

<b>CLASC</b>	Conservation Land Acquisition Selection Committee
<b>CLF</b>	Congregate Living Facility
<b>CL</b>	Commercial Low Intensity <b>[Ord. 2005-002]</b>
<b>CLO</b>	Commercial Low Office <b>[Ord. 2005-002]</b>
<b>CL-O</b>	Commercial Low Intensity-Office Only <b>[Ord. 2005-002]</b>
<b>CN</b>	Neighborhood Commercial <b>[Ord. 2005-002]</b>
<b>CO</b>	Certificate of Occupancy
<b>COA</b>	Certificate of Appropriateness <b>[Ord. 2008-037]</b>
<b>CON</b>	Conservation <b>[Ord. 2005-002]</b>
<b>COZ</b>	Conditional Overlay Zone
<b>CPTED</b>	Crime Prevention Through Environmental Design
<b>CR</b>	Commercial Recreation <b>[Ord. 2005-002]</b>
<b>CRA</b>	Community Redevelopment Association
<b>CRALLS</b>	Constrained Road At A Lower Level of Service
<b>CRE</b>	Commercial Recreation <b>[Ord. 2005-002]</b>
<b>CSA</b>	Concurrency Service Area
<b>CTD</b>	Certificate to Dig <b>[Ord. 2008-037]</b>
<b>dB</b>	Decibel
<b>DBH</b>	Diameter at breast height
<b>DCA</b>	State of Florida Department of Community Affairs <b>[Ord. 2004-013]</b>
<b>DEP</b>	Department of Environmental Protection <b>[Ord. 2008-037]</b>
<b>DEPW</b>	Department of Engineering and Public Works
<b>DOA</b>	Development Order Amendment
<b>DOA</b>	Department of Airports – for purposes of Art. 16
<b>DOT</b>	State of Florida Department of Transportation
<b>DRAB</b>	Development Review Appeals Board
<b>DRI</b>	Development of Regional Impact
<b>DRO</b>	Development Review Officer
<b>EAA</b>	Everglades Agricultural Area
<b>EAC</b>	Expedited Application Consideration
<b>ECR I</b>	PBC Environmental Control Rule I (Onsite Sewage Disposal Systems)
<b>ECR II</b>	PBC Environmental Control Rule II (Water Supply Systems)
<b>EDA</b>	Expedited DRO Applications <b>[Ord. 2007-013]</b>
<b>EDC</b>	Economic Development Center <b>[Ord. 2004-040]</b>
<b>EPA</b>	United States Environmental Protection Agency
<b>ERM</b>	Environmental Resource Management Department
<b>ERP</b>	Environmental Resource Permit
<b>ESL</b>	Environmentally Sensitive Lands
<b>ESLASC</b>	Environmentally Sensitive Lands Acquisition Selection Committee
<b>ESLO</b>	Environmentally Sensitive Lands Ordinance
<b>FAA</b>	Federal Aviation Administration
<b>FAC</b>	Florida Archaeological Council <b>[Ord. 2008-037]</b>
<b>F.A.C.</b>	Florida Administrative Code
<b>FAR</b>	Floor area ratio
<b>F.A.R.</b>	Federal Aviation Regulation (for the purposes of Art. 16, Airport Regulation)
<b>FBC</b>	Florida Building Code or Florida Building Commission <b>[Ord. 2010-005]</b>
<b>FBSDC</b>	Form Based Code <b>[Ord. 2010-005]</b>
<b>FDEP</b>	Florida Department of Environmental Protection
<b>FDO</b>	PBC Facilities Development & Operations Department
<b>FDOT</b>	Florida Department of Transportation
<b>FDPR</b>	Florida Department of Professional Regulation
<b>FEMA</b>	Federal Emergency Management Agency <b>[Ord. 2004-013]</b>
<b>FHBM</b>	Flood Hazard Boundary Map
<b>FIA</b>	Federal Insurance Administration <b>[Ord. 2004-013]</b>
<b>FIRM</b>	Flood Insurance Rate Map
<b>FIS</b>	Flood Insurance Study
<b>FISH</b>	Florida Inventory of School House
<b>FLUA</b>	Future Land Use Atlas
<b>FLUE</b>	Future Land Use Atlas Element

<b>FMP</b>	Final Master Plan <b>[Ord. 2009-040]</b>
<b>FMSF</b>	Florida Master Site File
<b>FMSF</b>	Final Master Sign Plan <b>[Ord. 2009-040]</b>
<b>FRP</b>	Final Regulating Plan <b>[Ord. 2009-040]</b>
<b>FSBP</b>	Final Subdivision Plan <b>[Ord. 2009-040]</b>
<b>FSP</b>	Final Site Plan <b>[Ord. 2009-040]</b>
<b>F.S.</b>	Florida Statutes
<b>GAO</b>	Glades Area Overlay
<b>GFA</b>	Gross Floor Area
<b>GLA</b>	Gross Leasable Area
<b>GNRPB</b>	Groundwater and Natural Resources Protection Board <b>[Ord. 2006-004]</b>
<b>GOPs</b>	Goals, Objectives and Policies of the Comprehensive Plan
<b>GPS</b>	Global Positioning System
<b>GVWR</b>	Gross Vehicle Weight Rating <b>[Ord. 2008-003]</b>
<b>HANG</b>	Highest Adjacent Natural Grade
<b>HE</b>	Housing Element of the Plan <b>[Ord. 2005-002]</b>
<b>HOA</b>	Homeowner's Association
<b>HR-8</b>	High Residential 8 <b>[Ord. 2005-002]</b>
<b>HR-12</b>	High Residential 12 <b>[Ord. 2005-002]</b>
<b>HR-18</b>	High Residential 18 <b>[Ord. 2005-002]</b>
<b>HRRB</b>	Historic Resources Review Board
<b>HUD</b>	U.S. Department of Housing and Urban Development
<b>IESNA</b>	Illuminating Engineering Society of North America <b>[Ord. 2005-041]</b>
<b>IFR</b>	Instrument Flight Rules
<b>IG</b>	General Industrial <b>[Ord. 2005-002]</b>
<b>IL</b>	Light Industrial <b>[Ord. 2005-002]</b>
<b>ILS</b>	Instrument Landing System
<b>IND</b>	Industrial INST Institutional and Public Facilities
<b>INST</b>	Institutional and Public Facilities <b>[Ord. 2005-002]</b>
<b>IPF</b>	Institutional and Public Facilities <b>[Ord. 2005-002]</b>
<b>IPARC</b>	Intergovernmental Plan Amendment Review Clearinghouse
<b>IOZ</b>	Indiantown Road Overlay
<b>LDM</b>	Land Development Design Standards Manual <b>[Ord. 2009-040]</b>
<b>Ldn</b>	Day-Night Average Sound Level
<b>LLF</b>	Light Loss Factor <b>[Ord. 2005-041]</b>
<b>LME</b>	Lake Maintenance Easements
<b>LOS</b>	Level of Service
<b>LOST O</b>	Lake Okeechobee Scenic Trail Overlay
<b>LPA</b>	Local Planning Agency
<b>LR-1</b>	Low Residential 1 <b>[Ord. 2005-002]</b>
<b>LR-2</b>	Low Residential 2 <b>[Ord. 2005-002]</b>
<b>LR-3</b>	Low Residential 3 <b>[Ord. 2005-002]</b>
<b>LWRCCO</b>	Lake Worth Road Commercial Corridor Overlay
<b>MAI</b>	Member of the Appraiser's Institute
<b>MDA</b>	Minimum Descent Altitude
<b>MF</b>	Multi-family Dwelling <b>[Ord. 2006-004]</b>
<b>MLS</b>	Microwave Landing System
<b>MOCA</b>	Minimum Obstruction Clearance Altitude
<b>MPCP</b>	Master Pedestrian Circulation Plan
<b>MPO</b>	Metropolitan Planning Organization
<b>MR-5</b>	Medium Residential 5 <b>[Ord. 2005-002]</b>
<b>MSP</b>	Master Sign Plan <b>[Ord. 2009-040]</b>
<b>MVA</b>	Minimum Vectoring Altitude
<b>NAICS</b>	North American Industrial Classification System
<b>NBCTF</b>	Northlake Boulevard Corridor Task Force
<b>NBOZ</b>	Northlake Boulevard Overlay Zone
<b>NCD</b>	Neighborhood Commercial Development
<b>NEO</b>	Native Ecosystem Overlay District
<b>NGVD</b>	National Geodetic Vertical Datum

<b>NLR</b>	Noise Level Reduction
<b>NPDES</b>	National Pollution Discharge Elimination System
<b>NRHP</b>	National Register of Historic Places <b>[Ord. 2008-037]</b>
<b>OFMB</b>	Office of Management and Budget
<b>OHW</b>	Ordinary High Water
<b>OLW</b>	Ordinary Low Water
<b>OR</b>	Optional Residential
<b>OSTDS</b>	Onsite Sewage Treatment and Disposal System
<b>OWL</b>	Ordinary Water Level
<b>PAC</b>	Pre-Application Conference <b>[Ord. 2010-005]</b>
<b>PAL</b>	Preliminary Assessment Letter <b>[Ord. 2008-037]</b>
<b>PAR</b>	Precision Approach Radar
<b>PBC</b>	Palm Beach County
<b>PBCACC</b>	PBC Division of Animal Care and Control <b>[Ord. 2006-036]</b>
<b>PBCHD</b>	PBC Health Department
<b>PBCWUD</b>	PBC Water Utilities Department
<b>PBIA</b>	Palm Beach International Airport
<b>PBIAO</b>	Palm Beach International Airport Overlay
<b>PC</b>	Preservation/Conservation <b>[Ord. 2005-002]</b>
<b>PCN</b>	Property Control Number
<b>PCP</b>	Permanent Control Points
<b>PDD</b>	Planned Development Districts
<b>PDP</b>	Preliminary Development Plan <b>[Ord. 2009-040]</b>
<b>PDR</b>	Property Development Regulation
<b>PLC</b>	Planning Commission <b>[Ord. 2008-003]</b>
<b>PMP</b>	Preliminary Master Plan <b>[Ord. 2009-040]</b>
<b>PMSP</b>	Preliminary Master Sign Plan <b>[Ord. 2009-040]</b>
<b>PO</b>	Public Ownership <b>[Ord. 2005-002]</b>
<b>POA</b>	Property Owner's Association
<b>PRCF</b>	Peer Review Certification Form
<b>PRM</b>	Permanent Reference Monuments
<b>PRP</b>	Preliminary Regulating Plan <b>[Ord. 2009-040]</b>
<b>PSBP</b>	Preliminary Subdivision Plan <b>[Ord. 2009-040]</b>
<b>PSP</b>	Preliminary Site Plan <b>[Ord. 2009-040]</b>
<b>PUD</b>	Planned Unit Development
<b>PZB</b>	Planning Zoning and Building Department
<b>RCRA</b>	Resource Conservation and Recovery Act
<b>RE</b>	Residential Estate <b>[Ord. 2005-002]</b>
<b>RFI</b>	Request for Interpretation
<b>RM</b>	Multifamily Residential <b>[Ord. 2005-002]</b>
<b>R-O-W</b>	Right-of-Way
<b>RPA</b>	Registry of Professional Archaeologists <b>[Ord. 2008-037]</b>
<b>RPZ</b>	Runway Protection Zone
<b>RR-2.5</b>	Rural Residential 2.5 <b>[Ord. 2005-002]</b>
<b>RR-5</b>	Rural Residential 5 <b>[Ord. 2005-002]</b>
<b>RR-10</b>	Rural Residential 10 <b>[Ord. 2005-002]</b>
<b>RR-20</b>	Rural Residential 20 <b>[Ord. 2005-002]</b>
<b>RS</b>	Single Family Residential <b>[Ord. 2005-002]</b>
<b>RSA</b>	Rural Service Area
<b>RT</b>	Residential Transitional <b>[Ord. 2005-002]</b>
<b>RTO</b>	Research and Technology Overlay
<b>SCGCFO</b>	Sugar Cane Growers Cooperative of Florida Protection Area Overlay <b>[Ord. 2004-040]</b>
<b>SCS</b>	School Capacity Study
<b>SF</b>	Single Family
<b>SFD</b>	Single-family Dwelling <b>[Ord. 2006-004]</b>
<b>SFHCTD</b>	Single-family Home Owner Certificate to Dig <b>[Ord. 2008-037]</b>
<b>SFWMD</b>	South Florida Water Management District
<b>SHPO</b>	State Historic Preservation Officer <b>[Ord. 2008-037]</b>
<b>SIAP</b>	Standard Instrument Approach Procedure

<b>SIC</b>	Standard Industrial Code
<b>SIS</b>	Florida's Strategic Intermodal System <b>[Ord. 2006-055]</b>
<b>SOPA</b>	Society of Professional Archaeologists <b>[Ord. 2008-037]</b>
<b>SPZ</b>	Sand Preservation Zone
<b>SRO</b>	Single Room Occupancy <b>[Ord. 2007-013]</b>
<b>SSRP</b>	Site Specific Regulating Plan (SSRP) <b>[Ord. 2010-005]</b>
<b>STLP</b>	Sea Turtle Lighting Plan
<b>STPO</b>	Sea Turtle Protection Ordinance
<b>STPZ</b>	Sea Turtle Protection Zone
<b>TAPO</b>	Turnpike Aquifer Protection Overlay
<b>TCMA</b>	Transportation Concurrency Management Areas
<b>TCRPC</b>	Treasure Coast Regional Planning Council
<b>TDD</b>	Traditional Development Districts <b>[Ord. 2007-013]</b>
<b>TDR</b>	Transfer of Development Rights
<b>TDS</b>	Total Dissolved Solids <b>[Ord. 2008-037]</b>
<b>TH</b>	Townhouse Dwelling <b>[Ord. 2006-004]</b>
<b>THPO</b>	Tribal Historic Preservation Officer <b>[Ord. 2008-037]</b>
<b>TMD</b>	Traditional Marketplace Development
<b>TND</b>	Traditional Neighborhood Development
<b>Tntc</b>	Too numerous to count
<b>TPS</b>	Traffic Performance Standards
<b>TPSAB</b>	Traffic Performance Standards Appeals Board
<b>TTD</b>	Traditional Town Development
<b>TZ</b>	Transect Zones (IRO) <b>[Ord. 2010-005]</b>
<b>URA</b>	Urban Redevelopment Area <b>[Ord. 2008-037]</b>
<b>U/S</b>	Urban/Suburban Tier
<b>USA</b>	Urban Services Area
<b>USACE</b>	United States Army Corps of Engineers <b>[Ord. 2006-004]</b>
<b>USDA</b>	United States Department of Agriculture
<b>U/T</b>	Transportation and Utilities Facilities <b>[Ord. 2005-002]</b>
<b>v/c</b>	Volume to Capacity
<b>VFR</b>	Visual Flying Rules
<b>VOR</b>	Very-high Frequency Omni-range
<b>VPPO</b>	Vegetation Preservation and Protection Ordinance
<b>VRN</b>	Vegetation Removal Notice
<b>WCAA</b>	West County Agricultural Area
<b>WCRAO</b>	Westgate Belvedere Homes Overlay
<b>WHP</b>	Workforce Housing Program <b>[Ord. 2005-002]</b>
<b>WPZ</b>	Wellfield Protection Zone
<b>WRA</b>	Water Resources Area
<b>ZC</b>	Zoning Commission
<b>ZI</b>	Zones of Influence
<b>ZLL</b>	Zero Lot Line

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# ARTICLE 2

## DEVELOPMENT REVIEW PROCEDURES

	Page
<b>CHAPTER A GENERAL .....</b>	<b>7</b>
<b>Section 1 Applicability .....</b>	<b>7</b>
A. Applicability .....	7
B. Definitions .....	7
C. Established Dates and Fees .....	7
D. Authority .....	7
1. Processes .....	7
E. Pre-Application Conference (PAC) .....	8
1. Plan Review .....	8
2. Sufficiency and Insufficiency .....	8
3. Additional LCC and IRO Requirements .....	8
4. Review Summary .....	9
F. Initiation of Development Review Process .....	9
G. Application Procedures .....	9
1. General .....	9
2. Application Requirements .....	9
3. Plan Requirements .....	9
4. Sufficiency Review .....	12
H. Consolidated Application .....	12
1. Small Scale Amendments .....	12
2. Zoning Applications .....	12
I. Review and Certification .....	12
1. Review .....	12
2. Certification .....	13
3. Non-certification .....	13
4. Application Modification After Certification .....	13
J. Notification .....	13
1. Publication .....	13
2. Courtesy Mailing .....	13
3. Posting .....	14
K. Public Hearing Procedures .....	14
1. Scheduling .....	14
2. Staff Report and Recommendation .....	14
3. Board Action .....	14
4. Conduct of Hearing .....	15
L. Actions by Decision Making Bodies or Persons .....	16
1. General .....	16
2. Administrative Processes .....	16
3. Conditions .....	16
4. Findings/Results .....	16
5. Continuance or Postponement .....	16
6. Notification of Decision .....	16
M. Withdrawal .....	16
N. Denial of Application .....	17
1. Denial .....	17
2. Exceptions .....	17
O. Suspension of Development Review Proceedings .....	17
P. Violation of Condition of Development Order .....	17
Q. Development Order Abandonment .....	17
1. General .....	17

2. Development Orders Not Implemented .....	17
3. Implemented Development Orders .....	17
4. Additional Guidelines .....	18
R. Misrepresentation.....	18
S. Appeal .....	18
1. Non-Judicial Relief.....	18
2. Judicial Relief .....	19
T. Outstanding Liens or Fines .....	19
1. General.....	19
2. Contest by the Applicant.....	19
<b>CHAPTER B PUBLIC HEARING PROCESS .....</b>	<b>19</b>
<b>Section 1 Official Zoning Map Amendment (Rezoning).....</b>	<b>19</b>
A. Purpose .....	19
B. Standards .....	19
1. Consistency with the Plan .....	19
2. Consistency with the Code .....	19
3. Compatibility with Surrounding Uses.....	19
4. Effect on the Natural Environment.....	20
5. Development Patterns .....	20
6. Consistency with Neighborhood Plan .....	20
7. Adequate Public Facilities.....	20
8. Changed Conditions or Circumstances .....	20
C. Effect of a Map Amendment .....	20
1. General.....	20
2. Time Limitations.....	20
D. Development Order Amendment to a PDD, TDD or a Standard Zoning District with a COZ.....	20
<b>Section 2 Conditional Uses, Requested Uses Development Order Amendments, and Unique Structures.....</b>	<b>20</b>
A. Purpose .....	20
B. Standards for Conditional Uses, Requested Uses and Development Order Amendments .....	20
1. Consistency with the Plan .....	20
2. Consistency with the Code .....	20
3. Compatibility with Surrounding Uses.....	20
4. Design Minimizes Adverse Impact.....	20
5. Design Minimizes Environmental Impact .....	21
6. Development Patterns .....	21
7. Consistency with Neighborhood Plans .....	21
8. Adequate Public Facilities.....	21
9. Changed Conditions or Circumstances .....	21
C. Standards for Unique Structure .....	21
1. Consistency with the Plan .....	21
2. Complies with Other Standards of Code .....	21
3. Architectural Compatibility .....	21
4. Design Minimizes Environmental Impact .....	21
5. Circumstances .....	21
D. Class A Conditional Use .....	21
1. Authorized Class A Conditional Uses.....	21
E. Requested Use.....	21
1. Authorized Requested Uses .....	21
F. Class B Conditional Use .....	21
1. Authorized Class B Conditional Uses.....	21
G. Development Order Amendment .....	21
1. General .....	21
2. Expedited Application Consideration (EAC).....	22

3. Procedures .....	22
H. Conditions of Approval .....	22
1. Class A. Conditional/Requested Use/Development Order Amendment .....	22
2. Class B Conditional Use .....	22
I. Effect of Issuance of a Development Order .....	22
1. General .....	22
2. Site Plan Compliance/Initiation of Use .....	22
Section 3     Type II Variance .....	23
A. Purpose .....	23
B. Application Procedure .....	23
1. Subdivision Variance .....	23
2. Noise Variance .....	23
3. Sequence of Submittal .....	23
C. Application Requirements .....	23
1. Description .....	23
D. Review and Recommendation .....	23
1. Zoning and Subdivision Variances .....	23
2. Airport Variance .....	23
E. Standards .....	24
F. Conditions .....	24
1. Request for Time Limitation Waiver .....	24
G. Effect of Development Order .....	24
1. General .....	24
2. Time Limitation .....	24
3. Conforming .....	24
CHAPTER C     FLU PLAN AMENDMENTS .....	25
Section 1     General .....	25
A. Purpose .....	25
B. Authority .....	25
C. Initiation .....	25
D. Procedure .....	25
1. Timing .....	25
2. Submission of Application .....	25
3. Contents of Application .....	25
4. Determination of Sufficiency .....	25
5. Review, Report and Recommendation by Planning Director .....	25
6. Notice .....	26
7. Action by the Planning Commission Sitting as the Local Planning Agency (LPA) .....	27
8. Action by BCC .....	27
9. Conduct of Hearing .....	27
CHAPTER D     ADMINISTRATIVE PROCESS .....	28
Section 1     Development Review Officer .....	28
A. Purpose .....	28
1. Public Hearing Process .....	29
2. Administrative Process .....	29
B. Application Types .....	29
C. Review Procedures .....	29
1. Staff Review .....	29
2. Application Requirements .....	29
3. Action by the DRO .....	29
4. Resubmittal Requirements .....	29

D. Effect of an Administrative Development Order Approval by the DRO .....	30
E. Standards for Administrative Approval .....	30
1. Consistency with the Plan .....	30
2. Consistency with Neighborhood Plans .....	30
3. Other Relevant Codes.....	30
F. Conditions .....	30
1. DRO Authority .....	30
2. Condition Limitations .....	30
G. Administrative Review .....	30
1. Amendments to BCC/ZC Approvals.....	30
2. Agency Review .....	32
3. Zoning Review.....	32
4. Administrative Amendments .....	33
<b>Section 2      Special Permit.....</b>	<b>33</b>
A. Purpose .....	33
B. Authorized Special Permits .....	33
C. Application Requirements .....	33
D. Standards .....	33
E. Conditions .....	33
F. Renewal .....	34
G. Expiration .....	34
H. Discontinuance .....	34
I. Revocation .....	34
<b>Section 3      Type IA and Type IB Administrative Variances .....</b>	<b>34</b>
A. Purpose .....	34
B. Type IA Administrative Variances.....	34
1. Structural Encroachments into Setbacks.....	34
2. Preservation of Vegetation .....	34
3. Native Ecosystem Overlay District (NEO) .....	34
4. Vacant Lots.....	34
C. Type IB Administrative Variances.....	35
1. Residential Lots of Three Units or Less .....	35
2. Non Residential Projects.....	35
3. Permanent Generators on SFD and ZLL Lots .....	35
D. Limitations.....	35
E. Conditions .....	35
F. Time Limitation .....	35
G. Standards .....	35
1. Type IA .....	35
2. Type IB .....	36
H. Effect of Development Order.....	36
<b>Section 4      Administrative Amendments.....</b>	<b>36</b>
A. Purpose .....	36
B. Types of Administrative Amendments.....	36
C. Procedures .....	36
D. Standards .....	36
<b>CHAPTER E    MONITORING .....</b>	<b>37</b>
<b>Section 1      General .....</b>	<b>37</b>
A. Purpose and Intent .....	37
B. Applicability .....	37

<b>Section 2</b>	<b>Procedures</b>	<b>38</b>
A.	Suspension of Development Orders	38
B.	Administrative Extension of Time	39
C.	Appeal	40
D.	Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval	40
1.	Scheduling of Status Reports	40
2.	Status Report Review Criteria	41
3.	Status Report – Additional Criteria	41
4.	Staff Recommendations	41
5.	Procedures	41
6.	Procedures for Rezoning Less than Ten Acres	41
7.	Procedure for Rezoning Ten or more Acres	42
8.	Decision of the BCC or ZC for Failure to Comply with the Following:	42
9.	Decision of the BCC or ZC for Failure to Comply with a Condition of Approval Which Requires the Posting of Performance Security Pursuant to Art. 12.C.2, Conditions.	43
E.	Failure to Comply with Conditions of Approval Imposed by the DRO	43
F.	Failure to Use Variance	44
G.	Expiration of Time Extensions Granted by the BCC	44
H.	Fees	44
<b>Section 3</b>	<b>Supplementary Regulations for Classes of Development Orders</b>	<b>44</b>
A.	Classes of Development Approvals	44
B.	Effect of Phasing on Time Frames for Receipt of a Required Permit or Commencement of a Required Action	44
1.	Residential District (Non-PDD or TDD) PUD and TND Districts	44
2.	Conditional and Requested Uses, PDDs other than PUDs, TTDs and TMDs	44
3.	Effect of Modification to a Development Order on the Time Requirements of this Section	44
<b>CHAPTER F</b>	<b>CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD)</b>	<b>47</b>
<b>Section 1</b>	<b>General</b>	<b>47</b>
A.	Purpose and Intent	47
B.	Authority	47
C.	Applicability	47
1.	General	47
D.	Exemptions	47
E.	Unified Planning Area	47
<b>Section 2</b>	<b>LOS Standards</b>	<b>47</b>
<b>Section 3</b>	<b>Review For Adequate Public Facilities</b>	<b>47</b>
A.	General	47
B.	Procedure for Review of Application for a Concurrency Reservation	47
1.	Submission of Application	47
2.	Determination of Sufficiency	48
3.	Determination of Review	48
4.	Review and Recommendation	48
5.	90 Day Negotiation	48
6.	Approval	49
C.	Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation	49
1.	Potable Water, Sanitary Sewer, Solid Waste and Park and Recreation and Linked Open Space and Fire Rescue Facilities	49
2.	Drainage Facilities	49
3.	Traffic Facilities	49

4. Mass Transit Facilities.....	49
5. Public School Facilities.....	50
D. Rules of General Applicability for a Concurrency Reservation.....	50
1. Expiration.....	50
2. Effect.....	50
3. Assignability and Transferability.....	50
4. Extension of a Reservation.....	50
5. Phasing of a Reservation.....	50
6. Receipt of a Concurrency Reservation with Conditions.....	50
7. Amendment of Certificate of Concurrency Reservation.....	51
8. Revision of a Concurrency Reservation.....	51
9. Effect of Agreement in Conjunction with a Certificate of Concurrency Reservation.....	51
E. Procedure for Equivalency Determination.....	52
1. Submission of Application.....	52
2. Review and Recommendation.....	52
3. Approval of Equivalency.....	52
4. Denial of Equivalency.....	52
Section 4 Entitlement Density and Entitlement Intensity.....	52
A. General.....	52
B. Submission of Application.....	52
C. Determination of Sufficiency.....	52
D. Decision by Zoning Director.....	53
E. Standards for Entitlement Density.....	53
Section 5 Administrative Appeal Process.....	53
A. General.....	53
B. DRAB Membership.....	53
C. Procedure.....	53
D. Standard.....	53
E. Written Order.....	53
F. Appeal to Circuit Court.....	53
Section 6 Monitoring Program.....	54
A. General.....	54
B. Annual Public Facilities Update Report (AUR).....	54
C. Amendments.....	54
Section 7 Public School Concurrency.....	54
A. Short Title.....	54
B. Authority.....	54
C. Definitions.....	54
D. Applicability.....	54
1. Area of Jurisdiction.....	54
2. Time of Application of Ordinance.....	54
3. Applications Requiring Concurrency Review.....	55
4. Exemptions.....	55
E. Standard.....	55
1. LOS.....	55
2. Concurrency Service Areas.....	55
3. Three Year Rule.....	55
4. Adjacent CSA Capacity.....	55
F. Review of Residential Development.....	55
1. Application.....	55
G. Development Order Approval.....	56
H. Appeals.....	56

## ARTICLE 2

### DEVELOPMENT REVIEW PROCEDURES

#### CHAPTER A GENERAL

##### Section 1 Applicability

###### A. Applicability

The provisions in this Article shall apply to all development order applications unless otherwise specified. Development Orders run with the land and may be transferred to new owners unless otherwise stipulated.

###### B. Definitions

See Art. 1.I, Definitions and Acronyms.

###### C. Established Dates and Fees

1. The Zoning Director shall publish an Annual Zoning Calendar, as may be amended, providing application dates and deadlines consistent with the specifications of this Code. This calendar shall govern all dates in the development review process.
2. A development order application shall be accompanied by a fee established by the BCC. Any request for a refund of fees shall be in writing, based on the current PZB refund policy, and subject to approval by the Zoning Director.

###### D. Authority

###### 1. Processes

For the purposes of this Article, the authority of the BCC, ZC, DRO and Zoning Director shall be limited to the development order applications specified below. **[Ord. 2006-036]**

###### 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:

- 1) Official Zoning Map Amendment (Rezoning);
- 2) Class A conditional use;
- 3) Requested use;
- 4) Development Order Amendment (DOA);
- 5) Abandonment; **[Ord. 2007-013] [Ord. 2008-003]**
- 6) Status Report; **[Ord. 2007-013] [Ord. 2008-003]**
- 7) Deviation(s) from Articles 5, 6, and 7 of the ULDC for development supporting government facilities within the PO Zoning District, **[Ord. 2007-013] [Ord. 2008-003]**
- 8) Waivers; **[Ord. 2008-003] [Ord. 2009-040]**
- 9) Unique Structures; and **[Ord. 2008-003] [Ord. 2009-040]**
- 10) Deviations from separation requirements for Homeless Resource Centers in the PO Zoning District, pursuant to Art. 4.B.1.A 70-1, Homeless Resource Center. **[Ord. 2009-040]**

###### b. Zoning Commission (ZC)

The ZC shall consider the following types of development order applications:

- 1) Class B conditional use;
- 2) DOA;
- 3) Abandonment, **[Ord. 2006-036]**
- 4) Status Reports; **[Ord. 2006-036] [Ord. 2008-003]**
- 5) The ZC is also granted the authority to consider, take action, and make decisions on applications for Type II variances. The ZC is not authorized to grant variances from the following Articles of the ULDC: **[Ord. 2006-036]**
  - a) Art. 1, General Provisions (excluding Article 1.F.3.F.1); **[Ord. 2008-003]**
  - b) Art. 2, Development Review Procedures;
  - c) Art. 3.B.3, COZ, Conditional Overlay Zone;
  - d) Art. 4, Use Regulations; **[Ord. 2007-013] [Ord. 2008-003]**
  - e) Art. 5.D, Park and Recreation – Rules and Recreation Standards;
  - f) Art. 5.F, Legal Documents (excluding provisions in Art. 5.F.2, Easements);
  - g) Art. 5.G, Density Bonus Programs;
  - h) Art. 13, Impact Fees;

- i) Art. 14, Environmental Standards;
- j) Art. 15, Health Regulations;
- k) Art. 17, Decision Making Bodies; and
- l) Art. 1.I, Definitions and Acronyms, and [Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-003]

6) Unique Structures. [Ord. 2008-003]

**c. Development Review Officer (DRO)**

The DRO, in accordance with the procedures, standards and limitations of this Article and Art. 2.D, Administrative Process, shall consider the following types of development order applications: [Ord. 2006-036]

- 1) Master Plan; [Ord. 2006-036]
- 2) Site Plan; [Ord. 2006-036]
- 3) Subdivision Plan; and [Ord. 2006-036]
- 4) Uses indicated as "D" in Table 4.A.3.A, Use Matrix. [Ord. 2006-036]

**d. Zoning Director**

The Zoning Director, in accordance with the procedures, standards and limitations of this Article, shall approve, approve with conditions, withdraw, deny or revoke the following types of development order applications: [Ord. 2006-036]

- 1) Special Permit;
- 2) Alternative Landscape Plan (ALP);
- 3) Administrative Variances (Type IA and Type IB); [Ord. 2006-036]
- 4) Alternative Sign Plan (ASP); and
- 5) Administrative Development Order Abandonment.

**E. Pre-Application Conference (PAC)**

The purpose of the pre-application conference is to provide the applicant with an opportunity to submit a preliminary application and conceptual site plan for review by the Zoning Division. The preliminary application and conceptual site plan will be reviewed for compliance with applicable Codes, and to determine the appropriate review processes required for the proposed development.

**1. Plan Review**

The applicant shall specify in the application whether the PAC is requested for a conceptual site plan review. A conceptual site plan shall be required for an Infill Redevelopment Overlay (IRO) or Lifestyle Commercial Center (LCC) project. [Ord. 2005 – 002] [Ord. 2010-005]

**2. Sufficiency and Insufficiency**

The application shall follow the procedures as provided in Article 2.A.1.G, Application Procedures.

**3. Additional LCC and IRO Requirements**

**a. Preliminary Application**

The preliminary application shall identify and document any proposed waivers; and include any previous BCC conditions of approval, if applicable. [Ord. 2010-005]

**b. Conceptual Site Plan**

The conceptual site plan shall be prepared in compliance with the Technical Manual. The plan shall indicate and delineate the applicable items listed in Table 2.A.1.E, Conceptual Site Plan Requirements: [Ord. 2010-005]

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**Table 2.A.1.E, Conceptual Site Plan Requirements for PAC**

Conceptual Site Plan Requirements		IRO	LCC
Intensity or density		✓	✓
Transect zones assigned to all land. All land must be assigned one of the four transect zones described in Art. 3.B.16.F, no land may be assigned two or more transect zones. Transect zone boundaries shall follow proposed lot lines or be clearly dimensioned for parcels developed under one entity.		✓	
Vehicular and pedestrian circulation, including location of access points and interconnectivity to adjacent parcels, perimeter streets, internal street network including alleys.		✓	✓
For IRO, building placement and building type, including any tenants 65,000 square feet or larger.		✓	
For LCC, any freestanding or any tenants 65,000 square feet or larger.			✓
Pedestrian streetscape realm for all perimeter street frontages.		✓	
Pedestrian area for main street(s).			✓
Proposed and required mix of uses, including live/work or residential units, identifying whether or not such is horizontally or vertically integrated.		✓	✓
Location of any requested uses, and outdoor uses such as restaurant or bank drive through facilities, 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.		✓	✓
Location of parking, loading and service areas (dumpsters, etc.).		✓	✓
Required public open space or usable open space.		✓	✓
Demonstrate consistency with the master plan or design guidelines adopted under the Future Land Use Atlas amendment ordinance, if applicable.			✓
[Ord. 2010-005]			

**4. Review Summary**

Within five days of the PAC, the DRO shall provide the applicant with a written summary of the preliminary issues, findings, and necessary approvals required for the application. [Ord. 2010-005]

**F. Initiation of Development Review Process**

An application for any development order may be submitted by the following authority: PBC official, owner, agent who is authorized in writing to act on the owner's behalf, or person having a written contractual interest in the land for which the amendment or development permit is proposed.

**G. Application Procedures**

**1. General**

An application shall be submitted for all development orders regulated by this Code. Applications require sufficiency review prior to being placed on the agenda for a public hearing or meeting, or proceeding to the subsequent step in the development review process, unless otherwise specified in this Code. [Ord. 2005-041]

**2. Application Requirements**

The application form and requirements for a development order, approved through the Public Hearing or the administrative process, shall be submitted on forms specified by the PBC official responsible for reviewing the application. Additional application requirements specific to a zoning district, use, or process are referenced in the applicable sections of the ULDC. The general requirements for all applications are outlined in the Technical Manual, which is published and periodically updated by the Zoning Division. [Ord. 2005-041] [Ord. 2009-040]

**3. Plan Requirements**

All applications or applicants submitting for a Public Hearing or an administrative approval process shall submit a plan to the DRO. The type of plan shall be based upon the type of application request(s), and shall be prepared to include graphics and tabular data consistent with the Technical Manual requirements and standards. The plan shall provide sufficient information for County Agencies to review in order to render DRO comments on the project for compliance with applicable standards of the Code pursuant to Art. 2.B.1.B, Standards, Art. 2.B.2.B, Standards, or Art. 2.D.1.E, Standards for Administrative Approval. In addition, the plan shall be prepared in compliance with the following: [2009-040]

- a. The Land Development Design Standards Manual (LDM) published and maintained by the Land Development Division; **[Ord. 2009-040]**
- b. All applicable objectives, standards and requirements in this Code; and, **Ord. 2009-040]**
- c. Plan labeling standards as follows; **[Ord. 2009-040]**
  - 1) Plans requiring DRO certification for Public Hearing shall be labeled "Preliminary"; **[Ord. 2009-040]**
  - 2) Plans requiring DRO approval shall be labeled "Final". **[Ord. 2009-040]**
- d. **Master Plan**  
 The master plan shall be the controlling document for a PDD listed below. All development site elements including, but not limited to: ingress/egress, density, and intensity in the PDD shall be consistent with the master plan. All subdivisions and plats shall be consistent with the master plan. In cases of conflict between plans, the most recently approved BCC plan or DRO final plan, where applicable, shall prevail. **[Ord. 2009-040]**
  - 1) **Preliminary Master Plan (PMP) for Public Hearing Approval**  
 The BCC shall approve a PMP for the following PDDs: PUD, RVPD, MHPD, PIPD, and PDDs with a MLU or EDC future land use designation. **[Ord. 2009-040]**
    - a) **Preliminary Site Plan (PSP) or Subdivision Plan (PSBP) Options**  
 For a PUD application with no proposed subdivision, the applicant may submit a PSP prior to certification for public hearing process, which includes but not limited to: layout of lots and buildings, ingress/egress, recreation areas, exemplary design standards, if applicable, etc. for the purpose of a BCC review at the hearing. For a PUD application proposing to subdivide, the applicant may submit a PSBP pursuant to Preliminary Subdivision Plan. **[Ord. 2009-040]**
  - 2) **Final Master Plan (FMP) for Public Hearing Approval**  
 For applications with a PMP, the applicant shall submit a FMP for final review and approval by the DRO. The FMP shall be prepared consistent with the BCC approved PMP, and all modifications shall be approved by the BCC unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, whichever is more restrictive. **[Ord. 2009-040]**
- e. **Site Plan**  
 The site plan shall be the controlling plan for conditional 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]**
  - 2) **Final Site Plan (FSP) with Public Hearing Approval (Off-The-Board)**  
 After a PSP is approved by the BCC or ZC, the applicant shall submit a FSP to the DRO for final review and approval. The DRO shall review the FSP for consistency with the PSP, applicable code requirements, BCC or ZC conditions of approval. All modifications to the PSP that are shown on the FSP must be approved by the BCC or ZC unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, whichever is more restrictive. **[Ord. 2009-040]**
  - 3) **Final Site Plan (FSP) for Administrative Approval**  
 The DRO shall approve a Final Site Plan for: **[Ord. 2009-040]**
    - a) Any requests for uses that have a "D" in Table 4.A.3.A, Use Matrix; or, **[Ord. 2009-040]**
    - b) Any requests subject to Table 4.A.3.A – Thresholds for Project Requiring DRO Approval. **[Ord. 2009-040]**
- f. **Subdivision Plan**  
 The subdivision plan shall be the controlling plan for conditional 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]**
  - 1) **Preliminary Subdivision Plan (PSBP) for Public Hearing Approval**

The DRO shall review and certify a PSBP for any applications that are subject to the submittal requirement of a PMP pursuant to Art. 2.A.1.G.3.d, Master Plan, and which involves in the subdivision of land to be platted. The applicant may submit a PSBP prior to certification for public hearing process, which includes but not limited to: layout of lots, exemplary design standards, ingress/egress, density, etc. for the purpose of a BCC review. [Ord. 2009-040]

**2) Final Subdivision Plan (FSBP) for Public Hearing Approval (Off-The-Board)**

After a PSBP is approved by the BCC or ZC, the applicant shall submit a FSBP for parcels of land that are subject to subdivision to the DRO for final review and approval. The FSBP shall be reviewed and approved prior to submission of an application for a plat or other approval required by Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS. [Ord. 2009-040] [Ord. 2010-005]

**3) Final Subdivision Plan (FSBP) for Administrative Approval**

The DRO shall approve a Final Subdivision Plan for: [Ord. 2009-040] [Ord. 2010-005]

- a) Any subdivision of lots when the Zoning Director determines that it does not require the Public Hearing Approval Process. [Ord. 2009-040] [Ord. 2010-005]

**4) Exception**

A minor subdivision may be exempt from this Section subject to the approval of a Plat Waiver pursuant to Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS. [Ord. 2009-040]

**g. Regulating Plans**

The regulating plan shall reflect the necessary tabular and graphic information required in the Technical Manual, which provides a comprehensive graphic and written description of the project and shall include but not be limited to: lot layout for housing type, street cross sections, design details of site elements, etc. Each element of the regulating plan shall be drawn to scale or labeled with notes, specifications and dimensions. [Ord. 2009-040]

**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]

- a) Focal points; [Ord. 2009-040]
- b) Exemplary features; [Ord. 2009-040]
- c) Public amenities; and, [Ord. 2009-040]
- d) Preliminary Master Sign Plan or Program. [Ord. 2009-040]

**2. Final Regulating Plan (FRP) for Legislative Approval or Administrative Approval**

- a) After a PRP is approved by the BCC or ZC, the applicant shall submit a FRP to the DRO for final review and approval. The FRP shall be consistent with the BCC or ZC approved PRP. All modifications to the plan must be approved by the BCC or ZC unless the proposed changes are required to meet conditions of approval, are not in conflict with the BCC or ZC approval or are in accordance with the ULDC. [Ord. 2009-040]

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

- c) In addition to the requirements indicated in Art. 2.A.1.G.3.g.1, Preliminary Regulating Plan (PRP) for Public Hearing Approval, the following items shall be shown on the FRP, as applicable: [Ord. 2009-040]

- (1) Street cross sections, including sidewalks, bike lanes, street trees, on street parking and lighting; [Ord. 2009-040]
- (2) Typical lot layouts for each housing type, including building envelope, screen enclosure/pool setbacks, and driveway access; [Ord. 2009-040]
- (3) Landscape buffer details (plan view and cross section); [Ord. 2009-040]
- (4) Median landscape detail; [Ord. 2009-040]
- (5) Master Sign Plan; [Ord. 2009-040]
- (6) Elevations, if submitted pursuant to Art. 5.C, Design Standards; [Ord. 2009-040]
- (7) Pedestrian circulation plan in accordance with Art. 3.E, Planned Development Districts (PDDs); [Ord. 2009-040]
- (8) Phasing pursuant to Art. 2.E, Monitoring; [Ord. 2009-040] [Ord. 2010-005]
- (9) Screening details; [Ord. 2009-040]
- (10) Neighborhood parks; and, [Ord. 2009-040]

(11) Alternative Landscape Plan (ALP) or Alternative Sign Plan (ASP). [Ord. 2009-040]

**3) Design Standards (DS) Alternative**

An applicant may submit Design Standards in lieu of a Regulating Plan, provided that approval is granted by the Zoning Director at DRO. The DS shall contain text, graphics and pictures to illustrate prevailing design theme and concept applicable to the project. Requirements for Design Standards review and approval process shall be in compliance with Art. 2.A.1.G.3.g.1) and g.2), Preliminary and Final Regulating Plans. [Ord. 2004-040] [Ord. 2009-040]

**h. Other Types of Plans**

**1) Landscape Plans**

Article 7, Landscaping, identifies three types of landscape plans: Planting, Landscape, and Alternative Landscape. Application requirements, labeling of Plans, and approval procedures for Landscape Plans or Alternative Landscape Plans shall be consistent with Art.2.A.1.G.3, Plan Requirements and Art. 2.A.1.G.3.g.1) and g.2), Regulating Plan, and Art.7, Landscaping. [Ord. 2009-040]

**2) Sign Plans**

Article 8, Signage, identifies three types of sign plans: Master Sign Program, Master Sign Plan, and Alternative Sign Plans. Application requirements, labeling of Plans, certification and approval procedures of Master Sign Programs, Master Sign Plans or Alternative Master Sign Plan shall be consistent with Art. 2.A.1.G.3, Plan Requirements, Art. 2.A.1.G.3.g.1) and g.2), Regulating Plan and Art.8, Signage. [Ord. 2009-040]

**4. Sufficiency Review**

The appropriate PBC official responsible for reviewing the application shall determine whether or not the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application and any additional data necessary to evaluate the application. [Ord. 2005-041]

**a. Sufficiency**

If the application is determined to be sufficient, it shall be reviewed by the appropriate PBC official pursuant to the procedures and standards of this Article. The application shall then be placed on the next available agenda consistent with the established dates published in the Annual Zoning Calendar, or proceed to the next subsequent step in the development review process. The agenda shall be made available to the public no less than five days prior to the applicable hearing or review date. [Ord. 2005-041]

**b. Insufficiency**

If an application is determined to be insufficient, staff shall provide a written notice to the applicant specifying the deficiencies. The notice shall be mailed within ten days of receipt of the application.

- 1) No further action shall be taken on the application until the deficiencies are remedied.
- 2) If amended and determined to be sufficient, the application shall be processed in accordance with Art. 2.A.1.G.4.a, Sufficiency. [Ord. 2005-041]
- 3) If the deficiencies are not remedied within 20 days the application shall be considered withdrawn. [Ord. 2005-041]

**H. Consolidated Application**

**1. Small Scale Amendments**

If a land use amendment requires a rezoning, conditional 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]

**2. Zoning Applications**

Applications for development orders may be consolidated for review, subject to approval by the Zoning Director. When applications for development orders are consolidated the review period shall not be less than the time frame established for the application with the longest review period.

**I. Review and Certification**

**1. Review**

All rezoning, conditional use, requested use and development order amendment, and concurrent Type II variance applications, shall be reviewed and certified by the DRO. [Ord. 2006-036]

**2. Certification**

The application shall meet all minimum Code requirements and standards pursuant to this Code and other applicable standards prior to certification by the DRO. An application shall not be certified until it meets all certification standards. The DRO shall prepare a list of certification issues and make it available to the applicant at least five days prior to the DRO review date meeting. An applicant shall be given three days following the DRO review date to satisfy any outstanding certification issues. Certified applications shall be scheduled for the first hearing, or a subsequent hearing in accordance with the annual Zoning Calendar or as is mutually agreed upon by the applicant and the DRO.

**3. Non-certification**

If the application is not certified, the DRO shall prepare a list of outstanding certification issues and comments. The list shall be made available no less than seven days after review by the DRO. [Ord. 2008-003]

**a. Resubmittal Requirements**

The applicant shall provide a written response addressing all outstanding certification issues and comments in a manner and form acceptable to the Zoning Division. The revised documents shall be submitted to all DRO agencies for review and comment on the resubmittal date as established on the Annual Zoning Calendar. The applicant shall request to be placed on the agenda a minimum of two days prior to the DRO meeting. [Ord. 2005-041] [Ord. 2008-003]

**4. Application Modification After Certification**

Applications shall not be significantly modified after certification, unless requested or agreed to by PBC. Significant modifications to proposed site or master plans within ten days of a scheduled public hearing date shall result in a postponement. For the purposes of this Article, a modification shall be considered significant if it exceeds 30 percent or more change from the certified plan. [Ord. 2005 – 002]

**J. Notification**

Notice for any required public hearing shall be provided by publication of an advertisement, mailed notice and posting of property in accordance with this Section.

**1. Publication**

Public notice shall be published in a newspaper of general circulation in PBC in accordance with the following standards:

**a. ZC and BCC**

Notice shall be required in accordance with F.S. §125.66 and Chapter 163.

**2. Courtesy Mailing**

a. A notice shall be mailed to all property owners within 300 feet for Type IB and Type II variance applications, and appeals being heard before the Hearing Officer; and, within 500 feet or greater for all other public hearings, as required by the Zoning Director. This distance shall be measured from the property line of the affected area and shall include: [Ord. 2006-036] [Ord. 2008-003]

- 1) All owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser;
- 2) Condominium associations and all real property owners when real property consists of a condominium;
- 3) All Property Owners Associations (POAs), Homeowners Associations (HOAs) and cooperatives within the affected area; and
- 4) All counties and municipalities within one mile of the request.

b. An extended 300-500 foot notice notification boundary shall be required to include future annexation areas, identified on the PBC Future Annexation Map in the Planning Division, that are located within one mile of the request; [Ord. 2008-003]

c. If the area within 300 or 500 feet is owned by the applicant or a related entity, the 300 or 500-foot notification boundary shall be extended from these parcels;

d. A larger notification boundary may be required by the Zoning Director for properties located in the Exurban or Rural tiers.

(This space intentionally left blank.)

- e. The notice shall:
  - 1) State the substance of the proposal;
  - 2) Include a date, time and place for the public hearing;
  - 3) Include a general location map of the subject property; and
  - 4) Include a statement that interested parties may appear at the public hearing and be heard regarding the request.

- f. No Notice
 

The failure to receive a courtesy notice by any property owner shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the approving authority.

### **3. Posting**

The land subject to the application shall be posted by the applicant with a notice of the public hearing on a sign provided by the PBC at least 15 days in advance of any public hearing. One sign shall be posted for each 100 feet of frontage along a street up to a maximum of ten signs. All signs shall be evenly spaced along the street or in a location acceptable to the Zoning Director. All signs shall be setback no more than 25 feet from the property line. All signs shall be erected in full view of the public. Where land does not have significant frontage on a street, signs shall be in a location acceptable to the Zoning Director. The failure of any such posted notice to remain in place after it has been posted shall not be deemed a failure to comply with this requirement or be grounds to challenge the validity of any decision made by the approving authority.

#### **a. Exceptions**

Signs posted by a public agency or the BCC may be posted on the nearest street or at major intersections leading to and within the subject property.

## **K. Public Hearing Procedures**

### **1. Scheduling**

If an application has been certified by the DRO and a public hearing is required, the responsible PBC official shall schedule a public hearing in accordance with the dates established in the annual Zoning Calendar.

#### **a. Number of Hearings**

Both the ZC and the BCC shall hold at least one public hearing on a proposed amendment to the boundaries of the Official Zoning Map for non-PBC initiated applications and PBC initiated applications for properties consisting of less than ten contiguous acres of land.

#### **b. Exception**

The ZC shall hold at least one public hearing and the BCC shall hold two public hearings on a proposed amendment to the boundaries of the Official Zoning Map for PBC initiated applications consisting of ten or more contiguous acres of land.

### **2. Staff Report and Recommendation**

#### **a. Report**

The PBC official responsible for reviewing the application shall prepare a report for each application which incorporates the comments of the agencies responsible for reviewing the application, and a recommendation of approval, approval with conditions, or denial based on the applicable standards. The report shall be made available to the public at least five days prior to the hearing date.

### **3. Board Action**

#### **a. Action by ZC**

The ZC shall conduct a public hearing on the application pursuant to the procedures in Article 2.B, PUBLIC HEARING PROCEDURES.

##### **1) Scheduling**

After DRO certification, the application shall be considered at the next available regularly scheduled public hearing by the ZC, or such time as is mutually agreed upon between the applicant and the Zoning Director. The scheduling of the application for public hearing shall ensure the public notice requirements are satisfied.

##### **2) Rezoning, Class A Conditional Use, Requested Use, DOA**

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. **[Ord. 2008-003]**

**3) Class B Conditional Use, DOA, and Type II Variance**

The ZC shall consider the: application, staff report, relevant support materials, DRO certification, public testimony, and evidence for the public record given at the hearing. An application for a development permit for a Class B conditional use, which does not receive the required rezoning, shall be decertified. At the close of the public hearing, the ZC shall by not less than a majority of a quorum present approve, approve with conditions, modify, postpone, or deny the application. The actions shall be based upon standards in Art. 2.B.1.B Standards and Art. 2.B.3.E, Standards, applicable to all Conditional Uses, and Type II Variances, and any standards specifically applicable to the use as required in Art. 4.B, Supplementary Use Standards, thereby adopting a resolution approving, approving with conditions, or denying the proposed request. The resolution shall be filed with the Clerk of the Circuit Court. [Ord. 2006-036] [Ord. 2008-003]

**b. Action by BCC**

**1) Scheduling**

After the review and recommendation of the ZC, the application shall be considered at the next available regularly scheduled public hearing by the BCC, or such time as is mutually agreed upon between the applicant and the Zoning Director. The scheduling of the application for public hearing shall ensure the public notice requirements are satisfied.

**2) Public Hearing(s)**

At the public hearing(s), the BCC shall consider the application, all relevant support materials, the recommendation of the ZC, the testimony given and the evidence introduced into the record at the public hearing(s).

**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 on the standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to all Conditional Uses, Requested Uses, Rezoning and DOA's, 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]

**4) Remand**

If at any time during the public hearing, the ZC or BCC determines that the application is based upon incomplete, inaccurate information or misstatements of fact, it may refer the application back to the ZC or DRO for further review and a revised staff report.

**c. Action by the Hearing Officer**

At the public hearing(s), the Hearing Officer shall consider the application, all relevant support materials, staff report, testimony given, and evidence introduced into the record at the public hearing(s) and decide to approve, approve with conditions, deny, continue, postpone, modify or withdraw the request. [Ord. 2006-036]

**4. Conduct of Hearing**

**a. Oath or Affirmation**

All testimony and evidence shall be given under oath or by affirmation to the body conducting the hearing.

**b. Rights of All Persons**

Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Anyone representing an organization shall present evidence of his/her authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of an organization, state the name and mailing address of the organization.

**c. Order of Proceedings**

Robert's Rules of Order shall be observed during the proceeding in accordance with Article 17.B, GENERAL PROVISIONS. The governing body may adopt bylaws stipulating the manner in which the proceedings will be conducted. The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious formal rules of evidence. Formal Rules of evidence shall not apply but fundamental due process shall be observed. The order of the proceedings shall be as follows:

- 1) The PBC official responsible for reviewing the application shall present a written and or oral recommendation, including any report prepared. This recommendation shall address each standard required to be considered by this Code prior to approval of the application.
- 2) The applicant shall present any information the applicant deems appropriate.
- 3) Public testimony shall be heard.
- 4) The PBC official responsible for reviewing the application may respond to any statement made by the applicant or any public comment.
- 5) The applicant may respond to any testimony or evidence presented by the PBC staff or public at the discretion of the Chair.
- 6) The governing body may direct questions to staff and the applicant specific to the request.
- 7) The governing body shall discuss the facts of the petition and make a recommendation.

#### **L. Actions by Decision Making Bodies or Persons**

##### **1. General**

All decision making persons and bodies shall act in accordance with the time limits established in this Code.

##### **2. Administrative Processes**

###### **a. Action by DRO**

The DRO, in accordance with the procedures, standards and limitations of this Code and Article 2.D, ADMINISTRATIVE PROCESS, shall approve, approve with conditions, revoke, deny or administratively withdraw an application based upon the recommendation of the reviewing agencies.

###### **b. Action by Zoning Director**

The Zoning Director, in accordance with the procedures, standards and limitations of this Code, shall approve, approve with conditions, withdraw, deny or revoke an application for a development permit.

##### **3. Conditions**

Conditions may be imposed to ensure the uses or site plan of development approved by the decision-making body or person is implemented accordingly.

##### **4. Findings/Results**

All decisions shall be in writing and shall include the following elements:

- a. A statement of specific findings of fact; and
- b. A statement of approval, approval with conditions, or denial with or without prejudice. If there is a decision for denial, it shall be with prejudice unless determined otherwise by the decision making body or person.

##### **5. Continuance or Postponement**

###### **a. BCC and ZC**

The body conducting the public hearing may, on its own motion or at the request of an applicant, continue the public hearing to a fixed date, time and place. An applicant shall be granted one postponement to the next regularly scheduled hearing if requested in writing five days prior to the hearing. The body conducting the hearing shall determine if an application shall be postponed when an applicant fails to submit a request for postponement five days prior to the hearing. All subsequent request for continuance or postponement shall be granted at the discretion of the decision making body. **[Ord. 2005-041] [Ord. 2006-036]**

###### **b. DRO**

Applications for a development order continued or postponed for more than six months by the DRO must obtain approval from the Zoning Director. All applications that have been continued or postponed for more than six months without approval from the Zoning Director, shall be administratively withdrawn. **[Ord. 2005 – 002]**

##### **6. Notification of Decision**

Notification to the applicant of the final action by a decision making body or person shall be provided by the PBC official responsible for reviewing the application within 10 days of the final decision. A copy of the decision shall be made available to the public. **[Ord. 2008-003]**

#### **M. Withdrawal**

The applicant shall have the right to withdraw an application for a development order at any time prior to the final action on the application by the decision making body or person. Requests for withdrawal received by the PBC official responsible for reviewing the application five days prior to a hearing or review date shall be granted without prejudice. Thereafter, the governing body may make a motion on the application for withdrawal with or without prejudice.



## **N. Denial of Application**

### **1. Denial**

When an application is denied with prejudice, an application for a development order for all or a part of the same land shall not be considered for a period of one year after the date of denial. Withdrawal with prejudice prohibits the filing of a successive application, which is not materially different, as defined in this Section, for one calendar year.

### **2. Exceptions**

- a. The subsequent application involves a development proposal that is materially different from the prior proposal. For the purposes of this Section, an application for a development permit shall be considered materially different if it involves a change in intensity or density of 25 percent or more.
- b. A majority of the members on the prevailing side of the decision making body that made the final decision on the application determines that the prior denial was based on a material mistake of fact.

## **O. Suspension of Development Review Proceedings**

An application for a development order may be suspended during the pendency of a Code Enforcement proceeding pursuant to Article 10, ENFORCEMENT, or for any Code violation involving all or a portion of the land proposed for development, unless it is demonstrated in writing by the applicant that suspension of development review processing could be adverse to the public interest.

## **P. Violation of Condition of Development Order**

A violation of any condition in a development order shall be considered a violation of this Code.

1. The violation shall be rectified prior to any public hearing or meeting on the issuance of any subsequent development order for that project, unless the subsequent application seeks to amend the condition that has been violated. Unless otherwise specified in the development order, an approved use must comply with all conditions prior to implementing the approval.
2. The violation shall be subject to any and all enforcement procedures available as provided by Article 10, ENFORCEMENT, and by all applicable laws and ordinances.

## **Q. Development Order Abandonment**

### **1. General**

A development order for a conditional use or similar development order granted under Ordinance 1957-003, Ordinance 1973-002 or Ord. No.1992-002 may be abandoned according to the procedures in this Section.

### **2. Development Orders Not Implemented**

All development orders which were never implemented shall be either: **[Ord. 2005 – 002]**

#### **a. Abandoned**

Abandoned simultaneously with issuance of a subsequent development order;

#### **b. Administratively Abandoned**

Administratively abandoned upon demonstration to the Zoning Director that the development order was not implemented; or

#### **c. Reviewed for Revocation**

Reviewed for revocation pursuant to Article 2.E, MONITORING.

### **3. Implemented Development Orders**

Certain implemented development orders qualify for administrative abandonment. Other implemented development orders require Public Hearing abandonment by the Board that approved the development order (BCC or ZC). **[Ord. 2009-040]**

#### **a. Administrative Abandonment**

A development order, which was used, implemented or benefited from, may be administratively abandoned by filing an application with the Zoning Director demonstrating that the following criteria are met;

- 1) All conditions of approval have been met;
- 2) There is no reliance by other parties on additional performance; and
- 3) Consent of all property owners has been received.

#### **b. Public Hearing Abandonment**

A development order, which was used, implemented or benefited from, may be abandoned simultaneously with the issuance of a subsequent development order by the BCC or ZC, as applicable. The property owner also has the option to petition the BCC or the ZC to abandon the development order through expedited application review process, pursuant to Article 2.B.2.G.2, Expedited Application Consideration (EAC). **[Ord. 2009-040]**

#### **c. Unpaid Status Fees**

A development order shall not be abandoned, either administratively or by approval of a subsequent development order, until all unpaid status report fees imposed by action pursuant to Article 2.E, MONITORING, have been paid.

**4. Additional Guidelines**

In determining whether a development was used, implemented or benefited from, consideration shall be given to the following factors:

- a. Whether any construction or additional construction authorized in the development order has commenced.
- b. Whether a physical or economic use of the development order has occurred, including physical or economic expansion.

**R. Misrepresentation**

If there is evidence that an application for a development order was considered wherein there was misrepresentation, fraud, deceit, or a deliberate error of omission, PBC shall initiate a rehearing to reconsider the development order. PBC shall approve, approve with new conditions, or deny the development order at the rehearing based on the applicable standards. If evidence of misrepresentation, fraud, deceit, or a deliberate error of omission is discovered during the application review and approval process, the application shall be decertified and remanded to sufficiency review.

**S. Appeal**

**1. Non-Judicial Relief**

**a. Class B Conditional Use**

An appeal of any ZC decision shall be made to the BCC within ten working days after the notice, indicating the decision, is mailed to the applicant. A Person with a contractual interest or is directly affected by the proposal may contest the decision by filing an appeal to the BCC using the established procedures.

**1) Procedure**

The BCC shall consider the appeal petition within 45 days of its filing. The Zoning Director shall notify the petitioner, the applicant (if the petitioner is not the applicant), a Person with a contractual interest or is directly affected by the proposal. At the hearing, the BCC shall provide the petitioner, the applicant (if the applicant is not the petitioner), any person who appeared before the ZC and PBC staff an opportunity to present arguments and testimony. In making its decision, the BCC shall consider only the record before the ZC at the time of the decision, and the correctness of the findings of fact or any specific condition of approval imposed by the ZC. The notice and hearing provisions for a Class A conditional use shall govern the appeal.

**2) Standards**

The BCC shall reverse the decision of the ZC only if there is substantial competent evidence in the record before the ZC that the decision failed to comply with the standards of Article 2.B.2.B, Standards.

**b. DRO Appeal**

Appeal of any DRO decision shall be made to the DRAB within ten days after the notice indicating the decision is mailed to the applicant. DRAB review shall be in accordance with rules and procedures in Article 17.A, BOARD OF COUNTY COMMISSIONERS. [Ord. 2005-002]

**c. Special Permit**

Any person aggrieved by a decision of the Zoning Director on an application for a special permit shall appeal to the Hearing Officer within ten days from the date of the decision using the application and procedure established by the Zoning Director. [Ord. 2006-036]

**d. Interpretations and Decisions**

The Hearing Officer shall hear and decide appeals from interpretation or decisions of the Zoning Director, County Engineer, or Airport Director pursuant to the procedures and standards in Article 2, DEVELOPMENT REVIEW PROCESS. Within ten days of an interpretation or decision, an aggrieved person may contest the decision by filing an appeal to the Hearing Officer using the applicable forms and procedures. [Ord. 2006-036]

- 1) The Hearing Officer may reverse or affirm, wholly or partly, or may modify the interpretation or decision made by the applicable authority pursuant to this Code. [Ord. 2006-036]
- 2) The interpretation or decision of the applicable authority shall be presumed to be correct and the applicant shall have the burden to demonstrate the error.
- 3) When an appeal from an interpretation or decision of the Zoning Director has been filed with the Hearing Officer all proceedings and work on the premises shall be stayed unless the

Zoning Director certifies to the Hearing Officer that a stay would cause imminent peril to life or property. [Ord. 2006-036]

**e. Type IA and Type IB Administrative Variance Decisions**

Any person aggrieved by a decision of the Zoning Director on an application for a Type IA or Type IB administrative variance shall appeal to the Hearing Officer within 30 days of the decision. [Ord. 2006-036]

**2. Judicial Relief**

**a. Appeal of BCC Decision**

Any person aggrieved by a decision of the BCC on an application for a development order or Status Report may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida, within 30 calendar days of the date the zoning resolution is filed with the Clerk of the Circuit Court.

**b. Appeal of Hearing Officer and ZC Variance Decisions**

Any person aggrieved by a decision of the Hearing Officer or the ZC on an application for a Type II variance may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida, within 30 calendar days of the decision. [Ord. 2006-036]

**T. Outstanding Liens or Fines**

**1. General**

Development order applications for properties that have outstanding liens or fines owed to PBC shall be restricted as follows:

**a. Rezoning, Conditional Use, Development Order Amendment and Variances**

The approving body shall impose a condition of approval requiring the payment of any outstanding liens or fines by a date certain or prior to a specific event; [Ord. 2009-040]

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

The DRO shall not approve the application until the payment of any outstanding liens or fines; and

**c. Time extension approved by the ZC or BCC**

The "Notice of Intent to Withhold Development Permits" required by Article 2.E, MONITORING, shall not be released until payment of any outstanding liens or fines.

**2. Contest by the Applicant**

In the event litigation contesting the validity of the lien or fine is initiated prior to the application for the development order, the time for payment shall be established only after the conclusion of litigation. In this case, a condition shall be in place that requires the owner/developer to notify the County Attorney at Final Order, and if the lien is upheld, payment of the lien shall occur 35 days after the Final Order.

**CHAPTER B PUBLIC HEARING PROCESS**

**Section 1 Official Zoning Map Amendment (Rezoning)**

**A. Purpose**

The purpose of this Section is to provide a means for changing the boundaries of the Official Zoning Map. This Section is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant an amendment, the BCC shall consider, the consistency of the proposed amendment with the intent of the Plan set forth in this Section.

**B. Standards**

When considering a development order application for rezoning to a standard zoning district, the BCC and ZC shall consider standards 1 – 8 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]

**1. Consistency with the Plan**

The proposed amendment is consistent with the Plan. [Ord. 2007-001]

**2. Consistency with the Code**

The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. [Ord. 2007-001]

**3. Compatibility with Surrounding Uses**

The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district. [Ord. 2007-001]

**4. Effect on the Natural Environment**

The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2007-001]

**5. Development Patterns**

The proposed amendment will result in a logical, orderly, and timely development pattern. [Ord. 2007-001]

**6. Consistency with Neighborhood Plan**

The proposed zoning district is consistent with applicable neighborhood plans in accordance with BCC policy. [Ord. 2007-001]

**7. Adequate Public Facilities**

The proposed amendment complies with Art. 2.F, Concurrency. [Ord. 2007-001]

**8. Changed Conditions or Circumstances**

There are demonstrated changed conditions or circumstances that necessitate the amendment. [Ord. 2007-001]

**C. Effect of a Map Amendment**

**1. General**

Approval of a rezoning shall be deemed to authorize only the particular zoning district for which it is approved.

**2. Time Limitations**

A rezoning shall be reviewed pursuant to Art. 2.E, Monitoring. [Ord. 2005 – 002]

**D. Development Order Amendment to a PDD, TDD or a Standard Zoning District with a COZ**

A development order for a PDD, TDD or a standard zoning district with a COZ may be amended, extended, varied or altered either pursuant to the conditions established with its original approval, or as otherwise set forth in this Code. Prior to any PDD, TDD or COZ being amended, extended, varied or altered, the applicant shall demonstrate and the ZC/BCC must find that a change of circumstances or conditions has occurred which make it necessary or reasonable to amend, extend, vary or alter the PDD, TDD or COZ. [Ord. 2005-041] [Ord. 2009-040]

**Section 2 Conditional Uses, Requested Uses Development Order Amendments, and Unique Structures**

**A. Purpose**

Conditional uses, requested uses, and development order amendments are generally compatible with the other uses permitted in a district, but require individual review of their location, design, configuration, intensity and/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]

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

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 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]

**1. Consistency with the Plan**

The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. [Ord. 2007-001]

**2. Consistency with the Code**

The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS. [Ord. 2007-001]

**3. Compatibility with Surrounding Uses**

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. [Ord. 2007-001]

**4. Design Minimizes Adverse Impact**

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

**5. Design Minimizes Environmental Impact**

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. [Ord. 2007-001]

**6. Development Patterns**

The proposed use or amendment will result in a logical, orderly and timely development pattern. [Ord. 2007-001]

**7. Consistency with Neighborhood Plans**

The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy. [Ord. 2007-001]

**8. Adequate Public Facilities**

The extent to which the proposed use complies with Art. 2.F, Concurrency. [Ord. 2007-001]

**9. Changed Conditions or Circumstances**

There are demonstrated changed conditions or circumstances that necessitate a modification. [Ord. 2007-001]

**C. Standards for Unique Structure**

In order to be considered a Unique Structure, the BCC and ZC shall consider and find that all five standards listed below have been satisfied by the applicant prior to making a motion or decision for approval of a Unique Structure. A request for a unique structure which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2009-040]

**1. Consistency with the Plan**

The proposed architectural composition is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities. [Ord. 2009-040]

**2. Complies with Other Standards of Code**

The proposed architectural composition complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics. [Ord. 2009-040]

**3. Architectural Compatibility**

The proposed architectural composition is consistent with the Architectural Style, (see Technical Manual for examples) and generally consistent with the: scale, proportion, unity, harmony and context of the architecture in the surrounding area. [Ord. 2009-040]

**4. Design Minimizes Environmental Impact**

The proposed architectural composition minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2009-040]

**5. Circumstances**

Whether and to what extent it can be demonstrated that there are any circumstances that support the designation. [Ord. 2009-040]

**D. Class A Conditional Use**

**1. Authorized Class A Conditional Uses**

Only those uses that are authorized as Class A conditional uses in Table 4.A.3.A, Use Matrix, may be approved as Class A conditional uses. The designation of a use as a Class A conditional use 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.

**F. Class B Conditional Use**

**1. Authorized Class B Conditional Uses**

Only those uses that are authorized as Class B conditional uses in Table 4.A.3.A, Use Matrix, may be approved as Class B conditional uses. The designation of a use as a Class B conditional use 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. Development Order Amendment**

**1. General**

A development order for a Class A conditional use, requested use or Class B conditional use 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 conditional/requested use 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 conditional/requested use. [Ord. 2007-001]

**2. Expedited Application Consideration (EAC)**

Certain minor development order amendments may be eligible for expedited consideration and review:

**a. Criteria**

The application shall meet all of the following criteria in order to be reviewed, in an EAC process;

- 1) Approval of the Zoning Director and the County Engineer shall be obtained prior to submission. The Zoning Director and the County Engineer shall consult with any other department responsible for the conditions of approval. They shall approve or deny the request to obtain expedited consideration based on compatibility of the request with the surrounding area. The magnitude of the requested modification shall also be considered. The County Engineer and the Zoning Director shall only permit expedited consideration for proposals which have minimal site design impact, and which, if approved, will be compatible with surrounding areas; [Ord. 2007-001]
- 2) The proposed application, if approved, will not increase intensity or density of the project; [Ord. 2007-001]
- 3) Proof of compliance with all previous conditions of development approval; [Ord. 2007-001]
- 4) No change to the threshold certificate, except alteration of legal description, shall occur; [Ord. 2007-001]
- 5) The proposed amendment does not affect uses or intensities/densities within a DRI (Development of Regional Impact); and [Ord. 2007-001]
- 6) All impacts shall be internal to the project [Ord. 2007-001]

**3. Procedures**

After approval by the County Engineer and the Zoning Director to participate in an EAC process, the application shall be submitted and reviewed pursuant to the applicable development approval procedure, except that:

- a. After the application is certified by the DRO, the proposed modification may proceed directly to the next BCC hearing for which advertising requirements can be met. [Ord. 2007-001]

**H. Conditions of Approval**

**1. Class A Conditional/Requested Use/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, 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, 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]

**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.

**I. Effect of Issuance of a Development Order**

**1. General**

Issuance of a development order for a conditional use, requested use, 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 use.

**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.

### **Section 3      Type II Variance**

#### **A. Purpose**

To allow a deviation from certain standards of this Code when special circumstances or conditions peculiar to the property exist and the literal enforcement of this Code would result in undue and unnecessary hardship. A Type II variance is required when deviations are requested for:

1. any project that is subject to BCC or ZC approval; [Ord. 2009-040]
2. any project requesting five or more variances; [Ord. 2009-040]
3. variances from 5.C. Architecture, with the exception of Design Elements Subject to ZC or BCC Approval, Rural Design Elements or Large Scale Commercial Development; [Ord. 2009-040]
4. any variance request greater than 15 percent of a required standard; and [Ord. 2009-040]
5. any airport zoning variance as described in Art. 2.B.3.D.2, Airport Variance. [Ord. 2006-036] [Ord. 2009-040]

#### **B. Application Procedure**

##### **1. Subdivision Variance**

A variance from Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, shall be submitted to the County Engineer and shall comply with the application procedures and requirements of this Chapter. The County Engineer shall review the application and forward a copy to the applicable agencies for review and comment within 15 days after the application is determined sufficient.

##### **2. Noise Variance**

See Article 5.E, PERFORMANCE STANDARDS.

##### **3. Sequence of Submittal**

An application for a variance shall comply with the following:

- a. Approval of a variance shall be obtained prior to master plan, site plan or subdivision plan approval by the DRO, plat recordation, or issuance of a building permit, whichever occurs first.
- b. If an application for a development order is contingent upon approval of a variance, then the variance shall be obtained prior to certification by the DRO.
- c. Application for a variance from the Airport Zoning regulations shall comply with the review procedures in Article 16, AIRPORT REGULATIONS.
- d. A pre-application meeting with staff shall be required prior to application submittal. [Ord. 2008-003]

#### **C. Application Requirements**

##### **1. Description**

All properties described in one application must be contiguous. The Zoning Director may require more than one application if the property concerned contains more than 40 acres, or the fee paid for one application would not equal the cost of processing multiple applications.

#### **D. Review and Recommendation**

##### **1. Zoning and Subdivision Variances**

The applicable PBC Departments shall review the application and forward recommendations or comments to the Zoning Director within 15 working days after the application is determined sufficient. The staff report shall contain recommended findings of fact and conclusions of law, and a recommendation of approval, approval with conditions, or denial with or without prejudice based on the standards in Art. 2.A.1.L, Actions by Decision Making Bodies or Persons. [Ord. 2008-003]

##### **2. Airport Variance**

A variance from Art. 16, Airport Regulations, shall require the applicant to submit a copy of the application by certified mail to the FDOT Aviation Section and DOA. The FDOT and DOA shall have 45 days from receipt of the application to provide comments to the applicant and ZC, after which the right to comment is waived. The ZC may proceed with consideration of an application only upon receipt of FDOT and DOA comments or upon the applicant's filing a copy of a certified mail return receipt showing the 45 days have elapsed, demonstrating FDOT's and DOA's intent to waive the right to comment. [Ord. 2005-002] [Ord. 2006-036]

- a. When reviewing variances from the Art. 16, Airport Regulations, the ZC may approve, approve with conditions, postpone, or deny with or without prejudice a variance for the erection, alteration, or modification of any structure which would cause the structure to exceed the Federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29. The variance may not always be evaluated or granted solely on the basis that the proposed will not exceed Federal obstruction standards. Except as otherwise provided in Chapter 333, Fla. Stat., the standards in Art. 2.B.3.E, Standards, shall be used to evaluate the variance application.

[Ord. 2006-036]

#### **E. Standards**

The ZC shall consider and find that all seven criteria listed below have been satisfied by the applicant prior to making a motion for approval, of a zoning or subdivision variance: [Ord. 2006-036]

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district;
2. Special circumstances and conditions do not result from the actions of the applicant;
3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;
4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;
5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;
6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and
7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

#### **F. Conditions**

The Zoning Director, or County Engineer, or Airport Director, whichever is appropriate, may recommend, and the ZC may impose, such conditions in a development order for a variance as are necessary to accomplish the goals, objectives and policies of the Plan and this Code, including limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. Any violation of the variance or a condition shall be a violation of this Code. [Ord. 2006-036]

##### **1. Request for Time Limitation Waiver**

If a variance is requested for property that does not require a building permit to implement the use, then the applicant may request a waiver from Article 2.B.3.F.1, Request for Time Limitation Waiver, of this Chapter. If a waiver from the time limitation is requested, the applicant shall specifically request the waiver simultaneous with submittal of the application and provide a written justification for the request. The justification shall be reviewed by the appropriate variance review body, and if sufficient make a finding, as a condition of approval, that the variance is not subject to the time limitations of this Section or may require compliance with the variance approval by a specified time, as deemed appropriate.

#### **G. Effect of Development Order**

##### **1. General**

Issuance of a development order for a variance shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific condition of approval limits the specific use for which it is issued. A development order for a variance shall run with the land.

##### **2. Time Limitation**

Unless otherwise specified in the development order or a condition of approval, construction shall be commenced pursuant to Table 2.E.3.B, Time Limitation of Development Order for Each Phase, within 12 months of the variance approval date, otherwise it shall become null and void. If more than one variance was granted, the use of one of the variances shall vest the other variances. Permitted time frames do not change with successive owners. Upon written request, an extension of time for the variance or any condition thereof may be granted for a maximum of 24 months. No request for an extension shall be considered unless a written application requesting the extension is submitted to the appropriate Department prior to the date the development order or condition is to expire. Failure to submit an application for an extension within the time limits established by this Section shall render the development order for the variance null and void.

##### **3. Conforming**

Approval of a variance by the ZC shall render a parcel of land, building or the structure to be conforming. Use of the variance shall be limited to the exact dimensions and configuration of the



parcel of land, building or structure as indicated on the site plan as submitted in the application. The parcel of land, building or structure may not be further expanded, except in accordance with the standards of the Code. [Ord. 2006-036]

## **CHAPTER C FLU PLAN AMENDMENTS**

### **Section 1 General**

#### **A. Purpose**

The purpose of this section is to provide a means for changing the boundaries or designations of the FLU by means of site specific amendments to the Palm Beach County Comprehensive Plan. [Ord. 2009-040]

#### **B. Authority**

The BCC may amend the boundaries or designations of the FLU of the Plan upon compliance with the provisions of this Section.

#### **C. Initiation**

Site Specific amendments may be proposed by the BCC, the Local Planning Agency (LPA), or the owner of the land to be affected by a proposed amendment. [Ord. 2009-040]

#### **D. Procedure**

##### **1. Timing**

An application by a property owner for a site specific amendment shall be accepted for review and processing if determined sufficient, up to two times per year. That date shall be announced in advance by the Planning Director. Exceptions to this timing requirement are provided for in F.S. §163.3187. Small scale amendments may be processed up to four times per year as scheduled by the Planning Director. [Ord. 2009-040]

##### **2. Submission of Application**

An application for a Site Specific amendment shall be submitted to the Planning Director along with a nonrefundable application fee that is established by the BCC.

##### **a. Small Scale Amendments**

If a small scale land use amendment requires a rezoning, conditional use, development order amendment or abandonment application(s), the two applications shall be reviewed and considered by the BCC concurrently. The applicant shall submit a site plan or conceptual site plan as part of the zoning application(s). The complete zoning application must be submitted at a scheduled zoning application intake within 90 calendar days of receipt of the small scale land use amendment application. If a complete zoning application is not submitted, the small scale land use amendment shall be administratively withdrawn immediately. [Ord. 2009-040]

##### **3. Contents of Application**

##### **a. General**

The application shall be submitted in a form established by the Planning Director. The application must contain applicable data and analysis to substantiate any claims made within the application. Failure of an applicant to disclose relevant information shall serve as grounds for postponement by the board holding the public hearing. [Ord. 2009-040]

##### **b. Amendments to the Application**

Any information provided by an applicant following the distribution of the staff report to the LPA shall serve as grounds for postponement, as appropriate, of the public hearings by the board holding the public hearing. [Ord. 2009-040]

##### **4. Determination of Sufficiency**

The Planning Director shall determine whether the application is sufficient and includes data necessary to evaluate the application. The determination of sufficiency shall apply to the submission and shall be based upon whether or not the application responds to all the requested information and meets minimum application criteria, as provided by the Planning Director in the application instructions. [Ord. 2009-040]

a. If it is determined that the application is not sufficient, written notice shall be delivered to the applicant specifying the deficiencies within ten working days of the receipt of the application. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the deficiencies are not remedied within ten working days of the notice of insufficiency, the application shall be considered withdrawn.

b. If or when the application is determined sufficient, the Planning Director will proceed to review the application pursuant to the procedures of this Section. [Ord. 2009-040]

##### **5. Review, Report and Recommendation by Planning Director**

When the application is determined sufficient, the Planning Director shall review the application, consult with other agencies, prepare a staff report (which incorporates the comments of the other agencies), and make a recommendation of approval, approval with conditions, or denial based on applicable data and analysis and consistency with the Palm Beach County Comprehensive Plan, F.S. Chapter 163, and Rules 9J-5 and 9J-11, F.A.C. The Planning Director shall send a copy of the staff report to the applicant on the day the staff report is completed which shall be at least five working days prior to the LPA public hearing, along with written notification of the time and place the application will be considered by the LPA. [Ord. 2009-040]

**6. Notice**

Notice of a proposed amendment for any public hearing shall be provided by publication of advertisement, mailed or electronically transmitted notice and posting as pursuant to the terms of this Section. The Planning Director shall notify the Intergovernmental Plan Amendment Review Clearinghouse (IPARC) of proposed land use amendments pursuant to the Plan Amendment Coordinated Review Interlocal Agreement. [Ord. 2009-040]

**a. Advertisement**

The required advertisements shall meet the requirements of F.S. §163.3184(15)(e) and F.S. §.125.66(4)(b)2, as amended from time to time.

**b. Courtesy Notice**

A courtesy "notice" of a proposed plan amendment shall be sent to all owners of real property located within 500 feet of the periphery of the land to be affected by the requested change, whose names and addresses are known by reference to the latest published ad valorem tax records of PBC Property Appraiser, except that when real property consists of a condominium, the courtesy notice shall be given to the condominium association and all real property owners living within 500 feet. If the area within 500 feet is owned by the applicant or partner in interest, the 500 foot notification boundary shall be extended from these parcels. Such property notice shall be given approximately 15 to 30 calendar days prior to the date set for the first public hearing by depositing such notice in the mail by certified or first class mail, properly addressed and postage prepaid, to each owner as the ownership appears on the last approved tax roll. A copy of such notice shall be kept available for public inspection during regular business hours at the office of PZB. If the property is undergoing a simultaneous land use change and rezoning, the notice for the rezoning may be included in the notice required for the land use change. All POA's and cooperatives within the area as well as all counties and municipalities within one mile of the area shall be notified. Areas that a municipality has identified as a future annexation area shall also give notice to the municipality. Such notice shall also be sent approximately 15 to 30 calendar days prior to the date set for the first public hearing. All notices shall state the substance of the proposal and shall set a date, time and place for the public hearing. The notice shall contain a location map clearly indicating the area covered by the proposal including major streets, and a statement that interested parties may appear at the public hearing and be heard regarding transmittal or adoption of the amendment. [Ord. 2009-040]

**c. Posting**

The land subject to the application shall be posted with a notice of the public hearing on a sign provided by the County at least 15 calendar days in advance of any public hearing. One sign shall be posted for each 100 feet of frontage along a street up to a maximum of ten signs. All signs shall be evenly spaced along the street or in a location acceptable to the Planning Director. All signs shall be setback no more than 25 feet from the street. All signs shall be erected in full view of the public. Signs shall be posted in a location acceptable to the Planning Director, where the land does not have significant frontage on a street. The signs shall be removed by the applicant after the BCC transmittal hearing date (adoption hearing date for small scale development amendments). The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the BCC.

**d. Other Courtesy Notice**

A courtesy notice of all public hearings may be sent upon request to all organizations, associations, and other interested persons or groups known to the Planning Director. An annual fee may be assessed to defray the cost. [Ord. 2009-040]

**e. Exceptions to Mailing and Posting**

The mailing and posting notice requirements shall not apply to actions by the BCC initiating any of the following:

- 1) A land use change to a Conservation (CON) designation following acquisition by a public agency;
- 2) A site-specific land use change initiated by the BCC, to reflect existing conditions;
- 3) A site-specific land use change initiated by the BCC, to comply with previous approved projects; and
- 4) A site-specific land use change as deemed appropriate by the BCC.

At the time the land use change is initiated by the BCC, the Planning Director shall make a recommendation as to the level of notification for the specific change. The BCC shall direct the Planning Director to notice the land use change, as deemed appropriate, by advertisement, mail or posting in accordance with the terms herein.

**7. Action by the Planning Commission Sitting as the Local Planning Agency (LPA)**

The LPA public hearing shall be advertised in a newspaper of general circulation in accordance with requirements set forth in F.S. §163.3164(18), as amended from time to time. The LPA shall conduct a public hearing on the application pursuant to the procedures in Article 2.C.1.D.9, Conduct of Hearing, and make recommendations regarding the proposed amendments to the BCC. At the public hearing, the LPA shall review the application, the staff report, the relevant support materials, and public testimony given at the hearings. At the close of the public hearing, the LPA shall vote on its recommendations (approval, approval with conditions or denial). **[Ord. 2009-040]**

**8. Action by BCC**

**a. Transmittal Public Hearing**

The transmittal public hearing shall be held on a weekday at least seven calendar days after notice is published pursuant to F.S. §163.3184(15)(b) 1, as amended from time to time. Prior to transmittal to DCA, the BCC shall conduct one transmittal public hearing on the application pursuant to the procedures in Article 2.C.1.D.9, Conduct of Hearing. At the public hearing, the BCC shall consider the application, the staff report, the relevant support materials, the recommendations of the LPA, and the public testimony given at the public hearing, and by an affirmative vote of a majority of the members of the BCC present at the hearing, vote to approve, approve with conditions, or deny the transmittal of the application. Failure of the BCC to approve the transmittal of an application for a site-specific amendment shall be deemed a denial of the proposed site-specific amendment. **[Ord. 2009-040]**

**b. Adoption Public Hearing**

The adoption public hearing shall be on a weekday at least five calendar days after the day the notice for the public hearing is published pursuant to F.S. §163.3184(15)(b)(2), as amended. Pursuant to the time frames in F.S. §163.3184(15)(b)(2) the BCC shall conduct at least one adoption public hearing on the application pursuant to the procedures in Article 2.C.1.D.11, Conduct of Hearing. At the public hearing, the BCC shall consider the application, the staff report, the relevant support materials, the DCA comments, and the public testimony given at the public hearing, vote to adopt, adopt with conditions, or not to adopt an ordinance making a site specific amendment. A decision to adopt an ordinance making a site specific amendment shall require a majority vote of the members of the BCC present at the hearing. **[Ord. 2009-040]**

**c. Small Scale Development Amendments**

Small Scale Development Amendments shall require only one public hearing before the BCC, which shall be an adoption public hearing, pursuant to F.S. §163.3187(1)(c)(3), and content provisions of F.S. §125.66(4)(a) as amended from time to time.

**d. Actions by the BCC**

Actions approving Site Specific Plan amendments shall be by Ordinances pursuant to F.S. §163.3187, as amended from time to time.

**9. Conduct of Hearing**

**a. Rights of All Persons**

Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Anyone representing an organization shall present evidence of their authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of an organization, state the name and mailing address of the organization.

**b. Due Order of Proceedings**

The order of the proceedings shall be as follows:

- 1) The Planning Director shall present a description of the application, a recommendation, and the staff report. **[Ord. 2009-040]**
- 2) The applicant shall present any information the applicant deems appropriate;

- 3) Public testimony shall be heard;
  - 4) The Planning Director, the County Attorney and any other PBC staff may respond to any statement made by the applicant or any public comment; then
  - 5) The LPA may ask questions to PBC staff, the applicant, or members of the public. [Ord. 2009-040]
- c. Continuance or Postponement of Public Hearing for Small Scale Amendments**
- 1) Entitlement Continuances**  
An applicant shall have the right to request and be granted one entitlement continuance, of no more than 60 days, of the LPA public hearing without an additional fee; provided that the request is made in writing at least 20 working days prior to the hearing. Additionally, an applicant shall have the right to request and be granted one entitlement continuance, of no more than 60 days, of the BCC Adoption public hearing; provided that the request is made in writing at least 20 working days prior to the hearing. The Planning Division will honor entitlement continuances administratively. [Ord. 2009-040]
  - 2) Non-Entitlement Continuances**  
The body conducting the public hearing may by its own motion, or at the request of any applicant or the Planning Director, continue the public hearing or meeting to a fixed date, time and place. All non-entitlement continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. The applicant shall be subject to a fee as established by the BCC upon the second non-entitlement continuance. [Ord. 2009-040]
  - 3) Concurrent Rezoning Petitions**  
Delays in zoning applications being certified by the DRO shall result in an administrative postponement of the BCC public hearing until such time that the item is certified.
- d. Continuance or Postponement of Large Scale Amendments**
- 1) Entitlement Continuances**  
An applicant shall have the right to request and be granted one entitlement continuance, to subsequent amendment round and will be subject to a fee as established by the BCC; provided that the request is made in writing at least 20 working days prior to the LPA public hearing. In order to provide most current data, the applicant of an amendment postponed to the next round shall be required to submit an updated application including a new traffic analysis. [Ord. 2009-040]
  - 2) Non-entitlement Continuances**  
Only one non-entitlement continuance into the next amendment round shall be permitted and will be subject to a fee as established by the BCC. The body conducting the public hearing may on its own motion, or at the request of any applicant or the Planning Director, postpone the amendment to the next round. All non-entitlement continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. In order to provide the most current data, the applicant of an amendment postponed to the next round shall be required to submit a revised application with new traffic and market analysis upon the window closing date.
  - 3) Administrative Withdrawal**  
Any application not heard by the BCC in the following amendment round will be administratively withdrawn by the Planning Director, unless otherwise determined by the BCC.
- e. Withdrawal of Applications**  
An applicant shall have the right to withdraw an application for a site specific amendment at any time prior to the advertised adoption public hearing by the BCC. Applicants shall not be entitled to the return of application fees. Additionally, applicants shall not be entitled to the return of application materials. [Ord. 2009-040]

## **CHAPTER D ADMINISTRATIVE PROCESS**

### **Section 1 Development Review Officer**

#### **A. Purpose**

The purpose of this Section is to establish a review process for all developments requiring certification or approval by the DRO. Certification, approval, approval with conditions or denial of an application shall be based upon comments and recommendations from appropriate PBC departments, PBC divisions, and other local government agencies to the DRO. This Section also establish standards for review,

certification, approval or denial for Public Hearing or administrative processes; set limits on the administrative authority of the DRO to modify BCC or ZC approvals; and the appeal process. The DRO shall perform the following functions: [Ord. 2009-040]

**1. Public Hearing Process**

Review and determine certification of applications for BCC or ZC public hearing process. After the BCC or ZC hearing and approval of the application, the DRO shall review the approved development order for consistency with the BCC or ZC approved plan and conditions of approval, as applicable, under the Final DRO approval process; and, [Ord. 2009-040]

**2. Administrative Process**

Review and approval of applications for uses that have a "D" in Table 4.A.3.A, Use Matrix or Table 4.A.3.A, 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;
- b. All development in a PDD or TDD;
- c. All development within the IR Zoning district, or projects electing to utilize the provisions of the IRO; [Ord. 2010-005]
- d. "D" uses in Table 4.A.3.A, Use Matrix;
- e. New commercial, industrial and residential development of more than two dwelling units in the WCRA;
- f. All new construction that creates, meets or exceeds the thresholds in Table 4.A.3.A, Threshold for Project Requiring DRO Approval; [Ord. 2009-040]
- g. Amendments or changes to any previously approved special exception, conditional use or other development which required approval of a site plan or subdivision by Ord. No.1957-003, Ord. No.1973-002, or Ord. No.1992-020 as amended;
- h. Any use governed by Art. 1.F.2, Nonconforming Use;
- i. Any amendment to a previously approved site plan; and
- j. All subdivision of land, unless exempt.

2. If any of the these development types do not require construction of additional square feet, complete implementation of the DRO approval prior to utilization of any of the development types shall occur.

**C. Review Procedures**

**1. Staff Review**

At least five days prior to the DRO review date, each applicant shall be provided a list of issues, if any, which must be addressed prior to approval of the application. [Ord. 2007-001] [Ord. 2008-003] [Ord. 2009-040]

**a. Expedited DRO Applications (EDA - Signature Only)**

Expedited applications will not receive written comments from the DRO. A previously postponed Type 1 EDA will receive updated comment letters only. [Ord. 2007-001]

**2. Application Requirements**

Refer applications requirements to Art. 2.A.1.G.3, Plan Requirements. [Ord. 2009-040]

**3. Action by the DRO**

On the review date established by the DRO, the DRO shall inform each applicant of the revisions necessary for the application to receive certification, approval, approval with conditions or denial. Each applicant shall be provided a maximum of three working days to revise minor outstanding issues. Within seven working days after the review date, the DRO shall certify, approve, approve with conditions, deny, withdraw or postpone each application on the agenda after reviewing the recommendations and comments provided by the agency officers. The DRO shall not certify or approve a plan of development until the plan meets all applicable Code requirements, standards, policies, and if applicable, conditions of approval. [Ord. 2008-003] [Ord. 2009-040]

**4. Resubmittal Requirements**

The applicant shall provide a written response addressing all outstanding certification issues for applications which were not approved in a manner and form acceptable to the Zoning Division. The revised documents shall be submitted on the submittal date as established on the Annual Zoning Calendar. The applicant shall request to be placed on an agenda a minimum of two days prior to the meeting date. [Ord. 2008-003]

**D. Effect of an Administrative Development Order Approval by the DRO**

A development order approved by the DRO shall have the following effect and authority:

**[Ord. 2009-040]**

1. Any permitted uses may occur in conjunction with or in place of the approval use;
2. A development order for a site plan or a subdivision plan shall apply to only the land legally described in the application submitted to, and found sufficient by, the DRO and shall run with the land for the life of the development order;
3. A development order for a site plan or subdivision plan shall authorize only the particular site configuration, layout, design, level of impacts, and intensity/density which were approved by the DRO pursuant to the standards of this Code; and
4. A development order for a site plan or subdivision may only be amended pursuant to the procedures and standards in this Section.

**E. Standards for Administrative Approval**

Prior to approval by the DRO, a site plan or subdivision plan shall comply with the following standards:

**1. Consistency with the Plan**

Shall be consistent with the purposes, goals, objectives, and policies in the Plan.

**2. Consistency with Neighborhood Plans**

The plan of development may be consistent with applicable neighborhood plans. **[Ord. 2009-040]**

**3. Other Relevant Codes**

The site plan or final subdivision plan shall comply with the PBC's health, fire and building standards and all other relevant and applicable provisions of this Code.

**F. Conditions**

**1. DRO Authority**

The DRO shall have the authority to recommend conditions of approval for Public Hearing development orders requiring BCC or ZC approval and impose conditions of approval for administrative development orders. Conditions of approval may be recommended or imposed to: **[Ord. 2009-040]**

- a. Ensure compliance with Code requirements; **[Ord. 2009-040]**
- b. Ensure compatibility of the proposed development or use with surrounding land uses, address the location of uses on the site to minimize potential adverse off-site impacts, and ensure on-site safety; **[Ord. 2009-040]**
- c. Require the execution of a unity of title, unity of control, shared parking and other legal documentation necessary to satisfy requirements of this Code; **[Ord. 2009-040]**
- d. Require road construction necessary for the project to meet TPS including drainage, turn lanes, sidewalks, and signalization; **[Ord. 2009-040]**
- e. Reduce negative impacts from agricultural uses in the urban services area on surrounding properties including but not limited to: controlling objectionable odors, fencing, sound limitations; inspections, reporting or monitoring preservation areas, mitigation, and/or limits of operation; and **[Ord. 2009-040]**
- f. Allows specific requirements of the Code to be waived, provided the proposed development meets the specific requirements for the waiver. **[Ord. 2009-040]**

**2. Condition Limitations**

- a. Conditions imposed by the DRO shall be reasonable, not be contrary to law, limited to on-site improvements, except for off-site road improvements or conveyances specifically attributable to the project's impact.
- b. Conditions shall not amend BCC, ZC or variance imposed conditions or affect previously approved conditions.
- c. For modifications or additions to previously approved development orders, conditions shall only be imposed to address the specific impacts of the new use or development.
- d. Conditions shall not restrict land uses otherwise permitted by the Code, unless necessary for parking or concurrency purposes, or require payment of any fees not otherwise required.

**G. Administrative Review**

The DRO may approve amendments to master plans, site plans, and subdivision plans, and approve final plans, in accordance with the following procedures. **[Ord. 2007-001] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2010-005]**

**1. Amendments to BCC/ZC Approvals**

The DRO shall have the authority to approve modifications to a development order approved by the BCC or ZC. An application for an amendment shall be submitted in accordance with Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures.

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Applications must be submitted on deadlines established on an Annual Zoning Calendar. The authority of the DRO to modify a BCC or ZC approved plan shall be limited to the following: **[Ord. 2008-003] [Ord. 2010-005]**

- a. The relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered.
  - 1) Relocated square footage shall not be used to create additional freestanding buildings or structures; **[Ord. 2009-040]**
- b. An increase of no more than five percent in the total floor area of any building or structure, or outdoor area considered as square footage, provided that the increase does not exceed 5,000 square feet whichever is less; **[Ord. 2008-003] [Ord. 2009-040]**
- c. Additions to or relocations of buildings and structures shall not be constructed closer to perimeter property lines than shown on the plan approved by the BCC or ZC, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible, pursuant to Art 1.1.2.C.56; **[Ord. 2009-040]**
- d. An overall increase of not more than ten percent of the height of any structure;
- e. Relocation of access points; and addition or deletion of internal access points; **[Ord. 2008-003]**
- f. Relocation of open space or recreation areas, provided that the request does not result in a substantial change in the amount, configuration, or character of open space or recreation approved by the BCC or ZC; **[Ord. 2008-003]**
- g. The redesignation of phasing provided the request meets the intent of the development order; **[Ord. 2008-003]**
- h. The applicant shall demonstrate compliance with Article 2.F, Concurrency (Adequate Public Facilities) for any increase in density or intensity beyond the original development order; **[Ord. 2008-003] [Ord. 2009-040]**
- i. The applicant shall demonstrate compliance with Article 12, Traffic Performance Standards, without additional conditions of approval to ensure compliance, as determined by the County Engineer for any increase in traffic impact beyond what was reviewed and approved in the original development order; **[Ord. 2008-003] [Ord. 2009-040]**
- j. Requested uses shall remain in the location approved by the BCC, unless a condition of approval allows relocation; **[Ord. 2008-003] [Ord. 2010-005]**
- k. Modification to an IRO Master Plan, provided that there are no conflicts with prior conditions of approval, any improvement or amenity used to garner support for a project, or testimony from Public Hearing(s). **[Ord. 2010-005]**

## **2. Agency Review**

Agency Review is utilized for applications that may require the submittal of a new site plan, or amendment(s) to an existing approved site or subdivision plan. This type of application requires review, comment, and conditions by five or fewer DRO agencies as necessary to authorize the amendment. The Zoning Division will determine which agencies are required to review the amendment based upon the request and compliance with county ordinances. Typical amendments are, but not limited to, the following provided Section Art. 2.D.1.G.1 requirements are not exceeded: **[Ord. 2008-003]**

- a. Increases in building square footage; **[Ord. 2008-003]**
- b. Relocation of building square footage; **[Ord. 2008-003]**
- c. Transfer of building square footage; **[Ord. 2008-003]**
- d. Alternate Landscape Plans (ALPs); **[Ord. 2008-003]**
- e. Palm Beach County School Board Projects; and, **[Ord. 2008-003]**
- f. Type IB excavation. **[Ord. 2008-003]**

Applications shall be submitted in accordance with the Annual Zoning Calendar, and pursuant to the provisions in Article 2.A.1, Applicability, and Article 2.D.1.C, Review Procedures. The applicant shall be responsible for obtaining the recommendation of approval and any comments from the affected DRO agencies, in a form and manner establish by the Zoning Director. **[Ord. 2007-001] [Ord. 2008-003]**

## **3. Zoning Review**

Zoning review is utilized for applications that require only Zoning Division approval of: minor corrections to tabular, additions and amendments to an existing approved site or subdivision plan. Typical amendments may include, but not be limited to the following: **[Ord. 2008-003]**

- a. Change in sign location; **[Ord. 2008-003]**



- b. Minor modifications to parking areas (such as relocation of handicapped parking spaces or removal of spaces exceeding ULDC requirements); [Ord. 2008-003]
- c. Relocation of terminal islands to accommodate trees or utility lines; [Ord. 2008-003]
- d. Proposed phase lines; [Ord. 2008-003]
- e. Reduction in building size; [Ord. 2008-003]
- f. Proposed canopies; [Ord. 2008-003]
- g. Minor revisions to lot lines to be consistent with plat; [Ord. 2008-003]
- h. Temporary sales trailers (must first have been issued a Special Permit); and, [Ord. 2008-003]
- i. Other minor structures. [Ord. 2008-003]

The Zoning Director shall maintain PPM Z0-0-29, outlining a list of minor amendments, subject to periodical update, indicating which items are exempt from the Zoning administrative review process. Applications shall be submitted in accordance with the intake dates established on the Annual Zoning Calendar, and pursuant to the provisions in Article 2.A.1, Applicability, and Article 2.D.1.C, Review Procedures. [Ord. 2008-003]

#### **4. Administrative Amendments**

Minor corrections, additions and amendments to an approved site plan or subdivision plan, which do not require recommendation and comment from an agency other than the Zoning Division, may be approved administratively by the DRO. Administrative Amendments permitted include, but are not limited to, a change in sign location, minor modifications to parking areas (such as the relocation of handicapped parking spaces), relocation of terminal islands to accommodate trees or utility lines, addition of phase lines reduction in building size, addition of canopies, removal of excess parking, minor revisions to lot lines to be consistent with a plat, temporary sales trailers, and other minor structures. An application for an Administrative Amendments shall be submitted in accordance with Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures.

## **Section 2 Special Permit**

### **A. Purpose**

To create standards and an approval process for certain uses, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. These uses shall require approval of a special permit by the Zoning Division prior to issuance of a CO, business tax receipt, building permit, or commencement of activity. [Ord. 2007-013]

### **B. Authorized Special Permits**

Only the uses identified in Table 4.A.3.A, Use Matrix, 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, 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.

### **C. Application Requirements**

The application shall be submitted in a form established by the Zoning Director. The applicant shall provide proof of a business tax receipt and all permits must be posted on the site prior to commencement of operation. If a survey is required, the applicant shall comply with any requirements pursuant to the Technical Manual for application requirements. [Ord. 2007-013] [Ord. 2009-040]

### **D. Standards**

The following standards shall apply to all special permits:

1. Compliance with the goals policies and objectives in the Plan;
2. Compliance with the applicable property development regulations of the zoning district in which the use is located;
3. Compliance with all applicable portions of this Code, including, but not limited, concurrency, parking, and landscaping; and
4. Utilization of the location, design, layout, access, and duration of the use to minimize potential adverse impacts on surrounding land uses.

### **E. Conditions**

The Zoning Division shall have the authority to apply conditions to the special permit which ensure compliance with Code requirements, time limitations, and the standards above. If a special permit is found in violation of any condition or Code requirement, the Zoning Division may withhold future special permits from the applicant for a period of 24 months.

#### **F. Renewal**

Certain special permits are required to be renewed annually.

1. Special permits requiring annual renewal shall be subject to the following:
  - a. Renewal shall occur on or prior to the date the original permit was issued, or a new permit shall be applied for;
  - b. Renewal permit shall be subject to the regulations in effect at the time of renewals; and.
  - c. Renewal fee as provided in the fee schedule.
2. Failure to renew a special permit shall result in the permit becoming null and void. The use or activity permitted by the special permit shall cease immediately and the affected area returned to its pre-permit state.

#### **G. Expiration**

Failure to utilize a special permit within one year of issuance, or by the date specified in a condition of approval, shall result in the permit becoming null and void.

#### **H. Discontinuance**

A special permit shall expire if the use or activity is discontinued for more than 90 days.

#### **I. Revocation**

A special permit may be revoked at any time by the Zoning Director if it is determined that the recipient is in violation of the Code, a related standard, or a condition of approval. Revocation of a special permit shall result in the permit becoming null and void. The use or activity permitted by the special permit shall cease immediately and the affected area shall be returned to its pre-permit state.

### **Section 3 Type IA and Type IB Administrative Variances**

#### **A. Purpose**

To allow minor deviation from certain standards of this Code when special circumstances or conditions peculiar to the property exist, and the literal enforcement of this Code would result in undue and unnecessary hardship; and to provide the Zoning Director the authority to review, approve, deny, and render conditions to an administrative variance as necessary to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. This Section may not be combined with any other Section that allows variations from the same PDRs.

#### **B. Type IA Administrative Variances**

Type IA variances may be considered for the following: **[Ord. 2006-036]**

##### **1. Structural Encroachments into Setbacks**

A variance may be requested for a setback reduction up to five percent of the minimum requirement. **[Ord. 2006-036]**

##### **2. Preservation of Vegetation**

Variance requests that will accommodate the preservation of existing native tree(s) pursuant to Article 14.C, VEGETATION PRESERVATION AND PROTECTION, as follows: **[Ord. 2006-036]**

- a. Up to five percent of a required setback; and
- b. Up to five percent of the required number of parking spaces.

##### **3. Native Ecosystem Overlay District (NEO)**

A variance may be issued from off-street parking, off-street loading, density-intensity, heights and setbacks provided the following criteria are met pursuant to the extent permitted Article 3.B.8, NEO, Native Ecosystem Overlay.

###### **a. Procedure**

- 1) A NEO variance application shall be submitted in a form and established by the Zoning Director and made available to the public.
- 2) The application shall be reviewed by ERM to ensure the property is located in an established NEO district. ERM may conduct a site visit to verify the NEO and impact of the proposed development. A written determination by ERM shall be sent to the Zoning Division regarding the proposed preservation.

###### **b. Restrictive Covenant**

A restrictive covenant shall be recorded in order to preserve the native vegetation identified in the application prior to issuance of an administrative variance. A restrictive covenant shall be recorded in the PBC Public Records on a form established by the County Attorney, to ensure the preservation of native vegetation in perpetuity. The NEO administrative variance shall not be issued until a copy of the recorded restrictive covenant is submitted to the Zoning Division.

#### **4. Vacant Lots**

The owner of a lot that is subject to the requirement in Art. 7.E.5.G, Vacant Lots, may apply to the Zoning Director for a variance from the time frames, landscaping, and amount of coverage required based on consideration of the following criteria: [Ord. 2005 – 002] [Ord. 2006-036]

- a. The length of time the lot has been maintained as a vacant lot;
- b. Whether the applicant intends to redevelop the lot within one year of the demolition of the home;
- c. Whether literal interpretation of the terms of the requirements would create an unnecessary and undue hardship, and the applicant can demonstrate that the demolition does not significantly diminish the residential character of the neighborhood;
- d. The existence of special conditions that mitigate the detrimental effect of the vacant lot on the character of the residential neighborhood; and
- e. Whether granting the variance will be consistent with the purposes goals, objectives, and policies of the Plan and this Code.

**C. Type IB Administrative Variances**

A pre-application meeting with staff shall be required prior to application submittal. Type IB variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003]

**1. Residential Lots of Three Units or Less**

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

- a. Setback reduction greater than five percent of the minimum requirement. [Ord. 2006-036] [Ord. 2008-003]
- b. Relief from Article 5.B.1.A, Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Recreation Facility; Swimming Pools and Spas; Screen Enclosures; and Permanent Generators. [Ord. 2008-003]
- c. Relief from Excavation Standards (Art. 4.D.5.B, Type 1A Excavation, and 4.D.5.C, Type 1B Excavations). [Ord. 2008-003]

**2. Non Residential Projects**

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

- a. Setback reduction greater than five percent but not exceeding 15 percent of the minimum requirement, [Ord. 2008-003]
- b. Reduction in the number of parking spaces not exceeding 15 percent of the minimum requirement; [Ord. 2006-036] [Ord. 2008-003]
- c. Relief from Article 5.B.1.A., Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Recreation Facility; Swimming Pools and Spas; Screen Enclosures; and Permanent Generators. [Ord. 2008-003]
- d. Easement encroachment into a required landscape that exceeds five feet. [Ord. 2008-003]

**3. Permanent Generators on SFD and ZLL Lots**

A variance may be requested to reduce the minimum front and/or side setback requirements for permanent generators proposed on single family or ZLL lots, provided that the generator complies with all other applicable ULDC requirements. [Ord. 2007-001]

**D. Limitations**

This Section may not be combined with any other Section that allows variations from the same PDRs.

**E. Conditions**

The Zoning Director may recommend conditions in a development order for an administrative variance as necessary to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. Any violation of the variance or condition shall be a violation of this Code.

**F. Time Limitation**

Unless otherwise specified in the development order or a condition of approval, failure to utilize an administrative variance within one year of issuance, or by date specified in a condition of approval, shall result in the variance becoming null and void. If more than one variance was granted in the application, the use of one variance shall vest all other variances. Permitted time frames do not change with successive owners. Applications for extensions shall be submitted a minimum of 30 days prior to expiration. [Ord. 2008-003]

**G. Standards**

The Zoning Director shall consider and find that all criteria listed below have been satisfied by the applicant prior to making a final decision regarding an application for a administrative variance.

**1. Type IA**

- a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; **[Ord. 2006-036]**
- b. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, structures or buildings in the same district; **[Ord. 2006-036]**
- c. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship; **[Ord. 2006-036]**
- d. All viable options to address the situation have been exhausted; **[Ord. 2006-036]**
- e. The request is the minimum variance necessary to make possible a reasonable use of the parcel of land. **[Ord. 2006-036]**

## **2. Type IB**

- a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; **[Ord. 2006-036]**
- b. Special conditions and circumstances do not result from the actions of the applicant; **[Ord. 2006-036]**
- c. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, structures or buildings in the same district; **[Ord. 2006-036]**
- d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship; **[Ord. 2006-036]**
- e. Granting the variance is the minimum variance that will make possible a reasonable use of the parcel of land, building, or structure; **[Ord. 2006-036]**
- f. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and **[Ord. 2006-036]**
- g. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. **[Ord. 2006-036]**

## **H. Effect of Development Order**

Approval of a variance shall render a parcel of land, building or structure to be conforming. Use of the variance shall be limited to the exact dimensions and configuration of the parcel of land, building or structure as indicated on the site plan as submitted in the application. The parcel of land, building or structure may not be further expanded, except in accordance with the standards of the Code. **[Ord. 2006-036]**

# **Section 4 Administrative Amendments**

## **A. Purpose**

To allow minor corrections, additions and amendments to an approved site plan or subdivision plan requiring approval from the Zoning Division and a maximum of one additional agency. **[Ord. 2007-001]**

## **B. Types of Administrative Amendments**

Administrative Amendments permitted include, but are not limited to, change in sign locations, minor modifications to parking areas, relocation of terminal islands to accommodate trees or utility lines, reduction in building size, addition of canopies, minor revisions to lot lines, temporary sales trailers, and other minor structures. **[Ord. 2007-001]**

## **C. Procedures**

- 1. Applicants shall be seen on a walk-in basis during a time frame established by the Zoning Director. **[Ord. 2007-001]**
- 2. Applicants shall be required to submit a complete administrative amendment application including any necessary approvals from an affected agency, and required authorization. **[Ord. 2007-001]**
- 3. Applicants shall be able to clearly identify the area being changed, provide all applicable information (square footage, height, width), adjust tabular and other site plan related data, and legibly make the change to the site plan. **[Ord. 2007-001]**

## **D. Standards**

- 1. The proposed amendment shall comply with all applicable sections of the ULDC and the regulations of any other affected agency. **[Ord. 2007-001]**
- 2. The affected area shall only be used for the purpose identified in the application. **[Ord. 2007-001]**

## CHAPTER E MONITORING

### Section 1 General

#### A. Purpose and Intent

1. It is the intent of the BCC to provide for the public health, safety and welfare by establishing procedures for mandatory review of certain development orders. F.S. Chapter 163, Part II, entitled "Local Government Comprehensive Planning and Land Development Regulations Act" provides that all development regulations shall be consistent with the adopted Plan. F.S. Chapter 163 further provides that public facilities and services shall be available concurrent with the impacts of development. Pursuant to F.S Chapter 163, the Plan requires that the applicant for all development orders or permits must demonstrate that the necessary public facilities and services are available. To ensure the availability of facilities and services to proposed developments, it is necessary that developments that have reserved capacity proceed in the prescribed time. Systematic monitoring and subsequent review of approved development orders will help implement the goals within the Plan by:
  - a. Preserving the availability of public facilities and services for proposed development by removing capacity reserved for inactive development;
  - b. Minimizing the creation of an artificially inflated inventory of residential, commercial, and industrial development;
  - c. Enhancing the value and use of land in unincorporated PBC by identifying and providing a system to eliminate obsolete approvals which distort the official land use inventory;
  - d. Requiring compliance with improved performance and site design standards by providing a system whereby approved, but unbuilt, developments are subject to periodic review;
  - e. Ensuring that development orders are timely performed and complied with at all times; and
  - f. Ensuring that outstanding debts due to the PBC are paid in a timely manner.
2. To protect the public welfare, it is the intent of the BCC to ensure compliance with the conditions of development orders and with specific time requirements for the completion of activities associated with said approvals or with this Code. The BCC recognizes that unforeseen factors may interfere with the established schedule. This Article creates an administrative program to monitor and provide extensions for activities which must be completed within a certain time period pursuant to a development order or pursuant to this Code, and to ensure that conditions are met and not violated.
3. The BCC recognizes that development is a complicated process. Despite efforts on the part of developers to proceed according to plans, unforeseen factors may interfere with the schedule of development and compliance with conditions of approval. The review procedure created in this Article establishes a system for administrative review and approval of time extensions.
4. To meet the intent of this Article, the BCC may review development orders issued prior to the adoption of this Code for compliance with the time requirements of this Code and for compliance with conditions of approval.
5. When the BCC or any provision of this Code has imposed a condition of development approval or time limit for the completion or duration of a specific activity or phase of development, the property owner shall be responsible for compliance.

#### B. Applicability

1. This Article shall apply to:
  - a. All development orders with a time requirement for completing one or more actions as identified in Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, or in the development process as required by specific Articles of this Code; and
  - b. All development orders identified in Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, with conditions of approval.
2. The following are exempt from this Article:
  - a. Any development order in whole or in part, that applies to lands that are owned by a unit of local, state, and/or federal government, provided that the development order is utilized for buildings or facilities that are owned by a government entity and support customary government operations and/or delivery of public services; **[Ord. 2005 – 002] [Ord. 2007-013]**
  - b. Any development order initiated by staff at the direction of the BCC after a review pursuant to this Article; and
  - c. Any development order for a rezoning of a single lot to a residential zoning district that corresponds to the minimum density permitted in the Plan Future Land Use designation for that lot, provided there is no concurrency reservation or concurrency exemption for the property.

3. For development orders which are subject to the requirements of this Article, the time limitations shall apply to those approved prior to or subsequent to the effective date of this amendment.

## Section 2 Procedures

### A. Suspension of Development Orders

1. Upon expiration of any time period established by this Code or for any failure to comply with, or continued violation of a condition of development approval, except for a condition imposed by the DRO, or a condition for which a complete administrative time extension application has been submitted, or a variance, no new development orders affecting the property shall be issued by PBC, and no action which might tend to vest the development order shall be permitted, except as permitted by Art. 2.E.2.D.5, Procedures for Rezoning, until a final determination is made by the Executive Director, or BCC or ZC pursuant to Article 2.E.2.B, Administrative Extension of Time, and Article 2.E.2.D, Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval, herein. This suspension of development rights shall not preclude the property owner from filing a new petition for the subject property to amend or supersede an existing development order, or the BCC or ZC from approving this petition. This suspension of development orders shall also apply to any failure to comply with, or continued violation of, a condition of development approval, if a status report public hearing is scheduled pursuant to Article 2.E.2.D, Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval. **[Ord. 2007-001]**
2. This suspension of development rights shall have the following effect on new petitions and code enforcement actions:
  - a. If the property owner files a new petition, no new development orders shall be issued until the completion of the zoning process except the development order which approves the petition.
  - b. If the BCC or ZC directs staff to cite the property owner for violating the provisions of the development order, no new development orders shall be issued until the alleged violation has been ruled upon by the Code Enforcement Special Masters, and any enforcement action is completed, or penalty is satisfied. This shall not, however, preclude compliance with the specific condition cited in the status report after the BCC or ZC has directed the Code Enforcement Division to cite the property owner for noncompliance with that condition.
3. Upon the expiration of any time period except for a time period to comply with a condition of approval imposed by the DRO, or when a complete administrative time extension application for a time certain condition of approval has been submitted, upon reasonable cause to believe that a property owner has not complied with a condition or a condition of development approval has been violated, or a variance has not been utilized, a document shall be filed with the clerk of the circuit court to be placed with the records governing title to the affected property except as provided in Art. 2.E.2.A, Suspension of Development Orders, herein. This document may apply only to that portion of the property related to the expired time period, or any condition violated. The document shall give record notice that: **[Ord. 2005 – 002] [Ord. 2007-001]**
  - a. A condition of development has been violated or a time certain activity has not proceeded as required;
  - b. A review of the project will be conducted pursuant to terms of this Section;
  - c. Until the review is completed, no new development orders shall be issued by PBC; and no action which might tend to vest the development order shall be permitted; and
  - d. Such other information as may be reasonable and necessary to afford adequate record notice of the effect of this Section on the rights of property owners.
4. If the BCC, ZC, or the Executive Director of PZB approves further development pursuant to Article 2.E.2.B, Administrative Extension of Time, and Article 2.E.2.D, Failure to Comply with Conditions, or Time Requirements other than for a DRO Imposed Condition of Approval, herein, a second document shall be filed with the clerk of the circuit court to be placed with the records governing title to the property indicating:
  - a. That the rights to develop have been restored;
  - b. Such other information as may be reasonable and necessary to afford adequate record notice of the effect of this Section on the rights of property owners; and
  - c. This document shall only be recorded upon 1) payment of all status report fees as established from time to time by the BCC; 2) payment of any outstanding liens or debts owed on the subject property to PBC (not required for administrative time extensions for time certain conditions of

approval); and 3) reinstatement of an expired standard development agreement if required to comply with adequate public facility standards. [Ord. 2005 – 002]

The status report fee may be waived if:

- 1) the property owner is a government agency;
- 2) the property owner is prevented from complying by a government-caused delay or by litigation that would prevent action by the property owner to bring the approval into compliance.
  - a) In the event litigation contesting the validity of lien or fine is initiated or pending prior to the time this payment is due, the document shall be recorded and payment of the lien or fine, if upheld by the court, shall be deferred until 35 days after Final Order. If the lien or fine is upheld by the court but the fine is not paid on or before the 35<sup>th</sup> day, a new notice of intent to withhold development permits shall be filed.
5. There will be no suspension of development rights if the only recommendation in the status report to the BCC or ZC is to delete a condition of approval.

**B. Administrative Extension of Time**

1. The owner of record, the current agent, or mortgagor demonstrating a secured interest in the property which is not being protected by the owner may file an application with the Executive Director of PZB for an administrative extension of time. The application shall be made upon such forms and in such a manner, including payment of fees, as prescribed by the PZB.
2. Upon the filing of an application for an administrative extension of time, the Executive Director, or other person designated by this Code, may grant an extension of time to comply with a requirement. A time extension shall commence upon the expiration of the date to comply with the time requirement, or the expiration of the last extension, whichever is applicable. Conditions of approval with a time certain project buildout date may be provided an additional 90 days if a complete building permit application has been submitted to the Building Division prior to this deadline. The maximum duration of an administrative time extension is as follows: [Ord. 2007-001]

**a. Development Order**

Table 2.E.3.B-1, Time Limitations of Development Order for Each Phase, provides the maximum length of each administrative time extension for each development order governed by this Code except when there is a government caused delay. When such a delay is documented, the Executive Director of PZB shall grant such extensions as necessary to offset government caused delays, not necessarily equal to the time of the delay, and each extension shall be based only on a delay that has already occurred. It is the responsibility of the property owner to notify staff in writing of the delay, and document the cause of the delay, however, no application or fee will be required.

**b. Conditions of Approval not Requiring the Posting of Performance Security Pursuant to Article 12.C.2, Conditions**

An administrative extension shall not exceed 12 months, with the exception of time certain project buildout date condition(s) as mandated by the Traffic Performance Standards. An administrative extension for a project buildout date condition may be granted up to the Buildout Period assumed in the Traffic Study submitted with the application, provided that it has been reviewed and approved by the County Engineer and that no additional conditions of approval are necessary to comply with the Traffic Performance Standards. If additional conditions of approval are required, the request for time extension through the new project buildout year shall be submitted in the form of a Development Order Amendment to the BCC or ZC, as appropriate, for approval. Subsequent applications may be filed, however, the total administrative extensions approved shall not exceed 24 months except 1) for project buildout date conditions and 2) when government-caused delays can be documented as the reason for failure to meet required deadlines. The Executive Director of PZB shall grant such extensions as necessary to offset government-caused delays, not necessarily equal to the time of delay, and each extension shall be based only on a delay that has already occurred. It is the responsibility of the property owner to notify staff in writing of the delay, and document the cause of the delay, however, no application or fee will be required. If the BCC has previously approved a time extension, any administrative extensions of time shall not extend more than 24 months from the original date for compliance except 1) for project buildout date conditions and 2) when there have been government-caused delays. If government caused delay has prevented compliance with a condition of approval which is due prior to the issuance of a building permit or certificate of completion, the compliance deadline may be extended to a specific date. The condition will then be

subject to the review requirements of this Section for time certain conditions of approval. **[Ord. 2007-001]**

**c. Conditions of Approval Requiring the Posting of Performance Security pursuant to Article 12.C.2, Conditions**

A one-time administrative time extension not to exceed six months shall be the maximum. **[Ord. 2005 – 002] [Ord. 2007-001]**

3. In reviewing applications for administrative time extensions for requirements other than conditions of approval and variances, the Executive Director of PZB shall approve a time extension provided there are no current Code violations or outstanding liens or fines and the development order; **[Ord. 2007-001]**
  - a. Is consistent with the Plan;
  - b. Is consistent with the Code; and
4. In reviewing applications for administrative time extensions for compliance with conditions of approval, the Executive Director of PZB shall consider the following:
  - a. Attempts by the applicant to complete the unfulfilled condition;
  - b. The reliance by other parties on the timely performance of activity;
  - c. Any changed circumstances, which may have interfered with the ability of the property owner to meet the time certain requirement;
  - d. Actions of other parties that may have precluded compliance;
  - e. The existence of extraordinary mitigating factors; and
  - f. Compliance with the review criteria in Article 2.F.3.D.6.b, Performance Security Required and Article 2.E.2.B, Administrative Extension of Time, for posting of performance security for a concurrency reservation.
5. In reviewing applications for administrative extensions for variances, the criteria listed in Art.2.E.2.B.4.a-f shall apply. **[Ord. 2007-001]**
6. When the extension of time is for the payment of fees, the amount due shall increase by an interest payment equal to the rate established by F.S. §55.03. The interest rate established at the time an extension is approved shall remain the same until the fee is paid. If the extension covers a period less than a year, then the interest shall be prorated. **[Ord. 2007-001]**
7. When the Executive Director of PZB approves an extension of time for completion of a time certain requirement, he/she may require the property owner to guarantee the completion by furnishing a cash deposit, letter of credit, or surety bond. **[Ord. 2007-001]**

**C. Appeal**

An appeal of a denial of an administrative time extension may be made to the BCC for development orders approved by the BCC or ZC, and to the DRAB for conditions imposed by the DRO and to the hearing officer for variances. An appeal shall be made upon forms prescribed by the department within 30 days of the mailing of the notice that the request for an administrative extension has been denied. **[Ord. 2007-001]**

1. The appeal shall be set on the BCC agenda within 60 days of receipt by the department. The BCC shall either affirm the decision of the department or grant an extension of time. This decision shall be made within 65 days of the date the appeal first appears on an agenda of the BCC unless a longer postponement is requested by the property owner. An extension of time may be granted only upon a finding by the BCC that the requirements of Article 2.E.2.B, Administrative Extension of Time.
2. An appeal to the DRAB shall be made pursuant to Article 2.D.1.G.2, Administrative Amendments.

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

**1. Scheduling of Status Reports**

If a property owner fails to comply with a time requirement and has not received a time extension, staff shall advertise a status report public hearing for the agenda of the body which approved the subject development order (BCC or ZC). If a property owner violates a condition of approval, staff may advertise a status report public hearing for the agenda of the body which approved the subject development order (BCC or ZC). The hearing shall be held within 90 days of the filing of the notice required by Article 2.E.2.A, Suspension of Development Orders. Staff may delay the scheduling of the status report public hearing if, prior to the most recent deadline for compliance, the property owner files for an amended or new development order which may affect the time requirement or any condition being violated. If the new petition is approved and the time requirement has not been affected, or if the petition is denied, staff will place the status report on a BCC or ZC agenda within 65 days. Staff will not delay scheduling of staff report when there has been a failure to comply with



concurrency reservation or development order conditions which are required for the Development Order to comply with Art. 12.C.1, Traffic Impact Study.

**2. Status Report Review Criteria**

The status report shall contain:

- a. a description of the development order;
- b. a summary of the background and current status of the development including any documentation provided to staff of efforts to comply with the requirement, or circumstances beyond the control and cause of the property owner, other than economic conditions, which have prevented compliance;
- c. a description of any Code violations;
- d. a description of any uncompleted conditions or time certain requirements;
- e. a review of criteria set forth in Article 2.E.2.B.4, Administrative Extension of Time, for status reports prepared for failure to comply with a condition of approval;
- f. a description of any violation of a condition of approval and circumstances related to the violation; and
- g. a determination of whether the development order is consistent with the Plan and is consistent with the Code.

**3. Status Report – Additional Criteria**

After the expiration of time extensions totaling four or more years approved by the BCC or ZC, the BCC or ZC may consider changed circumstances and compatibility issues.

**4. Staff Recommendations**

Based on the factors identified in Art. 2.E.2.D.2, Status Report Review Criteria, and Art. 2.E.2.D.3, Status Report – Additional Criteria, staff shall make a recommendation for one or more of the actions identified in Art. 2.E.2.D.8.b. [Ord. 2005 – 002]

**5. Procedures**

Consideration of all actions permitted by Art. 2.E.2.D.8.b, except a rezoning shall occur in the following manner: [Ord. 2005 – 002]

**a. Public Hearing**

At least one public hearing shall be held by the ZC or by the BCC, as applicable.

**b. Mail Notice**

The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC or ZC. Written notice shall consist of a letter sent at least 14 calendar days prior to the hearing by certified mail, return receipt requested, to the last known address of the owner of record as it appears in the official records of the PBC Property Appraiser's Office. Proof of the receipt shall be presented at the hearing. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include:

- 1) A statement that the time period has expired or that a condition of approval has been violated and that the development shall be subject to review;
- 2) The Executive Director's recommendation to the BCC or ZC;
- 3) A statement that review may result in one or more of the actions identified in Art. 2.E.2.D.8.b. [Ord. 2005 – 002]
- 4) Notice of the date, time, and place of the hearing before the BCC or ZC, during which the report and recommendation of the Executive Director of PZB will be heard;
- 5) A statement of the owner's right to appear and to present relevant information to rebut or to supplement the report of the Executive Director of PZB; and
- 6) Such other information as may be necessary and appropriate to accomplish the goals of this Section.

**c. Newspaper Publication**

Notice of the hearing shall be published in a newspaper of general circulation in accordance with F.S. §125.66(2)(a). Notice shall be published at least ten days prior to the hearing.

**6. Procedures for Rezoning Less than Ten Acres**

Consideration of all rezonings on properties less than ten contiguous acres, by the BCC, shall occur in the following manner: [Ord. 2005-002]

**a. Public Hearing**

The BCC shall hold at least one public hearing on a proposed amendment to the boundaries of the Official Zoning Map.

**b. Mail Notice**

The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC and shall be noticed in accordance with F.S. §125.66(4)(b)3. Written notice shall consist of a letter sent at least 30 calendar days prior to both the first and second hearings by certified mail, return receipt requested to the last known address of the owner of record as it appears in the official records of the PBC Property Appraisers Office. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include the items as stated in Art. 2.E.2.D.5.b.1)-6).

**c. Newspaper Publication**

In addition to the notice mailed to the owner of record, notice of the hearing shall be published in a newspaper of general circulation in accordance with F.S. §125.66(2). Notice shall be published at least ten days prior to the hearing.

**7. Procedure for Rezoning Ten or more Acres**

Prior to consideration of all rezonings on properties of ten or more contiguous acres by the BCC, notice to the owner of record and advertisement of the proceedings shall occur in the following manner: **[Ord. 2005-002]**

**a. Public Hearing**

The BCC shall hold two public hearings on a proposed amendment to the boundaries of the Official Zoning Map when the amendment would affect ten or more contiguous acres of total unincorporated land area. The second public hearing shall be held at least ten calendar days after the first public hearing in accordance with F.S. §125.66(4)(b)1.

**b. Mail Notice**

The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC and shall be noticed in accordance with F.S. §125.66(4)(b)3. Written notice shall consist of a letter sent at least 30 calendar days prior to both the first and second hearing by certified mail, return receipt requested, to the last known address of the owner of record as it appears in the official records of the PBC Property Appraisers Office. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include the items as stated in Art. 2.E.2.D.5.b.1)-6) above.

**c. Newspaper Publication**

In addition to the notice mailed to the owner of record, notice shall be published in a newspaper of general circulation in the PBC. Notice shall be published once for each hearing; the first publication shall be at least seven calendar days prior to the date of the first hearing and the second publication shall be at least five calendar days prior to the second hearing. The notice shall state the date, time, and place of the hearing; the proposed action; and the place within the PBC where the status report and recommendation may be inspected by the public. The notice shall advise that interested parties may appear at the hearing and be heard with respect to the report and recommendation. A copy of such notice shall be kept available for public inspection at the PZB during regular business hours.

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

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

a. The BCC or ZC shall consider the factors enumerated in Art. 2.E.2.D.2, Status Report, Review Criteria above, and the recommendation of PZB. **[Ord. 2005-002]**

b. After deliberation, the BCC or ZC shall take one or more of the following actions:

1) Grant a time extension:

a) To commence development, utilize a conditional or requested 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]**

b) To comply with a condition of approval for a period not to exceed 24 months with the exception of time certain project buildout date condition(s) as mandated by the Traffic Performance Standards. A project buildout date condition may receive approval of a time

extension up the Buildout Period assumed in the Traffic Study. 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. When the BCC or ZC approves an extension of time for the payment of fees, the amount due shall increase by an interest payment equal to the rate established by F.S. §55.03. The interest rate established at the time an extension is approved shall remain the same until the fee is paid. If the extension covers a period less than a year, the interest shall be prorated.

**[Ord. 2007-001]**

- 2) Adopt a resolution which will rezone the property to an appropriate zoning district;
  - 3) Adopt a resolution which will revoke or amend the approval for all or a portion of the conditional or requested use, special exception or development order amendment;
  - 4) Adopt a resolution, which will impose additional or modified conditions, voluntary commitments, or permit the property owner to initiate a petition to add or modify conditions or voluntary commitments, as directed by the BCC or ZC. New or modified conditions or voluntary commitments, shall include bringing the development into conformity with current Codes and regulations;
  - 5) Direct staff to cite the property owner for violating the provisions of this Code;
  - 6) Adopt a resolution to amend or revoke the development order or map amendment for the undeveloped or unplatted portion of the project;
  - 7) Exempt from further review of any development order which rezoned property to a district which does not exceed the density or intensity permitted by the Plan Future Land Use designation, provided there is no concurrency reservation or exemption for the property. This exemption may be applied to any advertised status report after adoption of this amendment; and/or
  - 8) Deny or revoke a building permit; issue a stop work order; deny or revoke a CO on any building or structure; revoke any concurrency; deny or revoke any permit, license or approval for any developer, owner, lessee, or user of the subject property.
- c. If the BCC or ZC fails to act on staff recommendations within the prescribed time period, or if the Executive Director of PZB grants an administrative time extension, the issuance of new development orders shall immediately resume.
  - d. The decision of the BCC or ZC shall be rendered within 65 days of the originally advertised public hearing, provided that the property owner has not requested a postponement of the matter. A postponement approved at the request of the property owner may not exceed 12 months from the due date for compliance.
  - e. If a developer's agreement for the commitment of utility services has expired prior to the expiration of any deadline to commence development or record a plat, the notice required by Article 2.E.2.A, Suspension of Development Orders, shall not be recorded until a new developer's agreement has been executed.
- 9. Decision of the BCC or ZC for Failure to Comply with a Condition of Approval Which Requires the Posting of Performance Security Pursuant to Art. 12.C.2, Conditions.**

The BCC or ZC shall take one or more of the following actions: **[Ord. 2005-002]**

- a. Approve a time extension not to exceed six months based on the criteria of Article 2.F.3.D.6, Receipt of a Concurrency Reservation with Conditions, and Article 2.E.2.B, Administrative Extension of Time, if an administrative time extension was not approved. The term of the time extension shall commence upon the expiration of the date to post performance security. In no case shall the total time to post performance security exceed 12 months from the date of the development order, which imposed the condition to post performance security;
- b. Adopt a resolution to revoke any special exception or conditional use;
- c. Adopt a resolution to rezone the property to the lowest zoning district consistent with the property's FLU designation if the concurrency reservation applied to a development order which rezoned the property; and/or
- d. Adopt a resolution to amend the condition in compliance with Article 12.C.2, Conditions.

**E. Failure to Comply with Conditions of Approval Imposed by the DRO**

1. If a property owner has not received an administrative time extension prior to the deadline to comply with a condition, or has exhausted all administrative time extensions, a time extension application may be submitted to the DRO. The application must be received by the DRO prior to the compliance deadline. The DRO shall consider the criteria set forth in Article 2.E.2.B, Administrative Extension of Time, based on these criteria, the DRO shall:
  - a. Revoke the certification of the site plan or subdivision plan;

- b. Amend or delete the condition; or
    - c. Direct staff of the Code Enforcement Division to cite the property owner for failure to comply with the condition.
  - 2. If a property owner fails to submit an application pursuant to Article 2.E.2.E, Failure to Comply with Conditions of Approval Imposed by the DRO, shall direct staff of the Code Enforcement Division to cite the property owner for failure to comply with the condition.
  - 3. Decisions of the DRO made pursuant to this Section may be appealed to DRAB pursuant to Article 17.C, APPOINTED BODIES.
- F. Failure to Use Variance**  
If a property owner fails to utilize a variance within the timeframes as provided in Table 2.E.3.B-1, the variance shall become null and void. [Ord. 2007-001]
- G. Expiration of Time Extensions Granted by the BCC**  
In the event that the property owner has not complied with the condition of development approval or time certain activity at the expiration of a time extension, the development order shall be subject to the requirements of Art. 2.E.2.B, Administrative Extension of Time, Art. 2.E.2.D, Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval, or Art. 2.E.2.E, Failure to Comply with Conditions of Approval Imposed by the DRO, herein, as appropriate. [Ord. 2005 – 002] [Ord. 2007-01]
- H. Fees**  
Fees to implement this Section shall be established by the BCC.

### **Section 3 Supplementary Regulations for Classes of Development Orders**

- A. Classes of Development Approvals**  
Unless otherwise established in the development order, the time frames provided in Table 2.E.3.B, Time Limitation of Development Order for Each Phase, apply. Permitted time frames do not change with successive owners.
- B. Effect of Phasing on Time Frames for Receipt of a Required Permit or Commencement of a Required Action**
- 1. **Residential District (Non-PDD or TDD) PUD and TND Districts**  
The development order and master plan or final subdivision plan for the Residential District (Non-PDD or TDD) PUD, or TND Districts, may provide for phasing. Table 2.E.3.B, Time Limitation of Development Order for Each Phase, provides time requirements for recording plats.
  - 2. **Conditional and Requested Uses, PDDs other than PUDs, TTDs and TMDs**  
The Final site plan/Final Subdivision plan for conditional and requested 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. Table 2.E.3.B, Time Limitation of Development Order for Each Phase, 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**
    - a. **PDD or Conditional Use**
      - 1) Administrative modification of site plan does not alter original time certain requirement.
      - 2) BCC or ZC modification to development orders may include a condition of approval which provides a new time for commencement of development or to record a plat (up to the maximum time permitted for a new development order) if the modification and all undeveloped areas of the project are determined to meet all requirements for approval of a development order for a new project.
    - b. **Final Site Plan or Final Subdivision Plan**  
A modification to a site plan or subdivision plan shall only establish a new time to commence development or record a plat as provided in Table 2.E.3.B, Time Limitation of Development Order for Each Phase, if the site plan or subdivision plan is certified based on a determination of compliance with all current Code requirements, including concurrency.

**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 DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION <sup>4</sup>	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
REZONING – RESIDENTIAL-NON-PLANNED DEV. DIST. (PDD) or TRADITIONAL DEV. DIST. (TDD) (Including any associated variance(s))		2	Record plat or affidavit of plat waiver or commence development <sup>1</sup>	Three years <sup>2,7</sup>	Twelve <sup>9</sup> months	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
REZONING TO NONRESIDENTIAL-STANDARD ZONING DISTRICT (Including any associated variance(s))		2	Commence development <sup>1</sup>	Three years <sup>2,7</sup>	Twenty-four months	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
CONDITIONAL USES, REQUESTED USES (Including any associated variance(s))		2 <sup>5</sup>	Commence development or utilize Conditional Use or Requested Use if no construction is required <sup>1</sup>	Three years <sup>2,7</sup>	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
NONRESIDENTIAL PDD:		4	Commence development <sup>1</sup>	Three years <sup>2,7</sup>	Twenty-four months	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Art.2.E.2.D herein
PDD: PUD; TDD: TND (Including any associated variance(s))		No maximum	Record plat <sup>6,8</sup>	Three years <sup>2,7</sup>	Twelve Months <sup>9</sup>	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
TDD (Including any associated variance(s))	TMD IN THE AGR TIER	2 <sup>10</sup>	Commence development <sup>1</sup>	Three years <sup>2,7</sup> Or, for a TTD, as may be recommended by DRI or local government conditions of approval	Twenty-four months	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
	TMD IN THE U/S TIER	4				
	TMD IN ALL OTHER TIERS AND TDD	No maximum				

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**Table 2.E.3.B - Time Limitation of Development Order for Each Phase cont'd.**

TYPE OF DEVELOPMENT ORDER		MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION <sup>4</sup>	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
DEVELOPMENT ORDERS, WHICH AT THE TIME OF DRO REVIEW AND APPROVAL, ARE NOT ASSOCIATED WITH ANY OTHER DEVELOPMENT ORDER THAT IS SUBJECT TO THE REQUIREMENTS OF Art. 2.E (THOSE LISTED ABOVE):	SITE PLAN	2	Commence development <sup>1</sup>	Four years <sup>3,7</sup>	No extensions permitted	Plan null and void for the undeveloped phases of a site plan, and unplatted phases of a subdivision plan.
	FINAL SUB-DIVISION PLAN: NON-RESIDENTIAL	2	Commence development <sup>1</sup>	Four years <sup>3,7</sup>		
	FINAL SUB-DIVISION PLAN: RESIDENTIAL	No maximum	Record plat	three years <sup>3,7</sup>	Twelve months <sup>9</sup>	
	NON CON-CURRENT VARIANCES	N/A	Commence Development	One Year	24 months	Variance becomes null & void if applicable

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

**Notes:**

- Commencement of development shall consist of:
  - Receipt of a building permit and first inspection approval of first component of the primary structure(s) for a) the entire development, as defined by the certified site plan or certificate of concurrency for those development orders which do not require the certification of a site plan or b) all of the next phase if phasing is provided by the development order and final Master Plan pursuant to Art. 2.E.3.B.3.b, Final Site Plan or Final Subdivision Plan herein; or
  - The installation of significant site improvements such that the improvements would only permit the development of the approved project, and any other pattern of development would require extensive changes to the installed improvements
 Commencement of development shall not consist of:
  - The dividing of land into parcels, unless the determination of commencement is to be made for property in a residential zoning district which is not a PDD and for which there is no conditional use/special exception and this division is accomplished through the recordation of a plat or plat waiver; or
  - Demolition of a structure; or
  - Deposit of refuse, solid or liquid waste, or fill on the parcel unless the development order is exclusively and specifically for such; or
  - Clearing of land
- 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 excavation shall be established by a condition of approval.
- From plan certification date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases.
- All administrative time extensions listed in this table are to be approved or denied by the Executive Director of PZB. Time extensions for Type IA and IB administrative variances, and Type II non-concurrent variances are to be approved by the Zoning Director. **[Ord. 2007-01]**
- The maximum number of phases and duration of each phase for a Type III excavation shall be established by a condition of approval.
- The recordation of a plat for the preservation area of an AGR-PUD shall not qualify as meeting this requirement
- An additional 90 days will be provided if prior to the expiration of any time period established by this Code, staff is notified by the property owner that either a complete building permit application has been submitted, or technical compliance for a plat has been received, as appropriate, and development will commence, or the plat will be recorded, within 90 days of the deadline. If the required action does not occur within the 90 days, the requirements of Art. 2.E.2, Procedures, shall apply. This provision shall not be utilized when there has been a failure to comply with concurrency reservation or development order conditions which are required for the Development Order to comply with Art. 12.C.2, Conditions. **[Ord. 2005-002]**
- For projects with less than 1,500 residential units, record one or more plats such that the total number of dwelling units in the recorded plat(s) is at least 10 percent of the total number of residential units. **[Ord. 2008-003]**  
 For projects of 1,500 or more residential units, record one or more plats such that the total number of dwelling units in the recorded plat(s) is at least 150 residential units. This requirement shall apply to all complete applications for plat approval filed on or after (the date to be added being six months after the adoption date of the ULDC amendment). **[Ord. 2008-003]**  
 Plat applications filed prior to (the date to be added being six months after the adoption date of the ULDC amendment) shall 1) result in the plat(s) being recorded by (the date to be added being seven months after the adoption date of the ULDC amendment), or comply with this footnote; and 2) provide for residential dwelling units. **[Ord. 2008-003]**
- No traffic study shall be required if the existing development order has a project buildout date condition for a date later than the twelve month administrative time extension. **[Ord. 2008-037]**
- All Certificates of Occupancy for the second phase shall be issued no later than five years from the date of issuance of the first CO for the first phase. **[Ord. 2009-040]**

## **CHAPTER F CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD)**

### **Section 1 General**

#### **A. Purpose and Intent**

The purpose and intent of this Section is to ensure that adequate potable water, sanitary sewer, solid waste, drainage, public school, park, road and mass transit public facilities and fire-rescue are available to accommodate development concurrent with the impact of development on such public facilities, consistent with the LOS standards for those public facilities adopted in the Plan. This objective is accomplished by (1) establishing a management and monitoring system to evaluate and coordinate the timing and provision of the necessary public facilities to service development, and (2) by establishing a regulatory program that ensures that each public facility is available to serve development concurrent with the impacts of development on public facilities.

#### **B. Authority**

The BCC has the authority to adopt this article pursuant to Art. VIII, Sec. 1, Fla. Const., the PBC Charter, F.S. §125.01, et al seq., F.S. §163.3161(8), F.S. §163.3177(10)(h) and F.S. §163.3202(2)(g).

#### **C. Applicability**

##### **1. General**

Concurrency shall be obtained for all development orders and subsequent development orders unless the project is exempt from the requirements of this Article.

#### **D. Exemptions**

The following shall be exempt from the requirements of this article:

1. All development orders that have received a concurrency exemption certificate or concurrency exemption extension certificate, pursuant to the "Concurrency Exemption Ordinance of PBC" and the "Concurrency Exemption Extension Ordinance";
2. A lot of record which (a) meets the density requirements of the Plan, as amended, or (b) qualifies for an administrative order exempting it from the density requirement of the Plan;
3. An alteration or expansion of a development that does not create additional impact on public facilities;
4. The construction of accessory buildings and structures that does not create additional impact on public facilities;
5. The replacement of a dwelling unit within one year of its removal; and
6. The official list of additional specific permit types as established by the Zoning Director which are deemed to have no impact on public facilities.

#### **E. Unified Planning Area**

1. If a Unified planning area is adopted and implemented by the BCC, through resolution, such Unified Planning Area shall be considered concurrent through the date specified in the resolution, provided:
  - a. The terms of the resolution adopting and implementing the unified planning area are being met in good faith; and
  - b. The impacts of the unified planning area on the public facilities have been addressed.
2. Adequate public facility standards for the unified planning area shall be maintained providing Article 2.F.1.E.1.a, Article 2.F.1.E, Unified Planning Area, have been met, regardless of the impact of subsequently approved or background traffic that may generate traffic in the unified planning area, on affected roadways or other public facilities.

### **Section 2 LOS Standards**

The LOS standards for public facilities are contained in the Plan and shall apply in the review of development pursuant to the procedures and standards of this Article.

### **Section 3 Review For Adequate Public Facilities**

#### **A. General**

To ensure that adequate potable water, sanitary sewer, solid waste, drainage, public school, parks and recreation, road, mass transit, and fire-rescue public facilities are available concurrent with the impacts of development on each public facility, PBC shall establish the following development review procedures. To ensure public schools are available concurrent with the impacts of development, PBC has adopted the "Public School Concurrency Ordinance of PBC" which is codified in Article 2.F.7, Public School Concurrency.

#### **B. Procedure for Review of Application for a Concurrency Reservation**

##### **1. Submission of Application**

**a. Concurrency Reservation**

An application for a concurrency reservation shall be submitted jointly with an application for a development order (joint review), to the Zoning Director in a form established by the Zoning Director and made available to the public. If the proposed development does not require site plan approval, the application shall be submitted at scheduled intake times (separate review) as specified on the Annual Zoning Division Calendar. The application shall be accompanied by a fee established by the BCC for the filing and processing of each application. The fee shall be non-refundable. [Ord. 2006-055]

**b. WHP Traffic Concurrency Hall Pass**

A WHP Traffic Concurrency Hall Pass is a provisional traffic concurrency approval that may be used for Projects subject to Art. 5.G.1, Workforce Housing Program. A WHP Traffic Concurrency Hall Pass Certificate shall be considered a traffic concurrency reservation only for the purposes of Art. 12.C.1.C.4.c, TPS Database, and shall be valid for a period of not more than 90 days.

An application for a WHP Traffic Concurrency Hall Pass may be submitted separate from an application for a development order to the Traffic Division Director in a form established by the Traffic Division Director and made available to the public. The application may be submitted at any time and shall be accompanied by a fee established by the BCC for the filing and processing of each application. The fee shall be non-refundable. [Ord. 2006-055]

**2. Determination of Sufficiency**

**a. Separate Review**

Upon receipt of the application, the Zoning Director (or Traffic Division Director, in the case of a WHP Traffic Concurrency Hall Pass) shall initiate a review and within ten days determine whether the application is sufficient. If it is determined that the application is not sufficient, written notice shall be sent to the applicant specifying the deficiencies. The Zoning Director (or Traffic Division Director, in the case of a WHP Traffic Concurrency Hall Pass) shall take no further action on the application unless the deficiencies are remedied. If the deficiencies are not remedied within 20 days of written notification, the application shall be considered withdrawn. [Ord. 2006-055]

**b. Joint Review**

Sufficiency determination is subject to the regulations for the specific development order requested as outlined in Article 2.B.2.G, Development Order Amendment. Insufficiency of any portion of an application submitted under joint review shall result in the insufficiency of the concurrency application.

**3. Determination of Review**

The Zoning Director shall also determine whether all Service Providers are required to review the application. If the Director determines that two or less public facilities are impacted by the proposed development, the application may be eligible for a reduced concurrency review fee. The Zoning Director, where appropriate, shall consult with the service providers in making such determination.

**4. Review and Recommendation**

**a. Separate Review**

Within ten days of submittal or re-submittal, the application shall be forwarded to the PBC Departments and service providers for review. Within 15 working days of its receipt, the appropriate PBC Departments and service providers shall file a statement with the Zoning Director as to whether or not adequate public facilities are available, pursuant to the standards of Art. 2.F.3.C, Standards for Review of Application for Concurrency Reservation. In the case of an application for a WHP Traffic Concurrency Hall Pass, the same review time frames shall apply and the statement as to whether or not adequate public facilities are available pursuant to the standards of Art. 2.F.3.C, Standards for Application for Adequate Public Facilities Determination and Concurrency Reservation, shall be filed with the Traffic Director, with a copy to the Zoning Director. [Ord. 2006-055]

**b. Joint Review**

The application shall be distributed to the PBC Departments and Service Providers for review together with application for development order.

**5. 90 Day Negotiation**

**a. Separate Review**

If the Zoning Director (or Traffic Division Director, in the case of a WHP Traffic Concurrency Hall Pass) determines that an application fails to meet any one of the public facility component standards of Article 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation, the applicant shall be notified of such deficiency(s) in writing. If the applicant does not notify the Zoning Director (or Traffic Division Director, in the



case of a WHP Traffic Concurrency Hall Pass) in writing that he/she wishes to withdraw the application, the application shall be entered into 90 day negotiation period with the service provider. [Ord. 2006-055]

1) If during the 90 calendar day negotiation period, the applicant addresses the deficiencies, the application shall be reconsidered by the Zoning Director (or Traffic Division Director, in the case of a WHP Traffic Concurrency Hall Pass) and approved or denied consistent with the standards of this Chapter. [Ord. 2006-055]

2) If the deficiencies are not resolved within 90 calendar days, the application shall be denied.

**b. Joint Review**

The timing and review of an application shall be consistent with the timing and review procedures outlined in Article 2, DEVELOPMENT REVIEW PROCESS, for the requested Development Permit/Order. Approval of the Development Permit/Order shall not be granted until Concurrency is approved.

**c. Extension of 90 Day Negotiation Period**

Prior to expiration of a reservation, if it is documented that a government-caused delay the failure of a development order to be issued, the Zoning Director shall grant such extensions as necessary to offset government-caused delays, not necessarily equal to the time of the delay. Each extension shall be based only on a delay that has already occurred.

**6. Approval**

**a. Separate Review**

If it is determined by the service providers that adequate public facilities are available, the Zoning Director shall review the statements and the application for compliance with all the public facility component standards of Art. 2.F.3.C, Standards for Review of Application for Concurrency Reservation, and the density requirements of the Plan, and shall issue a certificate for concurrency reservation. [Ord. 2005 – 002]

**b. Joint Review**

Concurrency approval shall be indicated directly on the Certified Plan pursuant to the DRO Technical Standards, for projects that require site plan approval. For projects that do not require site plan approval, a reservation shall be issued.

**c. WHP Traffic Concurrency Hall Pass Certificate**

If it is determined that adequate public facilities are available in compliance with the Art. 2.F.3.C.3, Traffic Facilities, the Traffic Director shall issue a Hall Pass Certificate. An application for a Concurrency Reservation in conjunction with a Development Order application shall be submitted within 90 days of issuance of the Traffic Concurrency Hall Pass Certificate or else it shall expire. [Ord. 2006-055]

**C. Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation**

The following standards for each facility shall be used in deciding whether to approve or deny a Concurrency Reservation.

**1. Potable Water, Sanitary Sewer, Solid Waste and Park and Recreation and Linked Open Space and Fire Rescue Facilities**

Facilities to provide the proposed development sufficient services based on the LOS for facilities are in place, or under construction and bonded; or the subject of a binding and executed contract; or are included in PBCs Capital Improvement Annual Budget or the service provider's annual budget; or the PBCHD has verified and approved that capacity is available.

**2. Drainage Facilities**

The drainage component shall be approved if the proposed development has a legal right to convey stormwater to a point of legal positive outfall or meets the exemption provisions of Article 5.C, DESIGN STANDARDS.

**3. Traffic Facilities**

The roads component shall be approved if the proposed development complies with Article 12, TRAFFIC PERFORMANCE STANDARDS. In determining whether the road component meets the requirements of this subsection, the Five Year Road Improvement Schedule in the Capital Improvements Element may be considered only if the development proposed in the application is phased so that the impacts of the proposed development and the capacity provided by the road projects in the Five Year Road Improvement Schedule will occur concurrently. The phasing of development and transportation improvements to ensure the LOS for road facilities is met may be addressed through a development or road agreement. [Ord. 2006-055]

**4. Mass Transit Facilities**

The mass transit component shall be approved if the travel demand of the proposed development does not deteriorate the LOS for mass transit facilities below the adopted LOS for mass transit facilities.

**5. Public School Facilities**

The public school component for the proposed development shall be subject to the application and review procedures set forth in the Public School Concurrency Ordinance of PBC, which is codified in Article 2.F.7, Public School Concurrency.

**D. Rules of General Applicability for a Concurrency Reservation**

**1. Expiration**

Unless revoked by the BCC or the ZC reservation is valid for the life of a specific development order pursuant to Article 2.F, CONCURRENCY, or shall expire one year from the date of issuance of the reservation, whichever is applicable. If the Concurrency Reservation was based upon a converted WHP Traffic Concurrency Hall Pass, then the Reservation shall be valid for one year from the date of issuance of the Traffic Concurrency Hall Pass Certificate or for the life of the specific Development Order pursuant to Art 2.F, whichever is applicable. If the required development order is a building permit, then the application for the building permit must be submitted prior to the expiration date of the reservation. In such cases, the building permit must be issued within six months from the date of intake of the building permit application, or the reservation shall expire. If a reservation either expires or becomes invalid, the public facility capacity reserved by the reservation expires, and becomes additional available public facility capacity. An applicant cannot apply for a new reservation until the previous reservation has expired. The expiration or revocation of a development order shall result in the automatic expiration or revocation of the reservation. A reservation shall not expire if an application for a specific development order is pending. All Concurrency reservations shall be issued for the number of units or square footage shown on the approved site plan or master plan most recently certified by the DRO. For any Master Plan or Site Plan, which was approved for acreage only, the capacity for the approved use shall be calculated by the applicant and affirmed by the Zoning Division and each service provider. Any concurrency reservation shall be adjusted accordingly. Any increase in units or square footage above that shown on the current site plan/master plan shall be subject to concurrency review. **[Ord. 2006-055]**

**2. Effect**

Reservation will remain valid provided:

- a. the development order for which the certificate was approved has not expired or been revoked or abandoned;
- b. all annual fees necessary to maintain the reservation are paid each year;
- c. the development is not altered to increase the impact of the development on public facilities;
- d. the reservation is not revoked by the BCC or the ZC.

**3. Assignability and Transferability**

A reservation may be assignable or transferable, within the same approved development or to successors in interest for the same property.

**4. Extension of a Reservation**

Prior to expiration of a reservation, it is documented that a government-caused the failure of a development order to be issued, the Zoning Director shall grant such extensions as necessary to offset government-caused delays, not necessarily equal to the time of the delay. Each extension shall be based only on a delay that has already occurred.

**5. Phasing of a Reservation**

In determining whether an application for a reservation complies with the requirements of Article 2.F.3.C, Standards for Review of a Application Concurrency Reservation, the Zoning Director may consider the phasing of development and its coordination with public facility capital improvements for a period of up to five years, or some other period consistent with the terms of an agreement.

**6. Receipt of a Concurrency Reservation with Conditions**

If the appropriate service provider can ensure there will be adequate public facilities with condition(s) or an agreement approved by the Zoning Director, the certificate of concurrency reservation shall be approved. The issuance of a building permit shall be based upon compliance with the conditions contained on certified site plan or the Concurrency reservation.

**a. Consideration in Conjunction with an Agreement**

- 1) If an agreement is to be part of an application for a development order, then prior to the proposed development order application being considered for consistency, the agreement shall be:

- a) found to be in sufficient form and contain sufficient information by the County Attorney and the Zoning Director; and,
- b) accompanied by applicable fee, as set forth in the adopted fee schedule.
- 2) If the Zoning Director determines that the standards of Article 2.F.3.C, Standards for Review of Application for Concurrency Reservation, are met if the agreement is approved, a certificate of concurrency reservation shall be issued, conditioned on the approval of the agreement with the express terms related to the provision of the public facilities for the proposed development.
- 3) Upon approval of the agreement by the BCC, the concurrency reservation shall become final. If the agreement is denied, then the Certificate of concurrency reservation shall expire.

**b. Performance Security Required**

- 1) In accordance with Article 12.C.2, Conditions, a concurrency reservation with conditions may be granted to ensure compliance with the TPS. Performance security to install improvements resulting from the impact of the project may be required to be posted within six months from the date the development order is approved. The performance security shall be in a form acceptable to the DEPW.
- 2) A one time six month administrative time extension in accordance with Article 2.E.2.B, Administrative Extension of Time, or a six month BCC time extension in accordance with Article 2.F.2, LOS Standards, of this Code, may be permitted, provided the following standards are met:
  - a) The project is located on a roadway, which did not meet the TPS prior to a concurrency reservation being issued for the project;
  - b) The traffic approval was based solely on the posting of security for roadway improvements; and
  - c) The project approval does not delay any other property owner from development since no capacity was available for the project, therefore, no trips had been reserved for the project.
- 3) If an administrative time extension is not requested and granted, or a previously approved time extension expires without security being posted, the development order shall be subject to the review requirements of Article 2.F.2, LOS Standards and Article 2.F.3, Review for Adequate Public Facilities. If the BCC revokes the development order, the certificate of concurrency reservation shall immediately expire. The development order shall be revoked if security is not posted within 12 months of approval of the development order.

**c. Extension of Date Certain Conditions Prior to Issuance of Development Order**

Prior to the expiration of a date certain condition, one extension of the condition up to nine months may be provided by the service provider imposing the condition, if it is determined that a valid public governmental purpose will be achieved by granting the extension. In no other case may an extension be granted.

**7. Amendment of Certificate of Concurrency Reservation**

An amendment to a concurrency reservation shall be required prior to the approval of any amendment to a development order which results in a change to the impact on public facilities addressed by this Chapter. The amendment of a concurrency reservation shall only require reservation of the additional public facility capacity demanded by the proposed development or modification of the reservation of the public facility capacity if the demand is decreased.

**8. Revision of a Concurrency Reservation**

A revision to a concurrency reservation shall be required prior to the approval of any reduction in approved square footage on the certified plan.

**9. Effect of Agreement in Conjunction with a Certificate of Concurrency Reservation**

A developer may enter into an agreement with PBC and relevant service providers, for those public facilities specifying that an agreement is acceptable, in conjunction with the approval of a development order and a certificate of concurrency reservation, to ensure adequate public facilities are available concurrent with the impacts of development on the public facility. The effect of the agreement shall be to bind PBC and the developer pursuant to the terms and duration of the agreement to its determination pursuant to Article 2.F.4, Entitlement Density and Entitlement Intensity, that adequate public facilities are available to serve the proposed development concurrent with the impacts of the development on the public facilities. Any public facility Capital Improvement in the Six Year Capital Improvement Schedule in the CIE on which such a Concurrency reservation is made in conjunction with the approval of a development order and an agreement, shall not be delayed, deferred, or removed from the Six Year Capital Improvement Schedule in the CIE, except

that any Capital Improvement may be deferred by one year if the deferral is identified pursuant to the terms of an agreement.

**E. Procedure for Equivalency Determination**

**1. Submission of Application**

An application for an equivalency determination shall be submitted jointly with an application for a specific development permit. If the equivalency is for a use or uses that do not require site plan approval, it may be submitted separately at scheduled intake times as specified in the annual Zoning Division Calendar. The applicant shall complete the Equivalency Matrix in the concurrency supplemental application itemizing the following in the appropriate column:

- a. All approved and existing uses for the development shall be listed;
- b. All proposed uses including those uses that are not changing; and
- c. The amount of change for those uses that did change.

**2. Review and Recommendation**

**a. Separate Review**

Within ten days of submittal or re-submittal, the application shall be forwarded to the PBC Departments and service providers for review. Within 15 working days of its receipt, the PBC Departments and service providers shall file a statement with the Zoning Director as to whether or not adequate public facilities are available, pursuant to the standards of Article 2.F.3.C, Standards for Review of Application for Concurrency Reservation.

**b. Joint Review**

The application is distributed to the PBC Departments and service providers for review with the distribution of the application for development permit.

**3. Approval of Equivalency**

**a. Separate Review**

If it is determined by the providers that the approved existing uses are equivalent to the proposed uses, the Concurrency Section will either:

- 1) Amend and re-issue the existing Reservation or Exemption to include the new uses, or
- 2) Issue an Administrative Exemption if the development exists and there is no valid reservation or exemption.

**b. Joint Review**

Concurrency approval shall be indicated directly on the certified plan pursuant to the DRO technical standards for projects that require site plan approval. For projects that do not require site plan approval, a reservation shall be issued.

**4. Denial of Equivalency**

If it is determined by one or more of the providers that the proposed uses are equivalent to the approved/existing uses, the applicant shall apply for a reservation for those proposed uses, which will require additional capacity.

**Section 4 Entitlement Density and Entitlement Intensity**

**A. General**

If after an appeal on an application for a concurrency reservation is denied by the Zoning Director and that decision is affirmed by the DRAB, the applicant may submit an application for entitlement density or entitlement intensity pursuant to the procedural and substantive requirements of this Section.

**B. Submission of Application**

An application for entitlement density or entitlement intensity shall be submitted to the Zoning Director on a form established by the Zoning Director and made available to the public. The application shall be accompanied by a Zoning fee established by the BCC from time to time for the filing and processing of each application. The fee shall be non-refundable.

**C. Determination of Sufficiency**

The Zoning Director shall initiate review of an application for entitlement density or entitlement intensity upon receipt of the application, and within 15 working days, determine whether the application is sufficient and includes data necessary to evaluate the application.

1. If it is determined that the application is not sufficient, written notice shall be sent to the applicant specifying the deficiencies. The Zoning Director shall take no further action on the application unless the deficiencies are remedied.
2. If the application is determined sufficient, the Zoning Director shall notify the applicant in writing of the application's sufficiency, and that the application is ready for review pursuant to the procedures and standards of this Section.

**D. Decision by Zoning Director**

Within 30 working days after the Zoning Director determines the application is sufficient, the Zoning Director shall review the application and shall approve, approve with conditions, or deny the application based upon whether it complies with the standards in Article 2.F.5.C, Procedure.

**E. Standards for Entitlement Density**

An entitlement density for the proposed development must be consistent with the entitlement densities permitted in the FLUE of the Plan or a minimum of one dwelling unit, provided that the maximum density (dwelling unit per gross acre) as depicted on Figure 2 of the FLUA of the Plan is not exceeded.

An entitlement intensity for the proposed development must be consistent with the entitlement intensities permitted in the FLUE of the Plan provided the square footage does not exceed two one-half percent of the maximum square footage allowed under this Code.

If the above conditions are met, an entitlement density or entitlement intensity for the proposed development shall be granted if;

1. A concurrency reservation has been denied for the proposed development pursuant to the requirements of Article 2.F.3.C, Standards for Review of Application for Concurrency Reservation, and an appeal to the DRAB has affirmed that decision;
2. The LOS for drainage facilities for the development proposed in the application is met pursuant to the requirements of Article 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation;
3. A plan demonstrates how the proposed development will be designed (a) at its entitlement density or entitlement intensity and (b) at its allowable density or entitlement intensity under the Plan and this Code at the time the necessary public facilities are available to adequately serve the development. Any development order issued for an application for development permit for which entitlement density or entitlement intensity has been approved shall be consistent with the plans for development in this Subsection. The review of a plan for development at the allowable density or intensity under this Section shall in no way reserve capacity for public facilities;
4. Approval of the entitlement density or entitlement intensity is conditioned on the initiation of development of the proposed project at its allowable density or intensity subject to receipt of a concurrency reservation within two years of the time the necessary public facilities are available to serve the proposed development at its allowable density or intensity; and
5. In the USA, development orders for development proceeding at entitlement densities or entitlement intensities may be permitted at rural LOS for potable water and sanitary sewage while the development is at its entitlement density or entitlement intensity.

**Section 5 Administrative Appeal Process**

**A. General**

An applicant may appeal a decision of the Zoning Director denying an application for a concurrency reservation, Entitlement Density, or a Concurrency Exemption Extension by filing a petition with the Zoning Director appealing the decision to the DRAB within ten days of the rendition of the decision by the Zoning Director.

**B. DRAB Membership**

The DRAB shall consist of the Executive Director of the Department of PZB, the County Attorney and the County Engineer.

**C. Procedure**

The DRAB shall consider the appeal petition within 60 calendar days of filing. In considering the appeal, the DRAB shall consider only the record before the Zoning Director at the time of the decision, testimony of the petitioner and the petitioners' agents and testimony of PBC staff.

**D. Standard**

The DRAB shall reverse the decision of the Zoning Director only if there is competent substantial evidence in the record that the application complies with the standards of Article 2.F.3.C, Standards for Review of Application for Concurrency Reservation.

**E. Written Order**

The decision of the DRAB shall be in writing and a copy of the decision shall be forwarded to the appealing party.

**F. Appeal to Circuit Court**

An applicant may appeal a final decision of the DRAB within 30 calendar days of the rendition of the decision by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC.

## Section 6 Monitoring Program

### A. General

To ensure that adequate potable water, sanitary sewer, solid waste, drainage, public school, park and recreation and linked open space, traffic, mass transit, and fire-rescue public facilities are available concurrent with the impacts of development on public facilities, the PBC shall establish the following management and monitoring practices. Their purpose is to evaluate and coordinate the timing, provision, and funding of the public facilities so that:

1. they are being adequately planned for and funded to maintain the LOS for public facilities and
2. to evaluate the capacity of the public facilities for use in the regulatory program to ensure:
  - a. there are no development orders issued unless there are adequate public facilities available to serve the development concurrent with the impacts of development on the public facilities, or
  - b. no development orders are issued unless they are conditioned on the availability of public facilities to serve the development concurrent with the impacts of development on public facilities.

### B. Annual Public Facilities Update Report (AUR)

By March 1 of each year, the Executive Director of PZB shall submit to the Office of Management and Budget (OFMB) an AUR. The AUR shall (a) determine the existing conditions of all potable water, sanitary sewer, solid waste, drainage, public school, park, road, mass transit, and fire-rescue public facilities, (b) determine and summarize the available capacity of these public facilities based on their LOS, and (c) forecast the capacity of existing and planned capital improvements identified in the five year capital improvement schedule for each of the five succeeding years. The forecasts shall be based on the most recently updated schedule of capital improvements for each public facility. The AUR shall also revise relevant population projections. Specifically, the AUR shall include:

1. A summary of development exempted pursuant to Article 2.F.3.C, Standards for Review of Application for Concurrency Reservation.
2. A summary of development activity.
3. An evaluation of public facilities (potable water, sanitary sewer, solid waste, drainage, public school, park and recreation, road, mass transit, and fire-rescue facilities) indicating:
  - a. The capacity available for each at the beginning of the reporting period and the end of the reporting period;
  - b. An evaluation of the LOS for each public facility; and
  - c. A forecast of the capacity for each public facility based upon the most recent updated schedule of capital improvements in the CIE.

### C. Amendments

Based upon analysis of the AUR, OFMB shall propose to the BCC each year, any necessary amendments to the CIE, and any proposed amendments to the PBC's annual budget for public facilities.

## Section 7 Public School Concurrency

### A. Short Title

This Section shall be known as, and may be cited as, "the Public School Concurrency Ordinance of PBC, Florida."

### B. Authority

The BCC of PBC has the authority to adopt this ordinance pursuant to the PBC Charter; F.S. Chapter 125 and F.S. Chapter 163, and the Agreement.

### C. Definitions

See Article 1.I, Definitions and Acronyms, for Public School Concurrency definition specific to Article 2.F.7, Public School Concurrency.

### D. Applicability

#### 1. Area of Jurisdiction

- a. This Section shall apply in the unincorporated area of PBC.
- b. This Section shall also apply within those Municipalities that have opted into this Section by not adopting an implementing ordinance within the time frame specified in the agreement. Any such Municipality may opt out of this Section at any time by adopting its own implementing ordinance consistent with the agreement. Once a Municipality has opted out of this Section, this Section shall not apply within that Municipality.

#### 2. Time of Application of Ordinance

- a. This Section shall not apply to Proposed New Residential Development until the commencement of the school concurrency program as specified in Art. V, Section A, of the Agreement.

- b. This Section shall not apply to Proposed New Residential Development whenever and wherever the school concurrency program is suspended pursuant to the terms of the Agreement.
- c. This Section shall terminate, or its effect shall be suspended; in the event termination or suspension of the school concurrency program occurs as set forth in the Agreement.

**3. Applications Requiring Concurrency Review**

Unless otherwise provided herein, this Section shall apply to all Site Specific development orders for Proposed New Residential Development.

**4. Exemptions**

The following are exempt from the school concurrency requirements contained in this Section:

- a. Single family lots of record, existing as such at the time this Section is adopted.
- b. Any Residential Development that received final approval of a Site Specific development order prior to the commencement of the school concurrency program, as specified in Art. V, Section A, of the Agreement, is considered vested for that which was previously approved and shall not be considered as Proposed New Residential Development for purposes of school concurrency. Any Residential Development which is exempt from school concurrency under Local Government's concurrency regulations shall not be considered as Proposed New Residential Development for purposes of school concurrency.
- c. Any Proposed New Residential Development that has filed a complete application prior to the commencement of the school concurrency program, as specified in Art. V, Section A of the Agreement.
- d. Any amendment to any previously approved Residential Development which does not increase the density of the development.
- e. Any previously approved Residential Development or any other previously approved Development with a residential component located within any existing "Transportation Concurrency Exception Area," as defined in F.S. §163.3180(5).

**E. Standard**

**1. LOS**

The PBC Public School Facilities Element, the Municipalities' Plans, and the agreement establish the adopted LOS set forth below. The actual LOS (utilization) for all schools of each type of school in each CSA and each individual school shall be established each year by the first student count of the second semester.

- a. Tiered LOS shall be in force pursuant to the Tiered LOS Table in the public school facilities element until August 1, 2004. Individual schools of each type may exceed the tiered LOS during the period in which tiered LOS are in effect, provided that the CSA's tiered LOS is not exceeded. However, each individual school's LOS which exceeds the tiered LOS, during the time that the tiered LOS is in effect, shall not exceed the utilization standards for that school type as shown in the maximum utilization table of the public school facilities element. During the time that the tiered LOS standard is in effect, the School District shall initiate necessary program and/or boundary adjustments so that the tiered LOS is not exceeded in each CSA.
- b. After August 1, 2004, the following LOS standards shall be established for all schools of each type within each CSA and each individual school:
  - 1) Ten percent of capacity (utilization) as determined by the (FISH); or
  - 2) A higher LOS up to 120 percent of FISH capacity (utilization/LOS) for individual schools if a school capacity study (SCS) undertaken pursuant to the agreement determines that the school can operate at the higher LOS.

**2. Concurrency Service Areas**

School concurrency shall be measured and applied on the basis of 21 CSA's as described in the public school facilities element.

**3. Three Year Rule**

In determining whether capacity is available, the School District shall consider any new capacity which will be in place or under actual construction in the first three years of the School District 5 Year Capital Facilities Plan.

**4. Adjacent CSA Capacity**

In determining whether capacity is available, the School District shall consider adjacent CSA capacity as specified in the agreement.

**F. Review of Residential Development**

**1. Application**

At the time of and in conjunction with the application for an adequate public facilities review in accordance with the Code, or in the case of a Municipality, in accordance with its public facilities

review process, the applicant for a Proposed New Residential Development shall submit to the appropriate Local Government a request for a school concurrency determination.

- a. The request for school concurrency determination shall contain the following information: location of the development; the build out time frame of the development; and the number, type and size of all the residential units anticipated to be occupied each calendar year. The applicant shall include with its request for school concurrency determination, a non-refundable fee established by the School District. PBC, or any Municipality that provides initial review, shall review the request for completeness and shall in addition determine whether the project is exempt from school concurrency as set forth in Article 2.F.1.D, Exemptions. Notwithstanding the foregoing, this fee shall be returned to the applicant if PBC, or any Municipality that provides initial review, determines that the applicant is exempt and that no further review is required by the School District.
- b. If the project is in the unincorporated area and found not exempt PBC, PBC shall review the request for completeness and submit the request to the School District within ten days of finding the request complete. The PBC shall collect the required fees submitted with all requests for school concurrency determination and shall transmit these fees, less two percent for administrative costs, to the School District on a monthly basis. For projects located within a Municipality, the Municipality may follow the same process set forth in the sentence above. In the alternative, the Municipality may, after reviewing the request for completeness and determining that the project is not exempt, instruct the applicant to submit the request and the required fee directly to the School District.
- c. The School District shall review the application in accordance with the provisions of Art. V, Section A of the Agreement.
- d. Within the times set forth in Art. V, Section F, of the Agreement, the School District shall review the application and notify the applicant and the local Government of its determination. For projects located in the unincorporated area, notice by the School District determining the development to be in compliance shall specify that the date of issuance of the letter of determination of school concurrency shall be the same as the date of issuance of PBCs concurrency reservation, adequate public facilities agreement, or equivalency determination, as appropriate. Letter of determination of school concurrency determining the development to be in compliance shall be valid for one year from the date of issuance. Once the local Government site-specific development order is issued, the concurrency determination shall run with the development order.

#### **G. Development Order Approval**

1. No development order for a Proposed New Residential Development shall be approved unless there is a valid letter of determination of concurrency from the School District finding the Development in compliance.
2. If the letter of determination of concurrency requires conditions or mitigation to be placed on the development, the development order issued by PBC or the Municipality shall incorporate those conditions.
3. If the letter of determination of concurrency requires the development to be phased to mitigation, the conditions of approval of the development order shall implement the phasing requirements by specifying that Building Permits will be withheld if the conditions are not fulfilled.

#### **H. Appeals**

Applicants seeking relief from School District decisions shall appeal such decisions as provided for by law.

#### **Amendment History:**

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2006-055; December 1, 2006] [Ord. 2007-001; January 25, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-005; February 2, 2010]



# ARTICLE 3

## OVERLAYS & ZONING DISTRICTS

	Page
<b>CHAPTER A GENERAL .....</b>	<b>13</b>
<b>Section 1 Districts .....</b>	<b>13</b>
A. Intent .....	13
B. Overlays and Zoning Districts.....	13
1. Overlays .....	13
2. Standard Districts .....	13
3. Planned Development Districts (PDD).....	13
4. Traditional Development Districts (TDD).....	14
<b>Section 2 Zoning Map and District Boundaries.....</b>	<b>14</b>
A. Establishment of Official Zoning Map .....	14
B. Amendment to the Official Zoning Map .....	14
C. Replacement of the Official Zoning Map.....	14
1. Damage or Destruction.....	14
2. Map Errors .....	14
<b>CHAPTER B OVERLAYS .....</b>	<b>14</b>
<b>Section 1 General .....</b>	<b>14</b>
A. Boundaries .....	14
B. Applicability .....	14
C. Relationship to Other Regulations in this Code.....	14
D. Conflict with Other Applicable Regulations .....	14
<b>Section 2 AZO, Airport Zoning Overlay.....</b>	<b>14</b>
A. Purpose and Intent .....	14
B. Applicability .....	14
1. Off-Airport Uses .....	14
2. Uses on Airport Properties .....	14
<b>Section 3 COZ, Conditional Overlay Zone .....</b>	<b>18</b>
A. Purpose and Intent .....	18
B. Boundaries .....	18
C. Applicability .....	18
D. District Regulations.....	18
E. COZ .....	18
1. Process .....	18
2. Authority .....	18
3. Exception .....	18
<b>Section 4 GAO, Glades Area Overlay .....</b>	<b>19</b>
A. Purpose and Intent .....	19
B. Applicability .....	19
C. Boundaries.....	19
D. Use Regulations.....	19

1. Permitted Uses .....	19
2. Special Uses .....	19
3. Conditional Uses .....	19
4. Property Development Regulations (PDRs) .....	19
<b>Section 5 IOZ, Indiantown Road Overlay .....</b>	<b>19</b>
A. Purpose and Intent .....	19
B. Applicability .....	20
C. Boundaries .....	20
D. Additional Regulations .....	20
E. Joint Review Process .....	20
<b>Section 6 LOSTO, Lake Okeechobee Scenic Trail Overlay .....</b>	<b>20</b>
A. Purpose and Intent .....	20
B. Boundaries .....	20
C. Use Regulations .....	20
<b>Section 7 LWRCCO, Lake Worth Road Commercial Corridor Overlay .....</b>	<b>20</b>
A. Purpose and Intent .....	20
B. Boundaries .....	21
C. Use Regulations .....	21
D. Property Development Regulations (PDRs) .....	21
1. Setback Reductions .....	22
2. Rear Setbacks .....	22
3. Floor Area Ratio (FAR) .....	22
4. Building Coverage .....	23
5. Planned Development District (PDD) .....	23
6. Parking .....	23
7. Landscaping .....	23
8. Signage .....	23
E. Supplemental Regulations .....	24
1. Pedestrian Circulation .....	24
2. Quality Development Standards .....	24
<b>Section 8 NEO, Native Ecosystem Overlay .....</b>	<b>25</b>
A. Purpose and Intent .....	25
B. Boundaries .....	26
1. Environmentally Sensitive Lands (ESL) .....	26
2. Other "A" Quality Ecosystems .....	26
3. 25 Percent Set Aside Areas .....	26
4. Water Resources Protection Areas .....	26
C. Use Regulations .....	26
D. Property Development Regulations (PDRs) .....	26
1. Off-Street Parking .....	26
2. Density and Intensity .....	26
3. Setbacks and Off-street Loading .....	26
4. Height .....	26
5. Lighting .....	26
<b>Section 9 NBOZ, Northlake Boulevard Overlay Zone .....</b>	<b>27</b>
A. Purpose and Intent .....	27
B. Applicability .....	27
C. Boundaries .....	27
D. Conflict .....	27

<b>Section 10</b>	<b>PBIAO, Palm Beach International Airport Overlay.....</b>	<b>27</b>
A.	Purpose and Intent .....	27
B.	Applicability .....	27
C.	Boundaries .....	27
D.	Uses .....	27
1.	Permitted Uses .....	27
2.	Prohibited Uses .....	27
3.	Conditional Uses .....	28
4.	Special Permits .....	28
5.	Nonconforming Uses .....	28
E.	Review Procedures .....	28
1.	Site Specific .....	28
2.	Conditional Uses .....	28
3.	Industrial Rezoning in Residential FLUA Designations .....	28
4.	Commercial Rezoning .....	29
F.	Property Development Regulations (PDRs) .....	29
1.	Lot Dimensions, Yard Setbacks and Building Height .....	29
2.	Commercial Vehicle Parking and Loading .....	30
3.	Landscaping .....	30
G.	Supplemental Regulations .....	30
1.	Noise Compatibility and Abatement Requirements .....	30
2.	Unified Control .....	30
3.	Enclosed Activities .....	30
4.	Renovation and Expansion of Non-residential Uses .....	30
<b>Section 11</b>	<b>RTO, Research and Technology Overlay .....</b>	<b>30</b>
A.	Purpose and Intent .....	30
B.	Boundaries .....	32
C.	Use Regulations .....	32
1.	Prohibited Noise Sensitive Uses: .....	32
2.	Accessory Uses .....	32
D.	Property Development Regulations (PDRs) .....	32
E.	Performance Standards .....	32
<b>Section 12</b>	<b>SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay .....</b>	<b>32</b>
A.	Purpose and Intent .....	32
B.	Boundaries .....	32
C.	Use Regulations .....	32
D.	Property Development Regulations (PDRs) .....	33
<b>Section 13</b>	<b>SR 80 Nonresidential Overlay .....</b>	<b>33</b>
A.	Purpose and Intent .....	33
B.	Conditions .....	33
C.	Retention/Detention Areas .....	33
<b>Section 14</b>	<b>TAPO, Turnpike Aquifer Protection Overlay .....</b>	<b>33</b>
A.	Purpose and Intent .....	33
B.	Applicability .....	33
C.	Exemption .....	33
D.	Boundaries .....	33
E.	Conflict with Other Applicable Regulations .....	34
F.	General Provisions .....	34
G.	Mandatory Identification and Dedication of Public Supply Water Well Sites .....	34
H.	Public Supply Water Well Site Compatibility and Location Criteria .....	34

I. Dedication of Well Site Within Required Open Space .....	35
J. Access Easement to Dedicated Public Supply Water Well Site .....	35
K. Temporary Construction Access Easement.....	35
L. Hold Harmless Agreements.....	35
M. Dedication of Public Water Supply Sites .....	35
N. Developer's Agreements.....	35
<b>Section 15 WCRAO, Westgate Community Redevelopment Area Overlay .....</b>	<b>35</b>
A. Purpose and Intent .....	35
B. General Development Standards.....	36
1. Nonconformities.....	36
2. Exemptions .....	36
C. Boundaries .....	36
1. WCRAO Boundaries .....	36
2. Sub-area Boundaries and Descriptions.....	37
3. Redevelopment or Expansion in the UH and UG Sub-areas .....	37
D. Development Review Procedures.....	37
1. WCRA Recommendation.....	37
2. Public Hearing Procedures .....	38
E. Use Regulations.....	38
1. Mixed Use .....	38
2. Sub-area Use Regulations.....	39
F. Property Development Regulations (PDRs) .....	40
1. Sub-area PDRs .....	40
2. Build to Line and Frontages .....	41
3. Sky Exposure Planes.....	42
4. Base Building Line.....	43
G. Supplementary Standards .....	45
1. Accessory and Prohibited Uses .....	46
2. Fences, Walls and Hedges .....	47
3. Architectural Guidelines.....	47
4. Non-conforming Lot Combination .....	48
H. Density Bonus Programs.....	48
1. Density Bonus Pool .....	48
2. Other Density Bonus Programs .....	50
I. Parking and Streets.....	50
1. Parking .....	50
2. Redevelopment Loading Option.....	51
3. Access and Circulation System .....	51
J. Drainage .....	52
1. Surface Water Management Permit.....	52
<b>Section 16 INFILL REDEVELOPMENT OVERLAY (IRO).....</b>	<b>52</b>
A. Purpose and Intent .....	52
B. Applicability .....	53
1. BOUNDARIES .....	53
2. Other Overlays .....	53
3. FLU Designation.....	53
4. Zoning District Requirements.....	53
5. Conflicts.....	53
C. Future Land Uses and Density/Intensity .....	54
1. Split by FLU Designations.....	54
2. Density .....	54
3. Intensity Bonus Incentive (FAR Increases) .....	54
4. Mixed Use Projects .....	54
D. Application Requirements .....	54

1. Pre-Application Conference (PAC).....	54
2. Plan Requirements.....	54
3. Zoning Director Waivers.....	55
E. General Design Standards.....	56
1. Streets, Access and Interconnectivity.....	56
2. Transect Zones (TZ).....	56
3. Buildings.....	57
4. PARKING AND LOADING .....	57
5. Streetscape and Usable Open Space.....	58
6. Landscaping and Open Space Transitional Elements .....	58
F. Design and Development Standards.....	58
1. Access and Frontage.....	58
2. Block Standards.....	58
3. Street Standards .....	59
4. Interconnectivity Standards.....	60
5. Transect Zone Standards .....	62
6. Building Standards .....	62
7. Use Standards .....	71
8. Streetscape Standards .....	73
9. Usable Open Space.....	77
10. Parking and Loading Standards.....	77
11. Landscape Standards.....	79
G. IRO Waivers.....	80
CHAPTER C STANDARD DISTRICTS .....	82
Section 1 Future Land Use (FLU) Designation and Corresponding Districts .....	82
A. Purpose and Intent .....	82
B. Standard District Exceptions and Limitations.....	82
C. Previous Zoning Districts .....	83
D. Agricultural District .....	83
1. AP, Agricultural Production District .....	83
2. AGR, Agricultural Reserve District .....	83
E. Conservation District .....	85
1. PC, Preservation/Conservation District.....	85
F. Residential Districts .....	85
1. AR, Agriculture Residential District .....	85
2. RE, Residential Estate District.....	85
3. RT, Residential Transitional District .....	85
4. RS, Single Family Residential District .....	85
5. RM, Multifamily Residential District .....	85
G. Commercial Districts.....	85
1. CLO, Commercial Low Office District.....	85
2. CHO, Commercial High Office District.....	85
3. CN, Neighborhood Commercial District .....	86
4. CC, Community Commercial District.....	86
5. CG, General Commercial District .....	86
6. CRE, Commercial Recreation District.....	86
7. IR, Infill Redevelopment District.....	86
H. Industrial Districts .....	86
1. IL, Light Industrial District .....	86
2. IG, General Industrial District .....	86
I. Public and Institutional Districts.....	86
1. IPF, Institutional and Public Facilities District.....	86
2. PO, Public Ownership District .....	86
CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs).....	86

<b>Section 1</b>	<b>PDRs for Standard Zoning Districts .....</b>	<b>86</b>
A.	PDRs .....	86
B.	General Exceptions .....	87
1.	Single Family Housing Type in Multifamily Districts .....	87
2.	Infill Subdivisions .....	88
3.	Density Bonus Programs .....	88
4.	PO District.....	88
C.	Lot Dimensions.....	88
1.	Frontage Reduction .....	88
D.	Setbacks .....	88
1.	Base Building Line.....	88
2.	Multifamily Separations.....	90
3.	Corner Clip Setback.....	90
4.	Setback Reductions.....	92
5.	Setback Exceptions .....	92
E.	Building Height .....	93
1.	Airport Zones.....	93
2.	Multifamily, Nonresidential Districts and PDDs.....	93
3.	Accessory Agricultural Structures.....	93
4.	Height Exceptions .....	93
<b>Section 2</b>	<b>PDRs for Specific Housing Types .....</b>	<b>94</b>
A.	Townhouse.....	94
1.	Ownership.....	94
2.	Height .....	94
3.	Accessory Buildings and Structures .....	94
4.	Access and Parking .....	94
5.	Replacement.....	94
6.	Issuance of Certificate of Occupancy (CO).....	94
7.	Townhouse Attachment .....	95
B.	Zero Lot Line (ZLL).....	95
C.	ZLL Design Standards .....	96
1.	Location .....	96
2.	Access.....	96
3.	Height Limitation.....	96
4.	Parking .....	97
5.	Replacement.....	97
6.	Zero Setback.....	97
7.	Remaining Setback.....	97
8.	Prohibited Openings and Attachments .....	98
9.	Permitted Openings and Attachments.....	98
<b>Section 3</b>	<b>District Specific Regulations.....</b>	<b>100</b>
A.	District Specific Regulations.....	100
1.	RM District .....	100
2.	All Commercial, Public and Civic Uses .....	100
3.	CN District.....	101
4.	CLO District .....	101
5.	CC District.....	101
6.	IL and IG Districts .....	101
<b>CHAPTER E</b>	<b>PLANNED DEVELOPMENT DISTRICTS (PDDs).....</b>	<b>101</b>
<b>Section 1</b>	<b>General .....</b>	<b>101</b>

A. General .....	101
1. Purpose and Intent.....	101
2. Applicability .....	101
3. Conflicts.....	102
B. FLU Consistency, FAR, Density, and Use Standards.....	102
1. Future Land Use (FLU) Designation.....	102
2. PDDs Split by FLU Designations.....	102
3. Density .....	102
4. Uses Allowed .....	103
5. Use Regulations .....	103
C. Objectives and Standards .....	111
1. Design Objectives .....	111
2. Performance Standards.....	112
D. Application Requirements .....	114
1. Pre-Application Conference (PAC).....	114
2. Master Plan, Site Plan, or Subdivision Plan .....	114
E. Modifications.....	115
1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan ..	115
2. Modifications by the BCC.....	116
3. Modification to Reduce or Reconfigure Existing Golf Course .....	116
F. Controlling Plan(s).....	117
1. Approved Plan.....	117
2. Maximum Units/Square Feet .....	117
G. Sales Office and Models .....	117
1. General.....	117
2. Sales Office.....	118
3. Sales Models .....	118
H. Accessory Structures .....	118
1. Standards.....	118
I. Unified Control.....	119
1. Exception .....	119
2. Approval.....	119
3. Control.....	119
4. Architectural Guidelines.....	119
5. Successive Owners .....	119
6. Amendments .....	119
J. Phasing and Platting .....	119
1. Phasing .....	119
2. Platting .....	119
 Section 2      Planned Unit Development (PUD).....	 120
A. General .....	120
1. Purpose and Intent.....	120
2. Applicability .....	120
3. Conflicts.....	120
4. Exemplary .....	120
B. Objectives and Standards .....	120
1. Design Objectives .....	120
2. Required Performance Standards.....	120
C. Thresholds .....	122
1. Thresholds.....	122
2. Land Use Mix .....	122
3. Land Use Calculation.....	123
4. Other Land Uses .....	123
D. Property Development Regulations (PDRs) .....	123
1. Setbacks .....	123
E. Pods .....	124

1. Residential Pod .....	124
2. Commercial Pod .....	124
3. Recreation Pod .....	125
4. Civic Pod .....	126
F. AGR PUD .....	127
1. General .....	127
2. Development Options .....	128
3. Preservation Area .....	128
4. Development Area .....	130
5. Special Provisions .....	130
G. RR PUD .....	130
1. Rural Residential .....	130
2. Pods .....	132
3. Property Development Regulations (PDRs) .....	132
4. Existing Resources and Site Analysis .....	133
5. Landscape Buffer .....	133
H. Supplemental Standards .....	133
1. HOA .....	133
2. Declaration of Covenants and Restrictions .....	133
3. Incompatible Uses .....	134
I. Phasing and Platting .....	134
1. Plat Requirements .....	134
<b>Section 3 Multiple Use Planned Development (MUPD) .....</b>	<b>134</b>
A. General .....	134
1. Purpose and Intent .....	134
2. Applicability .....	134
3. Conflicts .....	134
B. Objectives and Standards .....	134
1. Design Objectives .....	134
2. Performance Standards .....	134
3. Civic Dedication .....	135
C. Thresholds .....	135
1. Underlying Land Use .....	135
D. Property Development Regulations .....	135
1. Work/Live Space .....	136
<b>Section 4 Mixed Use Planned Development (MXPDP) .....</b>	<b>137</b>
A. General .....	137
1. Purpose and Intent .....	137
2. Applicability .....	137
3. Conflict .....	137
B. Objectives and Standards .....	137
1. Design Objectives .....	137
2. Performance Standards .....	137
3. Civic Dedication .....	138
C. Thresholds .....	138
1. Thresholds .....	138
2. Land Use Mix .....	138
3. Density .....	138
D. Property Development Regulations (PDRs) .....	138
1. Setbacks .....	139
2. FAR .....	139
3. Integration .....	139
4. Parking .....	139
E. Use Regulations .....	139



1. Residential Use .....	139
2. Commercial Uses .....	139
<b>Section 5      Planned Industrial Park Development (PIPD) .....</b>	<b>140</b>
A. General .....	140
1. Purpose and Intent.....	140
2. Applicability .....	140
3. Conflicts .....	140
B. Objectives and Standards .....	140
1. Design Objectives.....	140
2. Performance Standards.....	140
C. Thresholds .....	140
1. General.....	140
D. Property Development Regulations.....	141
1. Setbacks .....	141
E. Pods .....	141
1. Industrial Pods .....	141
2. Commercial Pod.....	141
3. Residential Pod .....	142
4. Recreation Pod.....	142
5. Civic Pod .....	142
<b>Section 6      Mobile Home Planned Development District (MHPD).....</b>	<b>142</b>
A. General .....	143
1. Purpose and Intent.....	143
2. Applicability .....	143
3. Conflicts .....	143
B. Objectives and Standards .....	143
1. Design Objectives.....	143
2. Performance Standards.....	143
C. Thresholds .....	143
1. Thresholds.....	143
2. Density .....	143
3. Land Use Mix .....	143
D. Property Development Regulations (PDRs) .....	144
E. Pods .....	144
1. General.....	144
2. Residential Pod .....	144
3. Civic Pod .....	144
4. Commercial Pod.....	145
5. Recreation Pod.....	145
F. Supplementary Standards .....	145
1. Emergency Shelter.....	145
2. Temporary Structures.....	145
<b>Section 7      Recreational Vehicle Planned Development District (RVPD).....</b>	<b>145</b>
A. General .....	145
1. Purpose and Intent.....	145
2. Applicability .....	145
3. Conflicts .....	145
B. Thresholds .....	145
1. Acreage .....	145
2. Sites.....	145
3. Land Use Mix .....	145
C. Pods .....	146
1. Recreation.....	146

2. Commercial.....	146
D. Time Limitations .....	146
1. Residence .....	146
2. Record Keeping.....	146
3. Mobility.....	146
E. Property Development Regulations (PDR's) .....	146
F. Landscape Buffer .....	146
1. R-O-W Buffer .....	146
2. Perimeter Buffer .....	146
G. Supplemental Standards .....	146
1. Permanent Structures or Additions .....	146
2. Parking .....	146
3. Temporary Structures.....	147
4. Storage.....	147
<b>Section 8 Lifestyle Commercial Center Development (LCC) .....</b>	<b>147</b>
A. General .....	147
1. Purpose and Intent.....	147
2. Applicability.....	147
3. Conflicts.....	147
4. Waivers .....	147
B. Design Principles.....	147
1. Site Layout.....	147
2. Building Forms and Design .....	149
3. Mixed Use and Integration .....	149
C. Design and Development Standards.....	149
1. Minimum Site Area.....	149
2. Access and Frontage.....	149
3. Site Layout.....	150
4. Buildings.....	150
5. Pedestrian Area on Main Street.....	152
6. Pedestrian Area on Secondary Street.....	153
7. Usable Open Space.....	153
8. Street Trees, Street Lights and Utilities.....	153
9. Parking and Loading.....	153
10. Landscaping .....	153
D. LCC Waivers.....	154
<b>CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs).....</b>	<b>156</b>
<b>Section 1 General Provisions for TDDs.....</b>	<b>156</b>
A. Purpose and Intent .....	156
B. Applicability and Definitions .....	157
1. Applicability.....	157
2. Definitions.....	157
C. Review and Approval Process .....	157
D. Types of TDDs.....	157
1. Traditional Neighborhood Development (TND) .....	157
2. Traditional Marketplace Development (TMD).....	157
3. Traditional Town Development (TTD) .....	157
E. Residential Density and Plan Land Use Designations and Density.....	157
1. Land Use Categories .....	157
2. TDDs Split by Land Use.....	157
3. TND Density Bonus.....	157
F. Use Regulations.....	157
1. Use Designations .....	157

G. Design Objectives .....	160
1. Neighborhoods.....	160
2. Commercial Districts .....	162
H. Phasing and Platting .....	162
1. Phasing .....	162
2. Platting .....	162
I. Development Phasing .....	162
<b>Section 2      General Standards.....</b>	<b>162</b>
A. Applicability .....	162
1. Streets, Sidewalks, and Alleys .....	162
2. Parking and Access .....	171
3. Minimum Pervious Surface.....	172
4. Landscaping and Buffering .....	172
5. Fencing and Walls.....	173
6. Signage .....	173
7. Recreation Clubhouse Emergency Generators .....	174
<b>Section 3      Traditional Neighborhood Development (TND).....</b>	<b>174</b>
A. Specific Purposes .....	174
B. Uses .....	175
C. Thresholds .....	175
1. Minimum Size .....	175
2. Land Use Mix .....	175
3. Minimum Development Threshold .....	175
D. General Standards.....	175
1. Neighborhoods.....	175
2. Connections .....	175
E. Land Use Zones .....	175
1. Neighborhood Center .....	175
2. Civic.....	177
3. Open Space/Recreation.....	177
4. Neighborhood Square .....	177
5. Residential Uses .....	178
<b>Section 4      Traditional Marketplace Development (TMD) .....</b>	<b>180</b>
A. Purpose .....	180
B. Purpose of the TMD District in the AGR Tier (AGR-TMD) .....	180
C. Uses Allowed .....	182
D. Development Standards for all TMDs.....	182
1. General Standards .....	182
2. Street Designations and Configurations .....	183
3. Building Form.....	184
4. Frontages and Residential PDRs .....	185
5. Pedestrian Circulation .....	189
6. Foundation Planting .....	189
7. Parking .....	189
8. Plazas .....	189
9. Building Design.....	190
10. Phasing .....	191
E. Standards Applicable to AGR Tier.....	191
1. Minimum Site Area.....	191
2. Maximum Development Area.....	191
3. Minimum Retail and Commercial Floor Area .....	191
4. Maximum Retail and Commercial Floor Area .....	191
5. Maximum Floor Area Ratio FAR .....	191

6. Maximum Residential Density .....	191
7. Permitted Locations.....	191
8. Preserve Area and Open Space Requirements .....	191
9. Block Structure .....	192
10. Definition for Street.....	192
 Section 5      Traditional Town Development (TTD).....	 192
A. Specific Purpose.....	192
B. Organization and Applicability.....	192
1. Traditional Neighborhood Development (TND) .....	192
2. Traditional Marketplace Development (TMD).....	192
3. Residential Planned Unit Development (PUD) .....	192
4. Office Multiple Use Planned Development (MUPD).....	192
C. Uses .....	192
D. General Requirements .....	192
1. Thresholds.....	192
2. Land Use Mix .....	193
3. Connectivity.....	193
4. Landscape Buffer.....	193
 APPENDIX 3 – TRADITIONAL DEVELOPMENT PROTOTYPES EXAMPLE OF LAY OUT .....	 194
APPENDIX 4 – TRADITIONAL NEIGHBORHOODS .....	195

# ARTICLE 3

## OVERLAYS & ZONING DISTRICTS

### CHAPTER A GENERAL

#### Section 1 Districts

##### A. Intent

In order to ensure that all development in unincorporated PBC is consistent with the Plan, it is necessary to establish a series of districts and overlays to ensure that each use is compatible with surrounding uses, served by adequate public facilities, and sensitive to natural resources. Each district has its own purpose and permitted uses, conditional uses, special uses and other regulations that control the use of land. All development within each district shall be consistent with the purposes stated in this Article.

##### B. Overlays and Zoning Districts

In order to carry out and implement the Plan, the following 14 Overlays, 18 Standard Zoning Districts, six Planned Development Districts (PDDs), and three Traditional Development Districts (TDDs) are hereby established.

##### 1. Overlays

AZO, Airport Zone Overlay  
COZ, Conditional Overlay Zone  
GAO, Glades Area Overlay  
IOZ, Indiantown Road Overlay  
LOSTO, Lake Okeechobee Scenic Trail Overlay  
LWRCCO, Lake Worth Road Commercial Corridor Overlay  
NBOZ, Northlake Boulevard Overlay Zone  
NEO, Native Ecosystem Overlay  
PBAIO, Palm Beach International Airport Overlay  
RTO, Research and Technology Overlay  
SCGCFO Sugar Cane Growers Cooperative of Florida Protection Area Overlay [Ord. 2004-040]  
SR80 Non-residential Overlay  
TAPO, Turnpike Aquifer Protection Overlay  
WCRAO, Westgate Community Redevelopment Agency Overlay

##### 2. Standard Districts

AP, Agricultural Production  
AGR, Agricultural Reserve  
PC, Preservation Conservation  
AR, Agriculture Residential  
RE, Residential Estate  
RT, Residential Transitional  
RS, Residential Single family  
RM, Residential Multifamily  
CLO, Commercial Low Office  
CHO, Commercial High Office  
CN, Neighborhood Commercial  
CC, Commercial Community  
CG, Commercial General  
CRE, Commercial Recreation  
IL, Industrial Light  
IG, General Industrial  
PO, Public Ownership  
IPF, Institutional and Public Facilities

##### 3. Planned Development Districts (PDD)

PUD, Planned Unit Development  
MUPD, Multiple Use Planned Development  
MXPD, Mixed-Use Planned Development

PIPD, Planned Industrial Park Development  
MHPD, Mobile Home Planned Development  
RVPD, Recreational Vehicle Planned Development

**4. Traditional Development Districts (TDD)**

TND, Traditional Neighborhood Development  
TMD, Traditional Marketplace Development  
TTD, Traditional Town Development

**Section 2 Zoning Map and District Boundaries**

**A. Establishment of Official Zoning Map**

The location and boundaries of the districts established in this Article shall be set forth on the Official Zoning Map which is hereby incorporated by reference. A copy of the Official Zoning Map shall be located for inspection at all times by the general public during regular business hours in the office of PZB.

**B. Amendment to the Official Zoning Map**

If amendments are made to the boundaries of the Official Zoning Map, the Zoning Director shall update the Official Zoning Map within 30 days after the amendment.

**C. Replacement of the Official Zoning Map**

**1. Damage or Destruction**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to changes and additions, the BCC shall adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map.

**2. Map Errors**

The new Official Zoning Map may correct drafting and clerical errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map, or subsequent amendments thereto, without a duly noticed public hearing pursuant to the procedures and standards of this Code.

**CHAPTER B OVERLAYS**

**Section 1 General**

**A. Boundaries**

The boundaries of each overlay shall be depicted on the Official Zoning Map.

**B. Applicability**

The provisions of each overlay shall apply to all proposed development and expansion of existing uses within the overlay unless otherwise noted below.

**C. Relationship to Other Regulations in this Code**

The provisions of an overlay are intended to supplement the other regulations in this Code.

**D. Conflict with Other Applicable Regulations**

If a conflict exists between provisions of an overlay and other Articles in this Code, the provisions of the overlay shall prevail except where superseded by state or federal laws.

**Section 2 AZO, Airport Zoning Overlay**

**A. Purpose and Intent**

The purpose and intent of the Airport zoning regulations is to promote the maximum safety of aircraft using publicly-owned airports, the safety of residents and property in areas surrounding the airports, and the full utility of the airports, including non-airport related uses. These regulations apply to properties around publicly owned airports in PBC; and uses located on the Airport Master Plans required by Plan Objective TE 1.7. [Ord. 2006-036]

**B. Applicability**

**1. Off-Airport Uses**

For those properties around publicly owned airports, the provisions of the Airport zoning regulations create zones, based on the approach and departure pattern of aircraft, and regulate the height of structures and the use of land within these zones. The Airport zoning regulations for properties around publicly owned airports are contained in Art. 16, Airport Regulations. [Ord. 2006-036]

**2. Uses on Airport Properties**

The provisions of this Section shall apply to airport-related and non-airport related uses within the boundaries of the Airport Master Plans for those parcels with a U/T Land Use designation and in the PO district for the four County-operated airports identified as follows: PBIA, PBC Glades Airport, PBC Park Airport (aka Lantana Airport), and North Palm Beach County General Aviation Airport. Development of these airports shall be in accordance with the Airport Master Plans as required by Plan Objective TE 1.7, Future Airport Expansion. **[Ord. 2006-036]**

**a. Use Regulations**

**1) Airport-Related Uses**

Airport-related uses are directly related to general airport operations and maintenance including, but not limited to, maintenance facilities, cargo distribution terminals, car rental operations, warehouses, hotels, airport administrative offices, and communication facilities, as well as uses found within the terminals, including, but not limited to, restaurants, general retail sales and personal services. **[Ord. 2006-036]**

**2) Non-Airport Related Uses**

Non-airport related uses are not related to the operation and maintenance of the airport, and can coexist in close physical proximity to airports and their related facilities. Non-airport related uses are additional uses that are encouraged by the Federal Aviation Administration (FAA) to generate income to help offset the costs of operating the airport and are compatible with surrounding development. These uses may include, but are not limited to, commercial, public and civic, recreation, agricultural, utilities and excavation, and industrial uses, but more specifically including, but not limited to, professional, business, and medical offices, retail centers, restaurants and hotels. **[Ord. 2006-036]**

**3) Prohibited Uses**

Prohibited uses include adult entertainment and billboards. **[Ord. 2006-036] [Ord. 2009-040]**

**4) Specific Use Regulations**

The following uses are permitted in the AZO on airport properties: **[Ord. 2006-036]**

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

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs <sup>(1)</sup>	Note <sup>(2)</sup>	Use Applicable to Specific Airport
<b>Residential Uses</b>					
Security or Caretaker Quarter	S	S	CG or IG	119	All
<b>Commercial Uses</b>					
Broadcast Studio		D	CG or IL	21	All
Car Wash		D	CG or IL	25	All
Contractor Storage Yard		D	IG	35	All
Convenience Store		D	CG	36	All
Convenience Store with Gas Sales		A	CG	37	All
Dispatching Office	P	D	CG	42	All
Dog Daycare	P	D	CG	43	All
Financial Institution	P	D	CG	55	All
Hotel, Motel, SRO, Rooming and Boarding	P	D	CG	72	All
Lounge, Cocktail	P	A	CG	79	All
Medical or Dental Office	P	D	CG	83	All
Office, Business or Professional	P	D	CG	91	All
Pain Management Clinic				91-1	All
Parking Garage, Commercial	P	D	CG or IL	95	All
Parking Lot, Commercial	P	D	CG or IL	96	All
Personal Services	P	D	CG	98	All
Printing and Copying Service	P	D	CG or IL	100	All
Repair and Maintenance, General	P	A	CG or IG	107	All
Repair Services, Limited	P	D	CG or IG	108	All
Restaurant, Type I	P	A	CG	109	All
Restaurant, Type II	P	D	CG	110	All
Retail Sales, General	P	D	CG	114	All
Retail Sales, Mobile or Temporary		S	CG or IG	115	All
Self-Service Storage		D	CG or IG	120	All
Vehicle Sales and Rental	P	B	CG or IL	135	All
Vocational School	P	D	CG or IG	137	All

**[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009]**

**Table 3.B.2.A - Airport Use Regulations (Continued)**

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs <sup>(1)</sup>	Note <sup>(2)</sup>	Use Applicable to Specific Airport
<b>Public and Civic Uses</b>					
Airport	P		PO	10	All
Assembly, Nonprofit Institutional	D	D	CG	14	All
Assembly, Nonprofit Membership	D	D	CG or IL	15	All
Place of Worship		D	CG	29	All
Government Services	P	P	CG or IL	63	All
Helipad	P	A	CG or IL	10	All
Hospital or Medical Center		A	CG	71	All
Landing Strip	P		CRE or IG	10	All
Entertainment, Indoor	P	D	CG or IL	45	All
Entertainment, Outdoor	P		PO	46	All
Fitness Center	P	D	CG or IL	56	All
Golf Course		D	CG or IL	62	All
Park, Passive		P	CG or IL	93	All
Park Public		P	CG or IG	94	All
Park, Neighborhood		P	CG or IG	92	All
Special Event	P	S	CG or IL	124	All
<b>Agricultural Uses</b>					
Agriculture, Bona Fide		P	IL	3	2
Agriculture, Light Manufacturing		P	IL	4	2
Agriculture, Packing Plant		P	IL	5	2
Agriculture, Research/Development		P	IL	3.1	2
Agriculture, Sales and Service		P	IL	6	2
Agriculture, Storage		P	IL	7	2
Community Vegetable Garden		P	CG or IL	32	2
Kennel, Commercial-Type II		D	CG or IG	74-1	All
Kennel, Commercial-Type III		D	CG or IG	74-2	All
Shadehouse		P	IL	121	2
<b>Utilities &amp; Excavation</b>					
Air Curtain Incinerator		D	CG or IG	9	All
Chipping and Mulching		D	IG	28	All
Communication Cell Sites on Wheels (COW) Tower, Mobile	P	P	CG or IG	31	All
Communication Panels, or Antennas, Commercial	P	P	CG or IG	31	All
Communication Tower, Commercial	P	D	CG or IG	31	All
Composting Facility		D	IG	33	All
<b>Utilities &amp; Excavation</b>					
Excavation, Type II	P	P	CG or IG	49	All
Recycling Center	S	S	CG or IG	103	All
Recycling Collection Station	S	S	CG or IG	106	All
Recycling Drop Off Bin	S	S	CG or IG	104	All
Recycling Plant		D	IG	105	All
Utility, Minor	P	D	CG or IG	134	All
<b>[Ord. 2006-036] [Ord. 2008-003]</b>					

(This space intentionally left blank)



**Table 3.B.2.A - Airport Use Regulations (Continued)**

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs <sup>(1)</sup>	Note <sup>(2)</sup>	Use Applicable to Specific Airport
<b>Industrial Uses</b>					
Asphalt or Concrete Plant	P	D	IG	13	All
Data Information Processing	P	D	CG or IG	38	All
Film Production Studio		D	CG or IG	54	All
Gas and Fuel, wholesale	P	D	IG	61	All
Laboratory, Industrial Research		D	IG	76	All
Manufacturing and Processing		D	IG	81	All
Medical or Dental Laboratory		D	CG or IL	84	All
Transportation Facility	B	B	CG or IG	133	All
Warehouse	P	D	IG	138	All
Wholesaling, General	P	D	IG	140	All
<b>[Ord. 2006-036]</b>					
<b>Notes:</b>					
(1) For purposes of determining the applicable property development regulations for non-airport related uses, the Corresponding Zoning District's property development regulations identified in Table 3.D.1.A-5, Property Development Regulations shall apply for lot dimension, density, FAR, building coverage and setbacks					
(2) Reference Art.4.B, Supplementary Use Standards for additional requirements					
<b>Key</b>					
P	Permitted by right				
D	Permitted subject to approval by the DRO				
S	Permitted only if approved by special permit				
B	Permitted only if approved by the Zoning Commission (ZC)				
A	Permitted only if approved by the Board of County Commission (BCC)				
1	Palm Beach International Airport (PBIA)				
2	PBC Glades Airport				
3	PBC Park Airport (aka Lantana Airport)				
4	North PBC General Aviation Airport				
All	PBIA, PBC Glades Airport, PBC Park Airport (aka Lantana Airport), North PBC General Aviation Airport				

**5) Development Review Procedures**

The approval process for airport and non-airport related uses shall be in accordance with the above Table 3.B.2.A-1, Airport Use Regulations and Art. 2, Development Review Process. It is not necessary for the parcels to be rezoned. **[Ord. 2006-036]**

**a) Development Requirements**

Only airport-related uses owned, operated or directly regulated by the DOA or other governmental entity shall be eligible for PO district exemptions. Examples of these uses include tenants leasing space in airport terminal or other related service facilities. Leased land areas used for non-airport related development, including vehicle rental, restaurants, hotels and other non-airport related uses, shall be subject to applicable ULDC requirements. **[Ord. 2006-036]**

**b) Development Exceeding PDD or TDD Design Thresholds**

Any such development that meets or exceeds the maximum square footage thresholds of Table 3.B.2.A-2, PDD or TDD Design Thresholds, shall be subject to either the property development regulations of a PDD or TDD. The DOA shall be responsible for determining which specific PDD or TDD shall apply. It is not necessary for the parcels to be rezoned. **[Ord. 2006-036]**

**Table 3.B.2.A – PDD or TDD Design Thresholds**

Use	Maximum Square Footage (sf)
Commercial	50,000
Public and Civic	50,000
Recreation	50,000
Utilities	50,000
Industrial	100,000
<b>[Ord. 2006-036]</b>	

**c) Other Development**

All other development shall be in accordance with the property development regulations for the corresponding Zoning districts indicated in Table 3.B.2.A-1, Airport Use Regulations. **[Ord. 2006-036]**

**d) Other Requirements**

All proposed Airport-Related and Non-Airport Related Uses must be developed in accordance with all applicable Federal and State guidelines, regulations and requirements, as amended, including but not limited to all Federal Aviation Regulations (F.A.R.), FAA Advisory Circulars, and all FAA Orders, as well as all applicable Florida Statutes and Florida Department of Transportation guidelines. **[Ord. 2006-036]**

**e) Conflict with Other Applicable Regulations**

Where the provisions of this Section are in conflict with other regulations applicable to this district, the provisions of this Section shall prevail. Where provisions of the AZO district are not in conflict with other applicable regulations, the most restrictive regulations shall prevail. **[Ord. 2006-036]**

**Section 3 COZ, Conditional Overlay Zone**

**A. Purpose and Intent**

A COZ district is to modify or restrict the use and site development regulations authorized in the underlying standard zoning district to prevent, minimize or mitigate adverse impacts upon the surrounding land uses. Conditions shall be included if the applicable regulations are inadequate to protect the surrounding land uses. Requirements of the COZ district are in addition to and supplement other applicable requirements of this Code. **[Ord. 2008-037]**

**B. Boundaries**

The boundary of the COZ is applied to the property considered for rezoning. **[Ord. 2008-037]**

**C. Applicability**

The provisions of the COZ shall apply to lands in unincorporated PBC pursuant to BCC approval. In application of the COZ, the BCC shall find that the proposed rezoning is appropriate only if the applicable regulations are modified. The BCC shall find one or more of the following reasons for the COZ district: **[Ord. 2008-037]**

1. potential impact to surrounding land uses requires mitigation;
2. compatibility will be furthered between the requested zoning district and adjacent zones if uses and property development regulations (PDRs) are modified; and/or
3. intensity limits reflect available capacity of public facilities.

**D. District Regulations**

Restrictions which may be imposed in the COZ district include: limitations on uses, size, height, bulk, mass, scale and location of improvements, standards for landscaping, buffering, lighting, adequate ingress and egress, on-site or off-site improvements; hours of operation; and any other specific site development regulations required or authorized by this Code.

**E. COZ**

**1. Process**

During the Zoning review process, the property owner shall either: **[Ord. 2008-037]**

- a. apply for a COZ overlay; or **[Ord. 2008-037]**
- b. voluntarily agree to a COZ overlay recommended by staff for the property being considered for rezoning. **[Ord. 2008-037]**

**2. Authority**

The COZ authorizes specific development restrictions, including but not limited to, traffic performance standards; use limitations, etc. to proactively address potential incompatibilities with the adjacent properties. The BCC may impose conditions of approval to address these restrictions. **[Ord. 2008-037]**

**3. Exception**

In the case when a rezoning is requested or required to maintain consistency with the Comprehensive Plan or any conditions to a site specific Plan amendment initiated by the Planning Division, consent of the property owner(s) or agreement with the COZ shall not be required. **[Ord. 2008-037]**

## Section 4      GAO, Glades Area Overlay

### A. Purpose and Intent

A GAO district is to provide flexibility in the range of uses and PDRs allowed in the underlying districts in the Glades Tier and to accommodate uses which, if deemed appropriate, will increase job opportunities and improve the economic vitality of the area. In addition, the GAO district will provide a set of regulations that recognize the character of the area.

### B. Applicability

All development orders within the GAO district shall also comply with all applicable Joint Planning Area Agreements, pursuant to Florida Statutes.

### C. Boundaries

The GAO shall apply to all land within the USA in the Glades Tier. [Ord. 2005 – 002]

### D. Use Regulations

In the GAO district, use shall be permitted as follows: [Ord. 2005 – 002]

#### 1. Permitted Uses

Uses permitted as of right in the underlying district are permitted as of right in the GAO.

#### 2. Special Uses

Uses allowed as special uses in the underlying district shall be permitted in the GAO district after compliance with the special use standards. In addition:

##### a. Nonconforming Use

Any nonconforming use may be expanded subject to a Special Permit. [Ord. 2006-036]

#### 3. Conditional Uses

Uses allowed as conditional uses in the non-residential district shall be permitted by the DRO in the GAO district after compliance with the conditional use regulations. Uses not otherwise permitted in the non-residential may be permitted as Class A conditional uses in the GAO district after compliance with the conditional use regulations and after the BCC determines that the proposed use meets the following criteria:

- a. increases the number of jobs or provides needed housing;
- b. does not adversely affect adjacent land uses;
- c. is consistent with the goals, objectives and policies of the Plan; and
- d. helps to support existing or encourage additional Glades Area economic development.

#### 4. Property Development Regulations (PDRs)

##### a. General

All development within the GAO district shall be subject to the (PDRs) of the underlying district, except as otherwise provided below.

##### b. Minimum Density

The BCC may consider the waiver of the minimum density requirement for proposed development in the Glades area when:

- 1) The proposed development is consistent with the provisions of any applicable Joint Planning Area Agreement, and;
- 2) An analysis is completed that addresses:
  - a) the impact of a reduced density development on the overall infrastructure system;
  - b) the compatibility of the proposed development with adjacent land uses; and
  - c) the effect of the reduced density development on the ability of PBC to meet its goals, objectives and policies related to affordable housing. If the development is located in a municipal annexation area, the analysis must be performed by the annexing municipality.

##### c. Maximum Density and Intensity

Maximum density and intensity of uses within the GAO district may be allowed to exceed those imposed by the underlying district and shall be determined by the BCC during the conditional use review process.

##### d. Location of Structures

Building permits in the GAO district may be permitted between the 120 foot and 220 foot R-O-W line within the R-O-W of State Road 700 through Canal Point, from Third Street on the north to Triangle Park on the east, subject to approval of the County Engineer.

## Section 5      IOZ, Indiantown Road Overlay

### A. Purpose and Intent

The IOZ is intended to implement the site development regulations of uses within the established Indiantown Road Corridor Study Area pursuant to the interlocal agreement that has been adopted between PBC and the Town of Jupiter. The Town has adopted the IOZ pursuant to the recommendation of the Indiantown Road Corridor Study (IRCS) and F.S. Chapter 163, Part II .

The purpose of the IOZ is to protect residential neighborhoods, limit uses, improve the overall aesthetics of the Indiantown Road Corridor Study Area, and establish development incentives to accomplish the various objective of the corridor study.

Through the interlocal agreement the Town and PBC shall provide for a means of intergovernmental cooperation in implementing the IOZ standards throughout all appropriate incorporated and unincorporated portions of the Indiantown Road Corridor and in accordance with F.S. Chapter 163, Part IV. The Town and PBC agree to use a joint review process to advance the public health, safety, and general welfare and adopt procedures for the joint administration of land development regulations.

**B. Applicability**

The provisions of the IOZ district and the Indiantown Road Corridor Study Area, incorporated by reference, shall apply to all proposed development order applications within the boundaries of the IOZ district, except for applications for variances.

**C. Boundaries**

The IOZ generally is located along incorporated portions of Indiantown Road east of I-95 and west of the Atlantic Ocean, including certain portions of U.S. Highway One, Military Trail, Center Street, Maplewood Drive and Central Boulevard, and certain unincorporated portions of the Indiantown Road corridor east of I-95. Unincorporated portions of the Indiantown Road corridor include portions of Section 3, Township 41, Range 42 as indicated on the Official Zoning Map.

**D. Additional Regulations**

The IOZ district regulations are contained in the interlocal agreement.

**E. Joint Review Process**

Development approval submitted to the PZB located within the unincorporated IOZ shall be reviewed by the Town of Jupiter. The review process shall be provided for in the adopted interlocal agreement.

The Town and PBC are specifically granted authority to jointly plan for unincorporated areas adjacent to incorporated municipalities and to adopt procedures for the joint administration of land development regulations.

## **Section 6 LOSTO, Lake Okeechobee Scenic Trail Overlay**

**A. Purpose and Intent**

The LOSTO is to encourage nature and heritage based tourist related uses, such as lodging, restaurants, and trail outfitters, around the Herbert Hoover Dike to facilitate development of the Lake Okeechobee Scenic Trail. The LOSTO is also intended to provide flexibility in the range of uses and land development regulations allowed in the underlying districts within its boundaries.

**B. Boundaries**

The LOSTO includes the area located between the Herbert Hoover Dike and 250 feet South of U.S. 27, or between the Herbert Hoover Dike and 250 feet East of Conners Highway as depicted on the Official Zoning Map.

**C. Use Regulations**

Uses permitted as of right in the underlying district are permitted as of right in the LOSTO. In addition, the following uses shall be permitted subject to Article 4.B, SUPPLEMENTARY USE STANDARDS:

1. Bed & breakfast;
2. Camping cabin;
3. Catering service;
4. Offices, business or professional;
5. Restaurant, specialty;
6. Retail sales, general;
7. Stable, commercial.

## **Section 7 LWRCCO, Lake Worth Road Commercial Corridor Overlay**

**A. Purpose and Intent**

The LWRCCO is to provide incentives to encourage infill development and redevelopment along Lake Worth Road, improve the neighborhood characteristics of the area, and improve the overall quality of the

surrounding community. The LWRCCO is to implement the community's vision for the area and to address the unique land development constraints along Lake Worth Road.

The standards below will ensure that new development is compatible with and enhances the appearance of the surrounding area. Redevelopment of existing buildings or projects will be required to comply with the applicable standards within the affected area only.

**B. Boundaries**

The LWRCCO consists of those lands within unincorporated PBC bounded as follows: on the south by the LWDD Lateral 12 (L-12) Canal, on the west by the center line of Military Trail, on the north by the center line of 2nd Avenue North for a distance of 2,250 feet and its westerly prolongation, lying 700 feet north of the centerline of Lake Worth Road, for a distance of 5,850, and on the east by the center line of Congress Avenue.

**C. Use Regulations**

In the LWRCCO, the use regulations shall be the same as the underlying zoning district.

**D. Property Development Regulations (PDRs)**

Development shall comply with the PDRs of the underlying zoning districts, except as permitted in Article 4, USE REGULATIONS.

(This space intentionally left blank.)

**Table 3.B.7.D - LWRCCO Infill Property Developments Regulations**

Property Development Regulations	LWRCCO	Infill/Redevelopment Deviations	Standards for Deviations (3)
Setbacks (1) (2)	Front = 20 Side = 10 Side Street = 20 Rear = 50	25 percent reduction for: Front = 15 Side = 7.5 Side Street = 15 Rear = N/A	Increase quality of landscape. Improve facade. 1. Additional canopies 2. Callonade 3. Reliefs 4. Molding
Floor Area Ratio (1)	1. Outdoor seating areas 2. Service Roads 3. Mixed Use projects	N/A	N/A
Building Coverage	1. Outdoor seating areas 2. Service Roads	N/A	N/A
Minimum Acreage (1)	PDD at 3 acres	No minimum	Encourage mixed use.
Parking (1)	1. Location = Rear or Side 2. Shared: reduced by 20 percent 3. Rear Service Road reduced by 20 percent 4. Mixed Use Development: 50 percent vertical integration no parking for residential.	N/A	N/A
Landscaping (1)	Street trees: 1. Planting requirements: 1= 40' w/max 60' 2. Location 3. Alternative Landscape Plan (ALP)	ALP may be used when applicant demonstrated exemplary landscape design.	1. Increase quality of material. 2. Increase size of material by 20 percent. 3. Increase foundation planting. 4. Ensure parking lot coverage.
<b>Notes:</b>			
1. Regulations permitted to deviate pursuant to infill/redevelopment standards.			
2. See Article 1.F.3, Nonconforming Structure for expansion to 50 percent.			
3. Standards for Deviation must be satisfied in order to qualify for Infill/ Redevelopment Deviation.			

**1. Setback Reductions**

Refer to Table 3.B.7.D-3, LWRCCO Infill Property Development Regulations.

**2. Rear Setbacks**

The minimum rear setback shall be 50 feet.

**3. Floor Area Ratio (FAR)**

**a. Outdoor Seating Areas**

For the purpose of Table 3.B.7.D, LWRCCO Infill Property Development Regulations, 50 percent of the outdoor seating area for restaurants shall not be included in FAR calculations.

**b. Service Roads**

Parcels accessed through a service road may be permitted to develop at a FAR of .50.

**c. Mixed Use Projects**

For the purpose of Table 3.B.7.D, LWRCO Infill Property Development Regulations, 50 percent of the residential square footage provided within a vertically integrated mixed use project shall not be included in FAR calculations.

**4. Building Coverage**

**a. Outdoor Seating Areas**

For the purpose of Table 3.B.7.D, LWRCO Infill Property Development Regulations, 50 percent of the outdoor seating area for restaurants shall not be included in building coverage calculations.

**b. Service Roads**

Parcels accessing through a service road shall be permitted to develop at a maximum building coverage of .50.

**5. Planned Development District (PDD)**

The PDD minimum acreage requirements may be reduced to three acres when two or more smaller lots are combined through a unity of control.

**6. Parking**

**a. Location**

All required parking spaces for the principal use shall be located on the rear or side of the principal building. No parking spaces shall be located within the front setback.

**b. Shared Parking**

Parcels with cross access may be permitted a 20 percent reduction in the number of required parking spaces. A shared parking study shall be required and approved by the Zoning Division, Engineering Department, and the County Attorney. Additional reductions may be requested subject to the provisions of Article 6.A.1.D.10, Shared Parking.

**c. Rear Service Road**

Parcels providing access through a rear service road shall be permitted a 20 percent reduction in the required number of parking spaces required. The rear service road shall be a minimum 20 feet wide access and utility easement and be subject to approval by the County Engineer and the Fire Marshall. The road shall be unencumbered, built to PBC standards, and not used for any other purposes.

**d. Mixed Use Development**

Project providing a minimum of 50 percent of vertical integration shall not be required to provide parking spaces for residential units located above commercial uses.

**7. Landscaping**

**a. Street Trees**

Street trees shall be provided as follows:

**1) Planting Requirements**

One shade tree or palm shall be required for every 40 linear feet of frontage with a maximum spacing of 60 linear feet between trees. Trees may be grouped or clustered.

**2) Location**

Street trees may be planted between the roadway and the sidewalk. If there is not sufficient land area to install street trees between the sidewalk and the curb, the trees shall be installed along the front property line in addition to the required landscaping.

**3) Alternative Landscape Plan (ALP)**

Alternative landscaping or spacing may be provided, subject to approval of an ALP, Article 7.B.3, Alternative Landscape Plan

**b. Any landscaping requirements request may be modified pursuant to an ALP.**

1) ALP may be requested for exemplary landscape design.

2) ALP shall clearly exceed Code requirements in at least two or more of the following areas of overall site:

- a) R-O-W buffers;
- b) Perimeter compatibility buffers;
- c) Parking lot; and
- d) Foundation.

3) Plan design and plant material shall clearly enhance the overall site and meet the general intent of Article 7, LANDSCAPING, in terms of visual continuity along the street, buffer, incompatible uses, shade cover, water conservation, plant selection variation for interest and account.

**8. Signage**

The maximum number, height, and area, and the location of freestanding signs shall be governed by Article 8, SIGNAGE, unless specified in Table 3.B.7.D, LWRCCO Sign Standards.

**Table 3.B.7.D - LWRCCO Sign Standards**

STANDARD	LAKE WORTH ROAD	OTHER ROADS	OUTPARCELS*
Maximum Number of Signs Per Linear Feet of Frontage	1 per 100	1 per 100	N/A
Maximum Number of Signs	3	2	1
Maximum Height in Feet	10	6	5
Maximum Single Face Area in Square Feet (s.f.)	100	60	20
Minimum Separation in Linear Feet	50	50	20
*Outparcels are permitted in PDDs only			
<b>Notes:</b>			
1. Maximum number of sides: Two.			
2. Styles: Monument, front-lit signs and project identification signs only.			
3. Prohibited signs: Neon signs, neon colors, back-lit signs, and gang signs.			
4. Height is measured from finished grade to highest point.			

## **E. Supplemental Regulations**

### **1. Pedestrian Circulation**

- A paved walkway shall be provided from all adjacent public sidewalks to all entrances used by the general public.
- Landscaping shall be provided along the walkway as follows: One canopy tree every 50 feet on alternating sides of the walkway. Trees shall be spaced 25 feet on center. Buffer trees may be used to satisfy the requirement if the sidewalk is adjacent to a required landscape buffer.
- Benches and trash receptacles shall be provided as follows: One bench and trash receptacle every 200 feet with a minimum one bench and trash receptacle per building.
- Walkways traversing vehicular use areas shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment (other than paint or striping) to indicate the pathway is intended for pedestrians.

### **2. Quality Development Standards**

#### **a. Public Amenities**

Uses requiring approval by the BCC or ZC shall provide a minimum of one of the following public amenities:

- public art;
- clock tower;
- outdoor seating or outdoor furniture with umbrellas for open air eating;
- outdoor patio, courtyard or plaza;
- water feature/fountain/use of retention area as a focal point; or
- parks, squares or other public open spaces. Public open spaces shall be at least 100 feet by 50 feet and are encouraged at intersections.

#### **b. Architectural Design Guidelines**

The following architectural design guidelines shall apply:

##### **1) Color**

Pastels or earth tone colors shall be encouraged for the base building color. The same base building color shall be used for the entire structure.

##### **2) Entries**

All entries used by the general public shall be easily identifiable and integrated into the building architecture.

##### **3) Awnings/Canopies**

Weather protection, such as awnings or canopies, shall be provided over the pedestrian walkway within 30 feet of all primary public entrances. Awnings/canopies shall be provided over all entrances. The following types shall be prohibited: high gloss vinyl; plastic; horizontal ribbing; flowered and multi-color (four or more) designs.

##### **4) Windows**

Clear or low reflective glass shall be used for display windows and doors. Windows shall be defined with elements such as frames, sills, muntins, and headers.

##### **5) Roofs**



All roof materials and colors shall compliment the base building materials and color. Roof design shall include a minimum of one distinctive architectural focal point or feature (e.g., cupola, dormer, widows walk, weather vane, clock tower, dome).

**6) Rooftop Screening**

All rooftop equipment, such as, but not limited to, mechanical, electrical, communication and air-conditioning equipment, shall be screened from view from adjacent properties and public streets. Screening material and method shall be consistent with the architecture of the building. Equipment shall be screened by use of a parapet, copula, dormer, or a similar enclosure.

**7) Loading and Service Areas Screening**

Loading docks, dumpsters, outdoor storage areas, compactors, and similar areas shall be screened from view from adjacent properties and public streets. Screening material and method shall be consistent with the architecture of the building or equivalent landscaping.

**8) Lighting**

All freestanding poles and wall mounted exterior light fixtures shall be decorative and limited to a maximum height of 30 feet.

**9) Prohibitions**

The following elements shall be prohibited: neon lights and colors, high intensity, metallic or fluorescent colors, mirror or solar glass with a reflectivity or opacity greater than 60 percent.

**c. Crime Prevention Through Environmental Design (CPTED)**

A minimum of one CPTED principle from each designations below shall be incorporated into site design for all development.

**1) Reduce Opportunities**

Criminal opportunities can be reduced by creating an atmosphere that does not encourage or invite unlawful activity. Strategies include:

- a) well lit public outdoor areas and pedestrian walkways;
- b) well lit parking areas;
- c) direct general public access from all parking areas;
- d) signs directing general public to entrances for general public;
- e) easily identifiable store entrances;
- f) difficult roof accessibility; and
- g) "call-out" only pay phones under surveillance.

**2) Increase Visibility**

Visibility in and around the business area will help to reduce crime. Methods include:

- a) store windows facing all parking areas;
- b) interior shelves and displays not exceeding five feet in height;
- c) well lit interior/exterior spaces;
- d) building-mounted lighting installed on all exterior walls, especially at delivery/service and entrances for general public;
- e) clear visibility maintained from the store to the street, parking areas, pedestrian walkways, and passing vehicles;
- f) all entrances and exits under visual or electronic surveillance; and
- g) landscaping, buildings, walls and fences which do not create hiding places or hinder visibility.

**3) Territorial Reinforcement**

Physical features can be used to distinguish private areas from public spaces. Residential areas should be designed to indicate they are off-limits to the general public. Methods to differentiate private areas from public spaces include:

- (a) landscaping, special pavement, and low fences;
- (b) public spaces identified by welcome, directional, marque, or similar signs; and
- (c) wrought iron, aluminum picket or similar non-opaque decorative gates used to identify entrances into private residential areas.

**Section 8 NEO, Native Ecosystem Overlay**

**A. Purpose and Intent**

A NEO is to ensure the protection of environmentally sensitive lands in unincorporated PBC, while ensuring development options by permitting flexibility in development regulations.

## **B. Boundaries**

The NEO shall include the following lands within its boundaries.

### **1. Environmentally Sensitive Lands (ESL)**

Lands as defined in Article 14.C, VEGETATION PRESERVATION AND PROTECTION.

### **2. Other "A" Quality Ecosystems**

Lands identified as "A" Quality Ecosystems in the Plan, Conservation Element, Policy 2-a and LU Element, Policy 1-d.

### **3. 25 Percent Set Aside Areas**

Areas required to be set aside by Article 14.C, VEGETATION PRESERVATION AND PROTECTION.

### **4. Water Resources Protection Areas**

Lands that have a high potential for water resources protection, such as aquifer recharge areas and present and potential wellfield areas.

## **C. Use Regulations**

In the NEO district, the use regulations shall be the same as the underlying district.

## **D. Property Development Regulations (PDRs)**

The development of lands within the NEO shall be subject to the PDRs of the underlying district, except that the following PDRs may be modified by the Zoning Director upon a written request up to the maximum allowed deviations below.

### **1. Off-Street Parking**

Off-street parking standards may be reduced by up to a maximum of 30 percent if:

#### **a. Environmentally Sensitive Lands (ESL)**

A development permitted by the underlying district cannot be feasibly designed with the required off-street parking spaces, because of the location of ESL, the 25 percent set aside on the subject property, or water resource protection areas.

#### **b. Alternative Plan**

An alternative plan of development is prepared for the property that provides the maximum number of off-street parking spaces that are feasible, with a total impervious surface area design that does not exceed 50 percent of the lot coverage requirement, while ensuring the proposed development is not disruptive to ESL, lands set aside pursuant to the 25 percent set aside requirement, or The alternative plan of development shall be consistent with the purpose and intent of the NEO district water resource protection areas.

### **2. Density and Intensity**

The calculation of maximum density or lot coverage shall be based on gross lot area.

### **3. Setbacks and Off-street Loading**

Setbacks and off-street loading requirements may be modified providing the following standards are met:

#### **a. ESL**

A development permitted by the underlying district cannot be feasibly designed with the required setbacks and off-street loading space because of the location of ESL, the 25 percent set aside on the subject property, or water resource protection areas; and

#### **b. Alternative Plan**

##### **1) Off-Street Loading**

An alternative plan of development is prepared for the property with a total impervious surface area not exceeding 65 percent of the maximum building coverage requirements, while ensuring that the proposed development is not disruptive to ESL, the 25 percent set aside requirement, or water resource protection areas; and

##### **2) Setbacks**

An alternative plan of development is prepared for the property that complies to the greatest extent practicable, as determined by staff, with the setback requirements, while ensuring the proposed development is not disruptive to ESL, lands set aside pursuant to the 25 percent set aside requirement, or water resource protection areas. The alternative plan of development shall be consistent with the purpose and intent of the NEO district.

### **4. Height**

Height restrictions may be modified to implement the permitted FAR or building coverage if the building coverage does not exceed 60 percent of that otherwise allowed by the underlying district, and the total impervious surface area does not exceed 65 percent of the maximum building coverage requirement.

### **5. Lighting**

All exterior lighting shall be shielded and directed away from native vegetation.

## **Section 9      NBOZ, Northlake Boulevard Overlay Zone**

### **A. Purpose and Intent**

The purpose and intent of the NBOZ is to encourage improvement, enhancement, renovation, and/or redevelopment of the Northlake Boulevard Corridor and to provide criteria by which to review development/redevelopment within the Overlay Zoning District. The criteria outlined in "Design Guidelines: Northlake Boulevard Overlay Zoning District (NBOZ)" will serve to unify commercial development along the corridor and provide a positive collective identity for the corridor. These regulations were prepared under the guidance of the Northlake Boulevard Corridor Task Force (NBCTF) – an intergovernmental task force created by interlocal agreement composed of two representatives each from PBC, the Town of Lake Park, the Village of North Palm Beach and the City of Palm Beach Gardens.

### **B. Applicability**

The provisions of the NBOZ, as outlined in "Design Guidelines: Northlake Boulevard Overlay Zoning District (NBOZ)" prepared by Michael Redd & Associates, and dated March 11, 2002, which are incorporated herein by reference, shall apply to all proposed development order applications within the boundaries of the NBOZ, as described in Article 3.B.9.C, Boundaries.

### **C. Boundaries**

The NBOZ includes the public R-O-W for Northlake Boulevard and all properties along Northlake Boulevard from Military Trail to U.S. Highway One for one property depth north and south of Northlake Boulevard, including the street intersection properties at U.S. Highway One and at Military Trail. Unincorporated portions of the NBOZ include portions of Section 18, Township 42, Range 43; Section 17, Township 42, Range 43; Section 24, Township 42, Range 42; and Section 19, Township 42, Range 43, as indicated in the Official Zoning Map.

### **D. Conflict**

In the event of a conflict between the NBOZ and other applicable regulations, the more restrictive regulation shall prevail.

## **Section 10      PBIAO, Palm Beach International Airport Overlay**

### **A. Purpose and Intent**

The PBIAO recognizes that some airplane noise-affected lands surrounding the PBIA are most suitable for campus-style industrial development, and other quality non-residential land uses, as described in Article 16, AIRPORT REGULATIONS. The purposes of the PBIAO district, therefore, are as follows: [Ord. 2004-051]

1. to protect neighborhoods surrounding the PBIA from incompatible land development; [Ord. 2005-051]
2. to protect airport operations from incompatible land development, and provide development regulations that will assure safe, unobstructed access for all aircraft that enter and exit the airport; [Ord. 2004-051]
3. to allow property owners to initiate conversion to industrial use where appropriate; and [Ord. 2004-051]
4. to allow property owner participation in the land use decision-making process. [Ord. 2004-051]

### **B. Applicability**

Nothing herein shall require modification of an existing use, except as provided below. [Ord. 2004-051]

### **C. Boundaries**

The PBIAO district consists of those lands in unincorporated PBC bounded by Belvedere Road on the north, Southern Boulevard on the south, PBIA on the east, and the Florida Turnpike on the west, except for incorporated municipal areas. [Ord. 2004-051]

### **D. Uses**

All development within the PBIAO district shall be compatible with Airport Operations, as determined by the BCC, using the standards established in the Plan and Article 16, AIRPORT REGULATIONS. [Ord. 2004-051]

#### **1. Permitted Uses**

All residential, commercial, and industrial uses permitted by right in the underlying district shall be permitted in the PBIAO district. [Ord. 2004-051]

#### **2. Prohibited Uses**

Adult entertainment establishments, bulk storage of gas and oil, and outdoor retail sales (other than greenhouses, shadehouses or nurseries) shall be prohibited in the PBAIO district. [Ord. 2004-051]  
[Ord. 2009-040]

**3. Conditional Uses**

All uses allowed as conditional uses in the underlying district, shall be permitted in the PBAIO district after compliance with the conditional use regulations. [Ord. 2004-051]

**4. Special Permits**

All uses allowed by a special permits in the underlying district shall be permitted in the PBAIO district after compliance with the special use regulations. [Ord. 2004-051]

**5. Nonconforming Uses**

**a. Permitted Uses**

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

**b. Existing Residential Uses**

All residential uses that existed within the PBAIO on the date that the PBAIO provisions were adopted shall be considered conforming uses. [Ord. 2004-051]

**c. Existing Nonresidential Uses**

Commercial uses that existed within the PBAIO on the date that the PBAIO were adopted and that meet the provisions of this section shall be classified as conforming uses. Commercial uses that existed within the PBAIO on the date that the PBAIO provisions were adopted, but do not meet the provisions of this Section, shall be classified as nonconforming uses. [Ord. 2004-051]

**E. Review Procedures**

All development requests within the PBAIO shall comply with the following: [Ord. 2004-051]

**1. Site Specific**

All Site Specific FLUA amendments shall be reviewed by the PBAIO Committee. The PBAIO Committee's recommendations shall be presented to the Local Planning Agency (LPA). [Ord. 2004-051]

**2. Conditional Uses**

All conditional use applications for development permits shall be reviewed by the PBAIO Committee. The PBAIO Committee's recommendations shall be presented to the Zoning Commission (ZC). [Ord. 2004-051]

**3. Industrial Rezoning in Residential FLUA Designations**

Land shall be eligible for rezoning to the IL district or PIPD district, regardless of FLUA designation, except in non-conversion areas described below. Industrial development using either zoning district shall be in the form of a PIPD or campus-like industrial development. Notwithstanding the provisions of Article 2.B, PUBLIC HEARING PROCEDURES, every application for industrial rezoning within the boundaries of the PBAIO district, shall comply with the following: [Ord. 2004-051]

**a. Non-Conversion Areas**

- 1) Areas designated as Parks and Recreation on the FLUA shall remain as such. [Ord. 2004-051]
- 2) The following areas shall be limited to the uses permitted in the residential FLU designation and the applicable residential zoning district: [Ord. 2004-051]
  - a) Timber Run subdivision; [Ord. 2004-051]
  - b) Lake Belvedere Estates subdivision; [Ord. 2004-051]
  - c) Overbrook subdivision; and [Ord. 2004-051]
  - d) The area defined by the following boundaries beginning at Wallis and Jog Roads.
    - (1) Western boundary: Jog Road between Wallis Road and Belvedere Road;
    - (2) Northern boundary: Belvedere Road between Jog Road and the Timber Run subdivision; [Ord. 2004-051]
    - (3) Eastern boundary: The western limits of the Timber Run subdivision and the Royal Palm Estates subdivision; [Ord. 2004-051]
    - (4) Southern boundary: Southern Blvd. extending to the western side of Sunbeam Ave.; [Ord. 2004-051]
    - (5) Southwestern boundary: Sunbeam Ave. between Southern Blvd. and Wallis Road. [Ord. 2004-051]

**b. Rezoning Criteria**

Lands may be rezoned to the IL district, except for those areas described as non-conversion areas, provided one of the following conditions are met: [Ord. 2004-051]

- 1) Lands that support existing residential development or that have a valid development order for residential development may be rezoned to the IL or PIPD district, if they:
  - a) are at least five acres; and, [Ord. 2004-051]
  - b) abut a R-O-W identified on the County's Thoroughfare Identification Map; or
  - c) are at least ten acres; and, [Ord. 2004-051]
  - d) do not abut a R-O-W identified on the County's Thoroughfare Identification Map; or [Ord. 2004-051]
- 2) Lands that are currently vacant or do not have a valid development order may be rezoned to the IL or PIPD district provided the parcel is contiguous on no more than two sides to existing residential development and they
  - a) are at least five acres, and, [Ord. 2004-051]
  - b) abut a R-O-W identified on the County's Thoroughfare Identification Map; or
  - c) are at least ten acres, and, [Ord. 2004-051]
  - d) do not abut a R-O-W identified on the County's Thoroughfare Identification Map, or [Ord. 2004-051]
- 3) Lands within the PBAO that are bounded by Southern Boulevard on the south, the L-4 Canal on the north, Military Trail on the east, and the western boundary of the Royal Palm Estates subdivision on the west, shall only be allowed to have residential uses converted to industrial uses subject to the following: [Ord. 2004-051]
  - a) All new industrial uses shall be developed as a PIPD; and [Ord. 2004-051]
  - b) All new PIPDs shall be a minimum size of 25 acres; and [Ord. 2004-051]
  - 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 excavation. [Ord. 2004-051]
- 4) Lands located in the transitional area on the west side of Jog Road and continuing along and adjacent to the north and south sides of Alexander and Bishoff Roads shall require a minimum lot size of one acre to be rezoned. [Ord. 2004-051]

#### 4. Commercial Rezoning

An application for commercial zoning of land within the overlay cannot be submitted unless the land is designated Commercial on the FLUA. [Ord. 2004-051]

#### F. Property Development Regulations (PDRs)

Applications shall comply with the PDRs of the underlying districts except as follows.

##### 1. Lot Dimensions, Yard Setbacks and Building Height

Setbacks and lot dimensions for commercial and industrial development shall comply with the PDRs in Art. 3.D, Property Development Regulations, unless modified herein. [Ord. 2004-051]

##### a. Lot Size

The minimum lot size shall be one acre unless a legal lot of record pursuant to Article 1.F.4, Nonconforming Lot. [Ord. 2004-051] [Ord. 2008-037]

##### b. Setbacks

The minimum building setbacks shall be as follows: [Ord. 2004-051]

- 1) No rear setbacks shall be required where an industrial lot abuts an existing or proposed railroad R-O-W or spur. [Ord. 2004-051]
- 2) Setbacks from all other property lines shall be required according to Table 3.B.10.F, PBAO Setbacks. [Ord. 2004-051]

**Table 3.B.10.F- PBAO Setbacks**

Yard	Minimum Setback
Front	25 feet/50 feet in CG
Side, interior	15 feet
Side, street	25 feet
Rear	50 feet

[Ord. 2004-051]

##### c. Height

##### 1) Maximum Height for Industrial and Commercial Development

When adjacent to an existing residential use, building height shall be limited to a maximum of 35 feet. The building height may be increased provided that two feet is added to all setbacks for each foot of building height above 35 feet. [Ord. 2004-051]

**2. Commercial Vehicle Parking and Loading**

No truck, or tractor-trailer parking or loading shall be permitted closer than 75 feet to the lot lines abutting a residential district (inclusive of the buffer), unless the area is designated as display parking as permitted by Article 4.B, SUPPLEMENTARY USE STANDARDS. [Ord. 2004-051]

**3. Landscaping**

In addition to the provisions of Article 7, LANDSCAPING, the following provisions shall be met where a use is proposed that is incompatible with an adjacent development or district. [Ord. 2004-051]

**a. Minimum Dimensions of Landscape Buffer**

**1) Minimum Width**

Ten feet. [Ord. 2004-051]

**2) Minimum Length**

The length of the property line between the commercial or industrial lot and the abutting lot or district. [Ord. 2004-051]

**b. Mandatory Landscape Barrier**

A landscape barrier shall be constructed within the landscape buffer. The landscape barrier shall consist of a solid (CBS) concrete block and steel wall with a continuous footing or an alternative acceptable to the Zoning Director, having a height no less than six feet. The exterior side of the masonry wall shall be given a finished architectural treatment that is compatible with the existing development. [Ord. 2004-051]

**c. Planting Instructions**

Trees shall be planted on alternating sides of the wall at intervals of 20 feet. Trees shall have a minimum height of ten feet. An 18 inch high hedge shall be planted on the exterior side of the wall, between the trees and wall, and running the length of the wall. [Ord. 2004-051]

**d. Lighting**

In addition to the standards of Art. 5.E.4.E, Outdoor Lighting, and Article 16, AIRPORT REGULATIONS, within the PBAIO shall comply with the following: [Ord. 2004-051]

1) Roof top lighting shall be permitted; [Ord. 2004-051]

2) Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and building; and [Ord. 2004-051]

3) Lighting shall be scaled to pedestrians for sites or buildings adjacent to residential uses. [Ord. 2004-051]

**G. Supplemental Regulations**

**1. Noise Compatibility and Abatement Requirements**

**a. Noise Abatement**

For any commercial or industrial use, noise abatement measures incorporated into the design and construction of the structure must be used to achieve Noise Level Reduction (NLR) demonstrable to 25 Ldn, for reception, lounge, and office areas. [Ord. 2004-051]

**b. Speakers**

No outdoor speakers shall be allowed that are audible at the property line. [Ord. 2004-051]

**2. Unified Control**

Any development within PBAIO district shall be developed under common ownership or unity of control as provided in Article 3.E, PLANNED DEVELOPMENT DISTRICTS (PDDS).

**3. Enclosed Activities**

In addition to standards in Article 5.B.1.A.3, Outdoor Storage, all activities except storage and sales of landscape material, shall be operated within enclosed buildings. [Ord. 2004-051]

**4. Renovation and Expansion of Non-residential Uses**

When a structure used for industrial or commercial uses, lying in a residential district or adjacent to a residential district, is renovated or expanded by more than 20 percent of GFA, in any one or more expansions or the cumulative total of previous expansions, the PDR's of the PBAIO district shall apply. [Ord. 2004-051]

**Section 11 RTO, Research and Technology Overlay**

**A. Purpose and Intent**

(This space intentionally left blank.)

The purpose and intent of the RTO is to protect critical industrial, manufacturing, research and development activities from the encroachment of incompatible land uses and activities; provide opportunities to locate accessory, auxiliary and supporting industrial land uses in close proximity to existing facilities; and ensure the location of land uses and activities in the district that are compatible with or complement manufacturing and high-tech operations that are related to the continuation and expansion of PBC's manufacturing and industrial base. The RTO is specifically included in this Code to meet provisions in the Plan related to the United Technologies Corporation (Pratt-Whitney Overlay). [Ord. 2005 – 002]

**B. Boundaries**

The RTO consists generally, of those lands in unincorporated PBC lying east and north of the Beeline Highway and the Pratt-Whitney facility, which includes all or portions of Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, Township 41 Range 40; Sections 5, 6, 7, 8, 9, 17, 18 Township 41 Range 41; and Section 13, Township 41 Range 39.

**C. Use Regulations**

Development in the RTO shall comply with the use regulations of the underlying district.

**1. Prohibited Noise Sensitive Uses:**

- a. Residential (excluding caretaker quarters);
- b. Hotels, motels;
- c. Medical and dental offices; and
- d. Hospitals, medical centers.

**2. Accessory Uses**

Uses not listed above, which generally would not be allowed within the RTO may be permitted as accessory uses to a permitted principal use.

**D. Property Development Regulations (PDRs)**

All development within the RTO shall be subject to the property development regulations of the underlying district. However, development proposed in the NEO shall be subject to the development regulations of the NEO district.

**E. Performance Standards**

All development within the RTO shall comply with the rules and regulations of all governmental agencies having appropriate jurisdiction, and with all applicable requirements of this Code.

**Section 12 SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay**

**A. Purpose and Intent**

The purpose and intent of the SCGCFO is to maintain the integrity of bona fide agricultural operations related to the cultivation and processing of sugar cane, by prohibiting the encroachment of incompatible land uses or activities. It will also provide opportunities for the inclusion of related accessory and supporting uses and/or activities in close proximity to the existing mill. [Ord. 2004-040]

**B. Boundaries**

The SCGCFO includes all of Sections 21 and 28, the eastern half of Sections 20 and 29, Township 43 Range 37, excluding completely the western half of Section 20 and 29. [Ord. 2004-040]

**C. Use Regulations**

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

**Permitted Uses:**

Agriculture, bona fide  
Agriculture light manufacturing  
Agriculture research/development  
Agriculture, Storage  
Agriculture, transshipment  
Livestock raising (five or fewer animals per acre)  
Machine or welding shop  
Nursery, wholesale  
Park, passive  
Shadehouse, accessory (2,000 sq. ft. or less)  
Warehouse

**DRO Uses:**

Agriculture, Packing plant  
Agriculture, sales and service  
Chipping and mulching  
Communication tower, commercial  
Composting facility  
Government services  
Heavy industry  
Park, public  
Potting soil manufacturing  
Shadehouse (greater than 2,000 sq. ft.)  
Utility, minor



**Class A Conditional Uses:**

Electrical power facility  
Livestock raising (more than five animals per acre)  
Sugar mill or refinery

Vocational school  
Water or treatment plant

**Special Permit:**

Produce stand, Temporary  
Recycling drop off bin  
Security/caretaker quarters

**D. Property Development Regulations (PDRs)**

All development within the SCGCFO shall be subject to the PDRs for the Light Industrial (IL) zoning district, pursuant to Table 3.D.1.A, Property Development Regulations.

**Section 13 SR 80 Nonresidential Overlay**

**A. Purpose and Intent**

To maintain the character of the Rural Tier, and to implement the goals and objectives in the Plan, the ZC and BCC may impose conditions of approval on non-residential uses in the Rural Tier along SR 80 as follows.

**B. Conditions**

Conditions may exceed Code requirements by up to 500 percent based on the size, depth, and width of the site, compatibility with surrounding land uses, and impact of the proposed use on the surrounding area. Conditions may include, but are not limited to: additional setbacks, landscaping, buffering, screening; a requirement to provide equestrian trails; and more restrictive signage, lighting, access, and hours of operation.

**C. Retention/Detention Areas**

If a condition requires a landscape buffer which is twice as large as a required buffer, dry retention/detention areas may overlap the buffer provided up to 50 percent of the width. Wet retention/detention areas, water management tracts, and easements may overlap up to 25 percent of the additional width provided.

**Section 14 TAPO, Turnpike Aquifer Protection Overlay**

**A. Purpose and Intent**

The purpose and intent TAPO District is to: (1) protect and safeguard the public health, safety and welfare by enhancing the functions of natural groundwater recharge areas; (2) minimize any potential adverse impacts on the surficial aquifer system, known locally as the "Turnpike" aquifer by limiting or restricting certain incompatible uses and developments; and (3) prevent the continuing loss of prime public water supply sites by requiring certain developments and uses to identify and/or dedicate public water supply sites.

**B. Applicability**

1. The provisions of the TAPO shall apply to all new development, new uses or expansions of existing uses within its boundaries.
2. All new development, new uses or expansion of existing uses located within the TAPO shall be designed and constructed to protect and preserve the identified groundwater resources of the area. For the purposes of this Section, all improvements shall be designed and constructed in accordance with the public supply water well site location criteria contained within this Section.

**C. Exemption**

All development and uses which existed within the revised TAPO boundaries, as described in Article 3.B.14.D, Boundaries around Water Treatment Plant (WTP) 3 on June 16, 1992, and around WTP 8 on the effective date of this Code shall be exempt from the requirements of this Section.

**D. Boundaries**

The TAPO boundaries shall generally be described as two areas around Water Treatments Plants (WTP) 3 and 8.

1. The TAPO around WTP-3 includes portions of the area north of Woolbright Road, south of Boynton Beach Boulevard, east of Hagen Ranch Road, and west of Jog Road.
2. The TAPO around WTP-8 includes portions of the water plant property; the area north of Belvedere, west of Jog Road and south of the Turnpike; and the area north of Southern Boulevard, south of Belvedere, east of the turnpike and west of Drexel Road.

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 Treatment Plant No. 3, and Appendix 2, Legal Description Water Treatment Plant No. 8.

**E. Conflict with Other Applicable Regulations**

The requirements of this Section, unless superseded by Article 14.B, WELLFIELD PROTECTION, of this Code or applicable state or federal law, shall apply to all new development, new uses or expansion of existing uses within the TAPO.

**F. General Provisions**

1. All new development, new uses or expansion of existing uses within the TAPO which occur following the effective date of this Section shall comply, at a minimum, with the Zone 3 requirements of Article 14.B, WELLFIELD PROTECTION, of this Code for the storage, handling, use, or production of regulated substances.
2. All new development, new uses or expansion of existing uses within the TAPO shall comply with the public supply water well location criteria as provided herein.
3. All requests for development approval for new uses or expansion of existing uses within the TAPO submitted after the effective date of this Section shall comply with the provisions of this Section.

**G. Mandatory Identification and Dedication of Public Supply Water Well Sites**

Development approvals for new development, new uses or expansion of existing uses within the TAPO submitted after the effective date of this Section shall identify public supply water well sites. Dedication of public supply water well sites shall be required when there is rough proportionality between the required dedication and the needs of the community because of the development. The amount of well sites to be identified or identified and dedicated shall be based upon the total size of the proposed project as provided below:

1. Developments consisting of at least 25 acres, but less than 100 acres, shall be required to identify or identify and dedicate one public supply water well site;
2. Developments consisting of at least 100 acres, but less than 200 acres, shall be required to identify or identify and dedicate two public supply water well sites; and,
3. Developments consisting of more than 200 acres shall be required to identify or identify and dedicate one public supply water well site for each 100 acres or part thereof.

**H. Public Supply Water Well Site Compatibility and Location Criteria**

1. Public supply water well sites shall be located to be compatible with the groundwater resources of the area. To ensure compatibility, public supply water well sites shall be designed to achieve the following:
  - a. maximize natural groundwater recharge;
  - b. minimize potential drawdown impacts to surrounding natural resources, environmental resources, and artificial surface water management systems; and
  - c. minimize adverse impacts to surrounding nonresidential land uses as outlined in Article 14.B, WELLFIELD PROTECTION, of this Code.
2. The following criteria shall be used in locating public supply water well sites in all new development, new uses or expanded uses located within the TAPO:
  - a. Public supply water well sites shall be located along the perimeter of the affected property in a manner acceptable to the PBCWUD;
  - b. Public supply water well sites shall be located, in a manner acceptable to the PBCWUD, to facilitate connection to any existing or proposed raw water line located along the R-O-W of Jog Road or Hagen Ranch Road;
  - c. Public supply water well sites, to the extent possible and in a manner acceptable to the PBCWUD, shall be evenly spaced, with a minimum separation distance of 500 feet between such sites;
  - d. Public supply water well sites shall be located in accordance with setbacks required by the FDEP and by Article 15.B, Environmental Control Rule II - Drinking Water Supply Systems;
  - e. Public supply water well sites shall be located within new or expanded land uses in a manner acceptable to the PBCWUD to minimize drawdown impacts to natural water bodies, surface water management systems with planted littoral shelves, and wetlands;
  - f. Public supply water well sites to be dedicated, unless other dimensions are approved by the PBCWUD, shall be a minimum size of 60 feet by 40 feet; and
  - g. Public supply water well sites, to the maximum extent possible, shall be located on properties acquired, dedicated, or reserved for public or common purposes such as parks, open space or easements.

**I. Dedication of Well Site Within Required Open Space**

For the purposes of this Code, well sites dedicated to the PBCWUD shall be included in any calculation to determine required open space.

**J. Access Easement to Dedicated Public Supply Water Well Site**

1. A permanent access easement from each dedicated public supply water well site to the closest public R-O-W shall be provided in a manner acceptable to the PBCWUD for such purposes as maintenance of equipment and installation of water pipes.
2. If a public R-O-W does not exist adjacent to a public supply water well site, a permanent access easement shall be provided in a manner acceptable to the PBCWUD.

**K. Temporary Construction Access Easement**

A temporary construction access easement shall be provided from each dedicated public supply water well site to the closest public R-O-W or other R-O-W acceptable to the PBCWUD.

**L. Hold Harmless Agreements**

Each dedication of a public supply water well site shall include a hold harmless agreement to relieve PBC from liability for impacts to on-site irrigation wells, aesthetic lakes, and surface water management systems. The agreement shall be in a form acceptable to the County Attorney's Office.

**M. Dedication of Public Water Supply Sites**

1. Upon approval of each future well site or sites by the PBCWUD, a conditional letter of acceptance will be issued. Prior to application for building permits, each public supply water well site shall be identified or identified and dedicated as provided below:
  - a. If a new development, a new use or an expanded use does not require recording of a plat then each public supply water well site to be dedicated shall be conveyed within 90 days following final site plan certification by the DRO. The conveyance shall be in a form approved by the County Attorney's Office.
  - b. If a new development, a new use or expanded use requires recording a plat, the location and recordation information of each public supply water well site shall be shown on such plat.
  - c. If a new development, a new use or expanded use does not require a recorded plat or final DRO site plan or subdivision certification, then each public supply water well site to be dedicated shall be conveyed prior to issuance of the first required development permit, including a vegetation removal permit other than a prohibited species removal permit, excavation permit, or building permit. However, the PBCWUD may stipulate an alternate time when the public supply water well site dedication shall occur. The conveyance shall be in a form approved by the County Attorney's office.
2. The location of each well site to be dedicated shall be approved by the PBCWUD.

**N. Developer's Agreements**

The PBCWUD may require, as part of a developer's agreement to provide water or sewer service to a new or expanded land use, dedication of public supply water well sites consistent with the provisions of this Section.

**Section 15 WCRAO, Westgate Community Redevelopment Area Overlay**

**A. Purpose and Intent**

The Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) was created pursuant to F. S. §163 Part III, Community Redevelopment, to remove blighted conditions, enhance the PBC's tax base, improve living conditions, and preserve areas of low and moderate cost housing in the Westgate/Belvedere Homes area of unincorporated PBC.

The use of community redevelopment powers enables the BCC and the WCRA to make public improvements that encourage and enhance investment while providing neighborhood stability, prevent continuation of inefficient and incompatible land use patterns, and assist revitalization and rehabilitation of older commercial and residential areas in the Westgate/Belvedere Homes area. The WCRAO is established with the purpose and intent of encouraging development and redevelopment of the Westgate/Belvedere Homes area through regulatory incentives; arresting deterioration of property values; preserving and protecting existing, viable affordable housing; providing opportunity for the future development of affordable housing; implementing the 2004 Westgate/Belvedere Homes Community Redevelopment Plan (WCRA Plan); providing for mixed use development; and providing for increased residential densities and commercial intensities, without amendment to the Plan.

The WCRA Plan proposes to use smart growth and form based code principles that incorporates urban design and mixed use development to achieve infill, residential and commercial redevelopment. Mixed

use development is required to implement the goals of the WCRA Plan to allow for a pedestrian friendly environment, the vertical integration of uses, and higher intensity and density. The BCC finds that the secondary effects of adult entertainment establishments, as set out in the various studies, affidavits, and other materials cited in ULDC Article 4, Chapter B, Section 1.A.2.f, "Findings of Fact", are incompatible with the stated purpose and intent of the WCRAO. Therefore, the BCC determines that adult entertainment establishments shall be prohibited within the WCRAO. [Ord. 2006-004] [Ord. 2009-040]

## B. General Development Standards

### 1. Nonconformities

Nonconforming uses, structures and lots shall be allowed to continue subject to the provisions of Art. 1.F., Nonconformities. [Ord. 2006-004]

#### a. Expansion of Existing Non-conforming Parking

The addition of parking that does not meet the location requirements of this Section, that is included in the expansion of a non-conforming structure shall be permitted subject to BCC approval of a Class A Conditional Use. [Ord. 2006-004]

### 2. Exemptions

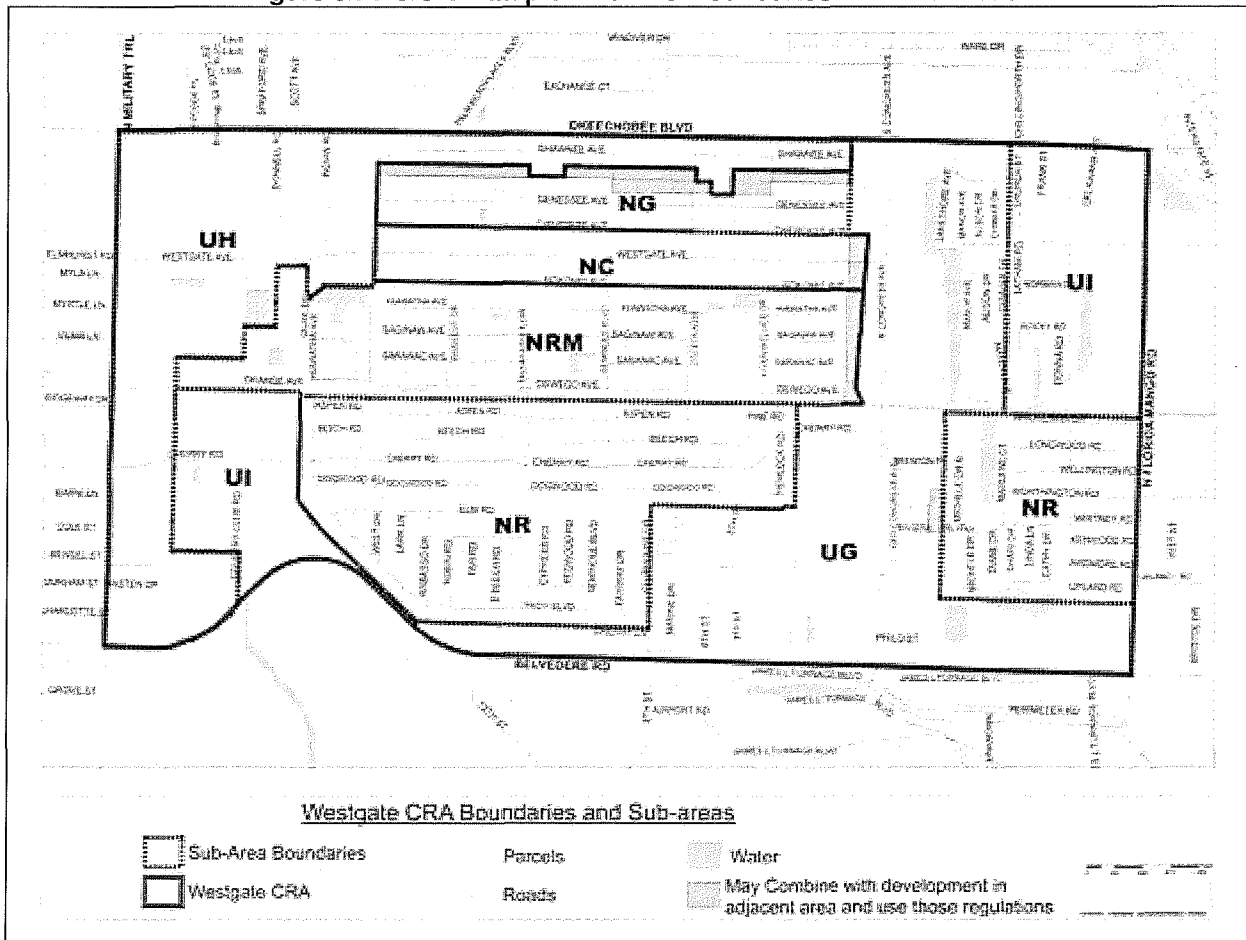
All properties in the PO district or any publicly owned properties developed to serve a public use shall be exempt from the requirements of Art. 3.B.15, WCRAO. [Ord. 2006-004]

## C. Boundaries

### 1. WCRAO Boundaries

The WCRAO consists of those lands within unincorporated PBC bounded by Okeechobee Boulevard on the north, Belvedere Road on the south, Florida Mango Road on the east, and Military Trail on the west. See Figure 3.B.15.C-1 – Map of WCRAO Boundaries and Sub-areas. [Ord. 2006-004]

Figure 3.B.15.C-1 – Map of WCRAO Boundaries and Sub-areas



## **2. Sub-area Boundaries and Descriptions**

To implement the WCRAO Plan, Sub-areas are hereby established to identify additional use regulations, PDRs, and supplemental standards that may differentiate from related requirements of the ULDC. Unless expressly stated herein, development shall comply with the requirements of a site's zoning district and FLU designation. Sub-area boundaries are based on the WCRAO Plan and the need for special protective measures, additional design standards, and redevelopment incentives within specific geographic areas. See Figure 3.B.15.C-1 – Map of WCRAO Boundaries and Sub-areas, for the location of each Sub-area. [Ord. 2006-004]

### **a. NR, Neighborhood Residential**

Intended to maintain and encourage the redevelopment of existing single-family residential dwellings. [Ord. 2006-004]

### **b. NRM, Neighborhood Residential – Medium Density**

Intended to encourage mixed use development based on CL neighborhood based uses and single-family, townhouse and multi-family dwelling units. [Ord. 2006-004]

### **c. NG, Neighborhood General**

Intended to encourage mixed use development, including more intense commercial uses, and townhouse and multi-family dwelling units. [Ord. 2006-004]

### **d. NC, Neighborhood Commercial**

Intended to be the key focal point of the redevelopment area, with provisions allowing for or requiring mixed use development with more intense commercial uses. [Ord. 2006-004]

### **e. UG, Urban General**

Additional redevelopment area allowing for mixed use development with more intense commercial and residential uses, including multi-story towers where feasible. [Ord. 2006-004]

### **f. UH, Urban Highway**

Existing commercially developed corridors with little or no changes proposed to current Zoning PDRs or use regulations. [Ord. 2006-004]

### **g. UI, Urban Industrial**

Existing commercial and industrial areas that will be encouraged to be redeveloped by the recent adoption of FLU amendments allowing CH or IND development. [Ord. 2006-004]

## **3. Redevelopment or Expansion in the UH and UG Sub-areas**

Redevelopment projects or the expansion of an existing project in the UH and UG Sub-areas that include parcels in the NG, NC or NRM sub-areas that are shaded in Figure 3.B.15.C-1, Map of WCRAO Boundaries and Sub-areas, may elect to develop in accordance with the requirements of the majority Sub-area. [Ord. 2006-004]

## **D. Development Review Procedures**

### **1. WCRA Recommendation**

Applicants must obtain a recommendation from the WCRA, prior to submittal of any application for the development of single-family or duplex residential structures on a non-conforming lot, or application outlined under Art. 2, Development Review Procedures, for the following: Official Zoning Map Amendments, Conditional Uses, Requested Uses, Development Order Amendments, Plan Amendments, Density Bonuses, Variances and projects requiring DRO approval. An application for a WCRA recommendation must be made in accordance with the following: [Ord. 2006-004] [Ord. 2007-013]

#### **a. Application Requirements**

The form and application requirements for a WCRA recommendation shall be submitted as specified by the WCRA; however, in no case shall supporting documents required by the WCRA exceed the requirements of the Development Review Procedures listed above. [Ord. 2006-004]

#### **b. Timeframe for Response**

WCRA staff shall determine whether or not the application is sufficient or insufficient within ten working days. Any amendment to an application shall require the timeframe for response to restart. [Ord. 2006-004]

##### **1) Sufficiency and Recommendation**

If the application is determined to be sufficient, a recommendation shall be mailed to the applicant within 30 days of application submittal. If a recommendation is not made within this timeframe, the application shall be considered to have received a recommendation for approval, and the WCRA shall provide a letter indicating such. [Ord. 2006-004]

##### **2) Insufficiency**

If an application is determined to be insufficient, WCRA staff shall provide a written notice specifying the deficiencies to the applicant, to be mailed within ten days of receipt of the application. No further action shall be taken until the applicant remedies the deficiencies. If the deficiencies are not remedied within 20 days of the date of the written notice, the application shall be considered to have a recommendation for denial. If amended and determined to be sufficient, the application shall be processed in accordance with Art. 3.B.15.D.1.b.1, Sufficiency and Recommendation. [Ord. 2006-004]

## **2. Public Hearing Procedures**

In addition to the requirements of Art. 2, Development Review Procedures, the following shall apply: [Ord. 2006-004]

### **a. Official Zoning Map Amendments**

All Official Zoning Map Amendment requests shall comply with the following standards; [Ord. 2006-004]

#### **1) Industrial Districts**

Any request to rezone lots located in the flight path of the PBI to an industrial district shall not require a Plan Amendment, in accordance with Policy 1.2-4.d of the Plan. [Ord. 2006-004]

#### **2) Commercial Districts**

Any request to rezone lots to a commercial district or PDD that were not designated commercial on the FLUA as of the Plan's August 31, 1989 adoption shall not require a FLUA amendment, in accordance with Policy 1.2-4.c of the Plan, subject to the following: [Ord. 2006-004]

##### **a) Purpose**

The rezoning advances the purpose and intent of the WCRA Plan, and does not have an adverse impact on surrounding uses. [Ord. 2006-004]

##### **b) 20 Percent Limitation**

The rezoning must not cause the total amount of acreage in the WCRAO shown as commercial on the FLUA as of the August 31, 1989 adoption of the Plan to be increased by more than 20 percent. [Ord. 2006-004]

##### **c) WCRA Approval**

The applicant receives a recommendation for approval from the WCRA in accordance with Art. 3.B.15.D.1, WCRA Recommendation. [Ord. 2006-004]

### **b. Class A Conditional Uses on Lots Two Acres or Less**

A DOA or new application for a Class A Conditional Use, with a Gross Land Area of two acres or less, may be approved as a Class B Conditional Use. [Ord. 2006-004]

## **E. Use Regulations**

### **1. Mixed Use**

In the WCRAO, mixed use means the combination of residential and one or more non-residential uses that are functionally integrated. Mixed use may be required or permitted in commercial districts that have a commercial with underlying residential FLU designation, as indicated in Table 3.B.15.E, WCRA Mixed Use. [Ord. 2006-004]

(This space intentionally left blank.)

**Table 3.B.15.E – WCRAO Mixed Use**

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Mixed Use	Prohibited	Required <sup>1</sup>	Required <sup>1</sup>	Required <sup>2,5</sup>	Permitted	Permitted	Prohibited
Minimum Residential Use <sup>4</sup>	N/A	50%	50%	25%	N/A	N/A	N/A
Maximum Residential Use	N/A	100%	100%	75% <sup>3</sup>	N/A	N/A	N/A
Minimum Non-residential Use	N/A	0%	0%	25% <sup>3</sup>	N/A	N/A	N/A
Maximum Non-residential Use <sup>4</sup>	N/A	50%	50%	75%	N/A	N/A	N/A
<b>[Ord. 2006-004]</b>							
<b>Notes:</b>							
<ol style="list-style-type: none"> <li>Non-residential zoned lots with a commercial with underlying residential FLU designation, approved as part of Plan Amendment Round 2005-01, shall be subject to the requirements of Art. 3.B.15.E.1.a, Required Mixed Use in NRM, NG and NC Sub-areas. <b>[Ord. 2006-004]</b></li> <li>Required only on Westgate between Loxahatchee Drive and Wabasso Drive in accordance with Art. 3.B.15.E.1.a, Required Mixed Use in the NRM, NG and NC Sub-areas. <b>[Ord. 2006-004]</b></li> <li>Maximum residential use may be increased to 100% and minimum non-residential uses may be reduced to 0%, east of Loxahatchee Drive, and West of Wabasso Drive. <b>[Ord. 2006-004]</b></li> <li>Minimum and maximum percentages for residential and non-residential uses are calculated by dividing the total GFA for either use (residential OR non-residential) type by the total GFA (residential AND non-residential). <b>[Ord. 2006-004]</b></li> <li>Minimum residential and maximum non-residential percentages may be waived once all permitted residential density has been utilized, if no Density Bonus Pool units are available. <b>[Ord. 2006-004]</b></li> </ol>							

**a. Required Mixed Use in NRM, NG, and NC Sub-areas**

In the NRM, NG and NC Sub-areas, non-residential uses shall only be permitted if all permitted residential density is utilized, but in no case shall it be less than one unit. Density shall be calculated as standard density, or maximum density for PDDs, TDDs, and projects meeting the requirements of FLUE Policy 1.2.2-a of the Plan, which ever is greater. Regardless of mix of uses, non-residential FAR shall not exceed the maximum FAR permitted by the Plan. **[Ord. 2006-004]**

**b. Vertical Integration**

Projects that vertically integrate a minimum of 20 percent of a site's approved (includes allowed density and any density bonus units) residential density with commercial uses may be allowed to utilize up to 100 percent of both the site's commercial intensity and residential density. **[Ord. 2006-004]**

**2. Sub-area Use Regulations**

**a. Use Regulations**

In addition to the requirements of Table 3.E.1.B, Table 3.F.I.F, and Table 4.A.3.A, the following uses shall be prohibited or permitted in the WCRAO Sub-areas: **[Ord. 2006-004]**

(This space intentionally left blank.)

**Table 3.B.15.E - WCRAO Sub-area Use Regulations**

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE <sup>2</sup>
<b>Residential Uses</b>								
Multi-family	X	-	-	-	-	-	-	87
<b>Commercial Uses</b>								
Adult entertainment <sup>3</sup>	X	X	X	X	X	X	X	2
Auto Service Station	X	X	X	-	-	-	-	18
Convenience Store with Gas Sales	X	X	X	-	-	-	-	37
Day Labor Employment Serv.	X	X	X	X	X	X	X	41
Repair and Maintenance, General	X	X	X	-	-	-	-	107
Self-service Storage	X	X	X	X	-	-	-	120
Vehicle Sales and Rental	X	X	X	-	-	-	-	135
Office Warehouse	X	X	X	X	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	138
Work/Live Space	X	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	141
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040]								
<b>Key</b>								
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								
<b>Notes:</b>								
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]								

**b. Table for Allowable Uses by Floor**

Where permitted by the existing zoning district, uses shall be further regulated by floor, as indicated in Table 3.B.15.E, WCRAO Sub-area Uses Permitted by Floor, and Figure 3.B.15.F-3, WCRAO Sub-area Building Configurations and Lot Placements. [Ord. 2006-004]

**Table 3.B.15.E – WCRAO Sub-area Uses Permitted by Floor<sup>1</sup>**

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
1 <sup>st</sup> Floor	R,Cv, Rc	All	All	C, O, CV, Rc <sup>2</sup>	All	All	C, I, O
2 <sup>nd</sup> Floor	R,Cv, Rc	R,Cv,Rc,O	R,Cv,Rc,O	All	All	All	All
3 <sup>rd</sup> Floor	R	R	R	R,O	All	All	All
4 <sup>th</sup> Floor	NA	NA	R	R,O	All	All	All
5 <sup>th</sup> Floor and above	NA	NA	NA	R	All	All	All
Key							
All	Residential, Civic, Recreation, Office, Commercial, and Industrial			R	Residential		
C	Commercial, other than office			CV	Civic		
I	Industrial			Rc	Recreation		
NA	Not Applicable			O	Office		
[Ord. 2006-004]							
Notes :							
1. Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.15.E, WCRAO Mixed Use. [Ord. 2006-004]							
2. All uses are permitted East of Loxahatchee Drive and West of Wabasso Drive. [Ord. 2006-004]							

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

**1. Sub-area PDRs**

In order to implement the form based code build to lines outlined in the WCRA Plan, additional PDRs are established for the seven Sub-areas. Development in the WCRAO shall be in compliance with all standard, PDD or TDD PDRs, unless specified otherwise in Table 3.B.15.F, WCRAO Sub-area PDRs, and Figure 3.B.15.F-3, WCRAO Sub-area Building Configuration and Lot Placement. Single-



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

**a. NRM, NG and NC Side Setback Reduction**

A building in the NRM, NG and NC sub-areas may be built along the interior side property line with a zero setback, subject to the following for the façade built with a zero setback: [Ord. 2006-004]

- 1) No windows, doors or other openings are permitted. No portion of building, including roof eaves, gutters and soffits may encroach onto adjacent property. [Ord. 2006-004]
- 2) No form of opening, attachment, or any item or method of construction requiring maintenance other than cleaning and painting when visible, shall be permitted. [Ord. 2006-004]
- 3) A maintenance easement is granted allowing for a minimum of two feet for access to any portion of a structure left exposed and requiring limited maintenance, such as cleaning and painting. [Ord. 2006-004]
- 4) Height shall be limited to two stories and a maximum of 25 feet. Additional height may be permitted subject to the standard setback and any other setback requirements. [Ord. 2006-004]

**Table 3.B.15.F – WCRAO Sub-area PDRs**

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	
Lot Dimensions:								
Minimum Lot Depth	90'	-	-	-	-	-	-	
Maximum Building Coverage	-	40%	40%	40% <sup>2</sup>	40% <sup>2</sup>	40% <sup>2</sup>	45% <sup>2</sup>	
Setbacks:								
Front <sup>1,3</sup>	-	Build to Line	Build to Line	Build to Line	Build to Line	-	Build to Line	
Side <sup>1</sup>	-	10' <sup>4</sup>	10' <sup>4</sup>	10' <sup>4</sup>	15'	15'	15'	
Side Street <sup>1,3</sup>	-	Build to Line	Build to Line	Build to Line	Build to Line	-	Build to Line	
Rear <sup>1,4</sup>	-	25'	25'	25'	25'	25'	25'	
Build to Line <sup>3</sup> :								
Frontage <sup>1</sup>	-	15'	15'	10'	C/MU: 10-25'	-	C 10' - 25'	
Minimum Building Frontage								
Frontage <sup>1</sup>	-	60%	60%	80%	60%	-	C: 60%	
Plazas and Squares								
Build to Line Exception <sup>1</sup>	-	25% of frontage, up to a depth of 20'					-	-
Min Width <sup>1,5</sup>	-	20'	20'	20'	20'	-	-	
Minimum Length <sup>1</sup>	-	20'	20'	20'	20'	-	-	
Maximum Height								
Stories <sup>1</sup>	-	3	4	6	20	10	15	
Feet <sup>1</sup>	-	36'	48'	72'	240'	120'	180'	
Accessory dwellings	2 stories and 25'			-	-	-	-	
Other								
Maximum Building Length <sup>1,6</sup>	-	300'	300'	300'	300'	-	-	
Key								
-	PDRs not specified in this table shall be subject to the PDRs of the lot's zoning district.							
C	For Commercial Uses							
MU	For Mixed Uses							
[Ord. 2006-004]								
NOTES:								
1. Single-family dwellings shall not be required to comply with identified Sub-area PDRs. [Ord. 2006-004] [Ord. 2008-003]								
2. Building coverage may be increased to 60% if all parking is provided offsite or in a parking structure. [Ord. 2006-004]								
3. Additional setbacks may apply per Art. 3.B.15.F.3, Sky Plane Exposure. [Ord. 2006-004]								
4. Side setbacks may be reduced to zero in accordance with Art. 3.B.15.F.1.a, NRM, NG and NC Side Setback Reduction. [Ord. 2006-004]								
5. Width may be reduced by 50 percent for buildings less than 80 feet in length. [Ord. 2006-004]								
6. Mid-block separation a minimum of 20 feet in width is required at the first floor level for building length in exceeding 200 feet, and must be 50 feet or more from either end of the building. [Ord. 2006-004] [Ord. 2008-003]								

**2. Build to Line and Frontages**

**a. Build to Line**

The build to line may be adjusted by the DRO to accommodate requirements such as, increased R-O-W buffers due to location of existing utility easements, or required corner clips. Where a build to line is required by Table 3.B.15.F, WCRAO Sub-area PDRs, the first three floors of all

main structures, excluding parking garages, shall be built to the build to line, unless specified otherwise. An additional ten or 12 foot setback is permitted where a gallery is used in lieu of an arcade. Up to 25 percent may be setback to accommodate requirements for balconies, and recesses and projections up to a maximum of three feet. **[Ord. 2006-004]**

**b. Building Frontage**

Building frontage shall be in accordance with the requirements for each Sub-area and Figure 3.B.15.F-3, WCRAO Sub-area Building Configurations and Lot Placements, and Figure 3.B.15.F-4, Required Building Orientation. Frontage requirements may be reduced for lots with no rear access to required parking to accommodate a drive isle to the rear of the lot and required landscaping. **[Ord. 2006-004]**

**c. Minimum Frontage**

Parcels accommodating single-family dwellings shall have a minimum frontage of 50 feet on a public R-O-W. **[Ord. 2008-003]**

**3. Sky Exposure Planes**

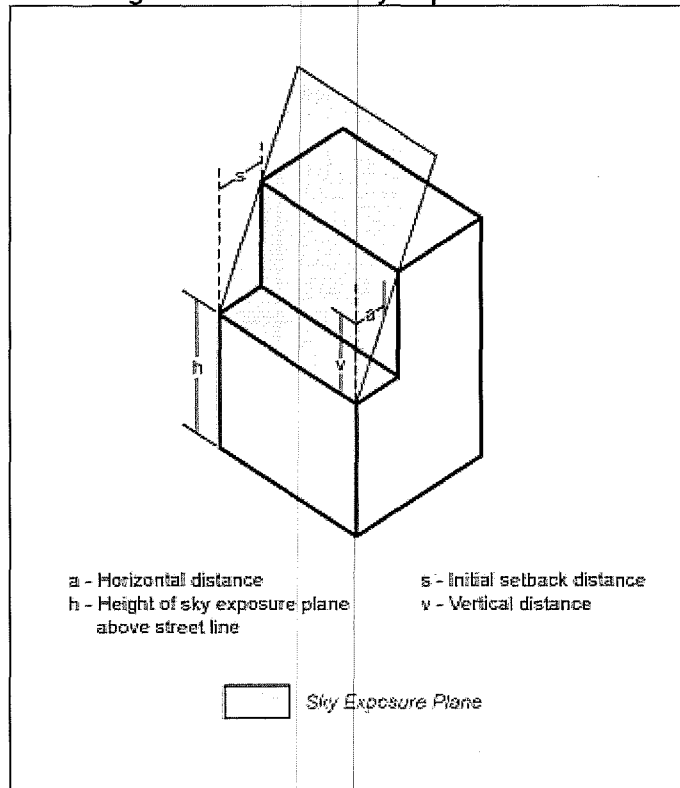
In the NC, UG, and UI Sub-areas, the maximum height of a structure at the build to line shall be in accordance with Table 3.B.15.F, Sky Exposure Plane, and Figure 3.B.15-F-2, Sky Exposure Plane. **[Ord. 2006-004]**

**Table 3.B.15.F – Sky Exposure Plane**

Sub-area		NC	UG and UH	UI
s Initial Setback Distance	Narrow Street	20	20	20
	Wide Street	15	15	15
h Maximum Height of Sky Exposure Plane at Build to Setback Line.		48' or 4-stories, whichever is less	60' or 5-stories, whichever is less	72' or 6-stories, whichever is less
On Narrow Street	v Vertical Distance 1	1	2.7	3.7
	a Horizontal Distance 2	1	1	1
On Wide Street	v Vertical Distance 1	1	5.6	7.6
	a Horizontal Distance 2	1	1	1
<b>[Ord. 2006-004]</b>				
<b>Notes:</b>				
1. Slope is expressed as a ratio of vertical distance to horizontal distance. <b>[Ord. 2006-004]</b>				
2. A narrow street has an R-O-W of 60' or less, and a wide street has a R-O-W of 60' or greater. <b>[Ord. 2006-004]</b>				

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Figure 3.B.15.F-2 – Sky Exposure Plane



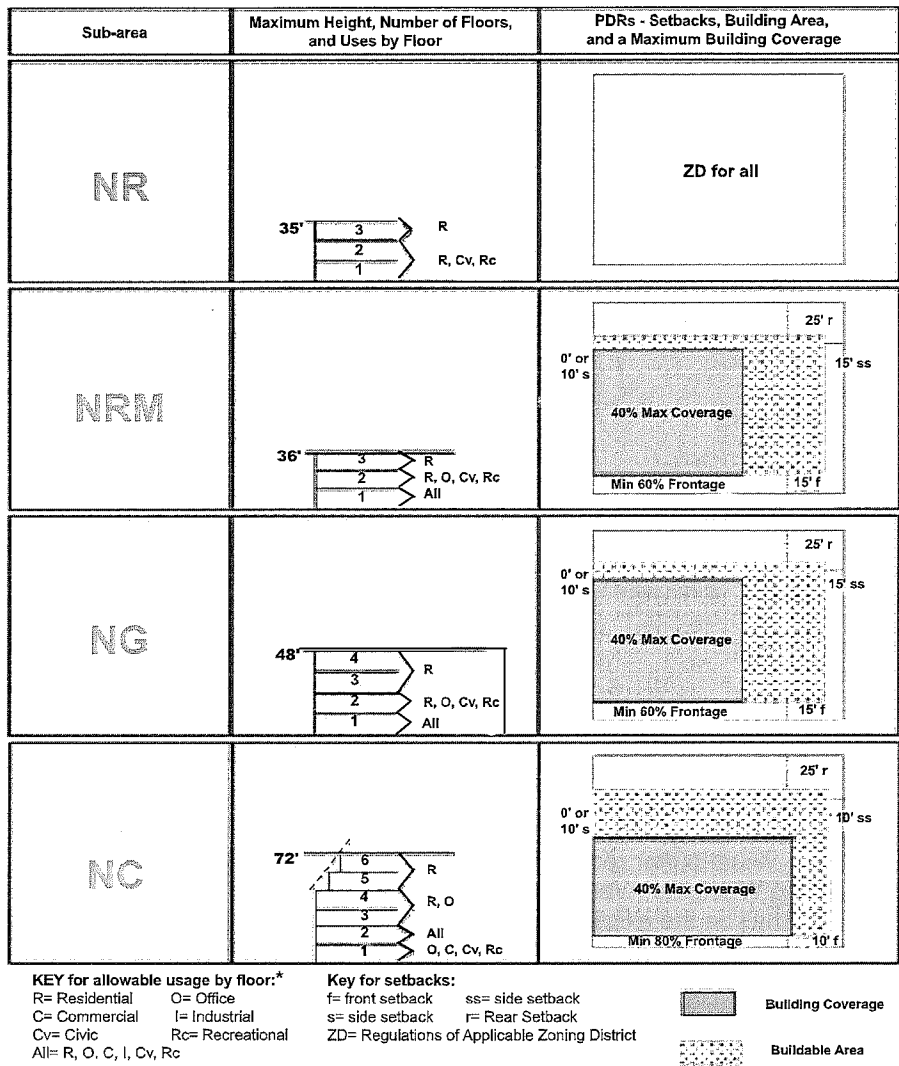
[Ord. 2006-004]

**4. Base Building Line**

The 40 foot wide visual buffer requirement of Article 3.D.1.D.1, Base Building Line, shall not apply to those lots abutting Westgate Avenue between Congress Avenue and Military Trail. The base building line for said lots shall be the existing R-O-W line of Westgate Avenue. [Ord. 2006-004]

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**Figure 3.B.15.F - WCRAO Sub-area Building Configurations and Lot Placements**

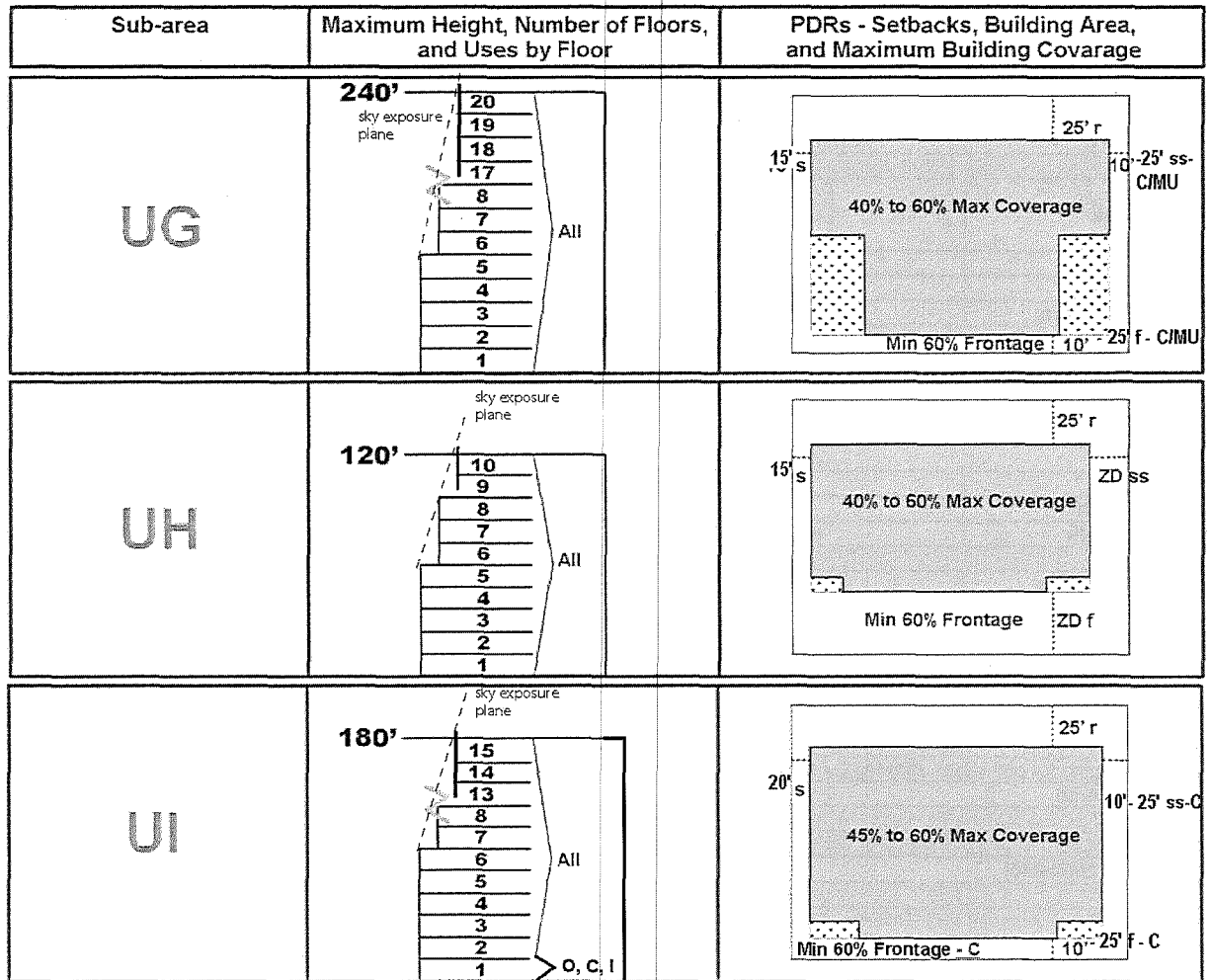


\* Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.15.E-1, WCRAO Mixed Use.

[Ord. 2006-004]

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**Figure 3.B.15.F - WCRAO Sub-area Building Configurations and Lot Placements**



**KEY for allowable usage by floor:\***  
 R= Residential    O= Office  
 C= Commercial    I= Industrial  
 Cv= Civic    Rc= Recreational  
 All= R, O, C, I, Cv, Rc

**Key for setbacks:**  
 f= front setback    ss= side setback  
 s= side setback    r= Rear Setback  
 ZD= Regulations of Applicable Zoning District

Building coverage  
 Buildable Area

\* Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.15.E-5, WCRAO Mixed Use.

[Ord. 2006-004] [Ord. 2009-040]

### G. Supplementary Standards

In addition to the requirements of Art. 5 Supplementary Standards, and Table 3.B.15.G, WCRAO Supplementary Standards by Sub-Area, the following shall apply: [Ord. 2006-004]

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**Table 3.B.15.G – WCRAO Supplementary Standards by Sub-Area**

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Minimum Enclosed Living Area							
Single Family Dwelling Unit	1,000 s.f.	1,000 s.f.	-	-	-	-	-
Accessory Dwelling	300 s.f	300 s.f	300 s.f	-	-	-	-
Fences and Walls:							
Prohibited Materials <sup>7</sup>	Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels						
Architectural Features:							
Arcades and Galleries <sup>1</sup>	-	-	-	Required - Westgate Avenue	-	-	-
Minimum Building Depth	-	20'	20'	20'	30'	-	30'
Minimum 1 <sup>st</sup> Floor Height	-	-	-	12'	-	-	-
Minimum Number of Floors	-	-	-	2 <sup>2</sup>	-	-	-
Windows and Doors:							
Minimum Glazing of Frontage <sup>3</sup>	-	<sup>3</sup>	<sup>3</sup>	<sup>3</sup>	-	-	-
Porches, Balconies and Entryways							
Front Setback Maximum Encroachment	8'	6'	6'	-	-	-	-
Min/Max Porch Depth <sup>4</sup>	6'/10'				-	-	-
Min/Max Porch Length <sup>4</sup>	8'/50% of building facade				-	-	-
Min/Max Balcony Depth	3'/3'				-	-	-
Min/Max Balcony Length	6'/50% total of building façade				-	-	-
Parking:							
Location of Surface Parking	-	Rear	Rear	Rear	-	-	-
Driveways <sup>5</sup>	-	Rear	Rear	Rear	-	-	-
Location of Accessory Dwellings and Garages:							
Detached	Location	Back of rear façade of primary structures.		-	-	-	-
	Setbacks	5' side or rear <sup>6</sup>		-	-	-	-
Attached	Location	Setback a min. of 20' from front façade		-	-	-	-
Landscaping:							
See Article 7, Landscaping for provisions allowing for reduction in Perimeter and foundation planting requirements.							
Min. Pervious Surface Area	-	20%	20%	20%	-	-	-
Key							
-	Subject to the supplementary standards of the lot's zoning district						
[Ord. 2006-004] [Ord. 2009-040]							
Notes:							
1. See Art. 3.B.15.G.3.d, Arcades and Galleries, Figure 3.B.15.G, WCRAO Arcade and Gallery Standards. [Ord. 2006-004]							
2. Required second floor shall meet minimum frontage and depth requirements. [Ord. 2006-004]							
3. See Art. 3.B.15.G.3.c, Fenestration Details – Windows and Doors. [Ord. 2006-004]							
4. Excludes stoops. [Ord. 2006-004]							
5. Access from the front or side may be permitted for lots with no rear street frontage. [Ord. 2006-004]							
6. Minimum 20 foot setback shall be required for garages fronting on a street or alley. [Ord. 2006-004]							
7. Chain link fences may be installed for the following: [Ord. 2009-040]							
a. Single-family residential use provided a continuous native hedge is planted along the exterior side of the fence and adequate room for maintenance is provided along the property lines adjacent to public R-O-W. The hedge shall be maintained at the same height as the chain link fence. Black or green vinyl coated chain link fence may be installed along remaining perimeter property lines not adjacent to a public R-O-W. [Ord. 2009-040]							
b. Nonresidential uses within the UI sub-area if the chain link fence is black or green vinyl coated. [Ord. 2009-040]							

## 1. Accessory and Prohibited Uses

### a. Accessory Structures

Accessory structures shall be architecturally compatible with the principal building, with exception to accessory structures such as small sheds associated with single-family residences (excluding garages), when less than 150 square feet in size and ten feet in height, and completely screened from all public right-of-ways. [Ord. 2006-004] [Ord. 2009-040]

### b. Accessory Dwellings and Garages

Accessory dwellings and garages shall meet the requirements of Table 3.B.15.G, WCRAO Supplementary Standards by Sub-Area and Figure 3.F.3.E, TND Garages. [Ord. 2006-004]

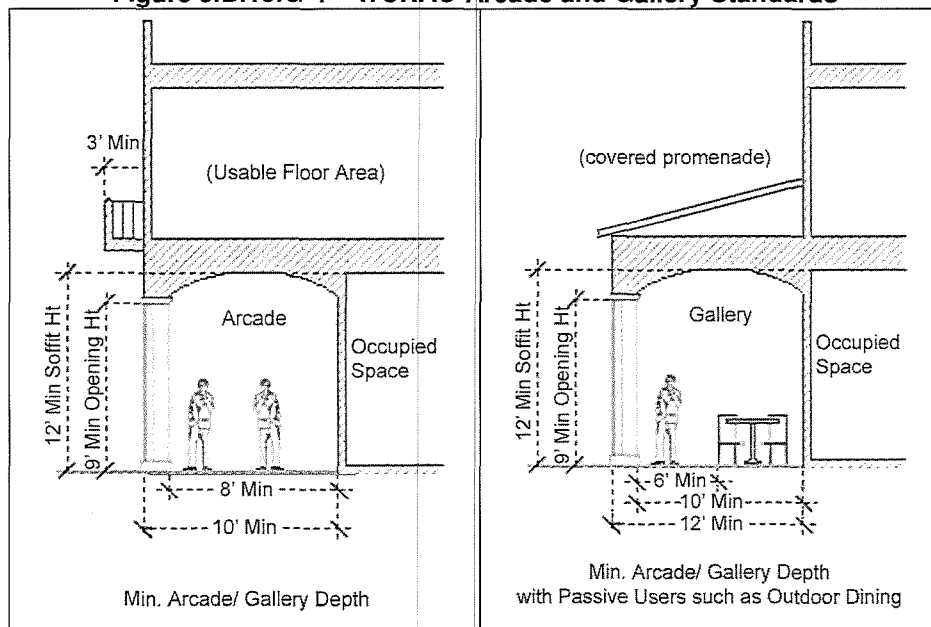
### c. Prohibited Uses in Front Yards

In the NR, NRM, NG Sub-areas, the following uses are prohibited in front yards or building facades: [Ord. 2006-004]

- 1) Parking on unpaved surfaces. [Ord. 2006-004]
- 2) Clotheslines and other clothes drying apparatus. [Ord. 2006-004]

- 3) Electrical meters. [Ord. 2006-004]
  - 4) Air conditioning equipment, including window units on the building façade. [Ord. 2006-004]
  - 5) Antennas and satellite dishes. [Ord. 2006-004]
- 2. Fences, Walls and Hedges**  
 Interior fences and walls in the NRM, NG and NC Sub-areas shall be decorative in nature, and shall not obstruct views of pedestrian access-ways, courtyards, or parking entrances. [Ord. 2006-004]
- a. Mixed Use Development and NC Sub-area**  
 Fences and walls shall be prohibited in the front or side street setbacks for mixed use development or any project in the NC Sub-area. [Ord. 2006-004]
  - b. NRM and NG Sub-areas**  
 Fencing for residential uses in front yard setbacks may be increased to six feet in height if limited to decorative wrought iron or other similar materials that do not obstruct vision. [Ord. 2006-004]
- 3. Architectural Guidelines**
- a. Porches and Balconies**  
 Notwithstanding the requirements of Art. 5.C.1.H.2.b, Balconies and Patios, a minimum of 20 percent of all townhouses or the total number of multi-family dwelling units on each floor shall have individual balconies or porches. A minimum of one balcony or porch shall be required for any project with less than five units. [Ord. 2006-004]
  - b. Building Entrance Orientation**  
 All uses in the NRM, NG, NC and UG Sub areas shall have a principal entrance on the first floor oriented towards the street used as the primary frontage for the building. [Ord. 2006-004]
  - c. Fenestration Details - Windows and Doors**  
 All mirrored or reflective glass, sliding glass doors and glass blocks shall be prohibited. Where required, glazing shall have a minimum 85 percent transparency. A minimum of six square feet of glazing per linear foot of façade shall be provided at a pedestrian scale, on the first floor frontage or side street frontage. A minimum of two square feet of glazing per linear foot facade shall be required per floor, for all floors on the frontage or side street frontage. [Ord. 2006-004]
  - d. Arcades and Galleries**  
 Arcade or gallery dimensions shall be in accordance with Figure 3.B.15.G-4, WCRAO Arcade and Gallery Standards. Where arcades and galleries are required, galleries shall not exceed 25 percent of the total building frontage. [Ord. 2006-004]

**Figure 3.B.15.G-4 – WCRAO Arcade and Gallery Standards**



[Ord. 2006-004]

**e. Drive Thrus and Gas Station Canopies**

In the NRM, NG and NC Sub-areas, a drive thru, gas station canopy or fueling area shall be located to the rear of all buildings. **[Ord. 2006-004]**

**f. Mezzanines**

Mezzanines shall be counted as a floor, but cannot be used to meet the NC Sub-area two-story requirement. **[Ord. 2006-004]**

**4. Non-conforming Lot Combination**

A non-conforming lot that is a legal lot of record, has a minimum of 25 feet of frontage and is located in the NRM, NG or NC Sub-areas, may be combined with an adjacent lot meeting the same standards, or a conforming lot, provided it serves to reduce the non-conformity and creates a new lot with a minimum of 50 feet of frontage. The subdivision may be approved in accordance with Art. 11.A.8.B, Plat Waiver with Certified Survey. **[Ord. 2008-003]**

**H. Density Bonus Programs**

**1. Density Bonus Pool**

Notwithstanding the provisions of Art. 5.G, Density Bonus Programs, an additional 1,300 residential units are available in the WCRAO in accordance with Plan Policy 1.2.4-b, and the following: **[Ord. 2006-004]**

**Table 3.B.15.H – WCRAO Density Bonus Pool Limits**

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Max WCRAO Density Bonus Per Acre	n/a	20	30	50	150	150	n/a
<b>[Ord. 2006-004]</b>							
<b>Notes for Table 3.B.15.H-6:</b>							
1) Additional Density Bonus Pool Units are only permitted where a project utilizes all allowed density as indicated by FLU designation and the Plan. <b>[Ord. 2006-004]</b>							

**a. WCRA Recommendation**

Any proposed project that includes a request from the Density Bonus Pool shall obtain a recommendation from the WCRA in accordance with the standards of Art. 3.B.15.D.1.b, Timeframe for Response. A project that meets three, for the UH and UG Sub-areas, and four for the NRM, NG, and NC Sub-areas, of the following six factors shall receive a recommendation for approval from the WCRA: **[Ord. 2006-004] [Ord. 2007-013]**

- 1) The proposed project meets the minimum building frontage requirements of Table 3.B.15.F-9, WCRAO Sub-area PDRs. **[Ord. 2006-004]**
- 2) The proposed project includes sufficient land area to and a rear lot line abutting a R-O-W to ensure that vehicular access is limited to a rear, in accordance with Art. 3.B.15.I.1.a.1). **[Ord. 2006-004]**
- 3) Where permitted, the proposed project includes mixed use with a minimum of ten percent and a maximum of 50 percent of the GFA dedicated to non-residential uses. **[Ord. 2006-004]**
- 4) A minimum of five percent of the gross lot area is set aside for open space with a public amenity or a public plaza, with a minimum size of 800 square feet and 25 feet in width, including but not limited to public art (not depicting any advertising); fountains of at least eight feet in height and 16 feet in diameter; pergolas; bell or clock tower; and public seating areas (not in conjunction with any restaurant seating). **[Ord. 2006-004]**
- 5) A minimum of 40 percent of the projects allowed density is reserved for affordable housing meeting the requirements of Art. 3.B.15.H.1.c, Affordability Standards. **[Ord. 2006-004]**
- 6) Preferred uses: **[Ord. 2006-004]**
  - a) NRM Sub-area: business or professional office, medical or dental office, personal services, and townhouses. **[Ord. 2006-004]**
  - b) NG Sub-area: business or professional office, medical or dental office, personal services, printing and copying services, Type I restaurants that meet the requirements of Art. 4.B.1.A.109.c.2), Permitted by Right, and Type II restaurants. **[Ord. 2006-004] [Ord. 2007-013]**
  - c) NC, UG and UH Sub-areas: business or professional office, personal services, printing and copying services, Type I restaurants that meet the requirements of Art. 4.B.1.A.109.c.2), Permitted By Right, and Type II restaurants. **[Ord. 2006-004]**

**b. Approval Process**

The review process for a WCRAO Density Bonus Pool approval is based on the density bonus requested in accordance with Table 3.B.15.H, WCRAO Density Bonus Pool Approval. Notice of



all proposed projects shall be forwarded to the BCC by the Division responsible for reviewing the application. [Ord. 2006-004] [Ord. 2007-013]

**Table 3.B.15.H - WCRAO Density Bonus Pool Approval**

Approval Process Required <sup>1</sup>	Range of Bonus Units per Acre	Min. % of Density Bonus Units Required to be Affordable <sup>3</sup>
Permitted by Right	0.1 - 4 <sup>2</sup>	40%
DRO Approval	4.01 - 22	
BCC Approval	22.01 or more	
[Ord. 2006-004] [Ord. 2007-013]		
Notes:		
1. The transfer of density to a PDD or TDD requires approval as a requested use. [Ord. 2006-004]		
2. Up to one unit may be permitted by right for projects less than one acre in size. [Ord. 2006-004]		
3. Affordable units shall consist of WHP units pending the adoption of the WCRA Inclusionary Housing Policy, as mandated by the Plan, to include very low thru middle income households. [Ord. 2006-004] [Ord. 2008-003]		

**c. Affordability Standards**

Where required by Table 3.B.15. H, WCRAO Density Bonus Pool Approval, units required to be affordable shall comply with the following: [Ord. 2006-004] [Ord. 2007-013] [Ord. 2008-037]

**1) Design Requirements**

All density bonus units required to be affordable shall be designed to a compatible exterior standard as other units within the development or pod. These units may be clustered or dispersed throughout the project. [Ord. 2007-013]

**2) Sales and Rental Prices**

Affordable units shall be offered for sale or rent to very-low thru middle income households. The sale and rent prices may be updated annually by the County Administrator, or designee, based on the AMI, and household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) as published annually by HUD. [Ord. 2007-013] [Ord. 2008-037]

**3) Master Covenant**

Prior to final DRO approval, the applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided by the County, which identifies each required affordable unit. In the event the project is not subject to final DRO approval, the applicant must submit a recorded copy of the Covenant to the Building Division prior to issuance of the first building permit. The Covenant shall include but not be limited to restrictions requiring: that all identified affordable units shall be sold, resold, or rented only to very-low thru middle income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for a minimum of ten years for units sold to eligible households, and a minimum of 20 years for rental units, from the date of each unit is first purchased or designated as a rental unit; and that in the event a unit is resold before the ten or 20 year periods conclude, a new 10 or 20 year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with Plan TE Policy 1.2-r. Every deed for sale of an affordable housing unit shall incorporate by reference the controlling Covenant. [Ord. 2007-013] [Ord. 2008-037]

**4) Monitoring and Compliance**

Shall be in accordance with the monitoring and compliance requirements of Art. 5.G.1, Workforce Housing Program. [Ord. 2007-013]

**5) Enforcement**

Shall be in accordance with the enforcement requirements of Article 5.G.1, Workforce Housing Program (WHP) Art. 5.G.1, Workforce Housing Program. [Ord. 2007-013]

**6) Limitations on Restrictions**

Shall be in accordance with the limitations and restriction requirements of Art. 5.G.1, Workforce Housing Program. [Ord. 2007-013]

**7) Affordability Ranges**

Required affordable WCRAO Density Bonus units shall be distributed in accordance with Table 3.B.15.H, WCRAO Affordability Ranges. [Ord. 2008-037]

**Table 3.B.15.H. – WCRAO Affordability Ranges**

	Very-low Income	Low Income	Moderate Income	Middle Income	Maintenance of Affordability (Years)
New Bonus Density Pool Projects <sup>1</sup>	40% <sup>2</sup>				10 (for sale) 20 (rental)
Re-development of Existing Affordable Housing Project <sup>1</sup>	10% max. <sup>3</sup>		30% min. <sup>4</sup>		10 (for sale) 20 (rental)
[Ord. 2008-037]					
Notes:					
1. Requirements are applicable to for sale and rental units.					
2. Percentage is a combination of very-low, low, moderate and middle income requirements. However, a single project shall be limited to a maximum of 40% low or 40% very-low income units.					
3. Percentage is a combination of very-low and low-income requirements.					
4. Percentage is a combination of moderate and middle-income requirements.					

**2. Other Density Bonus Programs**

Requests for approval of other residential density through Art. 5.G., Density Bonus Programs may request to waive the compatibility and additional landscaping required, if consistent with the Plan, subject to a WCRA recommendation for approval and BCC approval of a Class A or Requested Use. **[Ord. 2006-004]**

**I. Parking and Streets**

**1. Parking**

**a. General**

- 1) Parking in the NRM, NG, NC and UG Sub-areas shall be accessed from the rear of the lot from a street or alleyway, when available. **[Ord. 2006-004]**
- 2) Reserved parking, including spaces reserved for valet parking, shall be prohibited except for parking provided above the minimum required, or for individual garages for residential units. **[Ord. 2006-004]**

**b. Parking Exemption in the NC Sub area**

Projects on lots less than 10,000 square feet in size shall be exempt from on site parking requirements if fronting on a street with on-street parking. **[Ord. 2006-004]**

**c. Allowable Reductions in Required On-site Parking**

The required amount of on-site parking may be reduced in accordance with any of the following provisions. These provisions may be applied cumulatively. **[Ord. 2006-004]**

**1) UG, UH, NRM, NG and NC Deviations**

Deviations in the required parking specified in Table 6.A.1.B, Minimum Off Street Parking and Loading Requirements shall be permitted for mixed-use or residential projects in the UG, UH, NRM, NG or NC Sub-areas as specified in Table 3.B.15.I, WCRAO Mixed Use Parking Deviations. **[Ord. 2006-004] [Ord. 2007-013]**

**2) Curbside Parking**

On street parking available along the frontage, side or rear lot lines that directly abuts the subject lot may be applied toward the parking requirements of the uses on the lot. Applicable spaces shall be calculated by taking the total linear distance of parking spaces and abutting the site's lot lines and dividing by the average length of spaces. **[Ord. 2006-004] [Ord. 2007-013]**

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**Table 3.B.15.I - WCRAO Mixed Use Parking Deviations**

Use		Parking
Multi-family Residential	1 Bedroom	1 per unit plus required guest parking
	2 Bedroom	1.5 per unit plus required guest parking
	3 or more bedrooms	2 spaces per unit plus required guest parking <sup>2</sup>
Hotel or Motel (other areas calculated separately)		1.25 per room
Office, Business or Professional and Medical or Dental		2.5 per 1,000 sq. ft.
Commercial Uses		2.5 per 1,000 sq. ft.
Commercial, General Retail Sales		3 per 1,000 sq. ft.
Restaurant, Cocktail Lounge		1 per 4 seats
<b>[Ord. 2006-004] [Ord. 2007-013]</b>		
<b>Notes:</b>		
1.	Unless stated otherwise in this section, parking and loading shall be in accordance with Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements. <b>[Ord. 2006-004] [Ord. 2007-013]</b>	
2.	A parking ration of 1.5 spaces per unit plus required guest parking shall also be permitted for any unit required to be deed restricted for very-low and low income households. <b>[Ord. 2007-013]</b>	

**3) Connections to Adjacent Parking**

Parking areas connecting to adjoining or future adjoining lots shall be granted a five percent reduction in the amount of required parking. This five percent reduction shall be deducted from the final calculated parking requirement, after all other eligible reductions are taken into consideration. **[Ord. 2006-004]**

**2. Redevelopment Loading Option**

To further development of WCRAO smaller parcels in the NRM, NG, NC, UG or UI sub-areas that promote the form based code principles of the WCRA Plan, the WCRA Executive Director may authorize the use of access aisles or other similar location on a site with structures less than 25,000 square feet in size, to also be used as loading areas, subject to the following: **[Ord. 2007-013]**

**a. Application**

An application shall be submitted to the WCRA in a form established by the Executive Director of the WCRA. The application shall include a loading demand study that addresses the minimum standards of this section. **[Ord. 2007-013]**

**b. Standards**

The following standards shall apply to any shared location for a required loading zone: **[Ord. 2007-013]**

- 1) Demonstrate that site constraints or the benefits of an alternate loading zone is needed to allow for the development, including efforts to maximize potential FAR or density; **[Ord. 2007-013]**
- 2) Identify the size and types of uses that will be using the alternate loading zone, to include turnover rates and peak loading hours; **[Ord. 2007-013]**
- 3) Demonstrate that the proposed alternate loading zone will not adversely impact required vehicle stacking at entrances, block building entrances, emergency vehicle access, or parked vehicles; **[Ord. 2007-013]**
- 4) Identify the dimensions and types of vehicles that will use the alternate loading zone; **[Ord. 2007-013]**
- 5) Incorporate other available data, including but not limited to: traffic engineering or other Planning studies demonstrating the feasibility of the request; **[Ord. 2007-013]**
- 6) The use of the site may be limited to the size and types of uses indicated in the approved loading zone study; **[Ord. 2007-013]**
- 7) The site design shall provide sufficient maneuvering area and turning radii for proposed delivery vehicles; and, **[Ord. 2007-013]**
- 8) If located in an access aisle, a minimum ten-foot wide by-pass shall be maintained along the entire length of the designed alternative loading area. **[Ord. 2007-013]**

**c. Approval Letter and Documentation**

The WCRA Executive Director shall recommend approval or denial of the application within the timeframes established under Art. 3.B.15.D.1.b, Timeframe for Response. The WCRA Executive Director shall issue a letter to the applicant indicating their recommendation. **[Ord. 2007-013]**

**3. Access and Circulation System**

**a. Construction in Existing R-O-W**

The County Engineer may approve alternatives to PBC standard design sections for local street construction, where streets are maintained by PBC, in order to accommodate construction or reconstruction of paving and drainage improvements to an existing public local street, or segment thereof. The eligible R-O-Ws shall have a width of less than 50 feet. The alternative design(s) shall provide for paved travel-way widths, structural sections, drainage, pedestrian access, dead-end turnarounds, and safe sight corners as prescribed by PBC standards for local streets, or as deemed equivalent by the County Engineer. All required treatment and discharge control of storm-water runoff to the street drainage system shall be provided by secondary storm-water management facilities located outside the street R-O-W, permitted and constructed in accordance with applicable regulations of all agencies having jurisdiction over the receiving waters at the point of legal positive outfall. [Ord. 2006-004]

**b. Access to Residential Subdivision Lots**

In lieu of minimum legal access requirements pursuant to Art. 11.E.1.A.1, Access and Circulation Systems, a local street improved pursuant to Art. 3.B.15.I.3.a, Construction in Existing R-O-Ws, and having continuous paved access to at least one public street on the perimeter of the WCRAO, shall be deemed by the County Engineer to meet the requirement of local street access for residential lots created by subdivision of abutting property. Nothing herein shall prohibit the owner of abutting property from making application for and receiving appropriate approval of a final subdivision plan or waiver of platting prior to completion of the above-noted improvements; provided, however, that the applicable plat or affidavit of waiver shall not be approved for recordation until construction has commenced for said improvements. [Ord. 2006-004]

**c. Alleys**

Removal of existing alleys is prohibited, unless approved by the WCRA. [Ord. 2006-004]

**d. Driveways**

In the NRM, NG, NC, and UG Sub-areas, a maximum of one driveway is permitted for lots less than 100 feet wide, or for one driveway for each 100 linear feet of frontage (or rear property line for double frontage where applicable). [Ord. 2006-004]

**J. Drainage**

**1. Surface Water Management Permit**

For subdivision of land where all of the land proposed to be subdivided, is included within an active Surface Water Management Permit issued by the SFWMD, where all water quality and water quantity requirements of the SFWMD have been met under said permit, the requirements for control of discharge pursuant to Art.11.E.4.F, Secondary Stormwater System Design and Performance, shall be deemed in compliance. [Ord. 2006-004]

**Section 16 INFILL REDEVELOPMENT OVERLAY (IRO)**

**A. Purpose and Intent**

The purpose and intent of the Infill Redevelopment Overlay (IRO), is as follows: [Ord. 2010-005]

1. Establish optional development regulations to facilitate revitalization of commercially designated lands in the Urban/Suburban Tier, by incrementally retrofitting commercial corridors and isolated land uses with sustainable development that creates a sense of place, improves streetscapes and successfully integrates into the surrounding community; [Ord. 2010-005]
2. Offer property development incentives that will encourage developers, property or business owners to utilize the IRO (e.g. reduced setbacks and parking ratios, increased FAR, and flexible landscaping regulations to maximize the efficient use of property); [Ord. 2010-005]
3. Implement the Goals, Objectives and Policies of the Comprehensive Plan that mandate sustainable, walkable urban/suburban redevelopment; [Ord. 2010-005]
4. Utilize Smart Growth and Form Based Coding principles to establish standards that create a predictable built form that improves the streetscape and establishes an enhanced pedestrian realm; [Ord. 2010-005]
5. Advocate walking, cycling and mass transit as viable alternatives to automobile use; [Ord. 2010-005]
6. Promote interconnectivity between uses; [Ord. 2010-005]
7. Promote sustainability by integrating the social, economic and ecological needs of the community with overall regional, state and national policy advocating management of resources for future generations; [Ord. 2010-005]
8. Mitigate adverse impacts of commercial development to surrounding residential uses and the community as a whole; [Ord. 2010-005]

9. Promote non-residential and residential mixed use; [Ord. 2010-005]
10. Respect market realities, industry trends, and property rights; [Ord. 2010-005]
11. Address multi-disciplinary regulatory and development review processes; and, [Ord. 2010-005]
12. Establish expedited review process. [Ord. 2010-005]

## B. Applicability

The provisions of the IRO are optional, with the stipulation that when selected all new development will be in compliance with this Section, excepting any permitted waivers. An applicant may elect to use the IRO regulations for parcels that meet the following criteria: [Ord. 2010-005]

### 1. BOUNDARIES

Parcels shall be located in the U/S Tier, defined as that area being located within the USA, as depicted on Map LU 2.1 Service Areas, of the Plan. [Ord. 2010-005]

### 2. Other Overlays

Where applicable, the IRO may be used in conjunction with the following overlays: GAO, LOSTO, NEO, PBIAO, TAPO, WCRAO-UH subarea, and URA where a parcel does not have a URA Urban Center (UC) or Urban Infill (UI) FLU designation. Where there is a conflict between the provisions of the IRO and any of the above overlays, the specific provisions of the other overlay shall prevail. [Ord. 2010-005]

### 3. FLU Designation

Eligible parcels shall have one or any combination of the following: CL-O, CL, CH-O or CH FLU designation. [Ord. 2010-005]

### 4. Zoning District Requirements

Use of the IRO shall require rezoning to the IR district, unless allowed otherwise herein. Any IRO project that requires Public Hearing approval, excluding a Development Order Abandonment (ABN), shall submit a concurrent application to rezone the subject property to the IR district. [Ord. 2010-005]

#### a. IR Rezoning Alternative

To assist in expediting IRO projects that do not require any Public Hearing approvals, a rezoning shall not be required subject to the following: [Ord. 2010-005]

##### 1) Eligible Districts

Parcels shall have a CN, CL-O, CC, CH-O, CG or MUPD Zoning district, or combination thereof. MUPD may also include applicable prior approvals identified in Art. 3.E.3.A.2, Applicability [Ord. 2010-005]

##### 2) Intensity Limits

Application of IRO standards shall be made based upon the lesser of either the actual FLU designation for the site, or the Zoning district equivalent as identified in the table below: [Ord. 2010-005]

TABLE 3.B.16.B – ZONING/FLU EQUIVALENT				
ZONING DISTRICT(S) OF SUBJECT SITE	MAXIMUM FLU DESIGNATION			
	CL-O	CH-O	CL	CH
CL-O	✓			
CH-O		✓		
CN			✓	
CC			✓	
CG				✓
MUPD	(1)	(1)	(1)	(1)
[Ord. 2010-005]				
NOTES:				
1. Not applicable, apply FLU designation(s) for subject site.				
EXAMPLES:				
Existing Zoning	(Zoning/FLU Equivalent)	Existing FLU	Apply	Least Intense
CN	(CL)	CH	=	CL
CLO	(CLO)	CHO	=	CLO
CG	(CH)	CL	=	CL
MUPD	(N/A)	CL	=	CL

## 5. Conflicts

If a conflict exists, the provisions of this Section shall apply to the extent of the conflict, unless stated otherwise herein. [Ord. 2010-005]

### C. Future Land Uses and Density/Intensity

Density and intensity shall be in accordance with the FLU designation and related Zoning PDRs for the subject site as described herein. [Ord. 2010-005]

#### 1. Split by FLU Designations

Uses permitted, PDRs, density and intensity shall be determined by the land use designation on the affected area. Density may be transferred from one portion of the site to another. [Ord. 2010-005]

#### 2. Density

There are no minimum density requirements. The maximum allowable density shall be in accordance with Table 2.1-1 of the Plan and related Policies, and Art. 5.G, Density Bonus Programs. [Ord. 2010-005]

#### 3. Intensity Bonus Incentive (FAR Increases)

The maximum allowable FAR for an IRO project with a CL or CH FLU designation may be increased up to 1.0 in accordance with Table 3.B.16.C, IRO FAR Increase. The maximum permissible increase is limited to those subject sites having sufficient land area to allow for establishment of the core transect zone, so as to encourage the assembly of smaller parcels. [Ord. 2010-005]

TABLE 3.B.16.C – IRO FAR INCREASE

TRANSECT ZONE	MAXIMUM FAR			
	CL	CL GREEN (2)	CH	CH GREEN (2)
GENERAL	.25 (1)	.35 (1)	.50	.75
CORE	.35 (1)	.50	.75	1.0
[Ord. 2010-005]				
NOTES				
1. May be increased up to .50 for accessory-retail projects, in accordance with the Plan.				
2. Applicable when a project achieves sufficient points to be classified as Green Architecture pursuant to Art.5.C, Design Standards.				

#### 4. Mixed Use Projects

A mixed use project that vertically integrates at least 20 percent of allowed residential units with non-residential uses shall be allowed to utilize up to 100 percent of both a site's residential density and commercial intensity. [Ord. 2010-005]

### D. Application Requirements

#### 1. Pre-Application Conference (PAC)

All applications for an IR rezoning or an IRO project shall require a PAC pursuant to procedures in Art. 2.A.1.E, Pre-Application Conference. [Ord. 2010-005]

#### 2. Plan Requirements

Required plans shall comply with Art. 2.A.1.G.3, Plan Requirements, and the Zoning Technical Manual. [Ord. 2010-005]

##### a. Preliminary Master Plan

The BCC shall approve a preliminary master plan for a rezoning to the IR district. [Ord. 2010-005]

##### 1) Effect of BCC Approval

BCC approval of a preliminary master plan, or any other plans submitted voluntarily by the applicant, shall be binding upon the property owners subject to the development order, their successors or assignees, and shall constitute the development regulations for the land. [Ord. 2010-005]

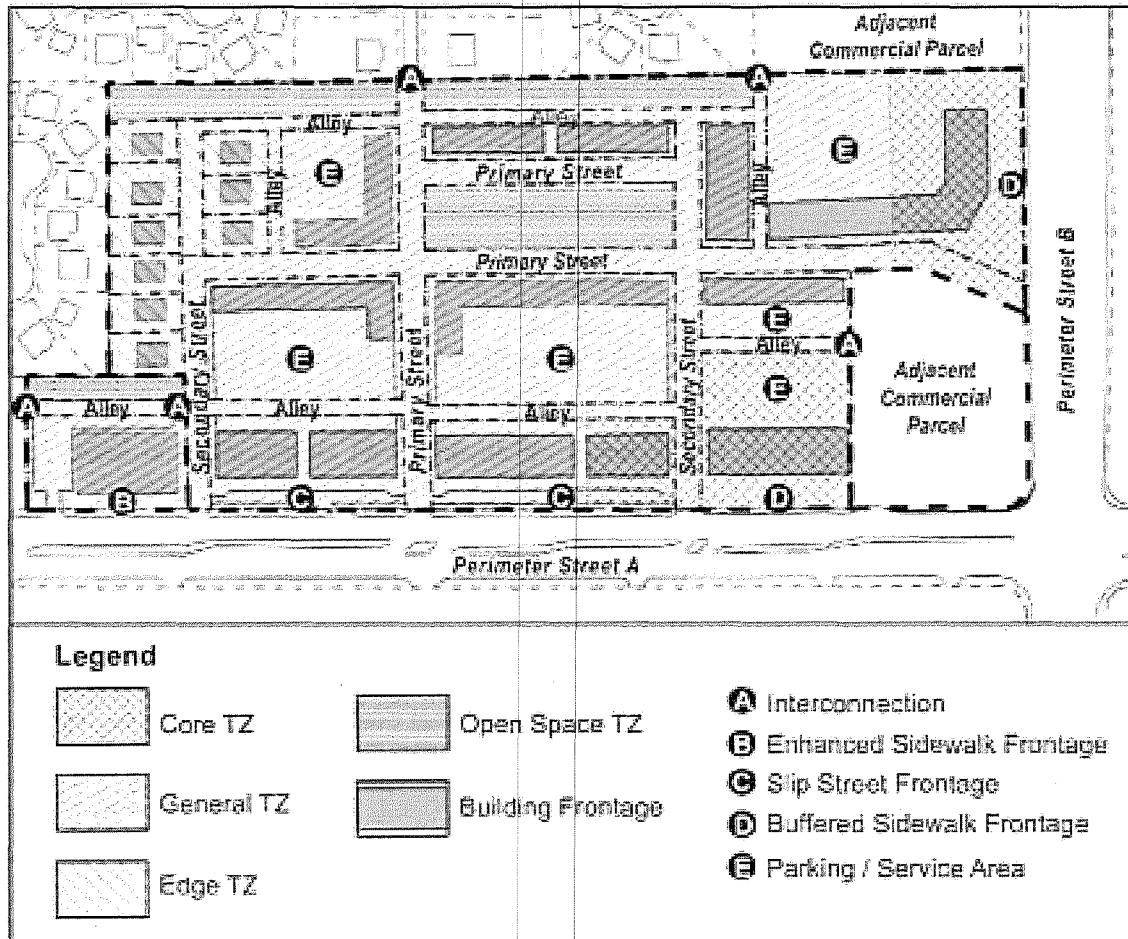
##### 2) Additional Requirements

The preliminary master plan shall also include the following, as applicable: [Ord. 2010-005]

- Intensity or density, including any mix of uses and vertical integration for any project proposing to use Art. 3.B.16.C.4, Mixed Use Projects; [Ord. 2010-005]
- Transect zones assigned to all land; [Ord. 2010-005]
- Vehicular and pedestrian circulation, including location of access points and interconnectivity to adjacent parcels; perimeter streets; and the internal street network, including alleys; [Ord. 2010-005]
- General building location, including any tenants 65,000 square feet or larger and pedestrian streetscape realm for all perimeter street frontages; [Ord. 2010-005]
- Location of any requested uses; [Ord. 2010-005]
- General location of parking, loading, and service areas; and, [Ord. 2010-005]

- g) General location of required usable open space. [Ord. 2010-005]

**Figure 3.F.16.D – Typical Example of IRO Preliminary Master Plan**



Ord. 2010-005

**b. Other Plans**

**1) Regulating Plan**

The DRO shall approve a regulating plan or alternative design standards. [Ord. 2010-005]

**2) Master Sign Plan**

Shall not be required for BCC approval if no freestanding signs are proposed, excluding directional signage. [Ord. 2010-005]

**3) Architectural Elevations**

Shall be in accordance with Art. 5.C, Design Standards. [Ord. 2010-005]

**c. Final Plans**

Shall include the additional requirements listed above under the preliminary master plan, as applicable. [Ord. 2010-005]

**1) Final Site Plan or Subdivision Plan**

The DRO shall approve a final site plan or final subdivision plan(s) for all land areas located within an IRO project. [Ord. 2010-005]

**3. Zoning Director Waivers**

An applicant may apply for a waiver from as specified in Table 3.B.16.G, IRO Waivers. [Ord. 2010-005]

**a. Standards**

An application for a waiver shall be submitted in a form specified by the Zoning Director. When considering whether to approve, approve with conditions, or deny a waiver request, the Zoning Director shall consider the following standards: [Ord. 2010-005]

- 1) The waiver does not create additional conflicts with this Section of the ULDC, and is consistent with the stated purpose and intent and standards for the IRO; [Ord. 2010-005]
- 2) The waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-005]
- 3) The alternative design option recommended as part of the waiver approval, if granted, will not adversely impact users of the IRO project or adjacent properties. [Ord. 2010-005]

**b. Appeal**

An appeal on any Zoning Director's decision shall be made to the Zoning Commission pursuant to Art. 2.A.1.S.1, Non-Judicial Relief, in an application form specified by the Zoning Director. [Ord. 2010-005]

**E. General Design Standards**

An IRO project shall be designed in a manner that establishes an enhanced pedestrian environment by providing a functional interface with perimeter streets and abutting uses. This is accomplished by regulating the following: site layout; interconnectivity; location of intensity and density; building and parking placement; building form; and provision of an enhanced streetscape and usable pedestrian amenities. [Ord. 2010-005]

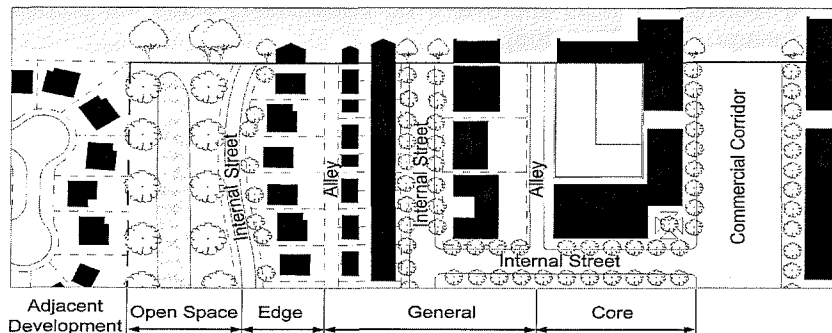
**1. Streets, Access and Interconnectivity**

The IRO is primarily intended to accommodate smaller parcels fronting commercial corridors, and establishes perimeter frontage standards for building setbacks and streetscape improvements based upon the size or intensity of such streets. Larger IRO projects shall be designed to create block configurations composed of primary and secondary streets, and alleys. Access from perimeter streets shall be limited to primary streets where feasible, and rear alley access, with exception to smaller parcels which may use access ways to comply with rear alley requirements. IRO projects shall provide for the establishment of an alley system that connects to abutting commercial parcels, providing for an alternative slow speed vehicular access system running parallel to commercial corridors. Additional connectivity shall be required where larger parcels establish new intersections from internal streets and alleys. [Ord. 2010-005]

**2. Transect Zones (TZ)**

Transect Zones are distinct categories that define and organize density and intensity ranging from the most urban to the least urban. The IRO requires the application of one or more of the following four transect zones to all land within an IRO project: Core, General, Edge and Open Space. The primary intent is to facilitate the development of urban forms while providing for gradual transitions in building scale and use intensity, rather than rigid distinctions. The following describes the four TZ types: [Ord. 2010-005]

**Table 3.F.16.E – Generalization of IRO Transect Zones**



[Ord. 2010-005]



**a. Core**

The most intense TZ typically comprised of larger interconnected commercial or mixed use buildings that create a continuous street wall along one or more streetscapes. Using the Core TZ may also require the use of the General or Edge TZ if the parcel is adjacent to residential uses or parcels with a residential FLU designation, so as to provide a compatible transition. [Ord. 2010-005]

**b. General**

A moderately intense TZ comprised of a wide range of building types including smaller interconnected commercial, mixed use, and multi-family buildings. The General TZ may be used as a transition between the Core TZ and less intense zones or abutting uses, or for smaller parcels with size constraints. [Ord. 2010-005]

**c. Edge**

A low intensity TZ comprised of residential or work live uses that are compatible with or similar in scale to adjoining residential neighborhoods. The Edge TZ may be used to provide an appropriate transition between the Core or General TZs and abutting residential uses. [Ord. 2010-005]

**d. Open Space**

A passive TZ comprised primarily of unbuilt, landscaped areas. Open space may be surrounded by another TZ or used as a buffer between the General TZ and development on abutting parcels. Typical uses include passive civic, recreation or other public open spaces such as plazas and squares, or drainage retention areas, environmental preservation, or perimeter landscape buffers. [Ord. 2010-005]

**3. Buildings**

All buildings shall be located along perimeter streets first, and then may be located internally, provided they front a primary street and are clustered with perimeter buildings. [Ord. 2010-005]

**a. Building Types**

There are five general building types permitted in the IRO: block, liner, courtyard, and townhouse, with additional standards for civic uses, accessory structures and related outdoor uses. [Ord. 2010-005]

**1) Block**

A type of building with little or no substantial deviations in any facades typically used to accommodate single floor uses of up to 65,000 square foot per floor. [Ord. 2010-005]

**2) Liner**

A specialized type of building, used to conceal parking garages, large footprint building (large scale development or multi-tenant) in excess of 65,000 square feet in size, and may also include green spaces, plazas or squares. Liner buildings may be attached to, or have rear alley access separating the use to be concealed, and shall be the same height as the use to be concealed. [Ord. 2010-005]

**3) Courtyard**

A type of building arranged around a courtyard, such as a garden, patio, plaza or square that is open to the sky, and dedicated for common use. [Ord. 2010-005]

**4) Civic**

A type of building used to accommodate public or private civic uses. Deviations from IRO property development regulations may be permitted, where stated, when a public plaza, square or other passive open space area is incorporated into the site. [Ord. 2010-005]

**5) Townhouse**

A type of building primarily intended for residential use that may also be used as a work/live space or unit. While a townhouse building is intended to be developed using individual lots and party walls, it may also be developed as multi-family if developed consistent with all townhouse requirements. A townhouse building shall comply with Art. 3.D.2.A, Townhouse and all other related ULDC provisions, unless expressly stated otherwise herein. [Ord. 2010-005]

**b. Accessory Structures and Outdoor Uses**

Shall be located so as to be screened from view from streets and to minimize any adverse impacts to adjacent residential properties. [Ord. 2010-005]

**4. PARKING AND LOADING**

Required parking and loading for each tenant shall be located to the rear of buildings. Parking shall only be permitted in front of buildings in the form of on-street parking. Parking may be allowed on the side of buildings only if minimum frontage requirements have been addressed. [Ord. 2010-005]

**5. Streetscape and Usable Open Space**

- a. A pedestrian oriented streetscape shall be provided along all perimeter, primary and secondary street frontages; [Ord. 2010-005]
- b. Plazas, squares and other forms of usable open space shall be located in front of or adjacent to buildings; and, [Ord. 2010-005]
- c. Additional sidewalks or pathways shall be provided to establish a complete pedestrian network that links all uses and parking lots to perimeter street frontages. [Ord. 2010-005]

**6. Landscaping and Open Space Transitional Elements**

Landscaping in an IRO project shall be designed to enhance pedestrian areas, allow for improved visual surveillance from building windows, and minimize impacts to adjacent residential developments. Drainage retention areas, preserves and other similar low intensity open space areas shall be located so as to provide a transition between commercial uses and existing adjacent residential uses, or parcels with a residential FLU designation, when possible. [Ord. 2010-005]

**F. Design and Development Standards**

An IRO project shall comply with the following: [Ord. 2010-005]

**1. Access and Frontage**

Access shall be limited to minimize curb cuts to streets so as to improve traffic flow and reduce adverse impacts to pedestrian walkways. Where feasible, access from rear alleys is encouraged. [Ord. 2010-005]

**a. External**

No more than one access point shall be permitted for each 160 linear feet of street frontage, and shall be in the form of a street or alley, unless exempted otherwise herein. Parcels with side street frontages shall be required to provide rear alley access or a larger street, unless bounded by a street along the rear property line. [Ord. 2010-005]

**b. Internal**

No more than one access point or alley shall be permitted for each 160 linear feet of street frontage to allow for access to parking and loading, drive through facilities, or other similar uses. [Ord. 2010-005]

**c. Small Parcel Exception**

Parcels with less than 160 feet of frontage shall be permitted to establish one access point along a perimeter street; however, alley access shall be encouraged as the primary means of vehicular access where feasible. [Ord. 2010-005]

**2. Block Standards**

Blocks shall be created by utilizing streets and alleys to provide continuous pedestrian and vehicular circulation, interconnectivity and accessibility in IRO projects. Any new blocks created, whether required or voluntary, shall be in accordance with the following: [Ord. 2010-005]

**a. Applicability**

Blocks are required for projects five or more acres in size, or where the subdivision of land is proposed, excluding lot recombination. [Ord. 2010-005]

**b. Minimum Dimensions**

**TABLE 3.B.16.F. - BLOCK DIMENSION REQUIREMENTS**

<b>BLOCK PERIMETER (TOTAL)</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
No Pedestrian Pass Through, or	640	1,600 ft.
With Pedestrian Pass Through	640	2,200 ft.
<b>BLOCK LENGTH (SINGLE SIDE)</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
No Pedestrian Pass Through, or	160	600 ft.
With Pedestrian Pass Through	160	750 ft.
[Ord. 2010-005]		

**c. Block Frontage**

All blocks shall have frontage on a perimeter or internal street frontage. Streets shall be used to interconnect blocks. When using alleys to meet block requirements, they shall only be permitted along the side or rear of a block where streets are not required. [Ord. 2010-005]

**d. Subdivision**

Any subdivision of land shall comply with all lot dimensions applicable to the IR district, with exception to townhouse lots. [Ord. 2010-005]

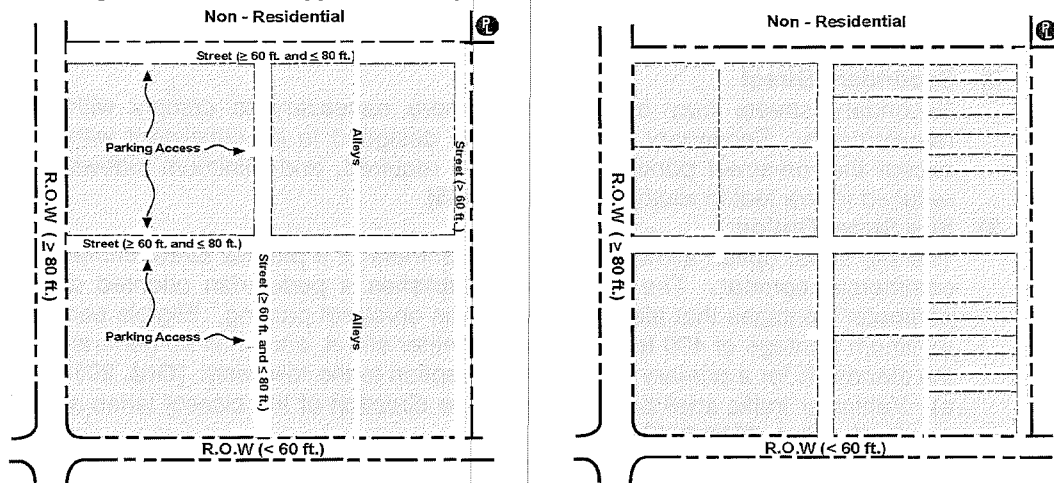
**e. PDD Subdivision Alternative**

An IRO project may apply for an exemption from subdivision recordation requirements and subdivide by fee title conveyance of individual lots in accordance with the approval process and requirements of Art. 11.A.6.B, Subdivision of Commercial and Industrial Building Sites. [Ord. 2010-005]

**f. Exceptions**

Where new blocks are required, exceptions shall be permitted only where PBC DEPW requirements preclude required vehicular access points necessary to complete the block structure. [Ord. 2010-005]

**Figure 3.B.16.F – Typical Example of IRO Blocks, Streets and Subdivision**



[ORD. 2010-005]

**3. Street Standards**

This code addresses the design of external and internal streets and establishes related standards to ensure that pedestrian amenities and walkways, buildings and other improvements are properly and safely situated. Vehicular circulation and interconnectivity shall be established using a system of streets and alleys, unless exempted herein. Streets are used to create connections between parcels, establish blocks, and provide frontage for buildings that are not located with frontage on a perimeter street. Alleys provide links between adjacent parcels along the rear of lots, behind buildings, and to link parking areas. [Ord. 2010-005]

**a. Perimeter Street Types**

Building perimeter frontages and setbacks shall be determined by the width of the ultimate street R-O-W. All perimeter streets shall be classified as indicated in Table 3.B.16.G, Perimeter Street Types. [Ord. 2010-005]

**Table 3.B.16.F. – Perimeter Street Types**

STREET TYPE	ULTIMATE R-O-W WIDTH		
	< 60 Ft.	≥ 60 AND < 80 Ft.	≥ 80 Ft.
Type I R-O-W	✓		
Type II R-O-W		✓	
Type III R-O-W			✓
[Ord. 2010-005]			
Notes:			
✓ Means applicable.			

**1) Exceptions**

A Type I or Type II street type may be used to apply the standards of this code if the street meets one of the following situations: [Ord. 2010-005]

- a) Street has a limited number of travel lanes and large medians, or on-street parking; or **[Ord. 2010-005]**
- b) Where streets are designed with narrower lanes and official posted speed limits are 35 mph or less, a Type II R-O-W may be applied, or where 30 mph or less, a Type I R-O-W may be applied. **[Ord. 2010-005]**

**b. Internal Street Types**

Internal streets shall include primary streets, secondary streets, slips streets and alleys. For the purposes of the IRO, internal streets may include access ways or driveways, provided they comply with the design standards herein; however, new internal streets or alleys designated as private or public R-O-W shall also comply with any Engineering requirements. **[Ord. 2010-005]**

**1) Primary Street**

The design for the street, on-street parking and streetscape shall comply with Figure 3.F.2.A, TDD Commercial Street, or the TMD design exception summarized in Art. 3.F.4.D.2.a.1), Design Exception as illustrated in Figure 3.F.4.D, Typical Example of TMD Commercial Street with Angled Parking. If required, primary streets shall serve to establish the main pedestrian routes of a project. **[Ord. 2010-005]**

**2) Secondary Street**

Secondary streets may be permitted where necessary to comply with block structure requirements. Secondary streets shall be designed to be consistent with primary streets, except that on-street parking shall not be required, and minimum sidewalk width may be reduced to five feet in width. **[Ord. 2010-005]**

**3) Slip Street Option**

The slip street option allows for the establishment of a parallel street immediately abutting a commercial corridor. The slip street establishes a pedestrian oriented streetscape along perimeter frontages that also accommodates on-street parking. Eligible parcels shall have a minimum frontage of 400 feet along a perimeter street, and shall be generally consistent with the standards for a primary street, with exception to the following: **[Ord. 2010-005]**

- a) Vehicular traffic shall be one way, in the direction of the closest lanes on the abutting R-O-W; **[Ord. 2010-005]**
- b) The street shall be a minimum of 12 feet wide, or as required by the County Engineer; **[Ord. 2010-005]**
- c) Vehicle stacking and interaction with any access points shall be as required by the County Engineer; and, **[Ord. 2010-005]**
- d) On-street parking shall only be required on one side of the street. **[Ord. 2010-005]**

**4) Alleys**

Alley access shall not be permitted from primary streets. Alleys shall conform to the requirements of Art. 3.F.2.A.1.e, Alleys. **[Ord. 2010-005]**

**c. Streetscape**

Street trees, street lights, sidewalk dimensions and other pedestrian amenities shall be in accordance with the streetscape standards defined in Art. 3.B.16.F.8, Streetscape Standards. **[Ord. 2010-005]**

**4. Interconnectivity Standards**

Interconnectivity to adjacent residential parcels is encouraged, but not required. Interconnectivity shall be required to any non-residential development or vacant parcel with a non-residential use, FLU designation or Zoning district abutting an IRO project. In addition, the following shall apply. **[Ord. 2010-005]**

**a. Street Connections**

Parcels required to or proposing to establish a block structure, shall provide interconnectivity where any new internal intersections abut adjacent parcels. **[Ord. 2010-005]**

**b. Parallel Alley**

All parcels with frontage on a commercial corridor shall install an alley running parallel to the corridor. The alley shall be generally located along the rear property line, or at a point that allows interconnectivity to shallower abutting lots. Where new blocks are not required or proposed, alleys may be incorporated as drive aisles within parking lots. In the event the adjacent parcel is undeveloped, a stub out shall be provided to accommodate future connections. **[Ord. 2010-005]**

**c. Gates**

The use of gates or other similar barriers is prohibited. Exceptions are permitted for the following: dumpsters, loading areas, and private garages or parking lots. **[Ord. 2010-005]**

(This space intentionally left blank.)

**d. Cross Access Agreement**

Where interconnectivity is required, an irrevocable cross access easement shall be provided prior to final DRO plan approval. [Ord. 2010-005]

**5. Transect Zone Standards**

Transect zone boundaries shall follow proposed lot lines or be clearly dimensioned for parcels developed under one entity. No land may be assigned two or more transect zones.

Overall parcel size, dimensions, R-O-W frontages, and other abutting parcel uses or FLU designations dictate the type and location of allowable TZs, with the most intense being located along commercial corridors or where adjacent to similar IRO projects, commercial or industrial uses, transitioning to the least intense where needed to address the context of adjacent uses. [Ord. 2010-005]

**a. General Standards**

The following general standards shall be followed when assigning TZs: [Ord. 2010-005]

- 1) The Core TZ should be located adjacent to busy highways, arterials, or collectors; [Ord. 2010-005]
- 2) Changes in TZs should generally occur at the rear of buildings or lots, rather than along streets, with exception to the Open Space TZ; [Ord. 2010-005]
- 3) The Open Space TZ may face other TZs across streets. When the Open Space TZ is used to designate a public open space within the proposed development, it should be surrounded by streets on one or more sides; [Ord. 2010-005]
- 4) When a parcel adjoins existing or approved development, either a similar transect zone or a zone that establishes a compatible transition shall be assigned. [Ord. 2010-005]

**b. Minimum Standards**

The following table establishes minimum standards for assigning each of the four TZs: [Ord. 2010-005]

**TABLE 3.B.16.E – IRO TZ STANDARDS**

PARCEL STANDARDS	TRANSECT ZONE			
	CORE	GENERAL	EDGE	OPEN SPACE
MINIMUM OVERALL PARCEL SIZE	1 acre	N/A	N/A	N/A
MAXIMUM PERCENTAGE OF OVERALL PARCEL	50% (1)	N/A	N/A	N/A
MINIMUM PERCENTAGE OF OVERALL PARCEL	N/A	25%	N/A	N/A (2)
MINIMUM SETBACK FROM ABUTTING RESIDENTIAL	200 ft.	10 ft.	N/A	N/A
REQUIRED FRONTAGE				
ARTERIAL OR COLLECTOR	✓	✓ (3)	N/A	N/A
LOCAL COMMERCIAL STREET (5)	✓	✓ (3)	N/A	N/A
LOCAL RESIDENTIAL STREET (5)	N/A	N/A	✓	N/A
PERMITTED SIDE STREET OR OTHER FRONTAGES				
EXPRESSWAY	✓	✓	✓	✓
LOCAL COMMERCIAL STREET (5)	✓	✓	✓	✓
LOCAL RESIDENTIAL STREET (5)	N/A	✓	✓	✓
RESIDENTIAL ACCESS (5)	N/A	✓ (4)	✓	✓
ALLEYS (INTERNAL) (5)	✓	✓	✓	✓
[ORD. 2010-005]				
NOTES:				
✓ Means applicable or permitted.				
1. Maximum Core TZ may be increased up to 95%, and minimum General TZ may be reduced commensurately, where parcel is abutting on all sides by arterials, collectors, and commercial or industrial parcels up to a depth of a minimum of 200 ft. from the property line. [Ord. 2010-005]				
2. See Article 3.B.16. L, for minimum "Usable Open Space" requirements. [Ord. 2010-005]				
3. General TZ shall be exempt from Arterial or Collector requirement when a Core TZ is used, or where an eligible parcel only fronts on a Local Commercial Street. [Ord. 2010-005]				
4. General TZ frontage only permitted for parcels less than 1 acre in size. [Ord. 2010-005]				
5. Includes any access way meeting IRO street standards. [Ord. 2010-005]				

**6. Building Standards**

The provisions of this section shall be applied in conjunction with any other applicable ULDC standards or limitations for buildings, unless stated expressly herein. [Ord. 2010-005]

**a. Building Placement**

Table 3.B.16.F, Block Dimension Requirements, provides the dimensional requirements for building placement for IRO projects. All building types excluding outdoor uses and related structures, shall comply with the following: [Ord. 2010-005]

**1) Corners**

Where a parcel is located at the intersection of two streets, at least one building shall be placed so as to meet the build-to-lines for both streets. [Ord. 2010-005]

**2) Building Hierarchy**

Building placement shall follow an established order, with initial buildings required to meet minimum placement and frontage requirements along the most intense perimeter streets. Additional buildings may be located on interior main streets, but shall be ordered so as to create a consistent streetscape. [Ord. 2010-005]

**b. Building Property Development Regulations**

The primary façade of all buildings shall front a street and shall be designed in compliance with the following. [Ord. 2010-005]

**1) Perimeter Street Building Frontage**

Building frontage is the percentage of the total width of a lot which is required to be occupied by the primary façade of a building. [Ord. 2010-005]

a) The primary façade shall be parallel to a street, and located in accordance with the build-to-line requirements of the street type; [Ord. 2010-005]

b) Frontage requirements must be addressed for the most intense perimeter streets first. [Ord. 2010-005]

**2) Perimeter Frontage Exceptions**

Once the frontage requirement has been addressed for the most intense perimeter street, exceptions for other perimeter streets shall be permitted where insufficient building intensity is proposed or for less intense side streets. Frontage requirements may be reduced for lots with no rear or side access to required parking as necessary to accommodate a drive isle for ingress/egress. [Ord. 2010-005]

**3) Internal Building Frontage**

Internal buildings shall only be permitted when located fronting a primary street, unless exempted herein. [Ord. 2010-005]

**4) Setback Measurement**

Setbacks shall be in accordance with Table 3.B.16.E, Building Configuration PDRs, and the following: [Ord. 2010-005]

**a) Perimeter Frontage**

Setbacks shall be measured from the edge of ultimate R-O-W, or from the property line, whichever is applicable. [Ord. 2010-005]

**b) Internal Frontage**

Setbacks shall be measured from the proposed building frontage façade to the outside edge of curb. [Ord. 2010-005]

**c) Townhouses**

For the purposes of townhouse units, building placement setbacks shall be used to establish the location of townhouse lots. Additional townhouse building setbacks may be permitted. This may also be applied to multi-family buildings that are constructed to townhouse standards. [Ord. 2010-005]

**d) Side Setback Reduction**

Where permitted, buildings permitted to use a zero side setback reduction shall comply with the following: [Ord. 2010-005]

(1) No windows, doors or other openings are permitted. No portion of a building, including roof eaves, gutters and soffits may encroach onto adjacent parcels; [Ord. 2010-005]

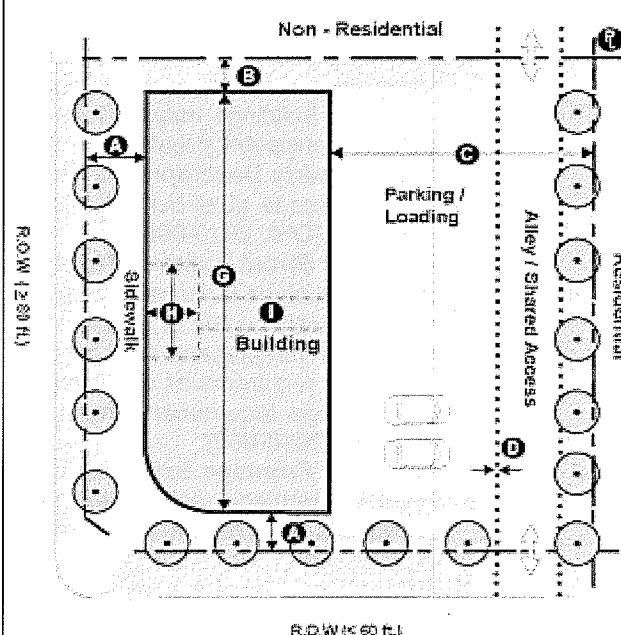
(2) No form of opening, attachment, or any item or method of construction requiring maintenance other than cleaning and painting, when visible, shall be permitted; [Ord. 2010-005]

(3) A maintenance easement is granted allowing for a minimum of two feet for access to any portion of the building left exposed; and, [Ord. 2010-005]

- (4) Height shall be limited to two stories and maximum of 30 feet. Additional height may be permitted subject to the standard setback and any other setback requirements. [Ord. 2010-005]

**TABLE 3.B.16.E. – BLOCK BUILDING CONFIGURATION PDRs**

BUILDING PLACEMENT		MIN.	MAX. (1)
A.	Type I ROW Frontage	10 ft.	15 ft.
	Buffered Sidewalk	15 ft.	25 ft.
	Slip Street	42 ft.	50 ft.
	Type II ROW Frontage	10 ft.	20 ft.
	Buffered Sidewalk	18 ft.	35 ft.
	Slip Street	42 ft.	55 ft.
	Type III ROW Frontage	15 ft.	25 ft.
	Buffered Sidewalk	20 ft.	40 ft.
	Slip Street	47 ft.	75 ft.
	Internal Street Frontage	15 ft.	25 ft.
B.	Non-Residential	10 ft. (2)	N/A
C.	Residential (IRO Project)	10 ft.	N/A
	Residential (Non-IRO Project) (6)	30 ft.	N/A
D.	Between rear parking and alley	5 ft. (3)	N/A
BUILDING FRONTAGE % (4)		MIN.	MAX.
G.		50%	100%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		N/A	275 ft.
COURTYARD % OF FOOTPRINT		MIN.	MAX.
H.		N/A	10%
COURTYARD DIMENSIONS		MIN.	MAX.
H.		15 ft.	30 ft.
PEDESTRIAN PASS THRU (4)(5)		MIN.	MAX.
I.	Separation (4)	100 ft.	300 ft.
	Width	10 ft.	20 ft.



[Ord. 2010-005]

**NOTES**

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005]
2. May be reduced to 0 ft. where in compliance with provisions for side setback reduction. [Ord. 2010-005]
3. Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements. [Ord. 2010-005]
4. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings. [Ord. 2010-005]
5. Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less. [Ord. 2010-005]
6. Means adjacent residential parcels that are not located within a development using IRO regulations. [Ord. 2010-005]

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**TABLE 3.B.16.E. – LINER BUILDING CONFIGURATION PDRs**

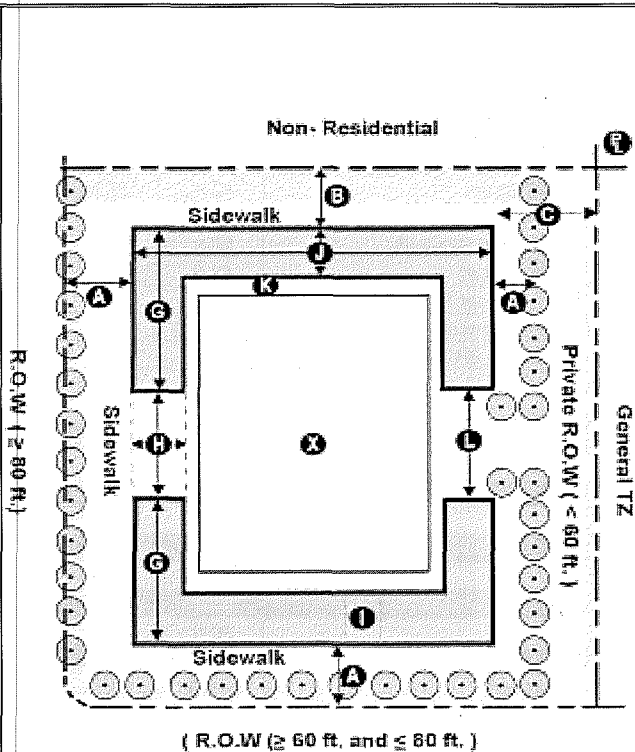
BUILDING PLACEMENT		MIN.	MAX. (1)
A	Type I ROW Frontage	10 ft.	15 ft.
	Buffered Sidewalk	15 ft.	25 ft.
	Slip Street	42 ft.	50 ft.
	Type II ROW Frontage	10 ft.	20 ft.
	Buffered Sidewalk	18 ft.	35 ft.
	Slip Street	42 ft.	55 ft.
	Type III ROW Frontage	15 ft.	25 ft.
	Buffered Sidewalk	20 ft.	40 ft.
	Slip Street	47 ft.	75 ft.
	Internal Street Frontage	15 ft.	25 ft.
B	Non-Residential	10 ft. (2)	N/A
C	Residential (IRO Project)	10 ft.	N/A
	Residential (Non-IRO Project) (7)	30 ft.	N/A
D	Between rear parking and alley	5 ft. (3)	N/A
BUILDING FRONTAGE % (4)		MIN.	MAX.
G.		60%	100%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		200 ft.	400 ft.
COURTYARD % OF FOOTPRINT		MIN.	MAX.
H.		N/A	10%
COURTYARD DIMENSIONS		MIN.	MAX.
H.		15 ft.	30 ft.
PEDESTRIAN PASS THRU (4)(5)		MIN.	MAX.
I.	Separation <sup>4</sup>	100 ft.	300 ft.
	Width	10 ft.	20 ft.
LINER AND INTERIOR STANDARDS		MIN.	MAX.
J. (6)	Depth	30 ft.	100 ft.
	Length	75 %	100 %
K.	Separation	N/A	N/A
L.	Parking Access	N/A	10%
X.	Internal Use	N/A	N/A

**[Ord. 2010-005]**

**NOTES**

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer. **[Ord. 2010-005]**
2. May be reduced to 0 ft. where in compliance with provisions for side setback reduction. **[Ord. 2010-005]**
3. Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements. **[Ord. 2010-005]**
4. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings. **[Ord. 2010-005]**
5. Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less. **[Ord. 2010-005]**
6. Liner dimensions shall apply to all façades used to conceal a large footprint tenant that front a perimeter-street, slip-street, primary-street, and usable open space. Additional standards may apply to parking garage structures. **[Ord. 2010-005]**
7. Means adjacent residential parcels that are not located within a development using IRO regulations. **[Ord. 2010-005]**



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**TABLE 3.B.16.E. – COURTYARD BUILDING CONFIGURATION PDRS**

BUILDING PLACEMENT		MIN.	MAX. (1)
A.	Type I ROW Frontage	10 ft.	15 ft.
	Buffered Sidewalk	15 ft.	25 ft.
	Slip Street	42 ft.	50 ft.
	Type II ROW Frontage	10 ft.	20 ft.
	Buffered Sidewalk	18 ft.	35 ft.
	Slip Street	42 ft.	55 ft.
	Type III ROW Frontage	15 ft.	25 ft.
	Buffered Sidewalk	20 ft.	40 ft.
	Slip Street	47 ft.	75 ft.
B.	Internal Street Frontage	15 ft.	25 ft.
	Non-Residential	10 ft. (2)	N/A
C.	Residential (IRO Project)	10 ft.	N/A
	Residential (non IRO Project) (6)	30 ft.	N/A
D.	Between rear parking and alley	5 ft. (3)	N/A
BUILDING FRONTAGE % (4)		MIN.	MAX.
G.		60%	100%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		N/A	300 ft.
COURTYARD % OF FOOTPRINT		MIN.	MAX.
H.		10%	25%
COURTYARD DIMENSIONS		MIN.	MAX.
H.		30 ft.	N/A
PEDESTRIAN PASS THRU (4)(5)		MIN.	MAX.
I.	Separation	100 ft.	300 ft.
	Width	10 ft.	20 ft.

**[Ord. 2010-005]**

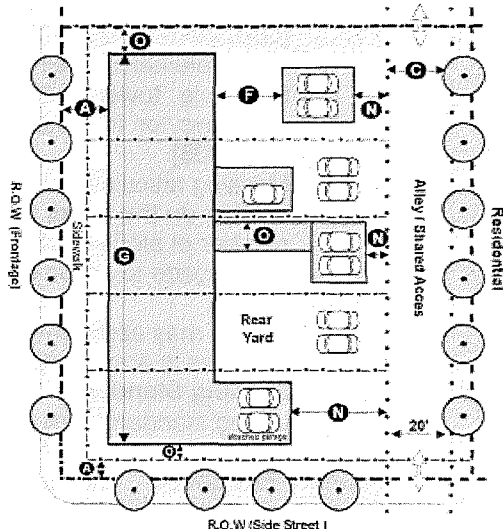
**NOTES**

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer. **[Ord. 2010-005]**
2. May be reduced to 0 ft. where in compliance with provisions for side setback reduction. **[Ord. 2010-005]**
3. Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements. **[Ord. 2010-005]**
4. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings. **[Ord. 2010-005]**
5. Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less. **[Ord. 2010-005]**
6. Means adjacent residential parcels that are not located within a development using IRO regulations. **[Ord. 2010-005]**

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**TABLE 3.B.16.E. – TOWNHOUSE LOT AND BUILDING CONFIGURATION PDRs**

LOT PLACEMENT		MIN.	MAX. (1)
A	Type I ROW Frontage	10 ft.	15 ft.
	Buffered Sidewalk	15 ft.	25 ft.
	Slip Street	42 ft.	50 ft.
	Type II ROW Frontage	10 ft.	20 ft.
	Buffered Sidewalk	18 ft.	35 ft.
	Slip Street	42 ft.	55 ft.
	Type III ROW Frontage	Prohibited	
	Internal Street Frontage	15 ft.	25 ft.
	Non-Residential	10 ft.	N/A
B	Residential (IRO Project)	10 ft.	N/A
C	Residential (non IRO Project) (4)	30 ft.	N/A
BUILDING FRONTAGE % (2)		MIN.	MAX.
G.		50%	96%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		32 ft.	250 ft.
WING STANDARD (3)		MIN.	MAX.
M.	Wing Width	N/A	50%
BUILDING SETBACKS (3)		MIN.	MAX.
N.	Rear Setback to Alley	5 ft.	N/A
O.	Front/End Setbacks	5 ft.	10 ft.



**[Ord. 2010-005]**

**NOTES**

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer. **[Ord. 2010-005]**
2. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings. **[Ord. 2010-005]**
3. Townhouse, including wings, garages or accessory dwellings 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.9, Prohibited Openings and Attachments except for any first floor that is set back a minimum of ten feet from the PL. **[Ord. 2010-005]**
4. Means adjacent residential parcels that are not located within a development using IRO regulations. **[Ord. 2010-005]**

**c. Building Type by Transect Zone**

The implementation of the transect zones includes identifying the placement of buildings by type so as to allow for the proper location of higher intensity uses while ensuring consistency with the context of less intensive neighboring uses, where applicable. **[Ord. 2010-005]**

**TABLE 3.B.16.I. – BUILDING TYPE BY TRANSECT ZONE**

BUILDING TYPE	TRANSECT ZONES			
	CORE	GENERAL	EDGE	OPEN SPACE
BLOCK	✓	✓		
LINER	✓	(1)		
COURTYARD		✓	✓	
CIVIC	✓	✓	✓	
TOWNHOUSE		✓	✓	

**[ORD. 2010-005]**

**NOTES:**

✓ Means applicable or permitted.

1 Building type may be permitted where located a minimum of 200 feet from adjacent parcels with residential FLU designation or uses.

**d. Special Building Standards**

**1) Pedestal Building**

The following standards shall apply where any building exceeds either 4 stories or 48 feet in height. **[Ord. 2010-005]**

- a) A horizontal recess line of at least 15 feet is required along at least 50 percent of building facades facing streets; and, **[Ord. 2010-005]**
- b) Massing is regulated using a percentage of maximum size of the floor footprint of the building footprint per each story above the height limit threshold. All additional

construction above this threshold shall be limited to 65 percent of the 1st floor footprint, as follows: **[Ord. 2010-005]**

- (1) The main volume of the building shall be oriented toward perimeter or primary streets, away from side or rear lot lines to reduce impact on adjacent properties; **[Ord. 2010-005]**
- (2) Tower elements shall be located to appropriately respond to the condition of the site. Desirable tower locations emphasize street corners, main building entrances, gateways, or the visual axis of another street or usable open space; and, **[Ord. 2010-005]**
- (3) Massing articulation shall not wholly occur within the center of the block and must be evident on the street façade(s) using architectural variations such as changes in the number of stories, articulations in the eave or roofline, or adjusting the location of the front façade to accommodate civic open space. **[Ord. 2010-005]**

**2) Civic Building**

A civic building may apply any one or combination of block, liner or courtyard building type, or apply for waivers in accordance with Table 3.B.16.G, IRO Waivers. **[Ord. 2010-005]**

**e. Additional Building Standards**

Additional building standards are established to provide design standards to facilitate pedestrian access and circulation. **[Ord. 2010-005]**

**1) Primary Entrances**

The primary entrance for all 1st floor tenants must directly face a street, or a courtyard, plaza, square or other form of usable open space fronting a street. Access for tenants located on upper floors shall provide similar entrances, but may be permitted to deviate from this requirement on sites less than one acre in size. In either situation, street access may be in the form of common lobbies, elevators, stairwells, or other form of consolidated access. There are no limits on the allowable number of primary entrances. **[Ord. 2010-005]**

**2) Secondary Entrances**

Each tenant may be permitted to have additional entrances located at side or rear facades facing a parking lot or other area, subject to the following limitations: **[Ord. 2010-005]**

- a) Shall not exceed the number of primary entrances. **[Ord. 2010-005]**
- b) Limitations shall not apply to service access or emergency exits. **[Ord. 2010-005]**

**3) Windows on Facades Facing Streets**

Non-residential and multi-family building facades facing perimeter and primary streets or usable open space must have transparent windows covering between 35 to 75 percent of the wall area of each story as measured between finished floors, to allow transmission of visible daylight. **[Ord. 2010-005]**

**4) Outdoor Uses**

Additional standards are established for non-residential outdoor uses, excluding passive recreation areas or other similar uses, to ensure compatibility with the streetscape, usable open space areas, and any abutting residential uses or parcels with a residential FLU designation. **[Ord. 2010-005]**

**a) Residential Setbacks**

Outdoor uses shall be setback a minimum of 200 feet from any abutting residential use or parcel with a residential future land use designation, unless approved by the BCC as a Class A Conditional Use. This shall include vehicular access and parking for vehicular related uses such as gasoline sales, car washes, or drive through facilities. **[Ord. 2010-005]**

**b) Screening**

Outdoor uses shall be framed by either of the following, or a combination of both: **[Ord. 2010-005]**

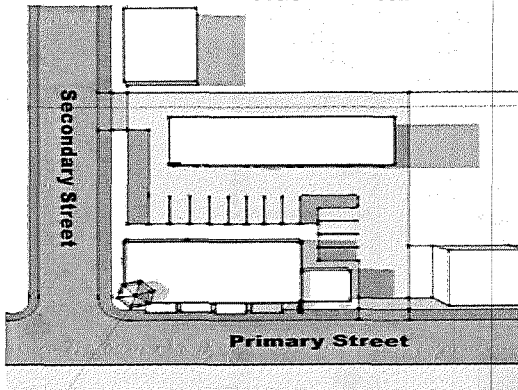
- (1) Buildings or similar structures on all four sides; or, **[Ord. 2010-005]**
- (2) A five foot wide landscape strip that includes a 30 inch high hedge or concrete street wall, with multi-trunk or flowering trees planted 30 feet on center. Breaks to allow for pedestrian access shall be permitted. **[Ord. 2010-005]**

**c) Drive-through and Gasoline Service Location**

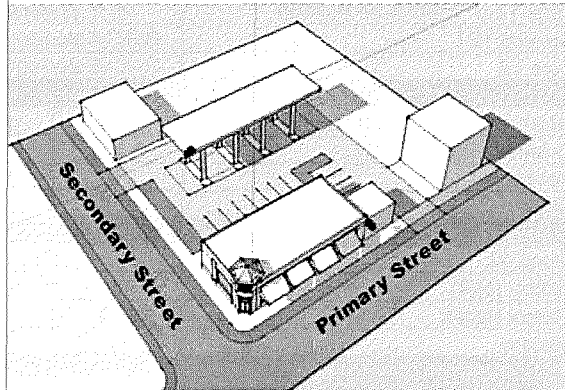
A minimum of 50 percent of all drive-through lanes and gasoline service areas, inclusive of pump islands, canopies, and queuing areas shall be located behind buildings that comply with minimum frontage standards, and shall be consistent with Figure 3.F.16.F,

Gasoline Service Station and Figure 3.F.16.F, Typical Drive-through Configurations. [Ord. 2010-005]

FIGURE 3.F.16.F – TYPICAL GASOLINE SERVICE FACILITIES



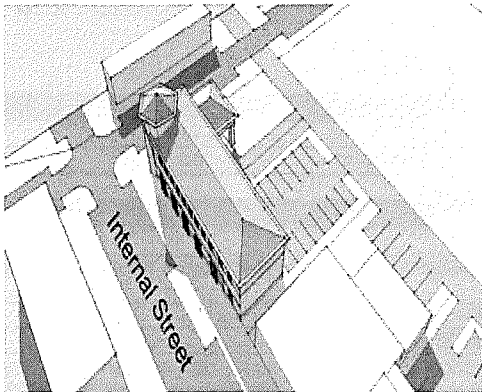
[Ord. 2010-005]



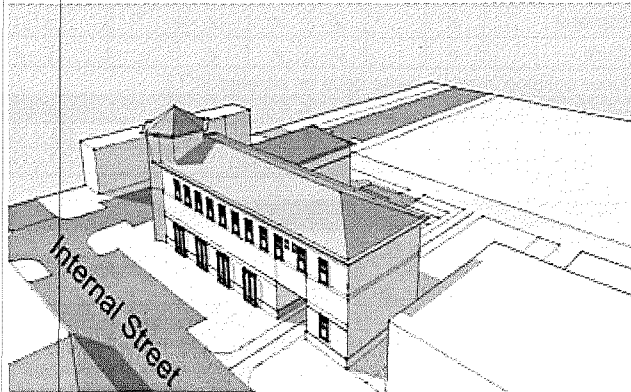
**d) Drive-through Facility Exception**

Exceptions shall be permitted for drive through facilities that are located inside a building or side façade where vehicular traffic exits onto a Type I R-O-W, subject to approval by the County Engineer, where designed similar to Figure 3.F.16.F, Typical Drive Through Configurations. [Ord. 2010-005]

FIGURE 3.F.16.F – TYPICAL DRIVE THROUGH CONFIGURATIONS



[Ord. 2010-005]



**5) Building Elevations, Height and Use By Floor**

The following tables establish regulations for building height and building encroachment in each TZ to address compatibility and visual impact issues. [Ord. 2010-005]

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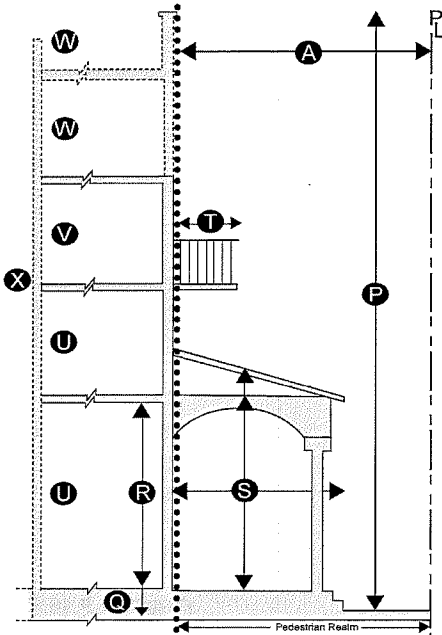
**TABLE 3.B.16.F – PEDESTAL, LINER, BLOCK, COURTYARD AND CIVIC BUILDING HEIGHT AND USE**

BUILDING HEIGHT		MAX.							
P.	Edge TZ or Townhouse Building	35 ft. (3 stories)							
	General TZ	60 ft. (4 stories) (1)(2)							
	Core TZ	75 ft. (5 stories) (1)(2)							
INTERIOR HEIGHT		MIN.	MAX.						
Q.	Finished Floor – Residential (5)	1.5 ft.	N/A						
	Finished Floor – Other	0.5 ft.	N/A						
R.	Residential	9 ft.	N/A						
	Other	12 ft.	N/A						
ENCROACHMENT		MIN.	MAX.						
S.	Stoop (4)	-	6 ft.						
	Gallery (3)(4)	10 ft.	12 ft.						
	Gallery Height	10 ft.	15 ft.						
T.	Balcony	-	6 ft.						
USES BY TRANSECT/FLOOR									
	TRANSECT	USES							
		R	C	O	W	CV	RC	U	I
U.	Edge	✓			✓				
	General	✓	✓	✓	✓	✓	✓		
	Core	✓	✓	✓	✓	✓	✓		✓
V.	Edge	✓			✓				
	General	✓		✓	✓	✓			
	Core	✓	✓	✓	✓	✓	✓		✓
W.	Edge	✓			✓				
	General	✓		✓	✓	✓			
	Core	✓		✓	✓	✓			✓
X	Liner building interior, same uses as allowed in TZ.								

USE CLASSIFICATION KEY (REFER TO ART. 5.X.3, USE STANDARDS)			
R = Residential	C = Commercial, Other	O = Commercial, Office	W= Work/Live
CV = Public and Civic	RC = Recreation	U = Utilities and Excavation	I = Industrial

[Ord. 2010-005]

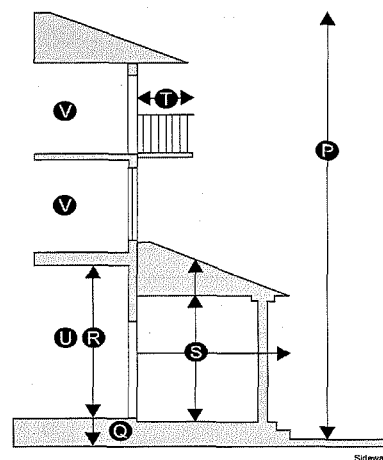
NOTES	
✓	Means applicable or permitted.
1.	Shall be exempt from Art. 3.D.1.E, Height where adjacent to a R-O-W greater than 50 feet in width, or an IRO compliant street (excluding alleys). [Ord. 2010-005]
2.	One additional story and 15 feet in height permitted for Green Building. [Ord. 2010-005]
3.	The required sidewalk zone may be accommodated within a gallery. [Ord. 2010-005]
4.	Encroachment for stoop or gallery (including uses therein such as outdoor dining, benches, or displays) shall not impede required streetscape sidewalk area or be located within five feet of the streetscape street tree planting area. [Ord. 2010-005]
5.	Allowances shall be permitted for single floor units located on the first floor to accommodate ADA requirements. [Ord. 2010-005]



(This space intentionally left blank.)

**TABLE 3.B.16.F – TOWNHOUSE BUILDING HEIGHT AND USE**

BUILDING HEIGHT		MAX.	
P.	Edge	35 ft. (3 stories)	
	General		
INTERIOR HEIGHT		MIN.	MAX.
Q.	Finished Floor – Residential	1.5 ft.	N/A
	Finished Floor – Live/Work Unit	1.5 ft.	N/A
R.	Ceiling – Residential	9 ft.	N/A
	Ceiling – Live/Work Unit	12 ft.	N/A
ENCROACHMENT (1)		MIN.	MAX.
S.	Stoop	N/A	6 ft.
	Front Porch	N/A	8 ft.
	Front Porch Height	N/A	15 ft.
	Balcony	-	6 ft.
USES BY TRANSECT/FLOOR			
	TRANSECT	USES	
		RESIDENTIAL	LIVE/WORK UNIT
U.	Edge	✓	✓
	General	✓	✓
V.	Edge	✓	(2)
	General	✓	✓
NOTES			
✓ Means applicable or permitted.			
1. Encroachment for stoop or front porch shall not impede required streetscape sidewalk area or be located within five feet of the streetscape street tree planting area. [Ord. 2010-005]			
2. Shall only be permitted where uses on the 2 <sup>nd</sup> floor or higher is limited to residential. [Ord. 2010-005]			
3. Allowances shall be permitted for single floor units located on the first floor to accommodate ADA requirements. [Ord. 2010-005]			



## 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

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

### b. Accessory Uses

Accessory uses shall be permitted in accordance with Art. 5.B, Accessory and Temporary Uses. Any proposed use that exceeds the limitations of an accessory use shall only be permitted if allowed above and where in compliance with the requirements of this code. [Ord. 2010-005]

(This space intentionally left blank.)

**TABLE 3.B.16.F.– IRO PERMITTED USE SCHEDULE**

USE TYPE	LAND USE				N O T E
	C L	C H	C L O	C H O	
RESIDENTIAL USES					
Townhouse	D	D	D	D	132
Multi-family	D	D	D	D	87
Accessory Dwelling	D	D	D	D	1
CLF, Type I	D	D	D	D	34
CLF, Type II	D	D	D	D	34
CLF, Type III	A	D	A	D	34
Garage Sale	D	D	D	D	60
Guest Cottage	D	D	D	D	66
Home Occupation	D	D	D	D	70
Nursing Facility	D	D	D	D	90
Security or Caretakers Quarters	D	D	D	D	119
COMMERCIAL USES					
Auction, Enclosed		D			16
Auto Paint or Body Shop		A			17
Auto Service Station	A	A			18
Broadcast Studio	D	D	D	D	21
Building Supplies	D	D			22
Car Wash	A	A			25
Catering Service	D	D			26
Convenience Store	D	D			36
Convenience Store with Gas Sales	A	A			37
Day Labor and Employment Service		A			41
Dispatching Office		D			42
Dog Daycare	D	D	L	L	43
Financial Institution	A	A	A	D	55
Flea Market, Enclosed		D			57
Funeral Home or Crematory		A			59
[Ord. 2010-005]					
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.					

USE TYPE	LAND USE				N O T E
	C L	C H	C L O	C H O	
COMMERCIAL USES (CONTINUED)					
Green Market	D	D	L	L	64
Hotel, Motel, SRO, Rooming And Boarding	A	D			72
Kennel, Type III (Enclosed)	D	D			74-2
Kiosk	D	D	D	D	75
Laundry Services	D	D			78
Lounge, Cocktail	A	A			79
Office, Medical or Dental	D	D			83
Office, Business or Professional	D	D	D	D	91
Parking Garage, Commercial	D	D			95
Parking Lot, Commercial	D	D			96
Pawnshop	A	D			97
Personal Services	D	D			98
Printing and Copying	D	D	D	D	100
Repair and Maintenance, General	A	A			107
Repair Services, Limited	D	D			108
Restaurant, Type I	A	A			109
Restaurant, Type II	D	D			111
Retail Sales, Auto Parts	D	D			113
Retail Sales, General	D	D			114
Retail Sales, Mobile or Temporary	D	D			115
Self Service Storage	D	D			120
Theater, Indoor	D	D			128
Vehicle Sales and Rental	A	A			135
Veterinary Clinic	D	D			136
Vocational School	D	D	D	D	137
Work/Live Space	D	D	D	D	141-1
Live/Work Unit	D	D			141-2

(This space intentionally left blank.)



**TABLE 3.B.16.F – IRO PERMITTED USE SCHEDULE (CONTINUED)**

USE TYPE	LAND USE				N O T E
	C L	C H	C L O	C H O	
PUBLIC AND CIVIC USES					
College or University	D	D			30
Day Camp	D	D			39
Dare Care, General	A	A			40
School, Elementary or Secondary	D	D	D	D	118
Day Care, Limited	A	D			40
Government Services	D	D	D	D	63
Helipad	A	A	A	A	10
Hospital or Medical Center	D	D		D	71
RECREATION USES					
Entertainment, Indoor	D	D			45
Fitness Center	D	D			56
Gun Club, Enclosed		D			67
Marine Facility	D	D			82
Park, Passive	D	D	D	D	93
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]					
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.					

USE TYPE	LAND USE				N O T E
	C L	C H	C L O	C H O	
UTILITIES AND EXCAVATION					
Air Stripper, Remedial	D	D	D	D	11
Communication Cell Sites on Wheels (COW) Tower, Mobile	S	S	S	S	31
Communication Panels or Antennas, Commercial	D	D	D	D	31
Communication Tower, Commercial	A	A	A	A	31
Electric Transmission Facility	A	A	A	A	44-2
Excavation, Type II	D	D	D	D	49
Recycling Collection Station	D	D			104
Recycling Drop Off	D	D			105
Utility, Minor	D	D	D	D	134
INDUSTRIAL USES					
Data Information Processing	D	D	D	D	13
Film Production Studio		D		D	38
Laboratory, Industrial Research	A	D	A	D	76
Medical or Dental Laboratory		D		D	84

## 8. Streetscape Standards

Streetscape standards are established to improve both the physical and visual appearance of the streetscape while creating a pedestrian friendly environment along commercial corridors, other perimeter street frontages, and for any new internal streets. [Ord. 2010-005]

### a. General Standards

The following standards shall apply to all streetscapes. [Ord. 2010-005]

- 1) Required buffer areas or street trees shall be located between streets and pedestrian sidewalks and other hardscaped areas; [Ord. 2010-005]
- 2) Required pedestrian sidewalks shall be free and clear of all encumbrances; [Ord. 2010-005]
- 3) All paving materials for the pedestrian sidewalks shall be compliant with ADA accessibility standards, and shall be constructed of concrete acceptable to the Engineering Department; [Ord. 2010-005]
- 4) Consistency in paving pattern and materials for streetscapes are required for all individual projects, and are encouraged for abutting IRO projects. The first application for an IRO of a commercial corridor or a block shall establish the paving pattern. [Ord. 2010-005]
- 5) Where a sidewalk or a path crosses curb cuts at ingress/egress points and internal drives, the pedestrian crossing shall be paved with a material that provides a different texture or a color contrast with the vehicular surface, but preferably consistent with the paving material of the path; [Ord. 2010-005]
- 6) Where a street tree planting area is required, area may be landscaped with appropriate ground cover; however, applicants are encouraged to install required trees in tree grates with appropriate root barrier or other similar structures to promote tree growth, and areas in-between may be hardscaped; [Ord. 2010-005]

- 7) Consistency in street tree species shall be encouraged within a block, if applicable, and shall be reflective of the character of the surrounding area. The first application for an IRO of a commercial corridor or a block shall establish preferred species. **[Ord. 2010-005]**
- 8) Streetscape shall be provided along both sides of primary and secondary streets; **[Ord. 2010-005]**
- 9) Where applicable, sidewalks located within a perimeter R-O-W may be incorporated into the streetscape requirements of this section, subject to a sidewalk easement agreement with the DEPW; and, **[Ord. 2010-005]**
- 10) Where an existing or proposed utility easement is located adjacent to subject roadways, streetscape requirements shall be applied from the inner edge of the utility easement, and shall be landscaped with appropriate groundcover, with exception to the following: **[Ord. 2010-005]**
  - a) Applicants are encouraged to improve utility easement areas with improved surfacing or landscaping to be consistent with required streetscape areas; **[Ord. 2010-005]**
  - b) Utility easements may encroach into required streetscape areas up to a maximum of five feet, subject to Engineering approval and consent from easement holder; and, **[Ord. 2010-005]**
  - c) Street trees may be located in utility easements subject to use of tree root barrier approved by County Landscape and easement holder. **[Ord. 2010-005]**

**b. Design Standards**

The IRO establishes three general forms of streetscape configurations, as follows: enhanced sidewalk, buffered sidewalk, and slip-street. While the enhanced sidewalk may be applicable to both perimeter and internal streets, the remaining two are generally limited to commercial corridors or other perimeter streets. The applicant may choose one of the streetscape configurations to use; however, the streetscape design should be consistent with the surrounding character. **[Ord. 2010-005]**

**1) Enhanced Sidewalk**

The enhanced sidewalk streetscape option establishes a continuous sidewalk with regularly spaced shade trees along the street. **[Ord. 2010-005]**

- a) The street tree planting area shall be a minimum of five feet in width; **[Ord. 2010-005]**
- b) The pedestrian sidewalk area shall be a minimum of six feet in width, and shall be free and clear of any obstructions or uses. Width may be reduced to five feet where abutting a Type III R-O-W or secondary street. **[Ord. 2010-005]**
- c) Street trees shall be installed in accordance with Art. 3.F.2.A.4.d, Street Trees, except that exceptions to tree spacing may be permitted where necessary to accommodate bisecting utility easements, or other similar improvements; **[Ord. 2010-005]**
- d) Street lights shall be required for all perimeter and internal streets in accordance with Art. 3.F.2.A.1.f.2), TDD Street Lighting; **[Ord. 2010-005]**
- e) Any areas remaining between required street tree and pedestrian sidewalk area and building frontages shall be improved with additional pedestrian sidewalk area, or other decorative pavement treatment to be used as outdoor dining areas, usable open space or to encourage a pedestrian interface display windows, where applicable; **[Ord. 2010-005]**
- f) Decorative planter boxes or potted trees may be located within two feet of building frontages, provided they do not screen views to building windows or doors, or adversely impact pedestrian use areas; **[Ord. 2010-005]**
- g) No temporary or permanent physical structures may be affixed to building frontages in the streetscape so as to preclude views of windows or doorways; and, **[Ord. 2010-005]**
- h) A minimum of 75 percent of buildings fronting on a Type I or II R-O-W, primary or slip street shall have arcaded sidewalks or other architectural element that provides shade to pedestrians, such as permanent canopies and awnings. **[Ord. 2010-005]**

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**Figure 3.B.16.F, Typical Enhanced Streetscape**



[Ord. 2010-005]

## 2) Buffered Sidewalk

The buffered sidewalk streetscape option is similar to the enhanced sidewalk option, except that the street tree planting area is replaced with a wider planting area to provide additional buffering between streets and pedestrian areas. The following table shows dimensional standards for planting areas based perimeter street type. [Ord. 2010-005]

**TABLE 3.B.16.F – BUFFERED SIDEWALK DIMENSIONAL STANDARDS**

WIDTH OF R.O.W.	PLANTING AREA WIDTH	
	MINIMUM	MAXIMUM
Type I R-O-W	5 ft.	10 ft.
Type II R-O-W	8 ft.	20 ft.
Type III R-O-W	10 ft.	25 ft.

[Ord. 2010-005]

- a) The planting area shall not be paved, except that paved access shall be provided to cross-walks and transit stops; [Ord. 2010-005]
- b) One canopy tree for each 25 feet of the property's frontage shall be provided. Trees may be installed in a formal, uniform spacing or may be arranged within the planting area in informal clusters so long as the required quantity is satisfied; [Od. 2010-005]
- c) In addition to the required canopy trees, flowering trees, palms, shrub layers, grass, groundcovers shall be required to provide design variations and colors. Quantity of plant materials shall be established depending on the width of the Planting Area, and shall be calculated in compliance with Art.7, Landscaping; [Ord. 2010-005]
- d) Grass shall be permitted; however, groundcover shall be encouraged as a substitute for grass for water conservation and maintenance purposes; [Ord. 2010-005]
- e) Berms shall only be permitted in order to create a streetscape with an informal, naturalistic design; [Ord. 2010-005]
- f) Meandering pedestrian walkways are encouraged to be incorporated into larger sidewalk buffer planting areas; and, [Ord. 2010-005]
- g) All other requirements shall be in compliance with the enhanced sidewalk defined above, with exception to street tree planting requirements. [Ord. 2010-005]

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**FIGURE 3.B.16.F – TYPICAL BUFFERED SIDEWALK STREETSCAPE**



[Ord. 2010-005]

**3) Slip Street**

Slip street streetscape shall be required for any proposed slip streets, and shall be designed as follows: [Ord. 2010-005]

- a) A landscape planting area shall be required between a perimeter R-O-W and the slip street ranging from ten to 15 feet in width. Additional width may be permitted to accommodate utility easements or Engineering requirements, but shall not be increased otherwise. Area shall be hardscaped or covered with appropriate ground cover. [Ord. 2010-005]
- b) Street trees shall be planted in the landscape area in accordance with Art. 3.F.2.A.4.d, Street Trees, but shall be generally consistent with the tree species and spacing provided in the enhanced sidewalk area; and, [Ord. 2010-005]
- c) All other requirements shall be in compliance with enhanced sidewalk, where applicable. [Ord. 2010-005]

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**Figure 3.B.16.F, Typical Slip Street Streetscape**



[Ord. 2010-005]

**9. Usable Open Space**

A minimum of five percent of the gross acreage of the project shall be dedicated or provided as usable open space. Plaza's or squares that provide a concentrated focal point for pedestrians shall be the preferred method for providing usable open space, but credit may be given for required pedestrian streetscapes or other similar usable open space amenities. All usable open space areas shall meet the minimum dimensions provided under Table 3.B.16.E, Dimensions for Usable Open Space, unless exempted otherwise herein. [Ord. 2010-005]

**a. Required Plazas and Squares**

Projects ten acres or more shall provide at least one central plaza, square or other similarly dimensioned usable open space area.

**Table 3.B.16.E, Dimensions for Usable Open Space**

	<b>Size Min.</b>	<b>Length Min.</b>	<b>Width Min.</b>
Central Plaza or Square	10,000 s.f.	120 ft.	80 ft.
Other Plazas or Square	5,000 s.f.	60 ft.	40 ft.

**b. Streetscape Credit**

Projects that have net land areas of less than two and one-half acres in size may count all streetscape areas towards the usable open space requirement. All others may count up to fifty percent of streetscape areas towards usable open space requirements. [Ord. 2010-005]

**c. Street Frontage**

Minimum required usable open space shall front on a perimeter or primary street on at least one side. [Ord. 2010-005]

**d. Shade**

A minimum of 15 percent of each plaza, square or other usable open space area shall be shaded by landscape material or shade structures at time of construction. Where applied to streetscape galleries, awnings or other building amenities may be counted towards shade requirement. A minimum of 30 percent of the total square footage shall be pervious. [Ord. 2010-005]

**e. Pervious Areas and Landscaping**

A minimum of 30 percent of all usable open space areas, excluding streetscape where applicable, shall be pervious, and covered with appropriate ground cover in accordance with Art. 7, Landscaping. [Ord. 2010-005]

**f. Pedestrian Amenities**

Required usable open space areas shall have a minimum of one linear foot of seating for each 200 square feet of overall area. [Ord. 2010-005]

**10. Parking and Loading Standards**

Parking and loading shall comply with Art. 6, Parking, unless otherwise stated below: [Ord. 2010-005]

**a. Location and Access**

Parking and service areas shall be located at the side or rear of building(s) in accordance with Table 3.B.16.F, Parking Location, except for slip streets. The most intense street shall be considered the frontage for corner lots. These standards provide flexibility in dimensional and layout requirements to address site restrictions, and provide for reductions in the number of required off-street parking spaces for sites that are located in close proximity to public transit, or have a potential for inter-connectivity and shared parking areas between contiguous developments. [Ord. 2010-005]

**TABLE 3.B.16.F – PARKING LOCATION**

PARKING LOCATION	MAXIMUM % OF PARKING PROVIDED
Rear	100%
Side	50% (1)(2)
Front	(3)
[ORD. 2010-005]	
<b>NOTE:</b>	
1. On-street parking only, with additional located in parking lots. [Ord. 2010-005]	
2. Exceptions may be permitted for parking courts located internal to a development where all building placement standards have been addressed. [Ord. 2010-005]	
3. On-street parking only, including slip streets where applicable. [Ord. 2010-005]	

**1) On-street Parking**

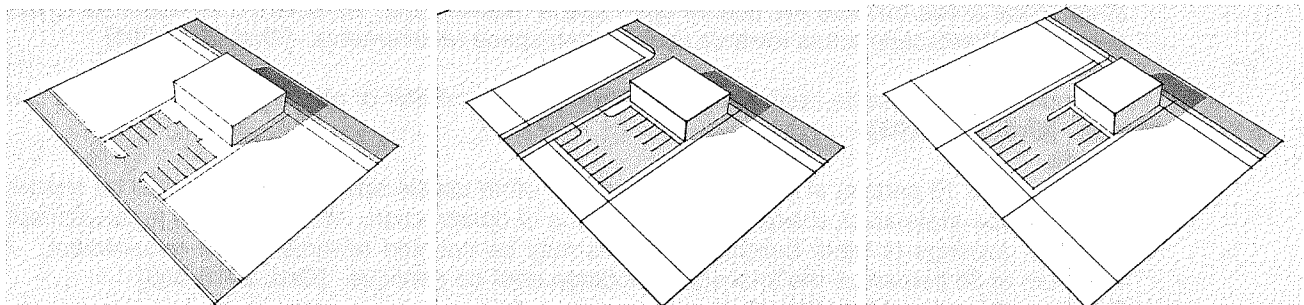
Parking in front of buildings shall only be permitted where on-street parking is allowed. [Ord. 2010-005]

**2) Parking Lots**

It is the intent that parking lots shall be screened from all streets. The perimeter of parking lots shall be framed by either of the following, or a combination of both: [Ord. 2010-005]

- Buildings; or, [Ord. 2010-005]
- A five foot wide landscape strip that includes a minimum 30 inch high hedge or concrete streetwall, with canopy trees planted 30 feet on center. Breaks to allow for pedestrian access shall be permitted. [Ord. 2010-005]
- Alternatively, there shall be no required separation between parking and parallel alleys for any project that does not have streets or blocks, and alleys may be incorporated into parking lots as standard drive isles. [Ord. 2010-005]

**FIGURE 3.B.16.F – TYPICAL PARKING LOCATION AND ACCESS**



Preferred Alley Access

[ORD. 2010-005]

Side Street Access

Small Mid-block Parcel Access

**3) Parking Structures**

Parking for any use in excess of six spaces per 1,000 square feet of non-residential floor area shall be located in a parking structure configured as a liner building, subject to the following: [Ord. 2010-005]

- When fronting perimeter and primary streets, usable open space, or other similar areas, shall comply with liner building PDRs; or, [Ord. 2010-005]

- b) When fronting secondary streets, alleys, parking lots or other similar areas, shall be screened by a façade that incorporates landscaping or architectural features consistent with the primary frontage, or any combination. [Ord. 2010-005]
    - 4) **Townhouse Parking**  
The requirements for townhouse parking may also be applied to multi-family buildings that are designed to appear and function as townhouses. Individual parking spaces or garages shall be permitted to the rear of townhouses, with access from an alley or street. Garage setbacks shall be in accordance with PDRs for townhouse buildings. [Ord. 2010-005]
    - 5) **Service and Loading Areas**  
All service and loading areas shall be located along the rear or side of buildings, and shall not be visible from perimeter or primary streets, or any usable open space. The service areas shall be located within the footprint of the building or immediately adjacent to the building. Required loading space areas may be waived, reduced in number or dimension, in accordance with Art. 6.B, Loading Standards, or by IRO waivers. [Ord. 2010-005]
  - b. **Parking Ratios**  
The required number of parking spaces shall correspond to broad uses and not to a specific use, and shall be responsive to the long term transition of tenants within a non-residential or mixed use development. The applicant may choose from the following parking requirements: [Ord. 2010-005]
    - 1) **Non-residential**
      - a) Minimum: one space per 333 square feet of GFA (3/1000); [Ord. 2010-005]
      - b) Maximum: one space per 200 square feet of GFA (5/1000), unless parking is accommodated in a parking structure; [Ord. 2010-005]
      - c) Where uses are not intended to allow for transition to other uses, the general parking standards outlined in Art. 6, Parking may be applied, provided that use limitations are identified on the DRO approved site plan; [Ord. 2010-005]
      - d) Reduction in required parking through use of a shared parking study, as defined in Art. 6, Parking; or, [Ord. 2010-005]
      - e) Where eligible, applicant may receive credit for any perimeter on-street parking spaces located along Type I streets, subject to approval by the County Engineer. Use of this option may be limited to where the developer pays for required improvements to existing Type I streets. [Ord. 2010-005]
    - 2) **Residential**  
Multi-family residential parking ratios may be reduced in accordance with Table 3.B.15.I, WCRAO Mixed Use Parking Deviations. [Ord. 2010-005]
- 11. Landscape Standards**  
All IRO projects shall comply with Art. 7, Landscaping, unless stated otherwise herein: [Ord. 2010-005]
- a. **Perimeter Buffers**
    - 1) **Streetscape Exemptions**  
Required landscape perimeter buffers pursuant to Art. 7, Landscaping shall not be required where an IRO streetscape is required. [Ord. 2010-005]
    - 2) **Compatibility Buffers**  
A side interior compatibility buffer shall not be required when a zero side setback is proposed or exists. [Ord. 2010-005]
    - 3) **Alternative Incompatibility Buffer Option**  
The following incompatibility buffer option may be utilized where projects are in compliance with minimum setbacks for non-residential outdoor use areas: [Ord. 2010-005]
      - a) Landscape buffer planting area shall be a minimum of ten feet in width; [Ord. 2010-005]
      - b) No easement encroachment shall be permitted; [Ord. 2010-005]
      - c) An eight foot tall solid concrete block or panel wall shall be installed along the affected property line, with a setback a minimum of two feet to allow for maintenance of the exterior side of the wall. Setback may be increased as needed to accommodate required footers; [Ord. 2010-005]
      - d) The required wall shall be constructed of materials and with a design consistent with the principal building of the IRO, and shall have the same architectural finish treatment and color on both sides of the wall. [Ord. 2010-005]

- e) Exterior landscape areas shall have groundcover that is low maintenance and does not impede necessary access for maintenance; [Ord. 2010-005]
- f) Canopy trees shall be planted along the internal side of the wall to be spaced a minimum of 20 feet on center; [Ord. 2010-005]
- g) A hedge shall be installed in accordance with the standards for medium shrubs, as specified in Table 7.F.7, Shrub Planting Requirements. [Ord. 2010-005]

**b. Foundation Planting**

Foundation planting requirements may be subject to the exemptions, exceptions, and deviations as permitted for WCRAO projects, as indicated in Art. 7.D.11.B, WCRAO Exemptions. [Ord. 2010-005]

**c. Alternative Parking Lot Design Options**

This section provides landscape or alternatives, or reductions for interconnectivity that allow for the use of innovative design or green building materials necessary for smaller sites or desired for larger projects. The following may be used individually or in combination: [Ord. 2010-005]

**1) Option 1**

Projects that are one-half acres or less in size, with 20 or fewer parking spaces may relocate all interior landscape parking materials into one open space preserve; [Ord. 2010-005]

**2) Option 2**

Projects that are two acre or less in size may reduce required terminal island landscape width to a minimum of five feet in width of landscape area; [Ord. 2010-005]

**3) Option 3**

Landscape area and shrub requirements for terminal, interior and divider median islands may be replaced with bio-swales and appropriate landscaping, provided that required canopy trees can be accommodated. Alterations to required curbing may be permitted subject to demonstration that vegetated areas are protected from vehicles and that there will be no adverse impacts to pedestrians; or, [Ord. 2010-005]

**4) Option 4**

Up to a maximum of 25 percent of required terminal, interior and divider median landscape areas shall not be required provided those parking areas provide shade by installing covered parking that utilizes materials with appropriate solar reflectance index (SRI) depending on the pitch of the roof of the structure. [Ord. 2010-005]

**5) Option 5**

Required terminal, interior and divider median landscape areas and required shrubs shall not be required, subject to the following: [Ord. 2010-005]

- a) The number of required terminal, interior and divider median trees are doubled; [Ord. 2010-005]
- b) Trees are protected by curbing, wheel stops or other similar methods of protection; [Ord. 2010-005]
- c) Green building standards for tree wells and related root growth areas are utilized; [Ord. 2010-005]
- d) All abutting parking spaces utilize pervious pavement that has an SRI of at least 29 to improve solar reflectance; and, [Ord. 2010-005]
- e) Land Development approval. [Ord. 2010-005]

**6) Option 6**

No interior island required if parking spaces are abutting landscape buffers, street walls or tree planting areas. [Ord. 2010-005]

**d. Rear or Side Entrances**

Buildings with additional entrances located on the side or rear facades shall either provide an enhanced streetscape between any abutting parking lots that meets the standards for a primary street; or shall provide foundation planting along a minimum of 50 percent of the applicable façade, with a minimum depth of five feet, to be planted in accordance with Art. 7, Landscaping, with a sidewalk a minimum of five feet in width as needed to separate pedestrians from abutting vehicle use areas along the building façade. [Ord. 2010-005]

**G. IRO Waivers**

The applicant may apply for waivers for development standards in accordance with Art. 3.F.16.D.3, Zoning Director Waivers and Table 3.B.16.G, IRO Waivers. Waiver requests shall be reviewed by the Zoning Director for denial, approval or approval with conditions, prior to either DRO certification or



approval. The following table summaries the development standards that could be requested through a waiver process: **[Ord. 2010-005]**

**Table 3.B.16.G – IRO Waivers**

Requirements	Maximum Waiver	Minimum Justification Criteria of Review
<b>Internal Street Standards</b>		
Art. 3.B.16.F.3.b, Internal Street Types	Allow additional lanes, or minor increases in lane width.	<ul style="list-style-type: none"> <li>- Where required to accommodate traffic, or where required by the DEPW or Palm Tran.</li> <li>- Minimum deviation required and remains generally consistent with TDD street standards.</li> <li>- Consistent with livable street standards that prioritize pedestrian safety.</li> </ul>
<b>Interconnectivity Standards</b>		
Art. 3.B.16.F.4, Interconnectivity Standards	No interconnectivity requirement.	<ul style="list-style-type: none"> <li>- Document prohibition by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as water treatment plants, jails, or other similar facilities.</li> </ul>
Art. 3.B.16.F.4.c, Gates	Allow use of gates within the development.	<ul style="list-style-type: none"> <li>- Special circumstances between adjacent uses.</li> <li>- Specific user requirements within the IRO project requires the use of gates, provided such does not impact the continuity of required blocks, streets or alleys.</li> </ul>
<b>Building Standards</b>		
Civic building standards.	No frontage requirement.  No build to line requirement.	<ul style="list-style-type: none"> <li>- Public and private civic buildings shall be designed to reflect their public purpose and are intended to be landmarks within the community.</li> <li>- Frontages shall be located abutting usable open space areas, and additional pedestrian amenities shall be provided to emphasis the civic nature of the use.</li> </ul>
<b>Usable Open Space</b>		
Art. 3.B.16.F.9, Usable Open Space	Allow for reduction.	<ul style="list-style-type: none"> <li>- Lot less than 2.5 acres in size having insufficient frontage to accommodate usable open space in pedestrian streetscape areas.</li> </ul>
<b>Loading Space</b>		
Art. 3.B.16.F.10.a.5), Service and Loading Areas; and, Art. 6.B.1, Loading.	Waive or reduce required loading spaces, dimensions for width, length, maneuvering area, and location.	<ul style="list-style-type: none"> <li>- Limitations due to access, lot size; location of residential uses; proximity to streets or alleys; or vehicular circulation.</li> <li>- Document that any loading alternatives will not adversely impact pedestrian or vehicular circulation, including alleyways, drive isles, handicapped accessibility, or other similar functional considerations.</li> <li>- Document that any loading alternatives will not conflict with DEPW or FDOT requirements.</li> </ul>
<b>[Ord. 2010-005]</b>		

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## CHAPTER C STANDARD DISTRICTS

### Section 1 Future Land Use (FLU) Designation and Corresponding Districts

#### A. Purpose and Intent

The purpose of this section is to ensure that all development (land uses) is consistent with the Future Land Use Atlas of the Plan. Standard, PDD and TDD zoning districts have been adopted to be in compliance with the Plan. Unless exempted otherwise, all new development or subdivision of property shall be in a zoning district corresponding to the FLU designations indicated in the following tables: **[Ord. 2008-003]**

1. Standard Districts: Table 3.C.1.A, Future Land Use Designations and Corresponding Standard Zoning Districts; or **[Ord. 2008-003]**
2. Planned Development Districts: Table 3.E.1.B, PDD Corresponding Land Use; or **[Ord. 2008-003]**
3. Traditional Development Districts: Table 3.F.1.E, TDD Corresponding Land Use. **[Ord. 2008-003]**

**Table 3.C.1.A – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1)**

FLU Designation		Zoning District (2)				
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR (2)	AGR				
Residential						
RR-20	AR					
RR-10	AR	CRE <sup>4</sup>				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR (3)	RE	RT	AP		
LR-2	AR (3)	RE (3)	RT			
LR-3	AR (3)	RE (3)	RT			
MR-5	AR (3)	RE (3)	RT (3)	RS	RM	
HR-8	AR (3)	RE (3)	RT (3)	RS	RM	
HR-12	AR (3)	RE (3)	RT (3)	RS (3)	RM	
HR-18	AR (3)	RE (3)	RT (3)	RS (3)	RM	
Commercial						
CL-O	CLO	IR				
CL	CN	CC	CLO	IR		
CH-O	CLO	CHO	IR			
CH	CN	CC	CLO	CHO	CG	IR
CR	CRE					
Industrial						
IND	IL	IG	CRE			
EDC	IL	IG				
Institutional/Civic						
INST	IPF					
PARK	IPF					
U/T	PO					
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005]						
Notes:						
1. Unless exempted otherwise by Art. 3.C.1.B, Standard District Exceptions and Limitations, or where a parcel is rezoned to a PDD or TDD, all new development such as any application for a rezoning, conditional use or subdivision of property shall require the subject site be rezoned to a shaded district.						
2. Typical Example of a "shaded district." <div></div>						
3. Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with Art. 3.C.1.B.1.						

#### B. Standard District Exceptions and Limitations

The following list of exceptions shall be permitted: **[Ord. 2008-003]**

1. A rezoning shall not be required for an existing legal lot of record for the development of a SFD with accessory uses, provided the existing zoning is identified in Table 3.C.1.A, Future Land Use Designation and Corresponding Standard Zoning Districts. **[Ord. 2008-003]**
2. The PO District is consistent with all FLU designations. **[Ord. 2008-003]**
3. The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only. **[Ord. 2008-003]**
4. The AGR District is consistent with the SA FLU designation in the AGR Tier only. **[Ord. 2008-003]**
5. The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan. **[Ord. 2008-003]**
6. The AP District is consistent with the LR-1 designation in the Glades Tier only for legal lots of records located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point. **[Ord. 2008-003]**
7. The RM District is consistent with the MR-5 designation only for those areas already zoned RM, prior to the Plan's August 31, 1989 adoption. **[Ord. 2008-003]**
8. Certain uses in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards. **[Ord. 2008-003]**
9. Existing institutional or civic uses in the AR, RE, RT, RS or RM districts with an INST FLU designation shall not be considered non-conforming. However, a rezoning shall be required for any action exceeding DRO Authority **[Ord. 2008-003]**
10. A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC district. **[Ord. 2008-003]**
11. The AR district may be considered consistent with all FLU designations in accordance with Art. 3.C.1.F.1.c.2), New Agricultural Uses. **[Ord. 2008-037]**

#### **C. Previous Zoning Districts**

1. The following previously established zoning districts correspond to the current districts:
  - a. The Specialized Agriculture (SA) District shall correspond to the AP District in the Glades Tier, the AGR District in the AGR Tier, and the AR District in the Rural Tier.
  - b. Rural Services (RSER) District shall correspond to the AR District.
  - c. Residential Transitional Suburban (RTS) District shall correspond to the RT District.
  - d. Residential Transitional Urban (RTU) District shall correspond to the RS District.
  - e. Multifamily Residential High Density (RH) District shall correspond to the RM District.
  - f. Specialized Commercial High (CSH) and Specialized Commercial (CS) District shall correspond to the Commercial High Office District (CHO) District.
2. Where the corresponding district for a parcel is consistent with its FLU designation, a rezoning shall not be required, provided that any development is consistent with the requirements of the corresponding district. Any application that requires Public Hearing approval shall be accompanied by an application to a current Zoning district. **[Ord. 2010-005]**

#### **D. Agricultural District**

##### **1. AP, Agricultural Production District**

The AP district is to conserve and protect areas for exclusive, bona fide agricultural and farming related operations particularly where soil and water conditions favor continued agricultural production. A wide range of agricultural activities and their accessory uses shall be permitted in the AP district in order to maintain the vitality of the agricultural industry in PBC.

##### **a. Exempted Residential Uses**

Legal lots of record with a LR-1 FLU designation located in an area north of the unincorporated community of Canal Point shall be considered conforming for the purpose of renovating or developing a single-family home, including related accessory uses and structures. **[Ord. 2007-013]**

##### **2. AGR, Agricultural Reserve District**

The AGR district is a portion of PBC lying between Hypoluxo Road on the north, Clint Moore Road on the south, the Ronald Reagan Turnpike on the east, and the Arthur R. Marshall Loxahatchee National Wildlife Refuge on the west. The district encompasses unique farmland, regional water management and wetlands areas. It is designated as an area to be preserved primarily for agricultural, environmental and water resources and open space related activities west of SR 7, agricultural and regional water management use if possible, Residential development is restricted to low-densities and commercial development is limited to those uses serving farm workers and other residents of the

district. Gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes shall be prohibited.

**a. Exempted Residential Uses**

Residential subdivisions and PUDs approved by the BCC prior to January 1, 1990 shall be exempt from the provisions of the AGR district to the minimum extent required to allow for continued development pursuant to their original development order and the intent of the provisions of the AGR district.

**1) Exempted Developments**

The exemption applies to the following residential developments that may continue to exist, however, they may not subdivide nor expand the boundaries of the property: Willis Glider Port, Delray Lakes Estates, Tierra de Rey, Tierra de Rey South, Rio Poco, Snow Ranch Estates (a.k.a. Horseshoe Acres), and Delray Training Center. **[Ord. 2007-001]**

**2) Permitted Contiguous Development**

An exception shall be permitted in accordance with FLUE Policy 1.5-c, whereas Delray Lakes Estates, Willis Glider Port and Snow Ranch Estates (a.k.a. Horseshoe Acres) may expand, subject to BCC approval, to allow development of contiguous residual parcels at a density that is consistent with the existing development, where it would serve to establish uniform boundaries. Expansion shall be subject to Table 3.C., AGR Contiguous Development PDRs. **[Ord. 2006-004] [Ord. 2007-001]**

**Table 3.C.3 – AGR Contiguous Developments PDRs**

Name of Project	Lot Dimensions			Building Coverage	Setbacks			
	Size	Width and Frontage	Depth		Front	Side	Side Street	Rear
Delray Lakes Estates	1 acre	65 (1) <sup>1</sup>	75 (1)	40%	25	7.5	15	15
Willis Gliderport	1.5 acre	200	300	40%	25	7.5	15	15
Horseshoe Acres	2 acres	300	300	15%	100	50	80	100
<b>Notes:</b>								
1. All lots shall have an average width and depth that is consistent with lots in the Delray Lakes Estate PUD. <b>[Ord. 2007-001]</b>								

**b. Previously Approved and Nonconforming Uses**

All uses that are existing and were legally established or requested before the effective date of Ord. 2001-061, but are not permitted by the provisions of the AGR district, shall be considered exempted uses or non-conforming uses as set forth below:

**1) Exempted Uses**

The following non-residential developments, may continue to exist and are to be accommodated as part of the continuation of the AG Reserve Tier: Eternal Light Cemetery, 11520 SR-7, Boynton Beach; Faith Farm Ministry, 9538 Hwy 441, Boynton Beach; Our Lady Queen of Peace Church and service complex, W. Atlantic Ave; Caridad Clinic, West Boynton Beach Blvd; Soup Kitchen, 9850 Boynton Beach Blvd; 4 Points Market; 3 Amigos Convenience Store; Fina Gas Station-Hey 4 U trucking; and Sunshine Meadows. **[Ord. 2006-004]**

**2) Existing Nonconforming Uses**

Replacement, relocation or expansion of nonconforming uses shall be subject to Class A conditional use approval and the following:

- a) Existing uses eliminated due to R-O-W acquisition by eminent domain, and relocation of the use on site is not feasible, may be relocated to an adjacent site.
- b) Existing Nonconforming uses may expand up to 50 percent of the building square footage. If a use is on less than one acre of property, the land area is permitted to be expanded up to a total of one acre.
- c) PDRs:
  - (1) Maximum FAR: .35
  - (2) Maximum Building Coverage: 25 percent
  - (3) Minimum Building setbacks: 30 feet on all sides

**3) Right to Farm**

All land in the AGR and AP districts are located in areas where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring

property may be subjected to inconvenience and discomfort arising from generally accepted agricultural management practices, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of properties in these areas are hereby put on official notice that: (1) the state Right-to-Farm Act, F.S. § 823.14, may bar them from obtaining a legal judgment against such as a public or private nuisance; and (2) farm operations that conform to generally accepted agricultural and management practices in the AGR and AP districts are exempt from the following miscellaneous standards contained in Article 5.E, PERFORMANCE STANDARDS of this Code for noise, vibration, smoke, and emissions and particulate matters. [Ord. 2005-041]

**E. Conservation District**

**1. PC, Preservation/Conservation District**

The PC district is to protect lands that provide habitats for endangered species of wildlife, fish, or flora, that are important habitats for the production of fish and wildlife, or that are sites of historical or archaeological significance.

**F. Residential Districts**

**1. AR, Agriculture Residential District**

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

**a. Previously Approved RSER and Non-residential Uses**

The previously approved site in the RSER zoning district (Petition 1999-011 Everglades Farm Equipment Co.) requested before the effective date of this ordinance, may be developed as a conforming use in accordance with an approved DOA. [Ord. 2005 – 002]

**b. Special Agriculture Uses**

Additional non-residential uses may be allowed in the AR/Rural/Exurban district with a SA FLU.

**c. Agricultural Uses in the U/S Tier**

**1) Applicability**

Agricultural uses existing at the time of adoption of this Code permitting agricultural uses 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 review and/or approval by the appropriate staff or review board as identified in this Code.

**2) New Agricultural Uses**

Agricultural uses not listed as permitted in the U/S Tier shall only be permitted as an interim use subject to Class A conditional use approval. The AR Zoning District shall be considered consistent with all FLUA designations in the U/S Tier for the purpose of permitting agricultural uses.

**2. RE, Residential Estate District**

The RE district is to provide a transition between the agricultural and conservation areas and more urban residential communities and to create a residential environment wherein natural constraints applicable to development are recognized and protected in a manner compatible with the needs of residents.

**3. RT, Residential Transitional District**

The RT district is to provide a transition between a suburban single family atmosphere and estate development, which promotes active recreational facilities within the privacy of an individual lot.

**4. RS, Single Family Residential District**

The RS district is to provide areas for moderate density single family dwelling units.

**5. RM, Multifamily Residential District**

The RM district is intended primarily for the development of multiple family dwelling units.

**G. Commercial Districts**

**1. CLO, Commercial Low Office District**

The CLO district is to encourage development of low-intensity offices and the integration of complementary uses on a local, collector, or an arterial street. The CLO district may serve as a transition between residential areas and more intense commercial development.

**2. CHO, Commercial High Office District**

The CHO district is to encourage development of business and professional office parks and complementary uses.

**3. CN, Neighborhood Commercial District**

The CN district is to provide a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a local, collector or arterial street.

**4. CC, Community Commercial District**

The CC district is to provide a commercial facility of a community nature that services residential neighborhoods within a three to five mile radius, located on a collector or higher classification street.

**5. CG, General Commercial District**

The CG district is to encourage the development of intensive commercial uses providing a wide range of goods and services, with access from a collector or arterial street and services a consumer market of at least a three mile radius.

**6. CRE, Commercial Recreation District**

The CRE district is to provide lands for major commercial recreation uses that are either publicly or privately operated and require large amounts of land and have major effects on adjacent uses.

**7. IR, Infill Redevelopment District**

The IR district is to encourage infill and redevelopment in the U/S Tier, with all new development subject to the requirements of the IRO. To further encourage the partial conversion of larger existing commercial developments, previously developed uses, buildings and improvements may be retained where information is clearly shown on prior approvals, provided that any future development in accordance with the IRO. In granting approval of a rezoning to the IR district, the BCC may adopt conditions of approval; or, including carrying forward conditions of approval related to prior approvals, under the premise that such conditions shall be phased out upon conversion to an IRO development. [Ord. 2010-005]

**H. Industrial Districts**

**1. IL, Light Industrial District**

The IL district is to provide sufficient land in appropriate locations for certain types of businesses, light manufacturing, or processing uses likely to cause undesirable effects upon residential or commercial uses.

**2. IG, General Industrial District**

The IG district is to provide land in appropriate locations for those uses with one or more of the following characteristics: industrial processes that involve significant amounts of noise, heat, mechanical and chemical processing; large amounts of material transfer; outdoor activities and large structures. The IG district provides for industrial uses located with convenient access to transportation facilities.

**I. Public and Institutional Districts**

**1. IPF, Institutional and Public Facilities District**

The IPF district is to provide land in appropriate locations for a variety of regional and community uses that are either publicly or privately operated.

**2. PO, Public Ownership District**

The PO district is to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. Notwithstanding those public uses permitted elsewhere in this Code, the PO district is primarily intended for, although not limited to, public parks and recreation areas, public buildings and facilities, and other capital improvements of a significant nature.

**CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)**

**Section 1 PDRs for Standard Zoning Districts**

**A. PDRs**

The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each standard zoning district are indicated in Table 3.D.1.A, Property Development Regulations unless otherwise stated. Front, side, side street and rear setbacks shall be applied in accordance with the lot orientation as defined by lot frontage. [Ord. 2005-041]

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

Zoning District	Min Lot Dimensions			Density (6)		Max FAR (7)	Max Building Coverage	Min Setbacks (10)			
	Size	Width and Frontage	Depth	Min	Max			Front	Side	Side Street	Rear
Agriculture/Conservation											
PC	1 ac.	-	-	-	-	-	-	50	50	50	50
AP	10 ac.	300	300	-	(1)		10%	100	50	80	100
AGR	5 ac.	300	300	-			15%	100	50	80	100
Residential											
AR	(2) (3)(4)	300	300	-	-	.15	15%	100	50	80	100
RE	2.5 ac.	200	200	-	-	-	20%	50	40	50	50
RT (LR-1)	20,000	100	125	-	-	-	30%	25	15	25	25
RT (LR-2/LR-3)	14,000										
RS	6,000	65	75	-	-	-	40%	25	7.5	15	15
RM	(5)	65	75	-	-	-	40%	25	15	25	15(10)
Commercial											
CN	0.5 ac.	100	100	-	-	-	25%	30	30	(8)	30
CC	1 ac.	100	200	-	-	-	25%	30	30	(8)	30
CG	1 ac.	100	200	-	-	-	25%	50	15	(8)	20
CLO	1 ac.	100	200	-	-	-	25%	30	15	(8)	20
CHO	1 ac.	100	200	-	-	-	25%	40	15	(8)	20
CRE	3 ac.	200	300	-	-	-	40%	80	50	80	50
IR	N/A	50	100			(8)	40%	(9)	(9)	(9)	(9)
Industrial											
IL	1 ac.	100	200	-	-	-	45%	40	15	25	20
IG	2 ac.	200	200	-	-	-	45%	45	20	45	20
Institutional/Civic											
IPF	1 ac.	100	200	-	-	-	25%	50	15	25	20
PO	-	-	-	-	-	-	-	-	-	-	-
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2010-005]											
Notes:											
1. The only density allowed in the AP zoning district is for properties in the LR-1 FLU category located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point, in the Glades Tier only. [Ord. 2005 – 002]											
2. The minimum lot size in the AR district corresponds to the FLU category as follows: RR20 – 20 acres; RR10 – 10 acres; RR5 – 5 Acres; RR2.5 – 2.5 acres; U/S Tier – 5 acres.											
3. Nonconforming lots in the AR district may use the setback provisions in Art.1.F.4, Nonconforming Lots.											
4. AR lots in the RR-2.5-FLU designation may use the RE PDR's. [Ord. 2005 – 002]											
5. Density is determined by the FLU designation on each parcel of land in the Plan. The number of units permitted on a parcel of land which complies with the applicable property development regulations and design standards, therefore, is an acceptable minimum lot size. [Ord. 2005 – 002] [Ord. 2005-041]											
6. The minimum and maximum allowable densities shall be in accordance with Table 2.1-1 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2005-041]											
7. The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted. The .15 FAR for the AR district is applicable where the primary use of a lot is residential. [Ord. 2005-041]											
8. Maximum FAR shall be in accordance with Table 3.B.16.C, IRO FAR Increase. [Ord. 2010-005]											
9. Building setbacks shall be in accordance with Art. 3.B.16, Infill Redevelopment Overlay. [Ord. 2010-005]											
10. Setback equal to width of R-O-W buffer pursuant to Art. 7, Landscaping. [Ord. 2005 – 002] [Ord. 2005-041]											
11. Buildings over 35 feet in height may be permitted in accordance with Art. 3.D.1.E-2, Multifamily, Non-residential Districts and PDD's. [Ord. 2005 – 002] [Ord. 2005-041]											
12. Property previously developed with a RM or RH rear setback of 12' shall be considered conforming and subject to Art. 1.E, Prior Approvals. [Ord. 2005 – 002] [Ord. 2005-041]											

**B. General Exceptions**

**1. Single Family Housing Type in Multifamily Districts**

The property development regulations for single family housing in the RM district shall be in accordance with the RS district PDRs in Table 3.D.1.A, Property Development Regulations.

## **2. Infill Subdivisions**

Single family dwelling units in projects in the RT Zoning district which meet the criteria in Policy 1.2.2.a of the Plan or utilize the TDR Program may develop in accordance with Table 5.G.1.D, RT Deviations for WHP. **[Ord. 2008-037]**

## **3. Density Bonus Programs**

Special density programs for affordable housing are available through the use of VDBs, TNDs, and in the Westgate CRAO and may use regulations below.

### **a. Density Bonus Program Development**

#### **1) Purpose and Intent**

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

#### **2) Applicability**

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

#### **3) Threshold**

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

#### **4) Lot Dimensions**

The lot dimensions for all housing types may be reduced by 20 percent. **[Ord. 2005-002]**

#### **5) Building Intensity**

The maximum building coverage and FAR for all housing types may be increased by 20 percent.

#### **6) Setbacks**

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

## **4. PO District**

Development in the PO district shall be exempt from Art. 3.D.1.A, PDRs for Standard Zoning Districts. However, the PO district shall be subject to the FAR requirements of the Plan. **[Ord. 2005-041]**

## **C. Lot Dimensions**

### **1. Frontage Reduction**

On curving streets, such as cul-de-sacs, the required frontage for lots between the points of curvature may be reduced by 40 percent, provided the centerline radius of the contiguous street is 125 feet or less.

## **D. Setbacks**

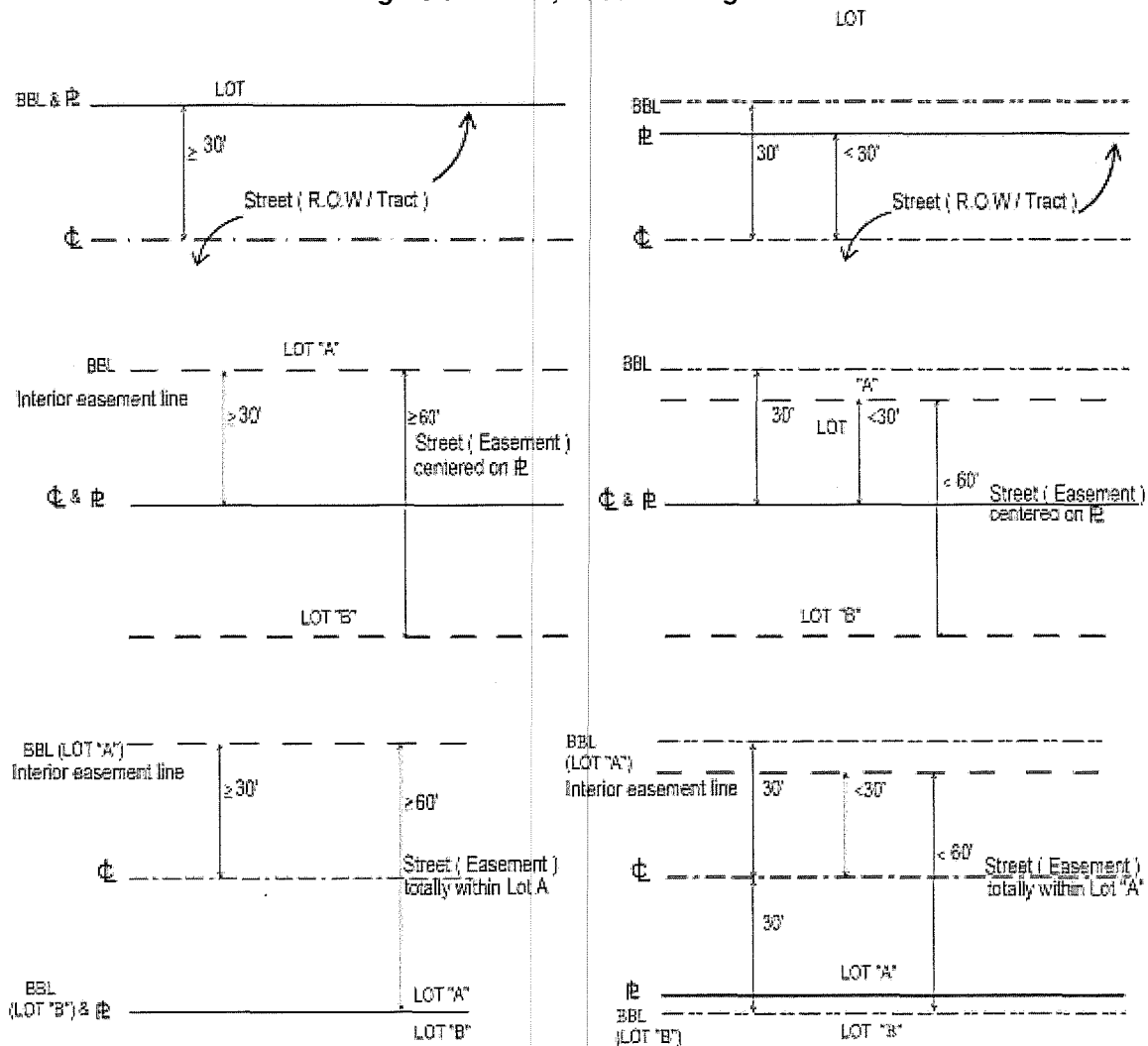
### **1. Base Building Line**

Pursuant to County Engineering standards the front, side street, and rear setback (when the rear property line abuts a street), shall be measured from the base building line.

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Figure 3.D.1.D-5, Base Building Line



**a. Major Street**

The base building line for any lot abutting a major street shall be 40 feet from the existing R-O-W.

**b. Minor Street**

The base building line for any lot adjacent to a minor street shall be 30 feet from the centerline of the existing street unless subject to the following:

**1) Minor Street Over 60 Feet Wide**

The base building line for any lot adjacent to a minor street over 60 feet in width shall be the property line, or, if the street was created by a recorded easement, from the easement line.

**2) Platted Subdivisions**

The base building line for any lot abutting a minor street within a subdivision platted and recorded after February 5, 1973 shall be the property line abutting the minor street shown on the plat.

**c. Waiver**

The County Engineer may waive this requirement and establish the base building line at a lesser distance. If the base building line is waived on a street created by a recorded easement, the setback shall be measured from the easement line.

**d. Permitted Encroachments**

Pursuant to approval by the County Engineer, temporary, removable, and non-habitable structures such as signs, fences, and auto display areas, may be located between a street and

the base building line. Approval shall be subject to a removal agreement with the DEPW. Setbacks shall be measured from the existing street boundaries and the affected area shall be landscaped in accordance with Article 7, LANDSCAPING.

**e. Landscaping and Parking**

Required landscaping and parking shall not be located in the area between a street and the base building line.

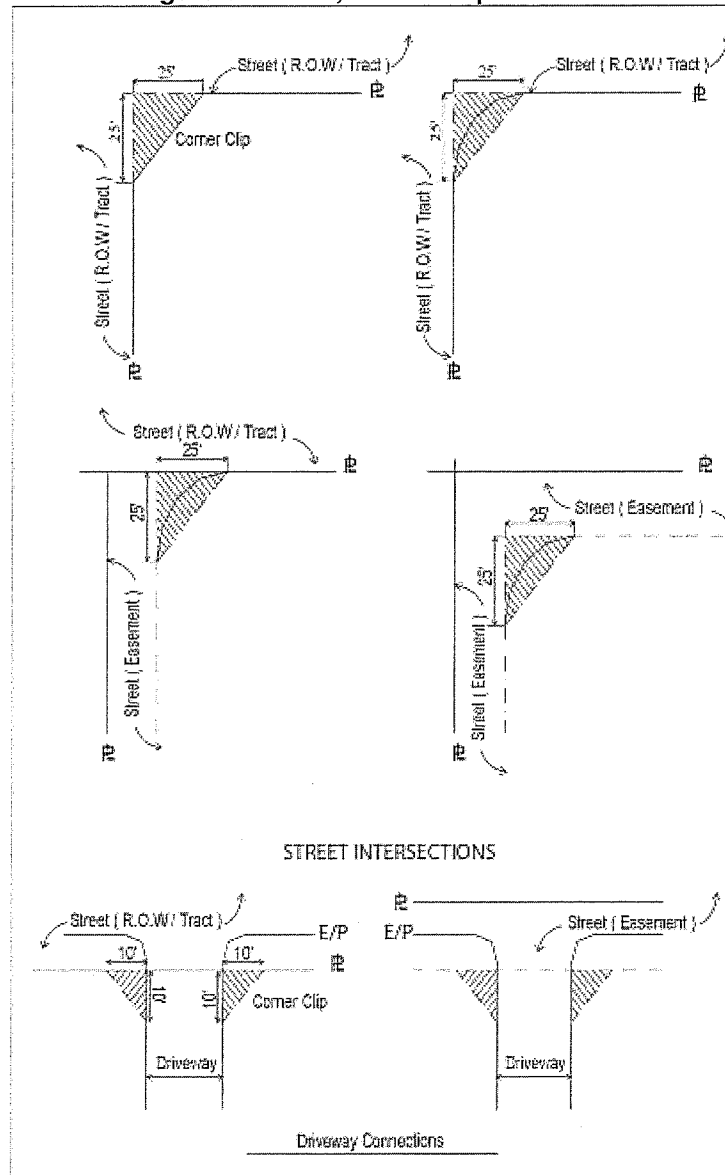
**2. Multifamily Separations**

The minimum separation for multifamily structures in the RM district shall correspond to the setback regulations in Table 3.D.1.A, Property Development Regulations.

**3. Corner Clip Setback**

The minimum setback from a corner clip shall be ten feet. The setback shall be measured perpendicular from the midpoint of the interior line of the corner clip.

**Figure 3.D.1.D-6, Corner Clip Setback**



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#### **4. Setback Reductions**

No setback reduction shall be used in combination with any other setback reduction allowed by this Code.

##### **a. Open Space**

In residential zoning districts located in the U/S Tier, or the residential pod of a AGR-PUD, the rear and side setbacks along the length of a property line adjacent to dedicated open space defined by a minimum of 50 feet in width may be reduced by 25 percent, unless otherwise stated by this Code. [Ord. 2008-037].

##### **b. Alleys**

In commercial and industrial districts, the rear and side setbacks from an alley may be reduced by 50 percent.

##### **c. Railroad R-O-W**

In industrial districts, the setback from a railroad R-O-W may be reduced to the width of the required landscape buffer.

#### **5. Setback Exceptions**

The following structures, projections, and improvements shall be allowed within required setbacks:

##### **a. Structures Projections and Improvements Permitted in Setbacks**

- 1) Arbors and trellises less than ten feet in height, subject to a minimum three foot setback;
- 2) Balconies projecting a maximum of three feet into the front setback of a SFD or ZLL home, subject to the following limitations: [Ord. 2005-041]
  - a) Limited to the front setback only, not including reduced setbacks allowed for side loading garages; [Ord. 2005-041]
  - b) Total combined width of balconies projecting into front setback shall not exceed 25 percent of the total width of the front façade; [Ord. 2005-041]
  - c) ZLL homes with balconies projecting into the front setback shall have a minimum ten foot side setback from the ZLL; and, [Ord. 2005-041]
  - d) Excluding side loading garages. [Ord. 2005-041]
- 3) Permanent/retractable awnings or canopies projecting a maximum of three feet into a setback, and having no support other than provided by the wall or structure to which it is attached; [Ord. 2005-041]
- 4) Bay windows projecting a maximum of three feet into a setback; [Ord. 2005-041]
- 5) Chimneys projecting a maximum of three feet into a setback; [Ord. 2005-041]
- 6) Clothes poles or clothes lines in rear yard setbacks; [Ord. 2005-041]
- 7) Driveways, subject to Art. 6.C.1.A, Driveways; [Ord. 2005 – 002] [Ord. 2005-041]
- 8) Fire escapes projecting a maximum of three feet into a setback, provided the riser is retractable and at least 50 percent open; [Ord. 2005-041]
- 9) Flagpoles, subject to Article 8, SIGNAGE; [Ord. 2005-041]
- 10) Fountains; [Ord. 2005-041]
- 11) Heating, ventilation and air conditioning units (including compressors and condensers); [Ord. 2005-041]
- 12) Mailboxes; [Ord. 2005-041]
- 13) Open terraces and patios, including walkways and ground level decks; [Ord. 2005-041]
- 14) Open, uncovered stoops; [Ord. 2005-041]
- 15) Recreational equipment and structures in the rear setback of residential districts; [Ord. 2005-041]
- 16) Roof overhangs projecting into the required setback a maximum of two-and-one-half feet; [Ord. 2005-041]
- 17) Sculpture and other similar objects of art; [Ord. 2005-041]
- 18) Signs, subject to Article 8, SIGNAGE; [Ord. 2005-041]
- 19) Off-street parking areas, unless otherwise specifically prohibited; [Ord. 2005-041]  
Art. 5.B.1.A.2, Fences and Walls (excluding corner clips for intersections); [Ord. 2005 – 002] [Ord. 2005-041]
- 20) Landscaping planted in the ground or in planters; [Ord. 2005-041]
- 21) Wells; [Ord. 2005-041]
- 22) Utility transmission lines and associated structures; [Ord. 2005-041]

- 23) Basketball goals, provided there is a minimum three foot setback from the rear and side property lines and a minimum 15 foot setback from the front and side street property lines; **[Ord. 2005-041]**
- 24) Light poles having only one structural ground member; **[Ord. 2005-041]**
- 25) An accessory residential dock, shared by abutting residential parcels only, subject to the submittal of an executed construction and maintenance agreement, prepared in a manner and form acceptable to the County Attorney and the Zoning Director; **[Ord. 2005-041]**
- 26) Bus shelters and bus benches; and **[Ord. 2005-041]**
- 27) Fire hydrants and other government service/utility structures required to be in certain locations by applicable Codes and ordinances. **[Ord. 2005-041]**

#### **E. Building Height**

The maximum height for buildings and structures in all districts shall be 35 feet, unless otherwise stated. **[Ord. 2005-002]**

##### **1. Airport Zones**

Structures in airport zones are subject to the height restrictions in Article 16.B.1, Airspace Height Regulations.

##### **2. Multifamily, Nonresidential Districts and PDDs**

In the RM, CLO, CHO, CG, IL, IG, and PDD districts, buildings may exceed 35 feet in height as follows: Buildings over 35 feet in height shall be setback in accordance with Table 3.D.1.A, Property Development Regulations, with one additional foot of setback to be provided in addition to the required setback for each one foot in height, or fraction thereof, over 35 feet. In the PO District, buildings over 35 feet in height shall provide one foot of setback, in addition to required perimeter landscape buffers, for each additional one foot in height or fraction thereof over 35 feet. This regulation shall have no effect on any existing structure within the PO District that is conforming as of the effective date of this Code. **[Ord. 2005 – 002] [Ord. 2007-013]**

##### **3. Accessory Agricultural Structures**

In the AGR, AP, and AR districts, structures accessory to a bona fide agricultural use may exceed 35 feet in height as follows: one additional foot of setback shall be provided in addition to the required setback for each one foot in height, or fraction thereof, over 35 feet to a maximum of 100 feet.

##### **4. Height Exceptions**

The following structures shall be exempt from the height restrictions in this Section, unless otherwise stated:

##### **a. Uses Exempted from Height Restrictions**

- 1) Church spires, religious domes, and religious ornamentation attached to a place of worship;
- 2) Belfries;
- 3) Monuments;
- 4) Tanks;
- 5) Water towers;
- 6) Fire towers;
- 7) Stage towers or scenery lofts;
- 8) Cooling towers;
- 9) Ornamental towers and spires;
- 10) Chimneys;
- 11) Elevator bulkheads;
- 12) Smoke stacks;
- 13) Oil derricks;
- 14) Conveyors;
- 15) Flag poles, subject to Article 8, SIGNAGE, except for Article 4.C, COMMUNICATION TOWER, COMMERCIAL, Commercial;
- 16) Aircraft control towers;
- 17) Aircraft navigation aids;
- 18) Accessory radio towers, subject to Article 5.B.1.A.13, Amateur Radio and Television Antennas;
- 19) Article 5.B.1.A.13, Amateur Radio and Television Antennas;
- 20) Article 4.C, COMMUNICATION TOWER, COMMERCIAL; and
- 21) Parapet screening of mechanical equipment.
- 22) Mechanical equipment, less than five feet in height and any required screening, measured from the roof deck. **[Ord. 2006-004]**

## Section 2 PDRs for Specific Housing Types

### A. Townhouse

The minimum lot dimensions, maximum height, maximum FAR, maximum building coverage, and minimum setbacks and separations for townhouses in all districts where they are permitted shall be as follows:

#### 1. Ownership

##### a. Common Area

Where any portion of the original lot is not divided among and incorporated into the resulting townhouse lots, then that portion of the original lot shall be held by either of the following or a combination of the following, in a form and manner acceptable to the County Attorney: **[Ord. 2005 – 002]**

- 1) Each lot owner shall have an undivided interest in the common area, which shall be appurtenant to that lot. The individual interest in the common areas shall not be conveyed separately from the ownership of said lot; or
- 2) A property owners association (POA).

##### b. Individual Lot

The minimum area to be conveyed to the lot owner shall be no less than 100 percent of the total ground floor building area of the dwelling unit. A homeowners maintenance association shall be formed among the unit owners to assure compliance with exterior area maintenance regulations as may be adopted by the association.

#### 2. Height

No building or structure shall exceed 35 feet in height.

#### 3. Accessory Buildings and Structures

No detached accessory buildings or structures other than permitted fences or walls shall be permitted on any lot less than thirty feet in width.

#### 4. Access and Parking

Townhouse lots may be arranged in groups fronting on residential access streets (if located within a PDD) or fronting on parking tracts as allowed in Article 11.E.2, Access and Circulation Systems. Minimum parking requirements shall be in accordance with Article 6, PARKING.

#### 5. Replacement

In an effort to address current building trends and needs of homeowners to modify existing units, the following procedures have been established to facilitate replacement and expansion of existing units, and to ensure the consistency of replacement units with the character of the overall community. In the event a townhouse unit is replaced or expanded, the following shall apply: **[Ord. 2008-037]**

##### a. Process

###### 1) Building Permit Review

An application for building permit shall be consistent with typical unit detail approved on the DRO site plan or the original building permit. If no typical unit detail is included then staff will rely on the tabular data for setbacks/separations and height. **[Ord. 2008-037]**

###### 2) DRO Zoning Review

An application for DRO Zoning Review shall be required to reflect proposed changes to a DRO approved site plan, typical unit shall include tabular data, setbacks/separations and height. **[Ord. 2008-037]**

##### b. Standards for Review

- (1) Setbacks/separations may be decreased a maximum of 30 percent of the required minimum standard provided the development was not approved utilizing flexible regulations or received prior variance relief. **[Ord. 2008-037]**
- (2) A 30 percent increase in the maximum allowable height may be permitted. **[Ord. 2008-037]**
- (3) Demonstrate compliance with all applicable parking, landscaping and drainage provisions. **[Ord. 2008-037]**
- (4) Comply with all applicable application requirements. **[Ord. 2008-037]**
- (5) Submit a letter of support from the applicable community HOA/POA. **[Ord. 2008-037]**
- (6) Comply with any DRO approved architectural elevations or accepted revision consistent with Code. **[Ord. 2008-037]**

Any purposed deviation that exceeds the above standards will require variance relief pursuant to Article 2.D.3. **[Ord. 2008-037]**

#### 6. Issuance of Certificate of Occupancy (CO)

An attached townhouse building shall be developed as a whole, and no CO for a townhouse unit shall be issued until completion of one or more adjacent units and the entire attached building exterior, parking and landscaping.

**7. Townhouse Attachment**

A townhouse unit shall be attached to another townhouse unit along a minimum of 50 percent of the maximum depth of the unit. This minimum attached length between townhouses is limited to the portion of a building supporting an air conditioned living area, a garage or a storage area and shall share a continuous foundation with the townhouse building.

**Table 3.D.2.A – Townhouse Property Development Regulations**

Lot Dimensions			Max Height	Building Coverage	Setbacks and Separations (1)(2)					
Size	Width and Frontage	Depth			Front	Front	Side	Side	Side Street	Rear
					< 25' Height	25' – 35' Height	< 25' Height	25' – 35' Height		
800 SF	16	50	35	100% of buildable area	15 – unit 25 – front loading garage 15 – side loading garage or parking tract	20 – unit 30 – front loading garage 20 – side loading garage or parking tract	0 – interior unit 15 – end unit	0 – interior unit 25 – end unit	25 – end unit	25

**Notes:**

1. Front and side street setbacks measured from street or parking tract. Side and rear setbacks measured from plat, parcel, or pod boundary; lake maintenance easement, canal easement, or canal R-O-W; or required landscape buffer. **[Ord. 2005-002]**
2. Separations apply to the proximity of one townhouse group to another. Separation between two townhouse buildings shall be by drawing a centerline between the two adjacent buildings and measuring a minimum distance equal to one-half of the required separation from the centerline to ensure an equidistant separation between structures. For the purpose of this Section, a townhouse building shall mean two or more attached townhomes.
3. Recreation buildings and other structures which are not accessory structures shall comply with the setback requirements in this Section.

**B. Zero Lot Line (ZLL)**

The minimum lot dimensions, maximum height, maximum building coverage, and minimum setbacks for ZLL homes in all districts where they are permitted shall be as follows.

**Table 3.D.2.B - ZLL Property Development Regulations**

Lot Dimensions			Max Height	Building Coverage	Setbacks				
Size	Width and Frontage	Depth			Front	ZLL Side	Side	Side Street	Rear
4500 sf	45 – interior 50 – corner 55 – side street home	75	35	50%	10 – unit 25 – front loading garage 10 – side loading garage	0	10	10	10

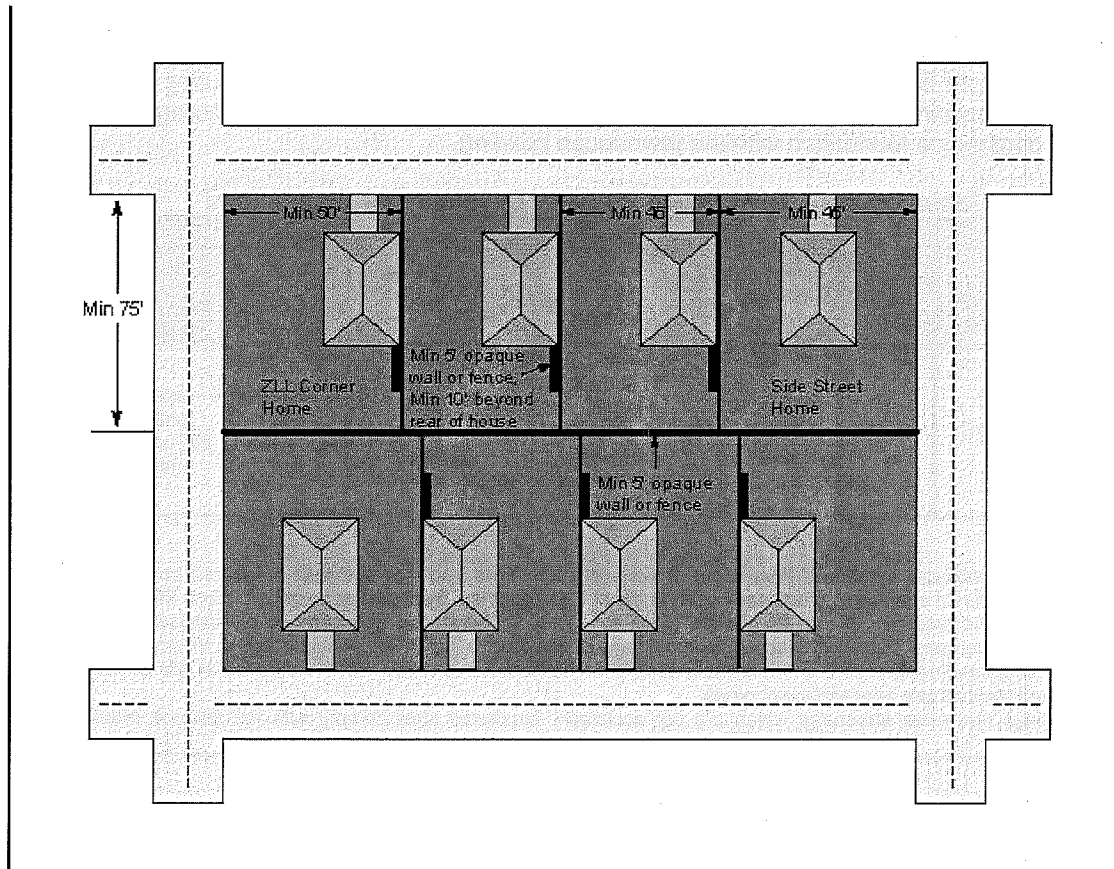
**[Ord. 2005-041]**

**Notes:**

1. Lot frontage may be measured from the required front building setback.
2. The driveway of a front loading or side loading garage shall intersect the street at or near a 90 degree angle to the road center line. The driveway of a ZLL home shall intersect the street R-O-W at a 90 degree angle for a minimum length of five feet on both sides.
3. Mechanical equipment shall be screened and oriented away from the front door and private outdoor space of the adjacent lot.

(This space intentionally left blank.)

**Figure 3.D.2.B-7, Typical Example of ZLL and Side Street Home**



[Ord. 2005-041]

### C. ZLL Design Standards

#### 1. Location

A ZLL home shall be located on a minimum of one, but not more than two, property lines. [Ord. 2005 – 002]

#### 2. Access

ZLL homes and side street homes within a planned development may front on a residential access street subject to Table 11.E.2.A-1, Chart of Access of Hierarchy. Residential subdivisions located outside of a planned development shall provide access to lots as required by Article 11.E.2.A.25, Guardhouses.

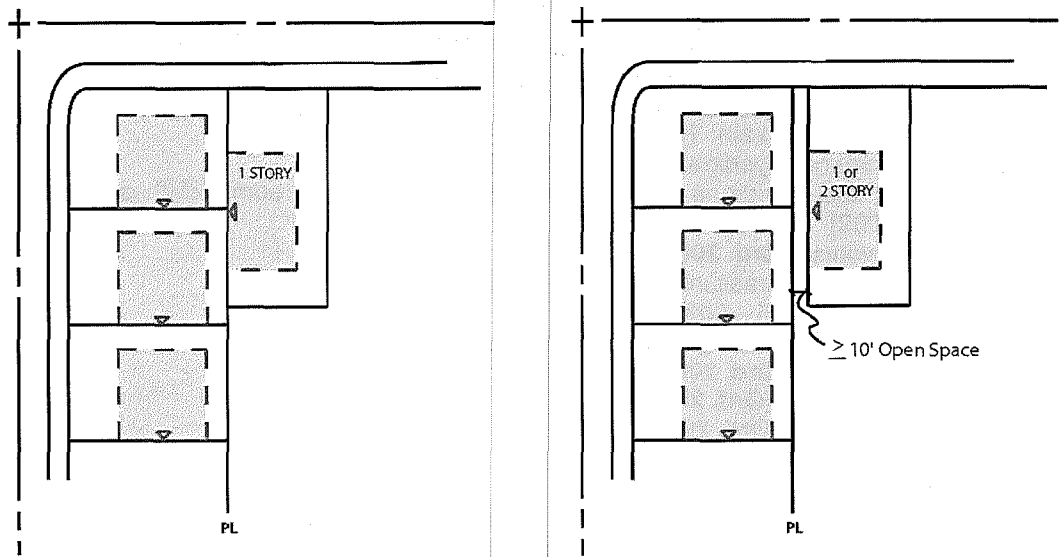
#### 3 Height Limitation

Buildings or structures shall not exceed 35 feet in height. Lots with a ZLL side that abuts or is separated from the rear property line of an adjacent lot by less than 10 feet shall be limited to one story in height. [Ord. 2009-040]

(This space intentionally left blank.)



**Figure 3.D.2.C, ZLL Height Limitations Based on Separation**



[Ord. 2009-040]

**4. Parking**

Each ZLL and side street home shall have a minimum of two parking spaces and shall comply with the requirements of Article 6, PARKING.

**5. Replacement**

In an effort to address current building trends and needs of homeowners to modify existing units, the following procedures have been established to facilitate replacement and expansion of existing units, and to ensure the consistency of replacement units with the character of the overall community. In the event a home built is replaced or expanded the following shall apply: [Ord. 2008-037]

**a. Process**

**1) Building Permit Review**

An application for building permit shall be consistent with typical unit detail approved on the DRO site plan or the original building permit. If no typical unit detail is included then staff will rely on the tabular data for setbacks/separations and height, [Ord. 2008-037]

**2) DRO Zoning Review**

An application for DRO Zoning Review shall be required to reflect proposed changes to a DRO approved site plan typical unit detail including: tabular data, setbacks/separations and height. [Ord. 2008-037]

**a) Standards for Review**

Setbacks/separations may be decreased a maximum of 30 percent of the required minimum standard (provided the development was not approved utilizing flexible regulations or received prior variance relief). A 30 percent increase in the maximum allowable height may be permitted. [Ord. 2008-037]

(1) Demonstrate compliance with all applicable parking, landscaping and drainage provisions. [Ord. 2208-037]

(2) Comply with all applicable application requirements. [Ord. 2008-037]

(3) Submit a letter of support from the applicable community HOA/POA. [Ord. 2008-037]

Any purposed deviation that exceeds the above standards will require variance relief pursuant to Article 2.D.3. [Ord. 2008-037]

**6. Zero Setback**

A minimum of 20 feet of the length of the home under air or occupied by a totally enclosed area under roof which is attached to and directly accessible from an air conditioned living area, such as a garage or storage area, shall be located on one lot line and shall have a zero foot setback from the lot line. If a home is located on two lot lines, the minimum length shall be the sum of the length on both lot lines.

**7. Remaining Setback**

The remaining portion of the home along the ZLL side shall be setback a minimum of four feet from the zero property line.

**8. Prohibited Openings and Attachments**

a. Openings and attachments shall not be allowed to penetrate and/or be attached to any portion of the home on the ZLL side. Examples of prohibited openings and attachments include, but are not limited to, the following: [Ord. 2005 – 002]

- 1) A/C condensate drain; [Ord. 2005 – 002]
- 2) A/C emergency overflow drain; [Ord. 2005 – 002]
- 3) Exhaust ducts, such as, but not limited to, kitchens, bathrooms, clothes dryers, etc.; [Ord. 2005 – 002]
- 4) Garage vents; [Ord. 2005 – 002]
- 5) Temperature or pressure relief line; [Ord. 2005 – 002]
- 6) Doors; [Ord. 2005 – 002]
- 7) Windows (other than glass block or other translucent material pursuant to Art. 3.D.2.C.9.b, Glass Blocks); [Ord. 2005 – 002]
- 8) Electric meters; [Ord. 2005 – 002]
- 9) Hose bibs; and [Ord. 2005 – 002]
- 10) Satellite dishes. [Ord. 2005 – 002]

**b. Exceptions**

Exceptions may be considered only for those existing projects where an opening or attachment was permitted on the ZLL wall for the models or more than 30 percent of the total ZLL units of that project. [Ord. 2005 – 002]

**9. Permitted Openings and Attachments**

**a. Openings/Attachments**

The following openings and attachments shall be allowed to penetrate and/or be attached to the portion of the home on the ZLL side; [Ord. 2005-002]

- 1) Clean out fittings;
- 2) Soffit vents;
- 3) Glass block or other translucent material pursuant to Article 3.D.2.C.9.b, Glass Blocks;
- 4) Atrium/courtyard exit pursuant to Article 3.D.2.C.8.d, Atrium/Courtyard; and
- 5) Windows and doors facing an atrium/courtyard, or in a recessed portion of the home if the outdoor area is completely screened from view from the adjacent home. [Ord. 2005 – 002]

**b. Glass Blocks**

Glass block or other translucent material may be used along the portion of the home on the zero lot line side, as follows:

**1) Light Transmission**

Only building material which allows a maximum 60 percent of exterior light transmission according to the manufacturer's specifications shall be used. A notarized affidavit shall be submitted with the building permit which verifies the degree of light transmission and the translucency of the material to be used.

**2) Exception**

Transparent windows may be permitted on the ZLL wall if the wall abuts a dedicated open space or landscape buffer a minimum of 50 feet in width.

**3) Surface Area**

Use shall be limited to a maximum of 50 percent of the surface area of the wall along the portion of the home on the ZLL side.

**4) Limitation**

Use shall be limited to new construction only, unless consent from the HOA is submitted with the building permit.

**c. Maintenance and Roof Overhang Easement**

The subdivision plan and plat shall indicate a maintenance and roof eave encroachment easement along the ZLL for each ZLL lot for the purpose of allowing maintenance of the portion of the home with a zero setback and to accommodate any overhang of the roof eave and gutter.

**1) Easement Width**

This easement shall have a minimum width of two feet.

**2) Roof Overhang**

Roof eaves, soffits and gutters may encroach the easement up to a maximum of 24 inches. Gutters shall be installed along the entire length of the ZLL side to prevent water runoff onto the adjacent property.

**3) Drainage**

This easement shall not overlap a drainage easement.

**4) Plat**

The following language shall be on the plat for each ZLL subdivision: Maintenance and roof overhang easements are hereby reserved in perpetuity to the owner of the lot abutting the easement and the HOA for the purpose of access to and maintenance of improvements, the roof overhang, eave, gutters, drainage and utility services within and adjacent to said easement without recourse to PBC. Should a fence or wall traverse or be located within said easement, written permission from the HOA will be required prior to the issuance of a permit by PBC. A gate for access and maintenance purposes will be required. Access for the owner of the lot abutting the easement and the HOA shall be provided after advanced notification and during reasonable hours. No construction, landscaping, mechanical equipment, fence or wall shall prevent perpetual access to said easement by the owner of the lot abutting the easement and the HOA.

**d. Atrium/Courtyard**

An atrium/courtyard may be constructed along the ZLL side. An atrium/courtyard along the ZLL side shall be limited to the ground floor only. The minimum depth shall be four feet. A gate may be installed on the ZLL for emergency exit purposes provided the gate is a minimum of 36 inches in width, six feet eight inches in height, opaque, and operable only from the inside with the gate opening inward.

**e. Privacy Walls or Fences**

**1) ZLL Home Wall**

A minimum five foot high opaque wall or fence shall be provided along the ZLL of a ZLL home, beginning at the end of the home with a zero setback and extending a minimum distance of ten feet beyond the rear of the home toward the rear property line. [Ord. 2005-041]

**a) Exception**

A wall or fence shall not be required if the ZLL side is adjacent to dedicated open space a minimum of 50 feet in width.

**2) Rear Lot Line**

A minimum five foot high opaque wall or fence shall be provided along the rear lot line between lots with abutting rear lot lines and between lots with abutting side and rear property lines.

**3) Design Requirements**

If a wall is constructed, the required wall, including any extension, shall be constructed of the same material used to construct the adjoining ZLL wall of the home (e.g. brick home with a brick privacy wall) or any structurally sound, opaque, and permanent material with an exterior finish that matches the style, color, and surface texture of the exterior of the adjoining ZLL wall (e.g. CBS home with stucco finished wood frame wall painted to match the home).

**4) Roof Enclosures**

When a screened or solid roof enclosure is attached to the ZLL wall, the length and height of the wall shall comply with Article 5.B.1.A.11, Screen Enclosures.

**5) Height Limitation**

Lots with a ZLL side which abut the rear property line of an adjacent lot shall be limited to one story in height.

**f. Side Street Home**

A side street home may be located on a lot having a street, a minimum of 50 feet of open space, or combination along two sides. A side street home shall comply with the minimum setback requirements in Table 3.D.2.B, ZLL Property Development Regulations. A side street home shall be exempt from Art. 3.D.2.C, ZLL Design Standards, unless expressly stated therein. [Ord. 2005-041]

**g. Additional Requirements**

The application of a provision in this Section which was not allowed prior to the effective date of this Code shall require:

- 1) consent from the HOA;

- 2) submittal of a site plan amendment application to the DRO;
- 3) the amendment to apply to an entire pod; and
- 4) the pod to be brought into conformance with the remainder of this Code, to the extent possible.

### Section 3 District Specific Regulations

#### A. District Specific Regulations

Additional PDRs shall apply in certain districts as follows:

##### 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:

##### 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

##### 2) Existing RM Zoning

The property was zoned RM prior to the adoption of the Plan (rezoning property with MR5 land use to the RM district shall be prohibited).

##### 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

##### 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.

##### 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).

##### 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.

##### 2. 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]**

##### 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]**

##### 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]**

##### b. Enclosed Uses

All commercial uses shall be operated entirely within enclosed buildings or structures, other than those uses or activities typically conducted outdoors, required to be conducted outdoors by law, or recognized by this Code to be conducted outdoors.

**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) Communication tower, commercial [Ord. 2005 – 002]
- 3) Electrical power facility [Ord. 2005 – 002]
- 4) Park, passive [Ord. 2005 – 002]
- 5) Recycling center [Ord. 2005 – 002]
- 6) Recycling drop-off bins [Ord. 2005 – 002]
- 7) Utility, minor [Ord. 2005 – 002]
- 8) Water 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) Communication tower, commercial;
- 3) Electrical power facility;
- 4) Park, passive;
- 5) Recreation facility, accessory;
- 6) Recycling drop-off station;
- 7) Solid waste transfer station;
- 8) Utility, minor; and
- 9) Water or wastewater 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.

## **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

### **Section 1 General**

#### **A. General**

**1. Purpose and Intent**

The purpose of (PDDs) is to provide opportunities for development patterns which exceed the expectations of the standard zoning districts, and allow for the creative use of land. The types of development addressed in this Chapter include those encouraged by the Managed Growth Tier System (MGTS) in the Plan. The intent of this Chapter is to encourage ingenuity, and imagination on the part of, architects, landscape architects, engineers, planners, developers, and builders to create development that promotes sustainable living, addresses traffic impacts, encourages alternative modes of transportation, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, provides housing choices, provides services to the community, encourages economic growth, encourages infill development and redevelopment, and minimizes impacts on surrounding areas through the use of flexible and innovative land development techniques. [Ord. 2009-040]

**2. Applicability**

In addition to the other Articles in this Code, the requirements of this Chapter shall apply to all PDDs, modifications to previously approved PDDs, and modifications to previously approved special exceptions for planned developments, unless otherwise stated.

**a. Previous Approvals**

Previously approved planned developments with a valid development order that does not conform to provisions in this Code shall be considered conforming in accordance with Art. 1.E, Prior Approvals. Nonconforming uses shall comply with 1.F, Nonconformities, and any other applicable requirements, unless stated otherwise herein. [Ord. 2009-040]

**1) Development Order Amendment**

Any DOA to a prior approval, including but not limited to additional requested uses, changes exceeding the thresholds for DRO amendments, rezoning, or any other Zoning process requiring BCC approval, shall be required to rezone to a PDD. An exception shall be permitted where the affected area of the request does not include all property owners and consent cannot be obtained. [Ord. 2009-040]

**2) Additional Requested Uses**

Previously approved "Additional Requested Uses" shall remain conforming uses, and may be modified or expanded, subject to a DOA Approval. [Ord. 2005 – 002] [Ord. 2009-040]

**b. Government Facilities**

A parcel of land in any FLU category that supports government facilities shall be exempt from the PDD threshold provisions. [Ord. 2007-013] [Ord. 2009-040]

**3. Conflicts**

If a conflict exists between this Chapter and other Articles in this Code, the provisions of this Chapter shall apply to the extent of the conflict.

**B. FLU Consistency, FAR, Density, and Use Standards**

**1. Future Land Use (FLU) Designation**

The FLU designation which correspond to each PDD are indicated in Table 3.E.1.B, FLU Designation and Corresponding Planned Development Districts. [Ord. 2009-040]

**Table 3.E.1.B – FLU Designation and Corresponding Planned Development Districts <sup>1</sup>**

	AGR <sup>2</sup>	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
PUD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
MHPD	✓	✓	✓	✓	✓	✓	✓	✓	✓		
MXPD								(3)	(3)		

	AGR <sup>1</sup>	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
MUPD			✓	✓	✓	✓	✓	✓	✓	✓	✓
MXPD				✓		✓				✓	✓
PIPD							✓			✓	✓
RVPD		✓							✓		
LCC			✓	✓							

Notes:[Ord. 2008-037] [Ord. 2010-005]

1. Check (✓) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037]
2. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]
3. MXPD shall be permitted when located at an intersection, as defined by the Plan, or when adjacent to a parcel with a CH FLU designation. [Ord. 2010-005]

**2. PDDs Split by FLU Designations**

Uses allowed, PDRs, density and intensity shall be determined by the land use designation on the affected area. In the U/S Tier, density may be transferred from one portion of the project to another based on the gross acreage of the project. [Ord. 2009-040]

**3. Density**

**a. Computation**

Density shall be based on the gross acreage of the planned development. Fractions shall be rounded down to the nearest whole number.

**b. Minimum Density**

The minimum density which may be imposed by the BCC in a PUD is indicated in Table 3.E.1.B, PUD Density. An applicant may voluntarily agree to a lesser density. The Planning Director may waive the minimum density requirement in the HR FLU designations by up to 25 percent, per the FLUE minimum density exemption Section of the Plan. [Ord. 2009-040]

**c. Maximum Density**

The maximum density shall only be awarded to a PUD meeting the goals, policies and objectives in the Plan. The maximum density allowed in a PUD is indicated in Table 3.E.1.B, PUD Density. The actual density granted by the BCC to a planned development may be less than the maximum density allowed.

**1) Density Bonus Programs**

A PDD may qualify for additional units over the maximum density pursuant to Art. 5.G.1, Workforce Housing Program (WHP), Art. 5.G.3, Transfer of Development Rights, or other density bonus program allowed by the Plan. [Ord. 2005 – 002]

**Table 3.E.1.B - PUD Density**

	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18
MIN	0.5 du/ac	(1)	0.5 du/ac	1 du/ac	2 du/ac	3 du/ac	5 du/ac	5 du/ac	5 du/ac
MAX	1 du/ac	(2)	1 du/ac	2 du/ac	3 du/ac	5 du/ac	8 du/ac	12 du/ac	18 du/ac
[Ord. 2006-004]									
<b>Notes:</b>									
1. The minimum density in the RR FLU designation for a PUD are as follows: RR20 – 0.5 unit/20 acres; RR10 0.5 unit/10 acres; RR5 – 0.5 unit/5 acres; RR2.5 – 0.5 unit/2.5 acres.									
2. The maximum density in the RR FLU designations for a PUD are as follows: RR20 – 1 unit/20 acres; RR10 – 1 unit/10 acres; RR5 – 1 unit/5 acres; RR2.5 – 1 unit/2.5 acres.									

**d. MXPD/PIPD**

Density in a MXPD or PIPD shall be determined by the underlying residential FLU designation and correspond to Table 3.E.1.B, PUD Density. Land with a commercial or industrial land use designation without an underlying residential land use designation shall be assigned a compatible residential density by the Planning Director in accordance with the Plan. [Ord. 2009-040]

**e. MLU**

Density in a MLU land use designation shall be determined by the underlying residential FLU designation(s) and correspond to Table 3.E.1.B, PUD Density. Land without an underlying residential land use designation(s) shall be assigned a compatible residential density by the Planning Director in accordance with FLUE Policy 4.4.2-b of the Plan. [Ord. 2009-040]

**f. LCC Minimum Density Requirements**

All residential units shall be vertically or horizontally integrated. The minimum required density shall be determined as a percentage of maximum density indicated in Table 3.E.1.B, PUD Density, as follows: [Ord. 2010-005]

- 1) Sites with Future Land Use designations of LR-2 or lower shall provide, at a minimum, 50 percent of the maximum PUD density; or [Ord. 2010-005]
- 2) Sites with an LR-3 Future Land Use designation shall provide, at a minimum, 33 percent of the maximum PUD density; or [Ord. 2010-005]
- 3) Sites with Future Land Use designations of MR-5 or higher shall provide, at a minimum, 20 percent of the maximum PUD density. [Ord. 2010-005]

Minimum workforce housing units shall be calculated in accordance with Art. 5.G.1, Workforce Housing Program. [Ord. 2010-005]

**4. Uses Allowed**

Uses allowed in a PDD shall be pursuant to Table 3.E.1.B-22, PDD Use Matrix. 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] [Ord. 2009-040]

**5. Use Regulations**

Uses permitted in a PDD shall be according to the pod designation on the master plan approved by the DRO, or the land use designation of the PDD, whichever is applicable. Uses may be further

limited by the development order, concurrency reservation, or other applicable requirement. [Ord. 2009-040]

**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 Matrix.

**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.

(This space intentionally left blank.)



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

Use Type	PUD					MUPD								MXPD		PIPD			M	R	LCC		N						
	Pods					FLU								FLU		Use Zone					FLU								
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	I	C	I	C			C								
	E	O	E	I	G	L	H	L	H	R	N	N	H	H	N	O	N	D			M	D		L	G	H	V	L	H
	S	M	C	V	R	/	P																						
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	S	S	S	S					119
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005]																													
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Table 3.E.1.B - PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD		PIPD			M	R	LCC		N O T E						
	Pods					FLU						FLU		Use Zone					FLU								
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	I	C			I	C		C					
	E	O	E	I	G	L	H	L	H	R	N	N	H	H	N	O			N	H		V	L	H			
	S	M	C	V	P			O	O		D	S	T	O		D	M	D	P	D							
Commercial Uses																											
Adult Entertainment																S	S										2
Auction, Enclosed		R					P			P							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
Auto Service Station		R					R	R				R		R		P	P	P							R		18
Bed And Breakfast	D	D					S	S	S	S	S			S	S		S										20
Broadcast Studio		R					R	P	R	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																											26
Contractor Storage Yard												P				P		P									35
Convenience Store		P					P	P						P	P		P		P	P	P	P	P	P	P		36
Convenience Store With Gas Sales							R					R		R		R	P							R			37
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 or Crematory		P					R	R					R	R			P										59
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		R		P	P	P									77
Laundry Services		R					P	P		P				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]																											
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	Pods					FLU							FLU		Use Zone					FLU		
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	I	C	I			C	C	
	E S	O M	E C	I V	G R / P	L	H	L O	H O	R	N D	N S T	H	H O	N D / L	O M / G	H P D			V P D	L H	
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
Pain Management Clinic																						91-1
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				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	109
Restaurant, Type II		R					R	D		R	R		D	R		R				D	D	111
Retail Sales, Auto		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				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	D	R	R		P				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. 2010-009]																						
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Table 3.E.1.B - PDD Use Matrix cont'd

Use Type	PUD					MUPD							MXPD		PIPD			M	R	LCC		N O T E
	Pods					FLU							FLU		Use Zone					FLU		
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C R	I N D	I N S T	C H	C H	O	I N D / L	C O M / G			C H	C H	
Public and Civic Uses																						
Airport, Helipad & Landing Strip										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		P		P		P	P	P	P	P		P	P	P		P		P		P	P	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	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	63
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		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
Gun Club, Open										R												67
Gun Range, Private															P	R	P					68
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
Special Event		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]																						
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	Pods					FLU							FLU		Use Zone					FLU		
	R E S	C O M	R E C V	C I V	A G R / P	C L	C H	C L	C H	C R	I N D	I N S T	C H	C H	O	I N D / L	C O M M			I N D / G	C L	
Agricultural Uses																						
Agriculture, Bona Fide					P																	3
Agriculture, Light Manufacturing																						4
Agriculture, Packing Plant																						5
Agriculture, Research/Development						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				8
Aviculture, Hobby Breeder					P																	19
Community Vegetable Garden																						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]																						
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	Pods					FLU							FLU		Use Zone					FLU		
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C R	I N	I N S T	C H	C H O	I N D / L	C O M / G	H P D			V P D	C L	
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	31
Communication Panels, Or Antennas, Commercial	B	D	D	D		D	D	D	D	D	P	D	D	D	P	P	P			D	D	31
Communication Tower, Commercial							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				44-2
Excavation, Agricultural					P																	49
Excavation, Type I																						49
Excavation, Type II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	49
Excavation, Type III A																		R				49
Excavation, Type III B																		R				49
Recycling Center							P				P					P	P	P				103
Recycling Collection Station		S		S		S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	106
Recycling Drop-off Bin		S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	D	D	104
Recycling Plant											P					P	P	P				105
Renewable Energy Facility, Wind						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	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]																						
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	Pods					FLU							FLU		Use Zone					FLU							
	R E S	C O M	R E C V	C I V	A G E P	C L	C H	C L	C H	C R	I N D	I N S T	C H	C H	O	I N D	C O M			I N D	L	G		H P D	V P D	C L	C H
Industrial Uses																											
Asphalt Or Concrete Plant											R							P									13
Data Information Processing						P	P		P		P		P	P		P	P	P					P	P			38
Film Production Studio							P		P	R	P					P	P	P						P			54
Gas And Fuel, Wholesale											R							P									61
Heavy Industry											R							P									69
Laboratory, Research						R	R	R	R	R	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					P		P									81
Medical Or Dental Laboratory		P				P	P	P	P							P											84
Salvage Or Junk Yard											R							R									116
Transportation Facility																P		P									133
Truck Stop											R					R		R									131
Warehouse							R				P					P		P									138
Wholesaling, General											P					P		P									140
[Ord. 2005-002] [Ord. 2004-040] [Ord. 2009-040] [Ord. 2010-005]																											
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### C. Objectives and Standards

#### 1. Design Objectives

Planned developments shall comply with the following objectives:

- Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoughtfare Identification Map to adequately accommodate the proposed use(s) and design;
- Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;
- Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;
- Preserve existing native vegetation and other natural/historic features to the greatest possible extent;
- Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;
- Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties; and
- Minimize parking through shared parking and mix of uses.
- For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to: **[Ord. 2009-040]**
  - public art; **[Ord. 2009-040]**

- 2) clock tower; [Ord. 2009-040]
- 3) water feature/fountain; [Ord. 2009-040]
- 4) outdoor patio, courtyard or plaza; and [Ord. 2009-040]
- 5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture. [Ord. 2009-040]

## 2. Performance Standards

Planned developments shall comply with the following standards:

### a. Access and Circulation

- 1) PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street;

#### a) Infill Development

The BCC may reduce the frontage requirement in the U/S Tier upon demonstration by the applicant that the standards cannot be satisfied by any other means and: [Ord. 2005 – 002]

- (1) the reduction is the minimum necessary to provide safe and adequate access to the project; [Ord. 2005 – 002]
- (2) the reduction will not result in any undue hardship or adverse impact on adjacent property owners; [Ord. 2005 – 002]
- (3) the reduction will not adversely effect the development of adjacent land in accordance with the Plan and this Code; [Ord. 2005 – 002]
- (4) the reduction is supported by the County Engineer and PZB. [Ord. 2005 – 002]

#### b) PUD Minimum

The BCC shall not reduce the frontage requirements below the following thresholds: [Ord. 2005 – 002]

- (1) 1500 trips or less: 50' of frontage. [Ord. 2005 – 002]
- (2) More than 1500 trips: 80' of frontage. [Ord. 2005 – 002]

Further reductions from the frontage requirements shall only be allowed by the ZC as a Type II variance in accordance with Art. 2.B.3, Variances. [Ord. 2005 – 002]

- 2) PDDs shall have legal access on an arterial or collector street;
- 3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;
- 4) Traffic improvements shall be provided to accommodate the projected traffic impact;

### 5) Cul-de-sacs

The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of local streets that can terminate in cul-de-sacs, the applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Article 1 of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20 foot wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead end streets. [Ord. 2008-037]

- a) 40 percent of the local streets in a PDD may terminate in a cul-de-sac or a dead-end by right. [Ord. 2007-001] [Ord. 2008-037]
- b) An additional 25 percent of the local streets in a PDD may terminate in a cul-de-sac pursuant to a waiver application approved by the BCC. The BCC shall consider the following standards when deciding whether or not to approve the waiver. [Ord. 2007-001] [Ord. 2008-037]
  - (1) cul-de-sacs terminate in an open space that provides amenities accessible to the residents of the development; and, [Ord. 2008-037]
  - (2) cul-de-sacs connect to a pedestrian system including but not limited to sidewalks, and designated path or trail systems. [Ord. 2008-037]

- 6) Nonresidential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;



- 7) Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project; and
  - 8) Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.
- b. Street Lighting**  
Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Article 5.E, PERFORMANCE STANDARDS.
- c. Median Landscaping**  
Refer to the most recent Land Development Regulation Manual, available from the PBC Engineering Department.
- d. Street Trees**  
Canopy trees meeting the requirements of Article 7, LANDSCAPING, shall be spaced an average of 50 feet on center along both sides of all streets 50 feet in width or greater.
- 1) Street trees shall be planted between the edge of pavement and sidewalk using appropriate root barrier techniques.
  - 2) Street trees shall be setback a maximum of 25 feet from the edge of pavement if no sidewalk is provided.
  - 3) Palms meeting the requirements of Article 7, LANDSCAPING, may be used as street trees if spaced an average of 40 feet on center.
  - 4) This requirement may be waived or modified by the County Engineer.
- e. Bike Lanes**  
Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.
- f. Mass Transit**  
All nonresidential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:
- 1) The location of a Bus Stop, Boarding and Alighting Area shall be shown on the master plan and/or final site plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;
  - 2) Prior to the issuance of the first building permit, the property owner shall convey to PBC an easement for a Bus Stop, Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the property owner shall record an easement for a Bus Stop, Boarding and Alighting Area in a manner and form approved by Palm Tran. The property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and
  - 3) All PDDs with more than 100 units shall comply with the following requirement:  
Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.
- g. Utilities**  
All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.
- 1) **Exceptions**
    - a) Primary facilities and high voltage wires.
    - b) Lift stations, transformers, and other above ground structures necessary for the function of utility services. Such above ground structures shall be screened from view from adjacent R-O-W by landscaping, fences, walls, or combination.
- h. Parking**  
**1) Residential Uses**

Parking for residential uses shall comply with Article 6, PARKING. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

**2) Nonresidential Uses**

Nonresidential uses located within a PDD may apply the parking standards indicated in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements or the minimum/maximum parking standards below. The site plan shall clearly indicate which parking standards are being utilized for the entire site. [Ord. 2009-040]

**a) Minimum/Maximum Parking Standards**

- (1) Minimum: one space per 250 square feet of GFA (4/1000).
- (2) Maximum: one space per 166.66 square feet of GFA (6/1000)

**b) Exceptions MLU/EDC**

Parking for large scale and regional facilities in excess of 500,000 gross square feet may be reduced to one space per 333.33 square feet of GFA (3/1000).

**3) Design**

Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

**4) Cross Access**

Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

**5) Location-Non-residential PDDs**

A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

**6) Distance**

All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

**a) Remote Parking Areas**

Paved pedestrian pathways shall be provided to all parking areas in excess of 400 feet from a public entrance. Pathways shall be unobstructed grade separated and/or protected by curbs, except when traversing a vehicular uses area, and clearly marked.

**i. Way Finding Signs**

Off-site directional signs, consistent with the on-site directional sign standards in Article 8, SIGNAGE, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

**j. Recreation Clubhouse Emergency Generators**

A permanent emergency generator shall be required for all PDD clubhouses 2,500 square feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators. [Ord. 2006-004]

**D. Application Requirements**

For a rezoning to a PDD, the applicant shall comply with the requirements in Article 2.B.1, Official Zoning Map Amendment (Rezoning), Art. 2.A.1.G.2, Application Procedure, General and Art.2.A.1.G.3, Plan Requirements for certification and final approval by the DRO. [Ord. 2009-040]

**1. Pre-Application Conference (PAC)**

All applications for a LCC shall require a PAC pursuant to Art. 2.A.1.E, Pre-Application Conference. [Ord. 2010-005]

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

See Art. 2.A.1.G.2, Plan Requirements for preparation of plan(s) and plan labeling requirements. [Ord. 2009-040]

**a. Effect of BCC Approval**

Approval of a preliminary master plan, site plan or subdivision plan, as applicable, by the BCC shall be binding upon the landowners subject to the development order, their successors and assignees, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, intensity, access, configuration, and all other elements and conditions set forth on the plan(s) and in the Development Order. Administrative modifications to a master or site plan may only be allowed in accordance with Article 2.D.1, Development Review Officer and Art. 2.A.1.G.3, Plan Requirements. In granting an approval, the BCC relies on the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be reviewed by the BCC as a DOA. [Ord. 2009-040]

**b. Pods**

All land within the boundaries of a master plan shall be designated one of the use types indicated in Table 3.E.1.B, PDD Use Matrix. [Ord. 2009-040]

**1) Exceptions**

Perimeter landscape buffers, water management tracts not located in pods, canals, primary streets, open space, and similar areas allowed by the DRO.

**c. Tabular Data**

Each pod shall clearly indicate the acreage and proposed density/intensity. Tabular data for the entire project shall be provided in a form acceptable to the DRO.

**d. Density**

The number of units shown on a site plan or subdivision plan shall correspond to the master plan.

**e. Intensity**

The intensity (e.g. square feet, beds, seats, no. of children/occupants/rooms, etc.) shown on a site plan or subdivision plan shall correspond to the master plan.

**E. Modifications**

Modifications to a planned development with a valid development order shall comply with Art. 2.A.1.G.3, Plan Requirements and Article 2.D.1, Development Review Officer. [Ord. 2009-040]

**1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan**

In addition to Article 2.D.1, Development Review Officer, the DRO shall have the authority to approve modifications to a master plan, subdivision plan, site plan or regulating plan approved by the BCC or ZC, subject to the following limitations. In case of a conflict with Art. 2.A.1.G.3, Plan Requirements and Art. 2, Development Review Procedures, the following standards shall apply. Modifications which do not comply with these procedures and requirements or this Section shall require approval by the BCC. [Ord. 2009-040]

**a. Consistency**

Modifications shall be consistent with the representations regarding the original approval, the conditions of approval, and the development order. Modifications which change the original goals or intent of the project, such as reduce internal trip capture, reduce non-vehicular circulation or cross access, reduce the amount of affordable housing without a corresponding decrease in density, or reduce the amount of land allocated to the preservation of agriculture, farmland, or wetlands, shall require approval by the BCC.

**b. Pods**

The re-designation of a pod from one type to another shall require approval by the BCC. The reconfiguration of pods may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

**c. Housing Classification and Type**

Housing classification may only be changed from attached to detached. Housing type may only be changed as follows:

**Table 3.E.1.E – Housing Classification and Type**

From	To
MF	Townhouse, zero lot line, or single family
Townhouse	Zero lot line, single family, or MF maximum of 35' in height
ZLL	Single family

**d. Recreation**

The amount of recreation and useable open space shown on a plan approved by the BCC shall not be reduced. Alternative locations may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

**e. Traffic**

There shall be no substantial increase in traffic impact above that approved by the BCC, as determined by the County Engineer.

**f. Access**

Access shall not be added to roads external to the project, internal roads indicated on the Thoroughfare Identification Map, or to roads external to a pod, except for a residential pod. Access to roads external to a residential pod, but internal to the project, may be added in accordance with Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.

**g. Non-Vehicular Circulation**

Pathways, sidewalks and bike lanes may be relocated, however, the resulting design shall maintain a continuous non-vehicular circulation system within the project.

**h. Density Transfer**

The DRO may transfer a maximum of 30 percent of the un-built units from one pod to another pod in the same PDD. The maximum number of units transferred to a pod shall not exceed 30 percent above the number of units approved by the BCC for that pod.

**i. Density Decrease**

The DRO may decrease the number of un-built units in a PDD, provided the resulting gross density of the project is consistent with the Plan.

**j. Intensity Increase**

The GFA of each building shown on a site plan approved by the BCC may be increased by five percent provided the increase does not exceed 1,000 gross square feet and complies with Article 2.F, CONCURRENCY (Adequate Public Facility Standards).

**2. Modifications by the BCC**

Modifications which exceed the thresholds in Article 2.D.1, Development Review Officer, shall require a DOA in accordance with Art. 2.B.2.F, DOA.

**3. Modification to Reduce or Reconfigure Existing Golf Course**

Any modifications to reduce the acreage or reconfigure the boundaries of the golf course previously approved on the Master Plan shall meet the following criteria: **[Ord. 2006-004]**

**a. Notice to Homeowners**

At the time of submitting the zoning application to amend the Master Plan, the applicant shall provide documentation that the residents of the PUD, as outlined in the latest PBC Property Appraisal list, were notified by registered mail, and shall post notice as may be allowed at appropriate common areas within the PUD. The notice mailed and posted shall describe the applicant's request to reconfigure the boundaries of the golf course. The applicant shall provide a copy of this notice to the Zoning Division and shall verify that the notice was provided as required by this section. The applicant shall further provide documentation of all additional efforts to inform association membership of the proposed golf course reconfiguration. Minutes of any association membership meeting, including the results of any vote concerning the applicant's request, as may be required by the Association, shall also be provided to the Zoning Division for inclusion in ZC and BCC staff reports. **[Ord. 2006-004]**

**b. Reduction of Open Space or Recreation**

The applicant shall provide justification and documentation that the golf course land areas to be reduced in acreage or the reconfiguration of boundaries will not result in a reduction in required open space for the development. If a previously approved development was subject to zoning regulations for open space or recreation that have since been amended, the applicant shall outline how the affected area for the proposed development complies with current ULDC requirements, while demonstrating that the unaffected area is consistent with the requirements in place at the time of the original or amended approval. **[Ord. 2006-004]**

**c. Visual Impact Analysis Standards**

The requirements of this Subsection shall be required for any application to reconfigure an existing golf course: **[Ord. 2006-004]**

**1) Visual Analysis**

To assess the compatibility and impact of a proposed reconfiguration of the golf course on adjacent properties, the applicant shall submit a Visual Impact Analysis. **[Ord. 2006-004]**

**2) Methodology**

The Visual Impact Analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor registered in the State of Florida. Digital imaging technology may be utilized to prepare the analysis, in a manner acceptable to the Zoning Director. In addition, non-digital methods may be required by the Zoning Director in order to implement the intent and purpose of this Section. The non-digital method shall, at a minimum, provide or include the information listed below. **[Ord. 2006-004]**

- a) The location of the proposed structures/buildings illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (one inch=300'). All adjacent structures/buildings located within a 1,000-foot radius of all property lines of the proposed site shall be indicated. **[Ord. 2006-004]**

- b) A line of site analysis, which shall include the following information: **[Ord. 2006-004]**

- (1) Identification of all significant existing natural and manmade features within 1,000 feet of the boundary of the affected area and identification of features that may provide buffering and screening for adjacent properties; [Ord. 2006-004]
- (2) Identification of at least three specific points within a 1,000 foot radius of the proposed site, subject to approval by the Zoning Director, for conducting the Visual Impact Analysis; [Ord. 2006-004]
- (3) Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis; [Ord. 2006-004]
- (4) Graphic illustration of the visual impact of the proposed structure(s)/building(s) on surrounding development, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points; and, [Ord. 2006-004]
- (5) Identification of all screening and buffering materials within a designated planting area 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.) [Ord. 2006-004]
- (6) Any other graphic illustrations, such as perspectives, cross sections, or elevations, shall be at a scale consistent with the master/site plan. The Zoning Director may request a scale that is necessary to clearly depict the detail of what the visual analysis is trying to convey to the BCC. [Ord. 2006-004]

#### **F. Controlling Plan(s)**

##### **1. Approved Plan**

The most recent approved master plan, site plan, or subdivision by the DRO shall be the controlling plan for the PDD. All land development shall be consistent with the controlling plan. The controlling plan shall supercede any previously approved master plan, site plan, or subdivision. [Ord. 2005 – 002]

##### **2. Maximum Units/Square Feet**

The number of units and total gross square feet shown on the most recent master plan, site plan or subdivision approved by the DRO shall constitute the maximum number of units or square footage which can be constructed in the PDD and shall supersede the density or intensity approved by the BCC and the density or intensity shown on any previously approved master plan, site plan, or subdivision. In case of a conflict between plans, an approved master plan shall control to the extent of the conflict.

#### **G. Sales Office and Models**

##### **1. General**

###### **a. Permits**

Building permits for real estate sales offices, sales models, gatehouses, entry features, and utilities may be issued prior to recording a final plat, but not before approval of a site plan/final subdivision plan by the DRO.

###### **b. Permanent**

A permanent real estate sales office is permitted in a commercial pod only.

###### **c. Definitions – see Art. 1.I, Definitions and Acronyms**

###### **1) Real Estate Sales Office, Planned Development**

An office for the sale and resale of new and existing residential units in a planned development.

###### **a) Temporary, Pod**

A temporary real estate sales office for the sale of new units only shall be permitted in a residential pod or other temporary location approved by the DRO. Sales shall be limited to only new units in the pod. A temporary sales office in a mobile home shall be subject to Article 5.B.1.B, Temporary Structures. Sanitary facilities shall be available in the office. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the pod. Temporary access to the sales office may be permitted, subject to approval by the DRO. The temporary access shall be limited to one year, unless extended by the DRO.

###### **b) Temporary, Project**

A temporary real estate sales office for the sale and resale of units in the entire project, or phase of a project, shall be permitted in a residential pod, private civic pod, commercial

pod, or recreation pod, subject to approval by the BCC. A temporary sales office in a mobile home shall be subject to Article 5.B.1.B, Temporary Structures. Sanitary facilities shall be available in the office. A temporary real estate sales office serving an entire project shall only be permitted within a planned development and/or phase approved for 300 or more units. Sales and resales shall be limited to only units within the planned development. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the project or phase, as applicable. Temporary access to the sales office may be permitted, subject to approval by the BCC.

**2) Planned Development, Sales Model**

A residential unit used for the sale of only new units within a residential pod of a planned development.

**2. Sales Office**

**a. Resale**

Resale of existing units from a temporary real estate sales office for a project shall cease when the remaining number of units without a CO in the project, or phase, as applicable, reaches the following:

**Table 3.E.1.G – Sales Office**

No. Units in Project or Phase	Units Remaining w/out a CO
1000 or more	20
500-999	16
300-499	12

**3. Sales Models**

**a. General**

A maximum of eight sales models per pod may be constructed prior to platting. Subdivision approval of the sales model lots by the DRO shall be required prior to issuance of a building permit. Sales models shall comply with all applicable PDRs prior to issuance of a CO. A sales model may be used as a temporary real estate sales office.

**1) Parking**

A minimum of two parking spaces per model shall be provided. The parking area shall comply with Article 6.A.1.D, Off-Street Parking.

**2) Duration**

The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod.

**b. Residential Pod**

A maximum of eight, or 20 percent of the number of units in the pod, whichever is less, shall be permitted as sales models.

**c. Model Rows**

Planned developments approved for a total of 300 or more units may construct a model row for the project.

**1) Number**

A maximum of 16 sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three pods under development, consisting of a minimum of 60 units each.

**2) Location**

A model row shall be located in a residential pod. The location of the model row shall be designated on the preliminary development plan at the time of BCC approval. Access to the model row shall be from a location approved by the BCC or allowed by this Code.

**3) Use**

A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited.

**H. Accessory Structures**

**1. Standards**

The following accessory uses and structures in permanent or temporary structures shall comply with the following standards:

**a. Gatehouses**

Gatehouses for security of the project may be permitted, subject to approval by the DRO.

**b. Utilities**

Public or private utilities, accessory buildings/structures, and related infrastructure shall be permitted, subject to compliance with all applicable rules and regulations governing such facilities.

**c. Temporary Structures**

Temporary structures, such as construction trailers, shall be permitted in accordance with Article 5.B.1.B, Temporary Structures.

**d. Permits**

Building Permits for temporary and accessory structures may be issued in accordance with Art. 3.E.1.G.1.a, Permits.

**I. Unified Control**

All land in a PDD shall be contiguous, unless otherwise stated, and owned or under the control of the applicant or subject to unified control. Unified control shall be in a form acceptable to the County Attorney and shall provide for the perpetual operation and maintenance of all shared/common facilities and improvements, which are not provided, operated or maintained at the public's expense.

**1. Exception**

Public civic uses and AGR Preservation Areas shall not be subject to unified control, unless required by a condition of approval.

**2. Approval**

Unified control shall be approved by the County Attorney and recorded by the applicant prior to approval by the DRO of the initial master plan, site plan, or subdivision, whichever occurs first.

**3. Control**

Unified control for a PDD shall be approved by the County Attorney and recorded by the applicant prior to approval of the first plat.

**4. Architectural Guidelines**

All buildings and signage shall maintain architectural consistency between all building, signage and project identification. Consistency shall include, a minimum, on overall unified image and character created by the use of common elements such as building and roofing materials, rooflines, muted colors, fenestration, architectural features, and architectural elements. Infrastructure, such as minor utilities, water and wastewater treatment plants which are approved for construction in a PDD prior to the approval of other buildings will not be used to set the architectural standards for a PDD. [Ord. 2007-013]

**5. Successive Owners**

The unified control shall run with the land and shall be binding on all successors in interest to the property.

**6. Amendments**

Prior to approval of a modification to a master plan, site plan, or subdivision by the DRO, the unified control shall be amended to include/exclude all land added to/deleted from the PDD.

**J. Phasing and Platting**

**1. Phasing**

PDDs shall be subject to the phasing, time limitations and review requirements of Art. 2.E, Monitoring, any conditions of approval, and shall proceed in a reasonably continuous and timely manner. If a PDD other than a PUD has multiple phases, each of the first two phases shall contain a minimum of 20 percent of the land area unless otherwise approved in the development order approved by the BCC. [Ord. 2005 – 002]

**2. Platting**

All land in a PDD shall be platted in accordance with Art. 11, Subdivision, Platting and Required Improvements. All land within the PDD, including private civic tracts, golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or industrial tract. [Ord. 2005 – 002]

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

### **A. General**

#### **1. Purpose and Intent**

The purpose of a PUD district is to offer a residential development alternative, which provides a living environment consisting of a range of living opportunities, recreation and civic uses and a limited amount of commercial uses. Residential PUDs shall correspond to a range of land uses in the Plan.

The intent of a PUD is to promote imaginative design approaches to the residential living environments. These approaches include but are not limited to:

- a. the preservation of the natural environment;
- b. the integration and connection of land uses with perimeter landscape areas which provide vegetation preservation, buffering, and circulation areas;
- c. the creation of a continuous non-vehicular circulation system;
- d. the establishment of private civic and/or public civic and recreation area to serve the PUD;
- e. provide for a limited amount of commercial uses to serve the residents of the PUD;
- f. provide for efficient use of land and public resources by co-locating harmonious uses to share civic uses and public facilities and services for the residents of PBC;
- g. the reduction of land consumption by roads and other impervious surface areas; and
- h. the provision for flexible PDRs to promote innovative and quality site design.

#### **2. Applicability**

The requirements of this Section shall apply to all PUDs, modifications to previously approved PUDs, and modifications to previously approved special exceptions for PUDs, unless otherwise stated. Refer to Art. 3.E.1.A.2.a, Previous Approvals, for additional requirements. **[Ord. 2009-040]**

#### **3. Conflicts**

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict.

#### **4. Exemplary**

A rezoning to the PUD district or a Development Order Amendment (DOA to a previously approved PUD shall only be granted to a project exceeding the goals, policies and objectives in the Plan, the minimum requirements of this Code, and the design objectives and performance standards in this Article which include, but are not limited to, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing. See the PBC Zoning Division Technical Manual for examples. A DOA to a previously approved PUD shall be reviewed pursuant to Article 1.E.1.C, Previous Approvals. **[Ord. 2006-055]**

### **B. Objectives and Standards**

#### **1. Design Objectives**

A PUD shall comply with the following objectives:

- a. Designed as a predominantly residential district;
- b. Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;
- c. Provide perimeter landscape areas to buffer incompatible land uses, or where residential uses are adjacent to other incompatible design elements such as roadways, usable open space areas, where a more intense housing type is proposed, or where residential setbacks are less than adjacent residential development outside the perimeter of the PUD. **[Ord. 2006-055]**
- d. May offer limited commercial uses for the population of the PUD;
- e. Establish neighborhood character and identity;
- f. Preserve the natural environment to the greatest extent possible; and
- g. Provide incentives for civic uses to reduce public capital improvements and expenditures by encouraging joint acquisition, development and operation of publicly owned and operated facilities to serve the residents of the PUD and PBC.

#### **2. Required Performance Standards**

A PUD shall comply with the following standards: Standards a – d are required and must be met. A minimum of two of the four standards listed in e – h are required: **[Ord. 2006-055]**

##### **a. Proximity to Other Uses**



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All residential pods with five or more units per acre shall be located within 1,320 feet of a neighborhood park, recreation pod, private civic pod, commercial pod, or a public recreational facility. [Ord. 2006-055]

**1) Measurement of Distance**

For the purpose of this Section, distance shall be measured by drawing a straight line between the property line of a residential Pod to the property line of the pod where the commercial/personal services are located. [Ord. 2004-040]

**b. Focal Points**

A focal point shall be provided at the terminus of 15 percent of the streets in the project. The focal point may be in the form of a plaza, fountain, landscaping, or similar amenity deemed acceptable to the DRO. The focal point shall not be located on a private residential lot. [Ord. 2006-055]

**c. Neighborhood Park**

Neighborhood parks shall have a direct connection to the pedestrian system and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity. Neighborhood parks shall not be used towards the Parks and Recreation Departments minimum recreation requirements and shall not be located within areas designated for drainage, stormwater management or other utility purposes. [Ord. 2006-055]

**d. Decorative Street Lighting**

Decorative street lights shall be provided along the development entrances. [Ord. 2008-037]

**e. Decorative Paving**

Decorative pavers shall be provided at the development entrances and incorporated into recreational areas. [Ord. 2006-055]

**f. Fountains**

A minimum of one fountain shall be located in the main or largest lake or water body. [Ord. 2006-055]

**g. Benches or play structures**

Benches or play structures shall be provided in usable open space areas and along pedestrian pathways. [Ord. 2006-055]

**h. Interspersed Housing**

WFH units shall be interspersed with market rate units within a pod. [Ord. 2006-055]

**i. Pedestrian Circulation System**

An interconnected pedestrian sidewalk, path or trail system shall be provided linking pods to recreational amenities within the development. [Ord. 2008-037]

**C. Thresholds**

**1. Thresholds**

Projects that meet or exceed the acreage threshold indicated in Table 3.E.2.C, PUD Thresholds may be submitted and reviewed as a PUD. [Ord. 2006-004]

**Table 3.E.2.C –PUD Minimum Thresholds**

	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18
<b>MIN</b>	40 (80/20)	100	5	5	5	5	3	3	3
	250 (60/40)								

**2. Land Use Mix**

Table 3.E.2.C, PUD Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in a PUD.

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**Table 3.E.2.C - PUD Land Use Mix**

	Res.	Civic <sup>1</sup>	Comm.	Rec.	OS <sup>2</sup>	Preserve Area	Dev. Area
MIN	60%	2%	-	.006 sf/unit	40%	80/20 AGR – 80%	-
						60//40 AGR – 60%	
MAX	-	65%	1%	-	-	-	80/20 AGR –25% <sup>3</sup>
							60/40 AGR – 40%
[Ord. 2006-004] [Ord. 2008-037]							
Notes							
1. Civic sites less than 1.5 acres in size shall be designated as private, and shall only be required in CCRT areas unless waived by the BCC. [Ord. 2008-037]							
2. Calculation of open space may include recreation pods, civic pod and open space areas within residential. [Ord. 2006-004]							
3. See 80/20 option exception.							

**3. Land Use Calculation**

The calculation for the mix of land uses shall be based on the gross acreage of the PUD. Neighborhood parks, water management tracts and local roads, which are internal to a residential pod rather than a separate pod or tract may be credited toward the minimum residential land area requirement in Table 3.E.2.C, PUD Land Use Mix.

**a. AGR Exceptions**

In the AGR FLU designations, the required land use mix shall be based on the gross acreage of the development portion of the PUD only. **[Ord. 2006-004]**

**4. Other Land Uses**

The acreage for open space tracts, water management tracts, R-O-W, shall be provided on the master plan.

**D. Property Development Regulations (PDRs)**

The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.2.D, PUD Property Development Regulations, unless otherwise stated.

**1. Setbacks**

For residential development, building setbacks shall be measured from the inside edge of the perimeter landscape buffers. For non-residential development, building setbacks shall be measured from the property line. Rear or side setbacks may be reduced pursuant to Article 3.D.1.D,4, Setback Reductions.

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**Table 3.E.2.D- PUD Property Development Regulations**

POD	Lot Dimensions			Density		FAR <sup>2</sup>	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential											
SF	Apply the RS district regulations in Table 3.D.1.A-17, Property Development Regulations.										
ZLL	Refer to Article 3.D.2.B, Zero Lot Line (ZLL).										
TH	Refer to Article 3.D.2.A, Townhouse.										
MF	Apply the RM district regulations in Table 3.D.1.A-17, Property Development Regulations.										
Civic											
Private	0.5 ac	100	100	-	-	-	30 percent	25	20	25	20
Public	1.5 ac.	100	200	-	-						
Commercial											
Commercial	Apply CC district regulations in Table 3.D.1.A-17, Property Development Regulations										
Recreation											
Recreation Pod	-	65	75	-	-	-	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	-	15 percent	15	15	15	15
Preservation (1)											
Preservation	Apply the AGR district regulations in Table 3.D.1.A, Property Development Regulations										
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037]											
Notes											
1. Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.											
2. The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted.											
[Ord. 2007-001]											

## E. Pods

### 1. Residential Pod

A residential pod shall be designated on the Master Plan as follows:

#### a. Range of Housing

A PUD in excess of 100 acres and 300 dwelling units shall provide a minimum of two residential use types. A minimum of ten percent of the residential dwellings in a PUD in excess of this threshold shall be of a second use type.

#### b. Side Loading Garage

A side loading garage is permitted in a SF pod, subject to a minimum front setback of 15 feet.

### 2. Commercial Pod

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

#### a. Use Regulations

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

#### b. Location

A commercial pod shall comply with the following location and design criteria:

##### 1) Frontage

A commercial pod shall not have frontage on a public arterial or collector street traversing or bordering the PUD. Access shall be limited to an arterial or collector street internal to the PUD only.

##### a) Exception

A private arterial or collector street traversing the PUD is exempt from this requirement.

**2) Setback**

- a) A commercial pod shall be setback a minimum of 1000 feet from the perimeter of the PUD.
- b) A commercial pod shall be setback a minimum of 1000 feet from a public arterial or collector street traversing the PUD.

**c. Design**

- 1) Any single use exceeding 10,000 square feet of GFA shall obtain approval as a Requested Use.
- 2) A Type 3 Incompatibility landscape buffer, including a six foot high opaque concrete wall, shall be required adjacent to a residential pod.
- 3) In addition to the landscape requirements in Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, R-O-W Buffers shall include a two to three foot high continuous or undulating berm.
- 4) Freestanding point of purchase signs shall be monument style only and shall be limited to a maximum of ten feet in height with a maximum sign face area of 80 square feet per side. A maximum of one freestanding point of purchase sign shall be allowed per frontage.
- 5) Outdoor lighting shall not exceed 30 feet in height, and shall be shielded, oriented and directed away from residential uses.
- 6) Dumpsters, compactors and loading areas shall be setback a minimum of 50 feet from the property line and oriented away from residential uses.
- 7) Outdoor storage of any merchandise, equipment, refuse or similar material shall be prohibited.
- 8) A continuous non-vehicular circulation system shall provide access to commercial uses from adjacent residential pods.

**d. Architecture**

Proposed buildings shall be subject to Article 5.C, DESIGN STANDARDS.

**e. Property Development Regulations (PDRs)**

The PDRs for a commercial pod are in Table 3.E.2.D, PUD Property Development Regulations.

**1) Multiple Uses**

A commercial pod meeting the requirements for a MUPD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.3.D, MUPD Property Development Regulations.

**2) Mixed Use**

A commercial pod meeting the requirements for a MXPD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.4.D, MXPD Property Development Regulations.

**3) Market Place**

A commercial pod meeting the requirements for TMD or a TMD with a CL FLU designation. may be developed in accordance with the PDRs in Table 3.D.1.A, Property Development Regulations.

**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.

**g. Accessory Commercial Areas**

Ten percent of the floor area in a recreation or civic pod may be utilized for commercial uses permitted by right in the CC zoning district.

**h. Nonconforming Commercial Pods**

In addition to the criteria in Article 3.E.2.E.2.c, Design, above, the following standards shall apply to a commercial pod in a PUD approved prior to June 16, 1992, but which has not received site plan approval by the DRO:

- 1) A single use shall not exceed 15,000 square feet GFA; and
- 2) Auto repair and gasoline sales shall be prohibited.

**3. Recreation Pod**

Recreation areas shall be designated on the master plan as recreation pods and in accordance with Art. 5.D, Parks and Recreation Standards.

**a. Installation**

Site improvements shall be provided in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards.

**b. Parking**

Parking shall not be required for recreation pods less than one acre.

**c. Special Events**

The HOA shall be responsible for ensuring adequate off street parking is provided during special events. [Ord. 2007-001]

**4. Civic Pod**

A civic pod is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned civic, institutional, educational, and additional recreational uses for the community.

- a. A PUD shall provide for and designate a civic pod on the master plan based on the two percent of the gross acreage of the PUD. PUD's in AGR-FLU areas shall use two percent of the developable portion of the PUD. All civic pods so designated shall be identified as public or private. [Ord. 2005 – 002]

**b. Frontage**

A civic pod shall have frontage on a collector or arterial street unless waived by FDO. [Ord. 2005 – 002]

**c. Public and Private Civic**

PBC may require all or a portion of a civic pod to be dedicated to PBC for public purposes. Civic Pods of one acre or less may be labeled as "Private" with approval of FDO. [Ord. 2005 – 002]

**1) Public Civic**

Public civic pods shall be located adjacent to publicly owned, or anticipated to be owned, lands. In the event of co-location with property outside the boundary of the PUD, the required landscape buffer along the common boundary may be waived by the DRO. A minimum 5-foot setback shall be required for all permanent structures, measured from the common interior boundary. The remaining setbacks shall be applied pursuant to Table 3.E.2.D – PUD Property Development Regulations. The location of, and access to, a public civic pod shall be acceptable to FDO prior to certification of the master plan by the DRO. [Ord. 2005 – 002] [Ord. 2008-037]

**a) Conveyance**

Conveyance of a civic pod to PBC shall be in a form and manner acceptable to FDO as outlined in the FDO Property Acquisition Policy and Procedures, and by the County Attorney. Documentation, such as a deed, survey, environmental assessment, and evidence of a clear title shall be required to be provided by the applicant prior to acceptance by PBC. Site shall also be conveyed with: [Ord. 2005 – 002]

- 1) concurrency;
- 2) drainage accommodated within and allowed to discharge into the storm water management system of the PUD;
- 3) filled and stabilized;
- 4) sufficient sized water sewer and other associated utilities stubbed to the site; and
- 5) direct access to a utility easement for phone, electric and cable.

**b) Uses**

Public civic parcels shall consist of civic uses and other typical uses provided by governmental agencies, which are required to provide services to meet concurrency requirements such as, but not limited to, regional parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools, libraries or other civic uses. [Ord. 2005 – 002]

**2) Private Civic**

Private civic parcels shall be labeled as "Private" on the master plan and may be underscored for a particular use as defined in this section or as outlined in Zoning Code Use Matrix. Such pods may be located anywhere within the PUD but should remain as one singular parcel. [Ord. 2005 – 002]

**a) Use Limitations**

Private civic sites shall consist of civic uses which: provide services to PUD residents or fulfill recreational or educational needs for the residents of PBC; are customarily privately owned and operated;; such as but not limited to, private schools or libraries, day care

centers, churches, temples, and property owner association meeting areas. Private civic uses may include parking if such use benefits the intended private civic site function. Private civic sites may not be used as PUD overflow parking areas or to fulfill any other non-civic site related requirements. [Ord. 2005 – 002]

**d. Underlying FLU**

A civic pod may have an underlying pod designation on the master plan approved by the BCC. The underlying FLU designation may only be utilized if the civic pod is removed from the master plan by the DRO.

**e. PDRs**

The PDRs for a civic pod shall be in accordance with Table 3.E.2.D, PUD Property Development Regulations.

**1) Exception**

Public civic pods may be exempt from Table 3.E.2.D, PUD Property Development Regulations, by the DRO if the PDRs hinder the proper functioning of the intended civic use.

**2) Special Provision for Civic Pods**

The BCC may permit the land area allocated to public civic uses or private civic uses to be deleted from the gross acreage of the PUD when determining the residential land use percentage. Such reduction may occur if an explicit public benefit is demonstrated meeting the criteria in this Subsection. The applicant may include with a submittal of a rezoning application a request to exclude the public civic or private civic acreage from the gross acreage of the PUD. The justification statement, required in accordance with Article 2.D, ADMINISTRATIVE PROCESS, shall clearly demonstrate an explicit public benefit and meet the criteria herein. Prior to certification of an application, the Zoning Director may obtain confirmation from the BCC that the justification and proposed mix of land uses meets the applicable criteria. The BCC shall make a finding of fact supported by substantial competent evidence that the criteria has been satisfied.

**3) Evaluation Criteria**

Public civic sites shall meet all criteria outlined in Art. 3.E.2.E.4.e.3).a)-e)., below.

Private civic sites shall meet all criteria outlined in Art. 3.E.2.E.4.e.3)a)-g).

- a) Provide reduced cost to the public for site acquisition, development or operation of civic uses.
- b) Provide services to meet recreational, fire rescue or mass transit concurrency requirements in accordance with F.S. Chapter 163, or accommodate impacts of development on educational facilities such as schools or regional libraries.
- c) Fulfill a direct service and immediate need, as projected in the PBC's capital improvement element or, if applicable, further the PBC's goal to provide adequate primary and secondary education facilities.
- d) Land uses within the PUD shall be located and designed to be compatible with surrounding land uses both internal and external to the PUD.
- e) The resulting mix of land uses further the goals to integrate and share facilities, thereby encouraging efficient use of land and reduction in use of public funding sources.
- f) The location and layout of the civic use shall be easily accessible to the residents of the PUD. The civic uses shall satisfy the design objective in Article 3.E.2.B, Objectives and Standards.
- g) Provide education in accordance with F.S. Chapter 623.

**F. AGR PUD**

**1. General**

The following regulations have been created to fulfill goals, policies and objectives in the AGR FLU designations.

**a. Purpose and Intent**

In addition to provision in Article 3.E.2.A.1, Purpose and Intent, a PUD is permitted in the AGR FLU designations in order to accommodate low density residential development in conjunction with the preservation of agriculture, wetlands or other significant open space areas. It is the intent of a PUD in this land use designations to provide for the residential development of land in a manner compatible with agriculture, wetlands or other significant open space and which does not detract from the protection and perpetuation of such uses in the area.

**b. Applicability**

This Section shall apply to PUDs in the AGR FLU designations.

**c. Conflicts**

If this Section conflicts with another Section of the Code, the provisions of this Section shall apply to the extent of the conflict.

**2. Development Options.**

**a. Options**

The following two options are allowed in the AGR FLU designations: 80/20 and 60/40.

**1) Minimum Land Area**

The minimum gross land area (GLA) for the 80/20 option is 40 acres and 250 acres for the 60/40 option.

**2) Areas**

Each PUD shall consist of two areas, the Preservation Area and the Development Area. Both areas shall be rezoned to the PUD district.

**b. Density**

The maximum density for both options shall be based on the total GLA of the PUD calculated at 1 du/ac. The residential density in the Development Area is not restricted, except as necessary to meet applicable development standards and to assure compatibility with adjacent land uses.

**c. Land Use Mix**

The land area allocated for the Preservation Area and the Development Area shall be based on the ratio specified for each development option as described below.

**1) 80/20 Option**

A minimum of 80 percent of the GLA of the PUD shall be designated as Preservation Area on the master plan. The remaining land area (20 percent) may be designated on the master plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C, PUD Land Use Mix.

**a) Exception**

Up to an additional five percent of the GLA of the PUD may be allocated to the Development Area where the allocation can be accounted for as R-O-W for streets or water retention areas. In no event shall the Development Area, including R-O-W and water retention areas, exceed 25 percent of the GLA.

**2) 60/40 Option**

A minimum of 60 percent of the gross land area of the PUD shall be designated as a Preservation Area on the master plan. The remaining land area (40 percent) may be designated on the master plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C, PUD Land Use Mix.

**3) Both Options**

Credit shall not be given that would reduce the size of the Preservation Area for encroachment of R-O-W, water retention, open space, landscape buffers, or natural habitats preserved in the Development Area. Native vegetation required to be set-aside in a Development Area by Article 14.C, VEGETATION PRESERVATION AND PROTECTION, shall not be credited toward satisfying the minimum Preservation Area requirement.

**3. Preservation Area**

A Preservation Area or a pod designated as a Preservation Area is intended to support bona fide agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preservation Area and shall not detract from its operation or function.

**a. Location and Access**

Preservation Areas which are not contiguous to Development Areas may be situated anywhere in the AGR FLU designations, provided they are accessible by a street.

**b. Adjacency**

Preservation Areas shall be located, to the greatest extent practical, adjacent to existing, planned, or projected Preservation Areas.

**c. Uses**

Uses allowed in a Preservation Area are indicated in Table 3.E.1.B, PDD Use Matrix, and specified by the Preserve Management Plan as approved by ERM. [Ord. 2006-004]

**d. Configuration**

**1) Property Development Regulations**

A Preserve Area and any remaining portion of a lot used to create a Preserve Area shall meet the minimum PDRs of the AGR district, with exception to the following: lot width may



be reduced to 100 feet for a Rural Parkway, as defined in the Plan, or for an equestrian use that meanders through a 60/40 development area; and, a legal lot of record that does not meet the minimum acreage or dimensions of the AGR district may be used as a preserve area if in compliance with all other requirements of this Section. [Ord. 2006-004]

**2) General**

Preservation Areas shall be arranged in a unified whole so as to maximize the purpose, function, and perpetuation of the preservation use. This shall be accomplished, in part, through the following:

**a) Agriculture**

Agricultural areas shall have boundaries that allow for efficient agricultural operation, and shall not be encroached upon by a Development Area. [Ord. 2006-004]

**b) Wetlands**

The boundary of preserved wetlands shall be determined by the ecological function of the viable area, as determined by the BCC upon recommendations from ERM and/or the SFWMD. Wetland areas shall be preserved in the following order of priority: adjacent to off-site wetlands; open space; fallow land; or, agricultural land. Primary consideration shall be given to preserved wetland areas adjacent to off-site wetlands.

**e. Contiguity**

**1) 80/20 Option**

The Preservation Area in the 80/20 option shall be located contiguous to the Development Area.

**2) 60/40 Option**

The Preservation Area for the 60/40 option shall be a minimum 150 acres and contiguous to, but not intrusive into, the Development Area with the following exceptions:

a) Equestrian communities may have pastures designated as Preservation Area, which meander, in a contiguous fashion, throughout the PUD;

b) A Preservation Area in the 60/40 option may be located remote from its associated Development Area provided that at least one of the following conditions are met: [Ord. 2005 – 002]

(1) the Preservation Area contains at least 150 acres and meets the requirements in Article 3.E.2.F.3.d, Configuration; or

(2) the Preservation Area shares at least one common boundary of which a minimum of 50 percent of the common boundary is contiguous with an existing Preservation Area, an agricultural area preserved under the PACE program, or a designated wetland which is in public ownership, and which, when combined with the adjacent existing area, has a land area equal to or greater than 150 acres. [Ord. 2005 – 002]  
[Ord. 2006-004]

**f. Plans**

Plans submitted to the DRO shall depict the Preservation Area as specified below.

**1) Contiguous Area**

When the Preservation Area is contiguous to the Development Area, the Preservation Area shall be shown and designated on the master plan and all applicable subdivision plans at the same scale and in the same detail as the Development Area.

**2) Non-contiguous Area**

When the Preservation Area is not contiguous to the Development Area, the Preservation Area shall be referenced by a location sketch and notes on the master plan.

**g. Boundary Plat**

All Preservation Areas shall be platted. The plat(s) shall be recorded simultaneously with the first plat in the Development area. The plat shall limit the land to the intended preservation use(s).

**h. Perpetual Preservation**

Prior to recording the first plat for a Development Area, the Preservation Area shall be established in perpetuity in a form acceptable to the County Attorney. The Preservation Area shall be established by fee simple dedication to and acceptance by the BCC, or by recordation of an Agricultural Conservation Easement. [Ord. 2008-037]

**1) Dedication and Acceptance**

Dedication of the Preservation Area to the BCC and acceptance of the dedication by the BCC;

**2) Conservation Easement**

Recordation of an Agricultural Conservation Easement; or [Ord. 2006-004]

**3) Restrictive Covenant**

Recordation of a restrictive covenant, made in favor of PBC, stating the basis for and limiting the land to the intended use(s).

**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.

**a. Location**

The Development Area for the 60/40 option shall not be located west of S.R.7 (U.S. 441).

**1) Frontage**

All Development Areas shall have frontage on SR-7, SR-806 (Atlantic Ave.), SR-804 (Boynton Beach Boulevard), Clint Moore Road or Lyons Road.

**2) Adjacency**

Development areas shall be located, to the greatest extent practical, adjacent to existing, planned or projected Development Areas.

**3) Connectivity**

Development Areas adjacent to potential or existing TMD locations shall have at least one paved pedestrian and vehicular connection.

**b. Configuration**

**1) General**

The Development Area shall be a single, compact, contiguous area, which possesses the characteristics listed below. An equestrian community may deviate from these characteristics only to the extent that contiguous pasture land may meander throughout the Development Area:

- a) at least two sides of the Development Area shall share a common border with the perimeter of the PUD;
- b) the Development Area shall be designed as a single unified whole within a tightly compact area with continuous common boundaries with other pods in the PUD;
- c) isolated Development Areas and Preservation Areas shall not be created within a contiguous PUD; and
- d) lakes, water retention areas, golf courses, and other similar amenities shall be located within the Development Area to provide a buffer from adjacent Preservation Areas or off-site agricultural uses.

**c. Contiguity**

A Development Area shall be situated in only one location and shall be contiguous within itself.

**d. Landscape Buffer**

A Type 3 incompatibility buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR; including Preservation Areas. The buffer shall be a minimum of 50 feet in width and installed in accordance with Article 7, LANDSCAPING, except that a wall shall not be required. [Ord. 2006-004] [Ord. 2008-003]

**1) Reduction**

A buffer required along the perimeter of a Development Area may be reduced by 50 percent if:

- a) the buffer is within a nonresidential pod and adjacent to a R-O-W greater than 50 feet in width;
- b) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or
- c) the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width.

**5. Special Provisions**

**a. Water and Sewer Service**

All Development Areas shall utilize central water and wastewater service provided by WUD. The use of package treatment facilities shall not be permitted.

**G. RR PUD**

**1. Rural Residential**

The following additional regulations apply to the PUDs in the RR FLU Designation.

**a. Purpose and Intent**

A PUD is permitted in the RR FLU designations to accommodate low density residential development in conjunction with the protection and maintenance of rural, equestrian, and

agricultural communities. It is the intent of a PUD in these land use designations to provide for the residential development of land in a manner compatible with agriculture, wetlands or other significant open space and which does not detract from the protection and perpetuation of such uses in the area. The areas in which this development alternative is offered are characterized by agriculture, small farming operations, equestrian activities, and open spaces where residents are attracted to low-density lifestyles.

**b. Conflicts**

If a conflict exists between this Section and other Sections of this Code, the provisions of this Section shall apply to the extent of the conflict.

**c. General**

The following additional standards apply to PUDs in the Rural and Exurban tiers except in the Central Western Communities Sector Plan area (Plan Map Series: Map LU3.1, Special Planning Areas Map), if governed by a Sector Plan pursuant provisions in the Plan.

**1) Density**

The density in a PUD with a rural residential FLU designation shall be based on the gross land area of the PUD and the FLU assignment in the Plan. No additional density shall be assigned as a bonus or through a transfer of development rights.

**d. Option 1 – Rural Cluster**

**1) Land Area**

A minimum of 100 acres.

**2) Open Space**

A minimum of 60 percent of the land area shall be designated on the master plan as contiguous and compact open space, unless otherwise determined by the Existing Resources and Site Analysis. Open space satisfying this requirement shall have a minimum width of 150 feet and be designated as common area on the master plan or dedication in perpetuity as a preserve, in accordance with Article 3.E.2.F.3.h, Perpetual Preservation.

**a) Exception**

Existing environmental, geological and historic resources identified in the site analysis required by Article 3.E.2.G.4, Existing Resources and Site Analysis, and having a minimum area of five acres are not required to be contiguous.

**b) Common Area**

If designated as common area, maintenance of the open space shall be the perpetual responsibility of the HOA.

**c) Separate Tract**

All areas designated as open space on the Master Plan shall be platted and maintained as a separate tract of land. No area designated as open space on the Master Plan shall be platted with, nor made part of, a lot or land in the development area.

**d) Plat**

All open space shall be platted simultaneously with the first plat in the development area.

**3) Development Area**

A maximum of 40 percent of the land area shall be designated on the master plan as the development area. All residential, civic, and recreation pods shall be limited to the development area. All improvements, including streets, water management tracts for on-site and street drainage (including R-O-W), excavation, and accessory structures shall be limited to the development area.

**a) Exception**

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

**4) Design**

The Development Area shall be designed to emphasize the open space areas identified in the site analysis in accordance with Article 3.E.2.G.4, Existing Resources and Site Analysis. The development areas shall be designed so as to not interfere with the continued or future function of any designated open spaces preserves or areas, identified as environmentally, geologically, or historically significant in the site analysis required by Article 3.E.2.G.4, Existing Resources and Site Analysis. Pods should be located and designed to ensure compatibility with open space and preserves areas. All streets shall terminate in a vista or

focal point such as trail head, passive park, waterviews, open space, or an alternative acceptable to the BCC.

**e. Option 2 – Variable Lot Size**

**1) Minimum Land Area**

A minimum of 100 acres

**2) Open Space**

No minimum percentage of open space shall be required in a PUD with a RR land use designation utilizing the variable lot size option (Option #2).

**3) Development Areas**

The development area shall be required to have an equestrian lifestyle. Development shall be designed so as to not interfere with the continued or future function of any area identified as environmentally, geologically, or historically significant in the site analysis required in Article 3.E.2.G.4, Existing Resources and Site Analysis. Residential pods should be located and designed to ensure compatibility with non-residential pods and open space areas. All streets shall terminate in a vista or focal point, such as a trail head, passive park, waterview, agricultural structure, or an alternative acceptable to the BCC.

**a) Exception**

All drainage improvements, such as water management tracts, street drainage, and excavation for water management purposes, shall be developed as common areas and platted as separate tracts of land. Type 1 excavation, for the purposes of building a single family residence, shall not be permitted on individual lots.

**4) Design**

A PUD with a RR land use designation utilizing the variable lot size option (Option #2) may subdivide parcels into a range of lot sizes as accepted by the BCC. The minimum lot size shall not be less than indicated in Table 3.E.2.G, RR-PUD Property Development Regulations. The gross density of the PUD shall not exceed the density assigned to the project by the Plan.

**2. Pods**

**a. Residential Pod**

Housing type and classification shall be limited to single family detached only, typical residential accessory uses/structures and accessory agricultural or equestrian uses/structures.

**b. Commercial Pod**

A commercial pod is prohibited.

**c. Civic Pod**

Civic and institutional uses shall be limited to government services only. No private civic uses shall be permitted

**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.

**3. Property Development Regulations (PDRs)**

The PDRs for residential lots are in Table 3.E.2.G, RR-PUD Property Development Regulations. Accessory residential uses/structures may use with the nonconforming lot provisions in the AR district.

**Table 3.E.2.G- RR-PUD Property Development Regulations**

Pod	Lot Dimensions			Density		FAR	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min	Max			Front	Side	Side Street	Rear
Residential Option 1	1.25 ac	100	125	-	-	.20	20%	50	20	25	25
Residential Option 2	2.5 ac	200	200	-	-	.20	20%	50	40	50	50
Public Civic	1%	Apply PUD public civic pod PDRs									
Recreation		Apply PUD recreation pod PDRs									

**a. Design Standards**

The rural design standards in Article 5.C, DESIGN STANDARDS, shall apply to all development not located on a single family lot (e.g. entry features, recreation and public civic pods).

**4. Existing Resources and Site Analysis**

The application shall include an analysis and maps of existing environmental, geological, and historic conditions on the proposed site. At a minimum, the analysis shall contain the following information and be subject to review and approval by the DRO prior to certification of the project.

**a. Natural Resources and Environmentally Sensitive Areas**

Location and identification of environmentally sensitive lands, habitats of endangered species, significant areas of native vegetation, wetlands, canals, ditches, and natural drainage.

**b. Historic Resources**

Location and identification of all historically and archaeologically significant features, sites and structures.

**c. Preservation**

Significant environmental, geological, and historic conditions identified in the site analysis shall be incorporated and preserved in open space areas on the master plan or as required by ERM and/or the SFWMD.

**d. Open Space Management Plan**

The applicant shall submit an Open Space Management Plan for review and approval by the DRO, which ensures that all areas designated as open space on the master plan are maintained in perpetuity. The Open Space Management Plan shall include a bond, or the funding mechanism, in an amount necessary to ensure maintenance of the preserve area on a permanent basis. Bona fide agricultural land shall remain in agricultural production or returned to a natural state acceptable to ERM. Fallow land shall remain free of prohibited species and maintained to prevent the creation of a nuisance on adjacent properties. Wetlands shall remain viable and subject to the permitting and maintenance requirements of the SFWMD.

**e. Plat**

All open space shall be platted simultaneously with the first plat in the developments area.

**5. Landscape Buffer**

A landscape buffer shall only be required around the development area, adjacent to the perimeter of the project. The buffer shall be a minimum of 150 feet in width and consist of 100 percent native vegetation. Landscape buffers providing continuity between open space areas to be preserved may be counted toward meeting the minimum open space requirement.

**a. Landscape Requirements**

Portions of the buffer which are not adjacent to a street shall comply with the compatibility landscape requirements in Article 7, LANDSCAPING. All landscape material shall be planted in groups and/or a naturalistic pattern.

**b. Trails**

A continuous equestrian trail, fitness trail, bike path, walking path, or similar trail system shall be incorporated into the internal street R-O-W sections, around lakes, and/or within the buffers in the development area. Trails and paths in open space areas shall only be paved with pervious materials.

**H. Supplemental Standards**

**1. HOA**

Concurrent with the first recorded plat a POA shall be formed to manage the common areas and govern the operations of the HOA. The preservation area of an RR-PUD is not required to be governed by a POA.

**2. Declaration of Covenants and Restrictions**

All properties included in the legal description of a PUD shall be subject to a Declaration of Covenants and Restrictions acceptable to the County Attorney's office which shall, among other things, provide for formation of a single "master" HOA, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended if additional units or land area are added to the PUD.

### 3. Incompatible Uses

The petitioner shall include in the homeowners documents, as well as written sales brochures and sales contracts, a disclosure statement identifying and notifying of the existence of agricultural, equestrian, or cellular communication towers in the vicinity of the development.

### I. Phasing and Platting

A PUD shall be subject to the time limitation and review requirements of Art. 2.E, Monitoring and Article 3.E.1.J, Phasing and Platting, and shall proceed in a reasonably continuous and timely manner complying with these phasing requirements and the requirements listed below.

#### 1. Plat Requirements

All land within the PUD, including golf courses, shall be platted. All golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or civic site plat.

## Section 3 Multiple Use Planned Development (MUPD)

### A. General

#### 1. Purpose and Intent

The purpose of an MUPD is to provide for the efficient use of land by the integration of multiple uses, or large single uses, within a unified development. The intent of an MUPD is to provide opportunities for enlightened and imaginative approaches to community planning by:

- allowing flexibility from standard PDRs;
- applying PDRs to the entire project rather than individual lots, such as: access, parking, lot dimensions, lot frontage, and landscaping; and
- encouraging the creation of a unified image between buildings and signage through architecture and linkages between land uses.

#### 2. Applicability

The requirements of this Section shall apply to all MUPDs, modifications to previously approved MUPDs, and modifications to previously approved special exceptions for large-scale community or regional shopping centers (30,000 square feet or 50,000 square feet of total floor area or more), Planned Commercial Developments (PCDs), Planned Neighborhood Commercial Developments (PNCDs), Planned General Commercial Developments (PGCDs), Planned Office Business Parks (POBPs) and Planned Industrial Developments (PIDs), unless otherwise stated. Refer to Art. 3.E.1.A.2.a, Previous Approvals, for additional requirements. [Ord. 2009-040]

#### 3. Conflicts

If a conflict exists between this Section and other Sections of this Code, the provisions of this Section shall apply to the extent of the conflict.

### B. Objectives and Standards

#### 1. Design Objectives

A MUPD shall comply with the following objectives:

- Designed as a predominantly non-residential district;
- Provide innovative building location and orientation;
- Protect adjacent residential uses from potential adverse impacts;
- Provide interconnection between uses in and adjacent to the project;
- Allow for landscape design that enhances the appearance of the project.

#### 2. Performance Standards

A MUPD shall comply with the following 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.C.3.B, Freestanding Buildings. 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.

**Table 3.E.3.B– Freestanding Buildings**

FLU Designations	CL	CH	CLO	CHO	IND	CR	INST
Number of buildings	1	3	1	3	3	3	3

**b. Non-vehicular Circulation**

A MUPD shall be designed to provide for pedestrian and bicycle oriented circulation system throughout the development.

**1) Sidewalks**

Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment.

**c. Landscape Buffers**

A Type 3 incompatibility buffer shall be provided in any area of an MUPD adjacent to a residential use type or undeveloped land with a residential FLU designation. The BCC may allow an alternative buffer as a condition of approval.

1) No overlap or easement encroachment shall be permitted in R-O-W buffers.

**d. Cross Access**

Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between a MUPD and adjacent land with a non-residential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.

**e. Parking**

Off street parking areas shall comply with Article 6, PARKING, Article 7, LANDSCAPING, and the following:

**1) Parking Areas**

a) Groundcover or small shrubs 18 to 24 inches in height at installation, and maintained to achieve a maximum of 30 inches in height shall be planted in all terminal islands and divider medians.

b) Where pedestrian access ways cross terminal islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar paving treatment.

**2) Loading Area Screening**

Internally oriented loading areas shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.

**3. Civic Dedication**

The BCC may require that a portion of the gross acreage of the development be dedicated to PBC for public purposes, when insufficient facilities are available to allow for the provision of government services required for the proposed development. The dedication of such property shall be in accordance with Art. 3.E.2.E.4.c.1), Public Civic. The PDRs for the PO district shall apply to the civic parcel. [Ord. 2006-004]

**C. Thresholds**

Projects that meet or exceed the square footage threshold indicated in Table 3.E.3.C, MUPD Thresholds or the requirements of Table 3.E.3.D, MUPD Property Development Regulations, in addition to all other minimum MUPD requirements, may be submitted and reviewed as a MUPD. [Ord. 2006-004] [Ord. 2007-013]

**Table 3.E.3.C - MUPD Thresholds**

FLU	CL	CH	CLO	CHO	IND	CR	INST
Square Feet	30,000	50,000	30,000	50,000	100,000	100,000	50,000

**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**

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in the MUPD district are indicated in Table 3.E.3.D, MUPD Property Development Regulations, unless otherwise stated.

**Table 3.E.3.D – MUPD Property Development Regulations**

FLU Designations	Lot Dimensions			FAR <sup>2</sup>	Max. Bldg. Coverage	Setbacks <sup>1</sup>			
	Size	Width & Frontage	Depth			Front	Side	Side Street	Rear
<b>CL</b>	3 ac	200	200	-	25 percent	25	C-15 R-30	25	C-20 R-30
<b>CH</b>	5 ac	300	300	-	30 percent	30	C-15 R-30	30	C-20 R-30
<b>CLO</b>	3 ac	200	250	-	25 percent	25	C-15 R-30	25	C-20 R-30
<b>CHO</b>	5 ac	200	200	-	25 percent	30	C-15 R-30	30	C-20 R-30
<b>IND</b>	5 ac	300	300	-	45 percent	30	C-15 R-40	30	C-20 R-40
<b>CR</b>	5 ac	300	300	-	30 percent	30	C-15 R-40	30	C-20 R-40
<b>INST</b>	5 ac	300	300	-	30 percent	30	C-15 R-30	30	C-20 R-30
<b>[Ord. 2007-001]</b>									
<b>Notes:</b>									
<b>C</b> Indicates the building setback if the lot abuts a non-residentially zoned or designated lot. <b>R</b> Indicates the setback from an adjacent parcel with a residential zoning designation. 1. Setbacks are measured in linear feet from the boundary of the MUPD. 2. The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted. <b>[Ord. 2007-001]</b>									

**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]**

- 1) Shall not exceed 1000 square feet of living area; **[Ord. 2004-040]**
- 2) A minimum of 10 percent of the living area shall be designated as office space; **[Ord. 2004-040]**
- 3) Shall be counted as non-residential square footage; **[Ord. 2004-040]**
- 4) The maximum number allowed in a PDD is indicated in Table 3.E.3.D-32, Work/Live PDD; **[Ord. 2004-040]**
- 5) 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]**
- 6) 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	CL/Commercial Pod in a PUD	CH	CLO	CHO	IND <sup>(1)</sup>
Number of Spaces	1/acre	5/acre	3/acre	3/acre	3/acre
DRO <sup>(2)</sup>	8	24	24	24	24
<b>[Ord. 2004-040]</b>					
<b>Notes:</b>					
(1) Limited to commercial and light industrial pods in a PIPD only.					
(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
<b>[Ord. 2004-040]</b>			



## **Section 4      Mixed Use Planned Development (MXPD)**

### **A. General**

#### **1. Purpose and Intent**

The purpose and intent of the MXPD district is to provide for the compatible development and integration of residential and non-residential uses into a unified development with enlightened and imaginative approaches to community planning, including: **[Ord. 2007-001]**

- a. the use of vertical or horizontal integration with residential and non-residential uses;
- b. the selection of land uses which allows for internal automobile trip capture and compatibility with residential uses;
- c. the design of a site plan which provides for the integration of residential and non-residential uses;
- d. the design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles; and
- e. the utilization of multiple family homes to provide a transition area between non-residential uses and adjacent residential development.

#### **2. Applicability**

The requirements of this Section shall apply to all MXPDs, whether new or amended.

#### **3. Conflict**

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict.

### **B. Objectives and Standards**

#### **1. Design Objectives**

An MXPD shall comply with the following objectives:

- a. Provide for the vertical and/or horizontal integration of residential and non-residential uses;
- b. Provide a continuous non-vehicular circulation system for pedestrians;
- c. Allow for innovative building design and orientation;
- d. Provide for interconnection between all uses in and adjacent to the project;
- e. Demonstrate the ability to achieve an internal trip capture concurrent with the build-out of the project, see Article 3.E.4.B.2.e, Transportation Program; and
- f. Provide recreational opportunities for the residential population the MXPD.

#### **2. Performance Standards**

An MXPD shall comply with the following standards:

##### **a. Proximity of Uses**

All dwelling units shall be located within 1,320 linear feet of a non-residential and/or recreation use.

##### **b. Non-vehicular Circulation**

###### **1) Sidewalks**

Internal sidewalks shall connect to sidewalks located along adjacent streets. Where sidewalks pass over vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar paving treatment.

##### **c. Compatibility**

An MXPD shall be designed to create a transition between non-residential and residential land uses within the project and between less intensive residential housing located outside the MXPD. These transitional areas may vary in width based on the adjacent housing type or residential land use designations.

###### **1) Detached Housing**

Buildings within an MXPD adjacent to existing detached housing types, or property with a FLU designation of MR-5 or less, shall not exceed three stories or 35 feet in height within 40 feet of the common boundary.

##### **d. Landscape Buffers**

###### **1) Interior Open Space**

A minimum ten foot wide compatible buffer is required between land uses within the interior of the MXPD.

##### **e. Transportation Program**

The applicant shall provide a traffic study demonstrating the ability of the MXPD to achieve a significant (ten percent) internal trip capture rate concurrent with the build-out of the project.

**f. Neighborhood Parks**

In addition to the requirements of Art. 5.D, Parks and Recreation, Rules and Recreation Standards, an MXPDP may provide neighborhood parks which are passive in nature.

**3. Civic Dedication**

The BCC may require that a portion of the gross acreage of the development be dedicated to PBC for public purposes, when insufficient facilities are available to allow for the provision of government services required for the proposed development. The dedication of such property shall be in accordance with Art. 3.E.2.E.4.c.1), Public Civic. The PDRs for the PO district shall apply to the civic parcel. [Ord. 2006-004]

**C. Thresholds**

**1. Thresholds**

Projects that meet or exceed the square footage thresholds indicated in Table 3.E.4.C, MXPDP Thresholds or the requirements of Table 3.E.3.D, MXPDP Property Development Regulations, in addition to all other minimum MXPDP requirements, may be submitted and reviewed as an MXPDP. [Ord. 2006-004] [Ord. 2007-013]

**Table 3.E.4.C - MXPDP Thresholds**

	<b>CL</b>	<b>CH</b>	<b>CLO</b>	<b>CHO</b>
Square Feet	30,000	50,000	30,000	50,000

**2. Land Use Mix**

Table 3.E.4.C, MXPDP, Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in an MXPDP.

**Table 3.E.4.C - MXPDP Land Use Mix**

<b>Use Type</b>	<b>Minimum</b>	<b>Maximum</b>
Residential	50 %	75 %
Nonresidential	25 %	50 %
<b>Notes:</b>		
1. Minimum and maximum land use percentages for residential and commercial uses are calculated by dividing the total GFA of the specific land use type (either residential or non-residential) by the total GFA (residential and non-residential) of the MXPDP.		

**3. Density**

The maximum density for an MXPDP shall be as indicated by the FLU in the Plan. In cases where an underlying residential density is not indicated, the Planning Director shall assign a density based on the residential densities surrounding the proposed MXPDP.

**D. Property Development Regulations (PDRs)**

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in an MXPDP are indicated in Table 3.E.4.D, MXPDP Property Development Regulations unless otherwise stated.

(This space intentionally left blank.)

**Table 3.E.4.D - MXPDP Property Development Regulations**

FLU	Lot Dimensions			FAR <sup>1</sup>	Maximum Building Coverage	Setbacks			
	Acres	Width	Depth			Front	Side	Side Street	Rear
CL	3	200	200		30%	25	C-15 R-40	25	C-20 R-40
CH	5	300	300		40%	25	C-15 R-40	25	C-20 R-40
CLO	3	200	200		30%	25	C-15 R-40	25	C-20 R-40
CHO	5	300	300		40%	25	C-15 R-40	25	C-20 R-40
RESIDENTIAL	Apply RM district regulations								
RECREATION POD	Apply PUD Recreation Pod regulations								
NEIGHBORHOOD PARK	Apply PUD Neighborhood Park regulations								
[Ord. 2007-001]									
Notes:									
C	Indicates the setback from an adjacent commercial zoned parcel.								
R	Indicates the setback from an adjacent residential zoned parcel.								
1.	The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]								

**1. Setbacks**

Setbacks shall be measured in linear feet from the inside of the perimeter buffer.

**a. Commercial Districts**

The front and side street setbacks in Table 3.E.4.D, MXPDP Property Development Regulations, may be reduced to zero in a mixed use development which provides vertically integrated live/work or residential uses in the structure. At least 50 percent of the square feet in the structure shall be provided on the second or higher floors as live/work or multifamily dwelling units. The required landscape buffer may be relocated subject to approval of an ALP in accordance with Article 7.B.3, Alternative Landscape Plan.

**2. FAR**

Maximum FAR shall include the GFA of all residential and commercial buildings within the MXPDP.

**3. Integration**

Horizontally integrated residential land uses shall comply with Table 3.D.1.A, Property Development Regulations, for the RM-Residential Multiple Family District, Article 4.B, SUPPLEMENTARY USE STANDARDS, Article 3.B, OVERLAYS, and Art. 1.I, Zoning Definitions and Acronyms, for the applicable housing type.

**4. Parking**

Within a MXPDP, parking shall meet the following:

- a. 20 percent of the required parking shall be located on the side or rear of non-residential uses; and
- b. All required parking shall be located within 400 feet of a public entrance to a non-residential building.

**E. Use Regulations**

**1. Residential Use**

Residential uses in an MXPDP shall be regulated by maximum density and maximum residential GFA.

**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.

**b. Open Storage**

No open storage or placement of any material, refuse equipment or debris shall be permitted in the rear of any structure.

**c. Outdoor Speakers**

No outdoor loudspeaker systems shall be permitted.

**d. Rooftop Screening**

All roof-top mounted mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to a minimum of six inches above the height of the object intended for screening.

## **Section 5      Planned Industrial Park Development (PIPD)**

### **A. General**

#### **1. Purpose and Intent**

The purpose of the PIPD district is to create an industrial development alternative, which provides employment opportunities for industries, manufacturing, research development and encourages internal trip capture by offering support uses. Support uses, such as hotels, offices, commercial, institutional, and residential are intended to serve the PIPD workforce, and other residential populations. [Ord. 2004-040]

#### **2. Applicability**

The requirements of this Section shall apply to all PIPDs, modifications to previously approved PIPDs, and modifications to previously approved special exceptions for PIPDs, unless otherwise stated. Refer to Art. 3.E.1.A.2.a, Previous Approvals, for additional requirements. [Ord. 2009-040]

#### **3. Conflicts**

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict.

### **B. Objectives and Standards**

#### **1. Design Objectives**

The intent of a PIPD is to promote creative design approaches to community planning and site design for planned industrial developments. A PIPD shall comply with the following objectives:

- a. Provide a balanced mix of land uses to provide for the needs of the residential population (if proposed) and the projected work force;
- b. Be designed as a predominantly industrial development;
- c. Preserve natural features, scenic areas and native vegetation to the extent possible;
- d. Encourage the co-location of industrial processes, products, and services;
- e. Provide on-site essential services for industries, employees, and clients;
- f. Protect nearby existing and future non-industrial land uses and activities;
- g. Arrange buildings and land use intensities to minimize and mitigate negative impacts;
- h. Be located near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping and/or railroad lines; and
- i. Encourage the expansion to PBC's economic base through new industrial investment.

#### **2. Performance Standards**

A PIPD shall comply with the following standards:

##### **a. Perimeter Buffers**

Industrial pods adjacent to the boundary of a PIPD shall provide a minimum 25 foot wide Type 3 incompatibility landscape buffer along the perimeter.

##### **b. Residential - Proximity to Other Uses**

All pods with residential units in a PIPD shall be located within 1,320 feet of commercial and personal service uses. A pedestrian accessible route shall be provided. For the purpose of this Section, distance shall be measured by drawing a straight line between the property line of a residential Pod to the property line of the pod where the commercial/personal services are located. [Ord. 2004-040] [Ord. 2008-003]

##### **c. Internal Trip Capture**

A PIPD with commercial or residential pod shall demonstrate the ability to achieve a ten percent internal trip capture concurrent with the build-out of the PIPD.

### **C. Thresholds**

#### **1. General**

A PIPD shall comply with Table 3.E.1.B, PDD Corresponding Land Use, and with the following thresholds: [Ord. 2006-004]

##### **a. Lot Size**

The minimum gross land area required for a PIPD is 40 contiguous acres. [Ord. 2006-004]

##### **b. Land Use Mix**

Land uses shall be grouped into pods which limit and define the types of uses within a specific area of a PIPD. Table 3.E.5.D, PIPD Land Use Mix, indicates the range of each pod required for a PIPD.

**Table 3.E.5.D - PIPD Land Use Mix**

Pods	Minimum	Maximum
Industrial	60%	100%
Light	20%	100%
General	-	50%
Commercial	-	20% (max. 15 ac) <sup>1</sup>
Residential	-	20%
Recreation	.006 sf/unit	20%
<b>Notes:</b>		
The maximum commercial acreage shall not apply to an Economic Development Center (EDC).		

**c. Land Use Calculation**

The calculation for the mix of land uses shall be based on the gross acreage of the PIPD. Neighborhood parks, water management tracts and local roads which are internal to a residential pod rather than a separate pod or tract shall be credited toward the maximum residential land area requirement in Table 3.E.5.D, PIPD Land Use Mix.

**D. Property Development Regulations**

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.5.D, PIPD Property Development Regulations: **[Ord. 2004-040]**

**Table 3.E.5.D - PIPD Property Development Regulations**

Pods	Lot Dimensions			Max. FAR <sup>1</sup>	Maximum Building Coverage	Setbacks			
	Size	Width and Frontage	Depth			Front	Side	Street	Rear
Light Industrial	1 ac	100	200		30%	25	C – 15 R – 40	25	C – 15 R – 40
General Industrial	2 ac	200	200		30%	25	C – 20 R – 40	25	C – 20 R – 40
Commercial	Apply MUPD, MXPd or TMD regulations								
Residential	Apply PUD regulations								
Recreation	Apply PUD Recreation Pod and Neighborhood Park regulations								
Civic	Apply PUD Civic regulations								
[Ord. 2004-040]									
Notes:									
C	Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod, or a recreation area.								
R	Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.								
1.	The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted.								
[Ord. 2007-001]									

**1. Setbacks**

Land uses, which abut open space 40 feet in width or greater, may substitute a 20 foot side or rear setback if a 40 foot setback is required. **[Ord. 2004-040]**

**E. Pods**

**1. Industrial Pods**

An industrial pod is intended to provide areas for light and general industrial uses, and accessory uses. **[Ord. 2004-040]**

**a. Use Regulations**

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

**2. Commercial Pod**

A commercial pod is intended to provide commercial service, retail and professional office uses to serve the needs of the population and workforce within a PIPD. Commercial uses within a PIPD shall comply with the following additional use regulations:

**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]

**b. Additional Requirements**

Commercial uses within a PIPD shall comply with the following additional use regulations: [Ord. 2004-040]

**1) Outdoor Storage**

Outdoor storage of any merchandise, equipment, or refuse or similar material shall be prohibited.

**2) Outdoor Speakers**

No outdoor loudspeaker systems shall be permitted.

**c. Mixed-use**

Mixed-use development is intended to provide residential and commercial land uses integrated vertically into one building or horizontally into groups of buildings. A PIPD with a BCC approval for a commercial pod may apply to the DRO to re-designate the pod as a mixed-use pod on the master plan. A mixed-use development in a PIPD shall comply with the following:

**1) Thresholds**

A mixed-use development shall have a minimum land area equal to or larger than five acres or a minimum GFA of 50,000 square feet.

**2) Development Regulations**

A mixed-use pod shall comply with the requirements for a MXPD or TMD.

**3. Residential Pod**

A residential pod is intended to provide areas for residential housing, including units to aid in accommodating the work force of a PIPD. A residential pod shall comply with the regulations indicated in Table 3.E.2.D, PUD Property Development Regulations. [Ord. 2004-040]

**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; Art. 4, Use Regulations. [Ord. 2004-040] [Ord. 2008-003]

**b. Transitional Land Uses**

Housing or recreational land uses shall be located between the PIPD and adjacent residential uses outside of the PIPD, as determined by PZB to provide a transitional area between on-site nonresidential uses and adjacent residential land uses.

**4. Recreation Pod**

A PIPD with a residential pod shall provide recreation uses based on the number of units provided. Site improvements shall be provided in accordance with Article 5.D, PARKS AND RECREATION Rules and Recreation Standards.

**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]

**b. Location**

A recreation pod shall not have vehicular access from an arterial or collector that is not part of the interior circulation system of the PIPD. No recreation facility shall maintain direct physical access to any arterial or collector bordering or traversing the PIPD.

**c. Recreation Area**

In residential pods, recreation areas shall be provided in accordance with Art. 5.D, Parks and Recreation Rules and Regulations Standards, for use by the residents of the pod and their guests.

**d. Neighborhood Park**

Neighborhood parks shall be provided in residential pods developed in accordance with Table 3.E.2.D, PUD Property Development Regulations.

**5. Civic Pod**

A Civic pod is intended to provide areas for the provision of civic needs for residents and the workforce of a PIPD. [Ord. 2004-040]

**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 6 Mobile Home Planned Development District (MHPD)**

**A. General**

**1. Purpose and Intent**

The purpose of MHPD district is to offer a mobile home residential development alternative which allows a limited amount of commercial uses and corresponds to a range of residential FLU designations in the Plan. The intent of the MHPD is to promote the efficient design of mobile home communities, provide imaginative design approaches to community planning and, accommodate the housing needs of those residents who prefer mobile home living and those who desire an economic alternative to conventional dwellings.

**2. Applicability**

The requirements of this Section shall apply to all MHPDs, modifications to previously approved MHPDs, and modifications to previously approved special exceptions for MHPDs, unless otherwise stated. Refer to Art. 3.E.1.A.2.a, Previous Approvals, for additional requirements. **[Ord. 2009-040]**

**3. Conflicts**

If a conflict exists between this Section and other Sections in this Code, the provisions in this Section shall apply to the extent of the conflict.

**B. Objectives and Standards**

**1. Design Objectives**

A MHPD shall comply with the following objectives:

- a. Provide sufficient separation between units to ensure privacy;
- b. Provide creative and safe circulation systems;
- c. Provide sufficient parking and storage areas;
- d. Provide accessible recreation and civic opportunities; and
- e. Offer limited commercial opportunities.

**2. Performance Standards**

A MHPD shall comply with the following additional standards.

**a. Separation**

The minimum separation between units shall be ten feet.

**b. Traffic Calming**

Streets shall be designed to include traffic calming measures, such as chicanes, landscaped medians, speed humps, roundabouts, etc., if required by the County Engineer.

**c. Parking**

A minimum of one visitor space shall be provided for every five mobile homes.

**d. Storage**

The site plan shall contain an area for outdoor storage of boats, trailers, RV's, etc., if required by the DRO.

**e. Proximity to Other Uses**

Each residential lot shall be located within 600 feet of a neighborhood park, or civic, commercial or recreation pod.

**C. Thresholds**

A MHPD shall comply with Table 3.E.1.B, PDD Corresponding Land Use, and the following: **[Ord. 2006-004]**

**1. Thresholds**

The minimum gross land area required for a MHPD is ten contiguous acres. **[Ord. 2006-004]**

**2. Density**

The density in a MHPD shall be consistent with Art.3.E.1.B.5, Density and the maximum number of units allowed by Table 3.E.1.B, PUD Density. **[Ord. 2006-004]**

**3. Land Use Mix**

A mix of land uses shall be provided in an MHPD by designating pods on the master plan as residential, civic, commercial, or recreation. The mix of uses shall be calculated based on the gross acreage of the MHPD and Table 3.E.6.C, MHPD Land Use Mix

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**Table 3.E.6.C - MHPD Land Use Mix**

Pod	Minimum	Maximum
Residential	60 %	100 %
Civic	2 %	-
Commercial	-	1 %
Recreation	Apply PUD Recreation Pod regulations	

- a. Neighborhood parks internal to a residential pod may be credited toward the minimum residential land area requirement.

**D. Property Development Regulations (PDRs)**

The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.6.D, MHPD Property Development Regulations, unless otherwise stated.

**Table 3.E.6.D - MHPD Property Development Regulations**

Pods	Minimum Lot, Lease Lot or Condo Unit Dimensions				FAR	Maximum Building Coverage	Minimum Building Setbacks or Separations			
	Size	Width and Frontage	Depth	Corner			Front	Side Street	Side*	Rear*
Mobile Home	4,200	40'	70'	55'	-	50%	20'	20'	5'	10'
Recreational	-	65'	75'	-	.35	30%	25'	25'	20' C 40' R	20' C 40' R
Private Civic	0.5 ac.	100'	100'	-	35	30%	25'	25'	20' C	20' C
Public Civic	1 ac.		200'						40' R	40' R
Commercial	1 ac.	100'	200'	25'	.25	20%	25'	25'	20' C 40' R	20' C 40' R
[Ord. 2005-002] [Ord. 2007-013]										
<b>Notes:</b>										
<b>C</b>	Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod. [Ord. 2005-002]									
<b>R</b>	Indicates the required setback for land uses abutting a residential zoning district or a residential pod.									
<b>*</b>	Indicates that the regulation is flexible and may be modified by complying with Art. 6.8.A.4, Regulating Plan. Land uses that abut a lake, canal, or preserve area which is greater than or equal to 40 feet in width along the boundary of the land use, may substitute a 20-foot side interior or rear setback if a 40-foot setback is required. Setbacks shall be measured from the inside edge of perimeter landscape areas and internal road R-O-Ws for recreation, civic and commercial uses. Setbacks shall be measured from individual lot lines, rental lines and from condominium lines. [Ord. 2005-002]									

**E. Pods**

**1. General**

The MHPD allows a limited amount of flexibility in establishing the proper amounts of pods. Land uses shall be grouped into pods which define the types of uses within a specific area of a MHPD, (see Article 3.E.6.C.3, Land Use Mix). Percentages of pods may vary as outlined in Table 3.E.6.C, MHPD Land Use Mix, and the requirements listed below.

- A MHPD shall comply with the required site improvements for a single family subdivision in Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.
- The County Engineer shall approve a site improvement implementation schedule and all construction plans prior to construction.
- The construction plans shall coincide with the approved site plans/subdivision plans.
- The following improvements shall be provided, as required by Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS: bridges, grading, drainage, fire hydrants, monuments, potable water system, sanitary sewer system, streets, street markers, street lighting, and traffic controls.

**2. Residential Pod**

The site design and layout for each residential pod shall be indicated on a site plan and/or subdivision plan approved by the DRO. The site design shall include the fee simple, rental, lease, or condominium lot configuration and circulation systems. The layout shall indicate compliance with Table 3.E.6.D, MHPD Property Development Regulations, and the setbacks for accessory structures such as storage buildings, covered parking areas, screen enclosures, and pools. [Ord. 2006-004]

**3. Civic Pod**



The civic pod is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned land uses to serve the community.

**a. Threshold**

A MHPD with a gross land area equal to or larger than 50 acres shall designate a minimum of two percent of the gross area of the MHPD as civic.

**b. Public/Private Dedication**

A civic pod in a MHPD shall comply with the standards for a civic pod in a PUD.

**4. Commercial Pod**

A limited amount of neighborhood oriented commercial development may be provided in a MHPD for the convenience of the residents.

**a. Location**

A commercial pod in a MHPD shall comply with the standards for a commercial pod in a PUD.

**b. Architecture**

A commercial pod shall be subject to Article 5.C, DESIGN STANDARDS .

**c. Building Permits**

Building permits for commercial structures shall not be issued until tie down permits have been finalized for a minimum of 20 percent of the total number of units.

**5. Recreation Pod**

**a. Parking**

Parking is not required for neighborhood parks or recreation pods less than one acre.

**F. Supplementary Standards**

**1. Emergency Shelter**

A permanent hurricane evacuation and emergency shelter shall be provided prior to the issuance of tie down permits for 20 percent of the total number of units. The shelter shall be designed to accommodate the population of the MHPD based on a minimum of 40 square feet/person.

**2. Temporary Structures**

Temporary structures, such as construction trailers and security quarters, may be allowed, subject to Article 5.B, ACCESSORY AND TEMPORARY USES. A mobile home may be used as a rental office.

**Section 7 Recreational Vehicle Planned Development District (RVPD)**

**A. General**

**1. Purpose and Intent**

The purpose of the RVPD district is to promote the design of recreation oriented development for land which has a commercial, industrial, commercial recreation, or rural residential FLU designations. The intent of a RVPD is to provide tourist oriented uses in a park-like environment for temporary residents.

**2. Applicability**

The requirements of this Section shall apply to all RVPDs, modifications to previously approved RVPDs, and modifications to previously approved special exceptions for RVPDs, unless otherwise stated.

**3. Conflicts**

If a conflict exists between this Section and other Sections in this Code, the provisions in this Section shall apply to the extent of the conflict.

**B. Thresholds**

**1. Acreage**

The minimum gross land area required for a RVPD is ten contiguous acres. [Ord. 2006-004]

**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.

**3. Land Use Mix**

A mix of land uses shall be provided by designating pods on the master plan as recreation or commercial. The mix of uses shall be calculated based on the gross acreage of the RVPD and Table 3.E.7.B, RVPD Land Use Mix.

**Table 3.E.7.B - RVPD Land Use Mix**

Pod	Minimum	Maximum
Recreation	98 %	100 %
Commercial	-	2 %

**C. Pods**

**1. Recreation**

A minimum of ten percent of the land area in a recreation pod shall be devoted exclusively to recreation uses.

**2. Commercial**

No commercial use, building or structure shall front or have direct legal access on any arterial or collector street bordering or traversing the RVPD. Commercial uses shall be intended for the use of temporary residents in the RVPD only.

**D. Time Limitations**

**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.

**2. Record Keeping**

The RVPD owner or operator shall keep the following records:

- the make, model, and year of each RV;
- the lot on which each RV is/was located;
- the dates of occupancy for each RV; and
- the name and permanent address of each RV owner.

**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.

**E. Property Development Regulations (PDR's)**

The PDR's for a RVPD are indicated in Table 3.E.7.E, RVPD Property Development Regulations.

**Table 3.E.7.E - RVPD Property Development Regulations**

POD	Minimum Lot Dimensions			Maximum FAR	Max Height	Minimum Setbacks			
	Size	Width And Frontage	Depth			Front	Side	Side Street	Rear
Recreation – RV space	1000 sf	20	40	-	25	25			
Recreation – All Other	-	100	100	.35	35	50			
Commercial	1 acre max	100	100	.25	35	100			
Notes:									
1. Setbacks shall be measured from the inside edge of the required landscape buffer.									
2. All other recreation buildings include the clubhouse and accessory structures.									
3. Lot dimensions are the minimum, except where noted.									

**F. Landscape Buffer**

Perimeter landscape areas shall comply with the following:

**1. R-O-W Buffer**

The R-O-W buffer shall include a minimum six foot high opaque landscape barrier in the form of a berm, wall, fence, hedge, or combination.

**2. Perimeter Buffer**

A Type 3 incompatibility buffer shall be provided around the perimeter of a RVPD. This requirement may be modified by an ALP, pursuant to Article 7.B.3, Alternative Landscape Plan.

**G. Supplemental Standards**

**1. Permanent Structures or Additions**

Permanent structures or additions attached to an RV, such as screen rooms, carports, or utility sheds, shall be prohibited.

**2. Parking**

Parking or storage of vehicles in areas not designed or designated for parking or storage is prohibited.

**3. Temporary Structures**

Temporary structures, such as construction trailers and security quarters, may be allowed, subject to Article 5.B.1.B, Temporary Structures. A mobile home may be used as a caretakers quarters, security quarters, watchmans trailer, or temporary structure.

**4. Storage**

The site plan shall contain an area for outdoor storage of boats, trailers, RV's, etc. if required by the DRO.

**Section 8 Lifestyle Commercial Center Development (LCC)**

**A. General**

**1. Purpose and Intent**

The purpose and intent of the LCC is to implement the FLUE Policy 2.2.2-c of the Plan, as amended. A LCC is a mixed use form of development that incorporates a variety of uses such as: commercial, residential, civic and recreational. The LCC may be a transitional form of development located adjacent to properties with a residential future land use or Zoning district. The layout typically supports an open air, traditional market place design configuration, which consists of one or more main streets with integrated in-line tenants and may include limited freestanding tenants.

LCC regulations are established to provide predictability in the built environment with a degree of design flexibility while ensuring compatibility, interconnectivity and intensity issues are addressed.

**[Ord. 2010-005]**

**2. Applicability**

The requirements of this Section shall apply to all LCCs. **[Ord. 2010-005]**

**3. Conflicts**

If a conflict exists between this Section and other Articles in this Code, the provisions of this Section shall apply to the extent of the conflict. **[Ord. 2010-005]**

**4. Waivers**

An applicant may apply for a waiver from the design and dimensional requirements indicated in Article 3.E.8.C, Design and Development Standards pursuant to Table 3.E.8.D, LCC Waivers. **[Ord. 2010-005]**

**a. Standards**

An application for a waiver shall be submitted in a form specified by the Zoning Director. When considering whether to approve, approve with conditions, or deny a waiver request, the Zoning Director shall consider the following standards: **[Ord. 2010-005]**

1) The waiver does not create additional conflicts with this Section of the ULDC, and is consistent with the stated purpose and intent and design principles of the LCC; **[Ord. 2010-005]**

2) The waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, **[Ord. 2010-005]**

3) The alternative design option recommended as part of the waiver approval, if granted, will not adversely impact LCC users and adjacent properties. **[Ord. 2010-005]**

**b. Appeal**

An appeal on any Zoning Director's decision shall be made to the Zoning Commission pursuant to Art. 2.A.1.S.1, Non-Judicial Relief, in an application form specified by the Zoning Director. **[Ord. 2010-005]**

**B. Design Principles**

The LCC form of development shall consider the impact of proposed commercial uses, and the need to establish an interface with existing and future adjacent developments. This interface shall be comprised of the following: site layout, building form, interconnectivity, and mixed of uses that will support the surrounding residential uses. The LCC shall be laid out with one or more main streets that incorporate any in-line large tenant that is designed as a multi-tenant store front. It may also include a freestanding large tenant and outparcel tenants that are located outside of the main street. **[Ord. 2010-005]**

**1. Site Layout**

**a. Street**

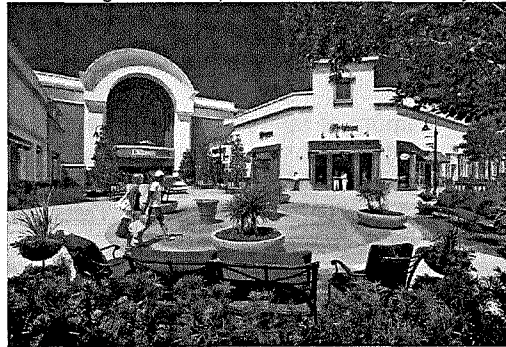
- Streets within an LCC shall be designed to create block configurations composed of main streets, secondary streets and alleys, as defined in Art. 3.E.8.C.3, Site Layout. [Ord. 2010-005]
- b. Interconnectivity and Circulation**  
The site layout shall provide interconnectivity between the LCC and adjacent parcels on at least two sides. The ingress/egress shall be aligned with that of existing and future developments on adjacent parcels and shall be shown on the Preliminary Site Plan (PSP) pursuant to Art. 2.A.1.G.3, Plan Requirements. The design principles are: [Ord. 2010-005]
- 1) Minimize internal vehicular trips by arranging buildings, amenities, and parking in proximity to each other to reduce pedestrian walking distance; [Ord. 2010-005]
  - 2) Establish location of vehicular or pedestrian interconnectivity points with adjacent properties; [Ord. 2010-005]
  - 3) The site shall be designed without any provisions for gates unless stated otherwise herein. [Ord. 2010-005]
- c. Buildings**
- 1) A majority of the buildings (building square footage) shall front on an internal main street with a build-to-line. Buildings shall frame the main street integrating site elements such as sidewalks and pedestrian amenities. [Ord. 2010-005]
  - 2) Buildings in developments that include a freestanding large tenant, or outparcel tenants, shall be oriented in a manner that complements the main street buildings and associated parking areas, and mitigates the impact of potential incompatibilities on surrounding properties. [Ord. 2010-005]
- d. Pedestrian Area and Usable Open Space**
- 1) Pedestrian areas in any form of usable open space shall function as activity nodes within the development. These areas or activity nodes shall include, but not limited to: art, fountains, shaded sitting areas and other similar amenities to encourage public use. [Ord. 2010-005]
  - 2) Large or out parcel tenants located outside of the main street areas shall be connected to the LCC pedestrian circulation system through a series of usable open spaces and shaded sidewalks. [Ord. 2010-005]
- e. Parking and Loading**
- 1) Required parking and loading for each tenant shall be located to the side and rear of the building. [Ord. 2010-005]
  - 2) Perimeter of parking lots shall be framed by buildings, structures or landscaping to create user friendly spaces. [Ord. 2010-005]
- f. Transitional Elements**  
Drainage or preserve areas shall serve as a transition between the commercial portion of the development and adjacent existing residential uses when possible. [Ord. 2010-005]

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**Figure 3.E.8.B – Typical Open Space and Main Street Layouts**



Parking areas and pedestrian interconnectivity



Usable open space adjacent to large tenants



Main street layout



Main street configuration, architectural focal points, mid-block plaza.

[Ord. 2010-005]

## 2. Building Forms and Design

- a. Buildings shall be designed in scale and proportion to provide pedestrian level interest and establish a sense of place by incorporating a variety of heights and façade treatments. Architectural, landscape, or hardscape focal points shall be provided at key locations such as internal street intersections, public gathering areas and along external streets to create a sense of arrival and place or to provide terminus. [Ord. 2010-005]
- b. Buildings facing the arterial street shall provide pedestrian sidewalks or usable open space to be oriented towards the arterial street to encourage walkability, and a positive visual interface along the street right-of-way. [Ord. 2010-005]

## 3. Mixed Use and Integration

The LCC shall primarily consist of commercial related uses, live-work units, and limited residential units based upon the site's FLU designation. The integration of uses shall consist of the following: [Ord. 2010-005]

- a. Placement of buildings providing a harmonious interface between internal mixed uses, and adjacent uses; and [Ord. 2010-005]
- b. Horizontally integrated residential units are serving as a transition between the more intense uses and immediately adjacent existing or future residential uses to reduce the need for large buffers. [Ord. 2010-005]

## C. Design and Development Standards

An LCC shall comply with all standards listed below unless a waiver is granted pursuant to Article 3.E.8.A.4, Waivers. [Ord. 2010-005]

### 1. Minimum Site Area

Site area shall be 10 acres. [Ord. 2010-005]

### 2. Access and Frontage

- a. Minimum frontage shall be consistent with PDD standards pursuant to Art. 3.E.1.C.2.a., Access and Circulation. [Ord. 2010-005]
- b. Primary access shall be provided from the arterial street to a main street of the LCC. [Ord. 2010-005]

### 3. Site Layout

Blocks and streets shall establish the general framework for the site layout. [Ord. 2010-005]

#### a. Blocks

Blocks shall be created by utilizing streets and alleys to provide continuous vehicular circulation, interconnectivity, and accessibility within the LCC, with exception in area where an access is required by the Engineering Department. Blocks shall be subject to the following thresholds: [Ord. 2010-005]

- 1) Minimum length of a block shall be 160 feet; [Ord. 2010-005]
- 2) Maximum length of a block shall be 660 feet without pedestrian pass-thru; and, [Ord. 2010-005]
- 3) Maximum length of a block shall be 750 feet with pedestrian pass-thru. [Ord. 2010-005]

#### b. Streets

Streets shall include main streets, secondary streets, alleys, and driveways that are designed consistent with the following. Streets designated as public or private R-O-W shall also comply with any Engineering requirements. [Ord. 2010-005]

##### 1) Main Street

The main street(s) shall be designed as the primary street(s) in the LCC and shall comply with the following standards: [Ord. 2010-005]

- a) A continuous main street shall traverse a minimum of 60 percent of the length or width of the LCC, whichever is greater; [Ord. 2010-005]
- b) The design shall be consistent with Figure 3.F.2.A, TDD Commercial Street or the TMD design exception summarized in Figure 3.F.4.D, Typical Example of TMD Commercial Street with Angled Parking; [Ord. 2010-005]
- c) A minimum of 65 percent of the total GFA for the overall development shall be located on the main street(s); [Ord. 2010-005]
- d) A plaza may be located at the end of a main street provided a building is located immediately adjacent to the plaza to frame the space and establish a visual terminus; and, [Ord. 2010-005]
- e) Intersections of two main streets, if provided, shall provide an amenity including, but not limited to: roundabout with decorative pavers and a focal point; or any other element that reflects a common architectural theme of the LCC. [Ord. 2010-005]

##### 2) Secondary Street

Secondary streets shall be designed consistent with Figure 3.F.2.A, TDD Commercial Street, except that on-street parking may not be required and minimum sidewalk width may be reduced from ten to four feet in width. [Ord. 2010-005]

##### 3) Alley

Alley access shall not be permitted from a main street. Alleys shall conform with the requirements of Art. 3.F.2.A.1.e, Alleys. [Ord. 2010-005]

#### c. Interconnectivity

- 1) Interconnectivity shall be required if the LCC is adjacent to an existing development or vacant parcels. The Planning Division shall review and make a recommendation on interconnectivity, pursuant to Objective 4.3, Community Design of the Plan. In addition, the following shall apply: [Ord. 2010-005]
- 2) All required connecting points shall be paved up to the property line of adjacent parcels and a cross access agreement shall be recorded. [Ord. 2010-005]
- 3) All connecting access points shall be designed and constructed pursuant to the Land Development Design Standards Manual. [Ord. 2010-005]
- 4) The use of gates or other preventative barriers is prohibited, exceptions are allowed for: dumpsters, loading areas, private garages and parking areas. [Ord. 2010-005]

### 4. Buildings

All buildings shall front a street, and shall be designed in compliance with the following: [Ord. 2010-005]

#### a. Internal Frontage

- 1) Buildings or structures located on the main or secondary street shall be setback a minimum of 15 feet and maybe expanded to 25 feet to provide outdoor dining areas, pedestrian area or usable open space. Setbacks are measured from the proposed building façade to the inside edge of the curb. [Ord. 2010-005]

#### b. Perimeter Frontage

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Buildings that front on the perimeter of a LCC and adjacent to residential uses, arterial streets or any other street exterior to the development shall be considered perimeter building frontage, and shall comply with the following: **[Ord. 2010-005]**

- 1) Buildings or structures located on the perimeter of the site shall be setback a minimum of 25 feet. Setbacks are measured from the proposed building façade to the inside edge of the perimeter R-O-W buffer. **[Ord. 2010-005]**
- 2) Facade shall provide design features including, but not limited to: building entrances, display windows, usable open space and pedestrian circulation system. **[Ord. 2010-005]**
- 3) Outdoor vehicular circulation and queuing areas for uses including, but not limited to: gas sales, financial institution, restaurants, and other facilities with drive-thru shall only be allowed if the associated outdoor vehicular activities are not visible from the street or adjacent residential uses. **[Ord. 2010-005]**

**c. Building Design**

- 1) The facade design of all buildings shall comply with Art. 5.C, Design Standards. **[Ord. 2010-005]**
- 2) For perimeter building that faces a street R-O-W, a pedestrian area with sidewalks and street trees shall be provided abutting the building. **[Ord. 2010-005]**

**d. Building Height**

The maximum building height shall be 45 feet. The height limit shall not apply to those exceptions listed in Art. 3.D.1.E.4, Height Exceptions.

**e. Tenant Size and Large Tenant**

- 1) The total square footage for all freestanding buildings and large tenants shall not exceed 40 percent of the GFA of the LCC. **[Ord. 2010-005]**
- 2) Large tenants occupying more than 100,000 square feet shall be prohibited. **[Ord. 2010-005]**
- 3) Any large scale single tenant retail use (as defined by the definition of big box in the Plan), with or without accessory tenants, in a single building, shall not exceed 65,000 square feet. **[Ord. 2010-005]**
- 4) Large tenants shall be architecturally designed to appear as a multi-tenant building. **[Ord. 2010-005]**
- 5) Large tenants shall comply with requirements for fenestration details and exterior treatments of Table 5.C.1.I-13, Large Scale Commercial Development. **[Ord. 2010-005]**
- 6) No single tenant shall occupy more than 200 feet of frontage. An increase of up to 240 feet per single tenant shall be permitted, provided that any increase over 200 feet incorporates the appearance of a separate storefront to include: a distinct architectural style a minimum of 40 feet in length, similar transparency, and an additional building entrance, or appearance of an entrance. **[Ord. 2010-005]**

**f. Integrated Residential Use**

Residential uses shall be provided in compliance with Art. 3.E.1.B.3.f, LCC Minimum Density Requirements and the following standards: **[Ord. 2010-005]**

- 1) For project with vertically integrated units, these units shall be located above non-residential buildings, and shall be accessed from the main street through a common area, including but not limited to: an internal lobby, courtyard, gathering areas, or usable open space between buildings. **[Ord. 2010-005]**
- 2) For horizontally integrated units, alternative frontage requirements may be permitted pursuant to Art. 3.F.4.D.4.d, Optional Standards for Residential PDRs. **[Ord. 2010-005]**

**5. Pedestrian Area on Main Street**

The area between the building façade and the main street curb is defined as pedestrian area, and shall be subject to the following: **[Ord. 2010-005]**

- a. Required on both sides of a main street with open or arcaded sidewalks, street trees, pedestrian amenities, and street furniture. **[Ord. 2010-005]**
- b. All sidewalks shall be a minimum six feet width with no encumbrance. The width may be increased to accommodate seating areas or other pedestrian amenities. In addition to the sidewalk, a minimum width of five feet shall be provided for the installation of street trees, landscaping and street lights. **[Ord. 2010-005]**
- c. A minimum of 75 percent of the frontage on the main street shall have arcaded sidewalks or any other architectural element that provides shade to pedestrians such as permanent canopies and awnings. All arcades or architectural shade elements shall have a minimum height clearance of



- 12 feet. When canopies or awnings are provided to comply with the 75 percent requirement, they shall extend at least 6 feet to shade pedestrian sidewalks. [Ord. 2010-005]
- d. Pedestrian pass-thru that connects the main street and the parking lots or service areas at the rear or the side of the building shall have a maximum width of 25 feet. Pedestrian pass-thrus shall be occurred at intervals no greater than 100 feet to provide convenient pedestrian access. [Ord. 2010-005]
- 6. Pedestrian Area on Secondary Street**  
Pedestrian area shall be a minimum width of ten feet and shall be located on both sides of the street. The sidewalk shall be a minimum width of five feet with no encumbrance and a minimum width of five feet for amenities such as street trees and street lights. [Ord. 2010-005]
- 7. Usable Open Space**  
A minimum of five percent of the total site GFA shall be provided as usable open space. [Ord. 2010-005]
- a. **Dimensions**  
All usable open spaces shall meet the minimum dimensions provided under Table 3.E.8.C, Dimensions for Usable Open Space. The provision of usable open space in excess of the minimum required shall be notated. [Ord. 2010-005]
- b. **Street Frontage**  
Usable open space shall be bounded by a street on at least one side. [Ord. 2010-005]
- c. **Landscaping**  
A minimum of 15 percent of each usable open space shall be shaded by landscape material or shade structures at time of construction, and a minimum of 30 percent of the total square footage shall be pervious. [Ord. 2010-005]
- d. **Pedestrian Amenities**  
If one or more usable open spaces are provided within the LCC, a minimum of 50 percent of these spaces shall be designed with seating areas for pedestrians. Each space shall have a minimum of one linear foot of seating for each 200 square feet of overall area. [Ord. 2010-005]
- 8. Street Trees, Street Lights and Utilities**
- a. Street trees shall be planted pursuant to Art. 3.F.2.A.4.d, Street Trees. [Ord. 2010-005]
- b. Street lights shall be provided along all streets and alleys pursuant to Art. 3.F.2.A.1.f.2).a), TDD Street Lighting. At least one light fixture shall be located at the pedestrian crosswalk and along of all pedestrian pass-thru. [Ord. 2010-005]
- c. All public utilities shall be installed in accordance to the standard of Art. 11.E.7, Utilities. [Ord. 2010-005]
- 9. Parking and Loading**  
Parking shall comply with Art. 6, Parking, unless otherwise stated below: [Ord. 2010-005]
- a. **Parking Lot**  
A maximum of 200 parking spaces shall be permitted in each parking lot. The perimeter of the parking lot shall be framed by: [Ord. 2010-005]
- 1) buildings or structures on all four sides; or [Ord. 2010-005]
- 2) an eight-foot wide landscape strip. The landscape strip shall have a 30 inch-high hedge or a 30 inch-concrete wall and appropriate groundcover. Canopy trees shall be planted at 20 feet on center. [Ord. 2010-005]
- b. **Parking Structures**  
Parking for any use in excess of six spaces per 1,000 square feet of non-residential floor area shall be located in a parking structure. [Ord. 2010-005]
- c. **Service and Loading Areas**  
All service and loading areas shall be located along the rear or side of the structures, and shall not be visible from the main street and any usable open space. The service areas shall be located within the footprint of the building or immediately adjacent to the building. [Ord. 2010-005]
- 10. Landscaping**  
Landscaping shall comply with Art. 7, Landscaping, unless otherwise stated below: [Ord. 2010-005]
- a. **Landscape Buffer Exemption**  
Required perimeter buffers may be modified subject to an approved Alternative Landscape Plan, if: [Ord. 2010-005]

- 1) the proposed horizontally integrated residential units of the LCC are located adjacent to existing residential units of the same housing type and density, and the adjacent parcel has an existing buffer that meets this Code; or **[Ord. 2010-005]**
- 2) the adjacent non-residential development is compatible with the LCC and has an existing buffer that meets this Code. **[Ord. 2010-005]**

**b. Foundation Planting**

Foundation planting shall be in compliance with Art. 7, Landscaping, unless otherwise stated below: **[Ord. 2010-005]**

- 1) Foundation plantings shall not be required for the following: buildings with frontages on the main streets, secondary streets, buildings along an alley or internal street between non-residential buildings, or where buildings front on a plaza or square. **[Ord. 2010-005]**
- 2) Buildings that face a perimeter street R-O-W and designed with: arcades, pedestrian area or framed by a usable open space. **[Ord. 2010-005]**

**D. LCC Waivers**

An applicant may seek waivers from specific code requirements listed in Table 3.E.8.D, LCC Waivers, by submitting an application on forms provided by the Zoning Division. Waiver approval shall be granted prior to DRO certification. The Zoning Director shall consider the following “criteria of review” and any justification provided by the applicant in considering a waiver request.

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**Table 3.E.8.D - LCC Waivers**

Requirements	Waiver	Criteria of Review
<b>Main Street</b>		
Art. 3.E.8.C.3.b.1).a) A continuous main street shall traverse a minimum of 60 percent of the length or width of the LCC; whichever is greater.	Reduce a maximum of 10 percent.	-Constraints on site configuration prohibiting compliance with minimum length; -Encumbrance by existing natural features or easements (lake, preserve, etc.).
Art. 3.E.8.C.3.b.1).c) A minimum of 65 percent of the total GFA shall be located on the main street(s).	Reduce a maximum of 10 percent.	-Existing site constraints that prohibit compliance with required layout and square footage cannot be accommodated on main streets.
<b>Interconnectivity</b>		
Art. 3.E.8.C.3.c.4) The use of gates or other preventative barriers is prohibited, exceptions are allowed for: dumpsters, loading areas, private garages and parking areas.	Allow use of gates within the development.	-Special circumstances between adjacent uses; -Specific user requirements within the LCC requires building(s) to be gated provided these gates do not impact the continuity of the LCC street network.
<b>Perimeter Frontage</b>		
Art. 3.E.8.C.4.b.2) Façade shall provide design features, including but not limited to: building entrances, display windows, usable open space and pedestrian circulation system.	No façade design features	-If proposed building is separated from the adjacent street or use by a canal R-O-W or other geological encumbrance or utility easement that is 80 feet or greater. -Façade shall meet Art.5.C.
Art. 3.E.8.C.4.b.3) Outdoor vehicular circulation and queuing areas for uses including, but not limited to: gas sales, financial institution, restaurants, and other facilities with drive-thru shall only be allowed if the associated outdoor vehicular activities are not visible from the street or adjacent residential uses.	Allow outdoor vehicular activities to be visible from the perimeter street.	-Provide a Type 3 Incompatibility Buffer, and exemplary architectural design that incorporates walls or other visual barriers a minimum of six feet in height, or a combination of the two.
<b>Building Height</b>		
Art. 3.E.8.C.4.d The maximum building height shall be 45 feet.	Increase building height up to a maximum of 60 feet. >60 feet shall be subject to a Waiver approval by the BCC.	-Demonstrate that the use associated with the building requires additional height due to its use or structural reasons related to the use or building design; -Architectural focal point shall be provided and proportional to the additional height of the building. -Additional height of the building shall create no impact on adjacent properties. -Utilize Green Architecture, if applicable.

Table 3.E.8.D – LCC Waivers cont'd.

Requirements	Waiver	Criteria of Review <sup>1</sup>
<b>Tenant Size and Large Tenant</b>		
Art. 3.E.8.C.4.e.1) The total square footage for all freestanding building and large tenants shall not exceed 40 percent of the GFA of the LCC.	Increase a maximum of 10 percent of the total GFA to be designated for freestanding buildings and large tenants.	-Increase Architectural features that exceed Art.5.C ; or -Utilize Green Architecture, if applicable; and -Increase usable open space by 10% for the site.
Art. 3.E.8.C.4.e.6) Single tenants shall not occupy more than 240 feet of frontage.	Increase to a maximum of 325 feet for sides that do not have pedestrian use areas or street frontages other than for service areas.	-Provide Architectural features that exceed Art.5.C ; -Utilize Green Architecture, if applicable.
<b>Vertical Integration</b>		
Art. 3.E.8.C.4.f.1) Vertically integrated units shall be accessed from the main street through a common area, including but not limited to: an internal lobby, courtyard, gathering area or usable open space between buildings.	Vertically integrated units without access from the main street	-Proposed access complies with the entry requirements of Art. 5.C.1.H.1.d, Entries, provided it is adjacent to usable open space.
<b>Usable Open Space</b>		
Table 3.E.8.C. Dimensions for Usable Open Space	Reduce a maximum of 25 percent of the minimum dimensions.	-Proposed design features of the reduced usable open space elements shall exceed minimum code requirements; and, -Demonstrate the overall usable open spaces are evenly distributed to meet the purpose and intent of this requirement.
<b>Parking Lot</b>		
Art. 3.E.8.C.9.a A maximum of 200 parking spaces shall be permitted in each parking lot.	Increase a maximum of 20 percent.	-Only allowed if framed by buildings on all four sides and designed to give the appearance of small parking lots.
<b>[Ord. 2010-005]</b>		
<b>Notes:</b>		
1. The applicant can submit additional justification or documentation to support waiver request.		

## CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

### Section 1 General Provisions for TDDs

#### A. Purpose and Intent

The purpose and intent of the TDD's is to implement the Traditional Town Development (TTD), the Traditional Marketplace Development (TMD), and the Traditional Neighborhood Development (TND) provisions of the Plan and to:

1. Encourage mixed-use, compact development that is pedestrian in scale and sensitive to environmental characteristics of the land, and facilitates the efficient use of services within PBC;
2. Have residences, shopping, employment, and recreational uses located within close proximity with each other and efficiently organized to provide for the daily needs of the residents;
3. Provide for a range of housing types within pedestrian-oriented, human-scale neighborhoods;
4. Provide efficient circulation systems for pedestrians, non-motorized vehicles, and motorists that serve to functionally and physically integrate the various land use activities; and

5. Allow for a cohesive neighborhood identity and focus.

**B. Applicability and Definitions**

**1. Applicability**

The requirements of this Chapter shall apply to all TDDs, whether new or amended, within unincorporated PBC, in accordance with Art. 1, General Provisions and Art. 1.E, Prior Approvals. To the extent this Section conflicts with other Sections of this Code, the provisions of this Section shall apply.

**2. Definitions**

See Art. 1.I, Definitions and Acronyms.

**C. Review and Approval Process**

All development within TDDs are subject to the review and approval procedures that apply to planned developments; see Article 3.E, PLANNED DEVELOPMENT DISTRICTS (PDDS).

**D. Types of TDDs**

TDDs include the following:

**1. Traditional Neighborhood Development (TND)**

TNDs are primarily residential areas with neighborhood-scale commercial, civic, and open-space uses.

**2. Traditional Marketplace Development (TMD)**

TMDs are mixed-use commercial, residential, and office areas that function as town activity centers serving residents in the vicinity.

**3. Traditional Town Development (TTD)**

TTDs are intended for the coordinated development of larger sites that include a combination of traditional development districts. Standards focus on connections between these districts.

**E. Residential Density and Plan Land Use Designations and Density**

The Plan land use designations which correspond to the various TDDs shall be determined by Table 3.F.1.E, TDD Corresponding Land Use. [Ord. 2005 – 002]

**1. Land Use Categories**

The Land Use categories in the Plan, which correspond to each TDD are indicated in Table 3.F.1.E, TDD Corresponding Land Use. [Ord. 2005 – 002]

**2. TDDs Split by Land Use**

**a. TMD Exception**

A TMD with more than one underlying non-residential FLU designation may utilize either land use, or combination, to satisfy the minimum required land use mix for a TMD. [Ord. 2005 – 002]

**Table 3.F.1.E - TDD Corresponding Land Use**

	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
<b>TND</b>			√	√	√	√	√	√	√	√	√
<b>TTD</b>			√	√	√	√	√	√	√	√	
	AGR	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
<b>TMD</b>			√	√	√	√			√	√	√

**Legend:** Check (√) indicates the TDD corresponds to the FLU category. Any application for a rezoning to a TDD shall be to a TDD that corresponds to a FLU designation. [Ord. 2008-037]

**3. TND Density Bonus**

A TND in the U/S Tier only, may qualify for a density bonus of up to two additional units per acre above the maximum density allowed for a planned development, provided that the TND is consistent with the standards and requirements of this Article. [Ord. 2005 – 002]

**F. Use Regulations**

Uses permitted in a TDD shall be according to the land use zone designation on the master plan approved by the DRO, or the land use designation of the TDD, whichever is applicable. Uses may be further limited by the development order, concurrency reservation, or other applicable requirement. [Ord. 2005 – 002]

**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]

**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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**Table 3.F.1.F – Traditional Development Permitted Use Schedule**

District Tier Pods	TND						TMD				N O T E S
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/ Rural	AGR		
	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		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		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	32
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]											
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. [Ord. 2005-002]											

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**Table 3.F.1.F – Traditional Development Permitted Use Schedule (Continued)**

District	TND						TMD				N O T E S
Tier	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/ Rural	AGR		
Land Use Zone	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
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		141-2
Lounge, cocktail							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
Pain Management Clinic											91-1
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		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 collection station							D	D	D		106
Recycling drop-off bin	D	D		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	P			P			P	P	P		49
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037][Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-009].											
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.											

## G. Design Objectives

TDDs shall comply with the following design guidelines:

### 1. Neighborhoods

- a. A mix of residential uses shall be required in a TND, to provide a variety of housing opportunities.

TND residential uses include: **[Ord. 2005 – 002]**

- 1) Single family dwellings;



- 2) Zero lot line (ZLL) dwellings;
- 3) Townhouses;
- 4) Multifamily dwellings;
- 5) Accessory dwellings; or
- 6) Congregate living facilities.

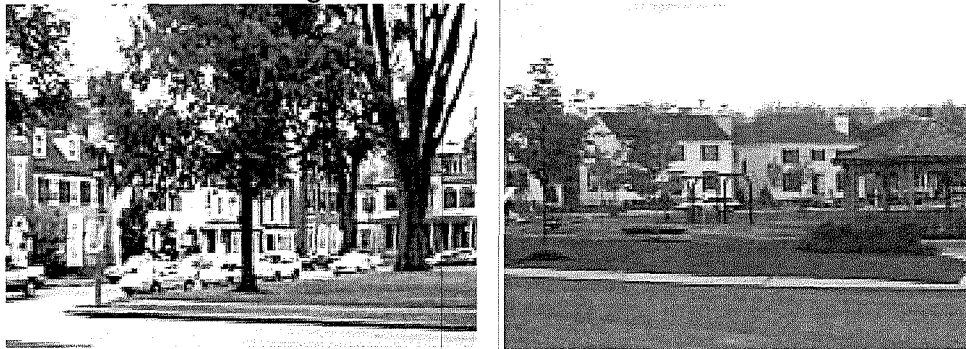
**Figure 3.F.1.G - TDD Mixed Housing Types**



Residential neighborhoods include a mixture of housing types from multi family buildings integrated with commercial and office uses, to single family detached houses.

- b. Centrally-located community focal points for the formal and informal interaction of neighborhood residents, such as a neighborhood square, community meeting hall, or neighborhood commercial center. These uses are within walking distance (within 1,320 feet) of all neighborhood residents. **[Ord. 2005 – 002]**
- c. A variety of open spaces and recreation areas to allow for both passive and active recreation. Small neighborhood parks and playgrounds should be located throughout the neighborhood, so all residents are closely located (within 1,320 feet) to a neighborhood park. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than in central locations. **[Ord. 2005 – 002]**

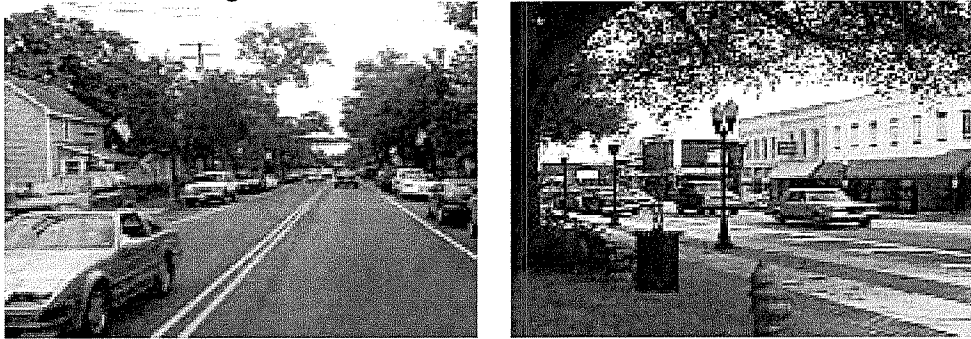
**Figure 3.F.1.G - TDD Focal Points**



- d. An interconnected network of streets, bike lanes, and sidewalks throughout the neighborhood, providing multiple routes for vehicle, bicycle, and pedestrian travel, diffusing traffic and shortening walking distances. Streets are designed for slower speeds to encourage pedestrian safety. Alleys shall provide vehicular access to garages and open spaces in the rear of buildings. **[Ord. 2005 – 002]**

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**Figure 3.F.1.G - TDD Interconnected Street Grid**



- e. A safe and attractive pedestrian environment enhanced by the design of buildings which provide windows and entrances to reduce the amount of blank walls. Sidewalks include pedestrian amenities such as shade trees and street furniture.

**2. Commercial Districts**

- a. Public spaces, such as plazas and squares, integrated within commercial development providing places for people to gather or rest. Walkways provide pedestrian connections throughout the development. Lighting and landscaping accent public spaces and provide for security and shading.
- b. Parking is provided on-street, behind buildings, and in shared parking lots. Parking lots in front of buildings create barriers between pedestrians and storefronts and shall be discouraged. **[Ord. 2005-002]**
- c. Buildings are human-scaled in design with a range of architectural features, which create an attractive and varied streetscape. Building frontages shall be set near the sidewalk and building sizes are generally consistent, providing a sense of enclosure for the street, except where separations are permitted. Architectural detailing and applied decoration enliven facades and add texture. Building entrances and windows shall be located along street frontages to break up blank walls and enhance the pedestrian environment. **[Ord. 2005 – 002]**

**H. Phasing and Platting**

**1. Phasing**

TDDs shall be subject to the phasing, time limitations and review requirements of Art. 2.E, Monitoring. **[Ord. 2005 – 002]**

**2. Platting**

All land in a TDD shall be platted in accordance with Art. 11, Subdivision, Platting and Required Improvements. All land within the TDD, including private civic tracts and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential or commercial tract. **[Ord. 2005 – 002]**

**I. Development Phasing**

Phasing of TDD developments in the U/S Tier shall be limited to a maximum of four phases of up to three years each. The first phase of the project shall include a minimum of 25 percent of the total project, unless otherwise approved by the BCC. **[Ord. 2005-041]**

**Section 2 General Standards**

**A. Applicability**

The following standards shall apply to all TDDs:

**1. Streets, Sidewalks, and Alleys**

The circulation system within a traditional development shall allow for different modes of travel within the TDD and between adjacent uses, based upon a hierarchy of transportation methods. The street and sidewalk network shall be designed around a series of blocks which provide visual and functional links within and between residential, commercial, office, civic, and open space areas, and shall be connected to existing and proposed external development.

**a. TDD Definition for Street**

For the purposes of this Section, the term streets shall include private access ways. **[Ord. 2005 – 002]**

**b. Block Structure**

To ensure compact, contiguous development and to facilitate connectivity and pedestrian accessibility, the layout of streets and alleys shall conform to the following standards.

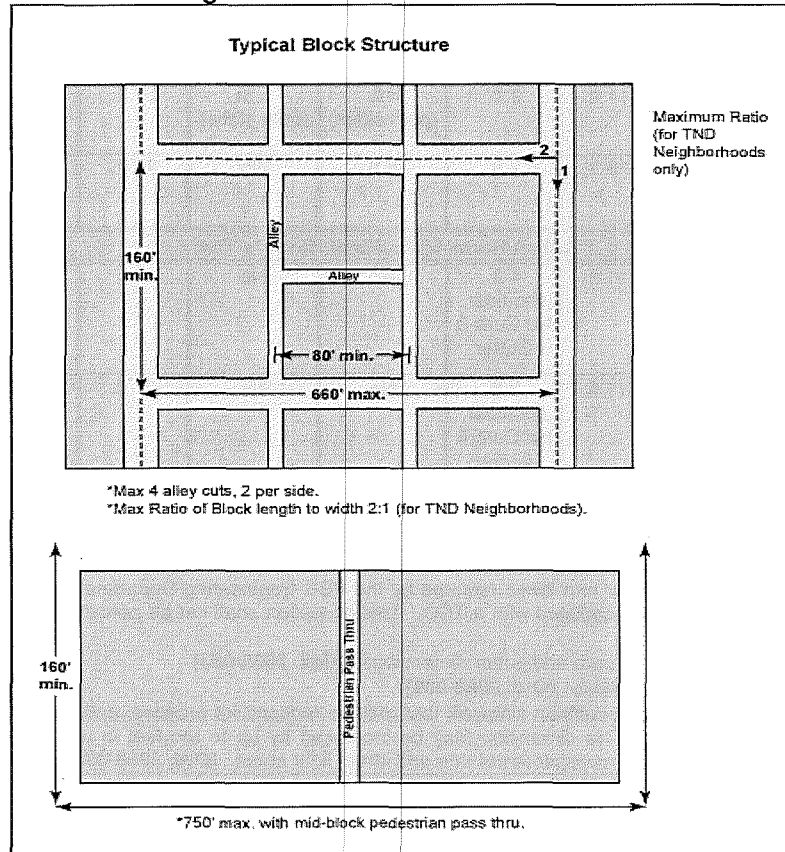
**1) Minimum Length of a Block**

160 feet

**2) Maximum Length of a Block**

660 feet. Up to 750 feet with pedestrian pass-thru. [Ord. 2005 – 002]

**Figure 3.F.2.A - TDD Block Structure**



[Ord. 2005-002]

**3) Maximum Number of Alley Curb Cuts**

Four per block and two per side.

**4) Minimum Spacing Between Alley Curb Cuts**

80 feet.

**c. Streets**

**1) Street Design**

Public streets shall conform to the standards in Table 3.F.2.A, TDD Street Design Standards by Tier.

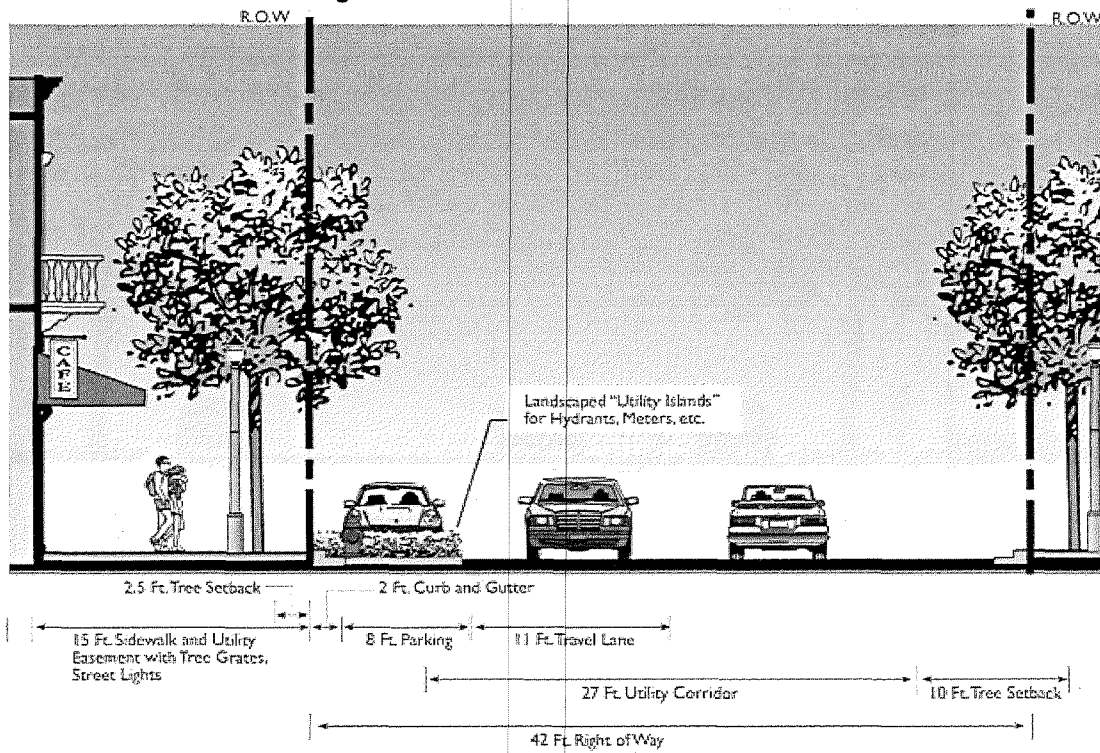
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**Table 3.F.2.A – TTD Street Design Standards by Tier<sup>1</sup>**

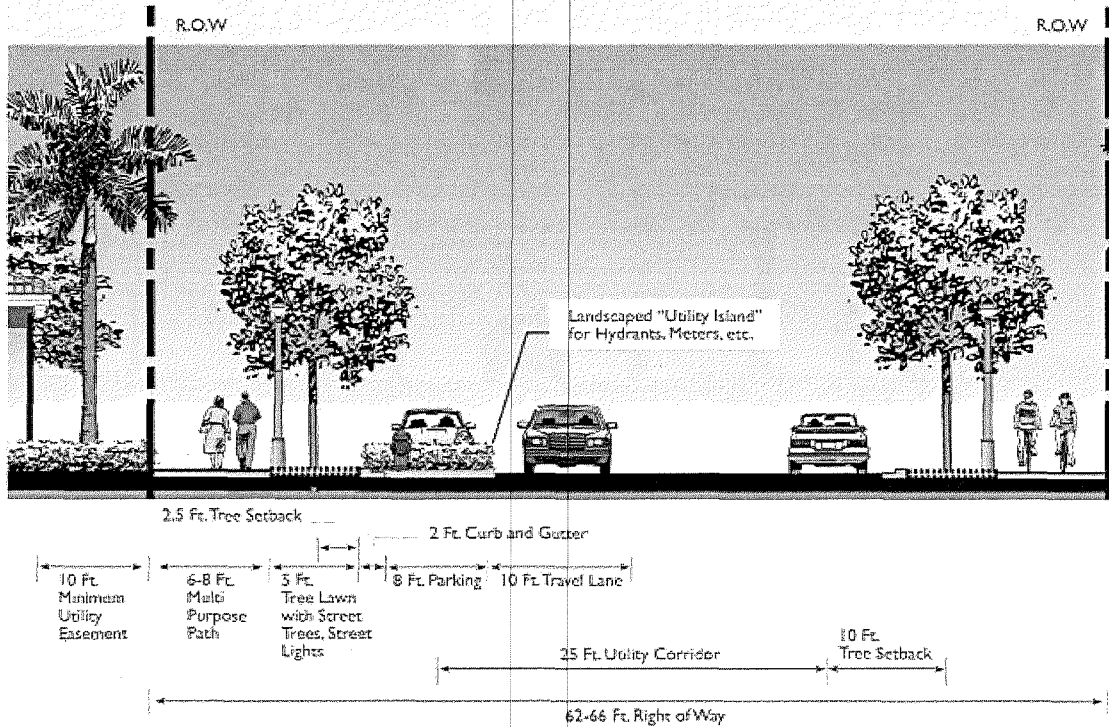
Type of Street	Street R-O-W Width	Travel Lanes		Curb & Gutter	Parking Lane (2)	Bicycle Lane	Utility Corridor	Sidewalk Pathway	Private Utility Easement (3)
		Number	Width						
All Tiers									
Commercial Street	42 ft.	2	11 ft.	2 ft.	8 ft. (both sides)	No	27 ft.	15 ft. (4)	No
U/S Tier									
Collector: without on-street parking	64 ft.	2	11 ft.	2 ft.	No	5 ft. (both sides)	24 ft.	6 ft.	10 ft.
Collector: with on-street parking	74 ft.	2	11 ft.	2 ft.	8 ft. (both sides)	5 ft. (both sides)	27 ft.	6 ft.	10 ft.
Local Residential Street	62-66 ft.	2	10 ft.	2 ft.	8 ft.	No	25 ft.	5 ft. (multi-purpose pathway)	10 ft.
Exurban/Rural/Agricultural Reserve Tier									
Plan Roadway Collector	104 ft.	2	11 ft.	4 ft. shoulder. No Curb & Gutter	No	No	27 ft.	8 ft. (multi-purpose pathway)	10 ft.
Non-Plan Roadway Collector	100 ft.	2	11 ft.	2 ft. shoulder. No Curb & Gutter	No	No	27 ft.	8 ft. (multi-purpose pathway)	10 ft.
[Ord. 2005 – 002] [Ord. 2008-003]									
Notes:									
1. Unless otherwise stated herein, exceptions to dimensions shall only be permitted to accommodate turn lanes at the perimeter of a TMD, TND or TTD for turn lanes required by the PBC Engineering Department, or for roundabouts or other traffic calming measures typically associated with a TDD. This exception shall not be permitted for divider medians. [Ord. 2008-003]									
2. Parking lane dimensions include the curb and gutter dimensions. [Ord. 2008-003]									
3. Easements may be collocated with alleys. [Ord. 2008-003]									
4. Includes a minimum ten-foot wide pedestrian sidewalk that may be reduced for arcades, and a minimum five foot wide strip for street trees and street lights. This dimension may be increased by up to ten feet in width (for a total of 20 feet) to accommodate outdoor dining areas, or larger street tree and street light areas. [Ord. 2008-003]									

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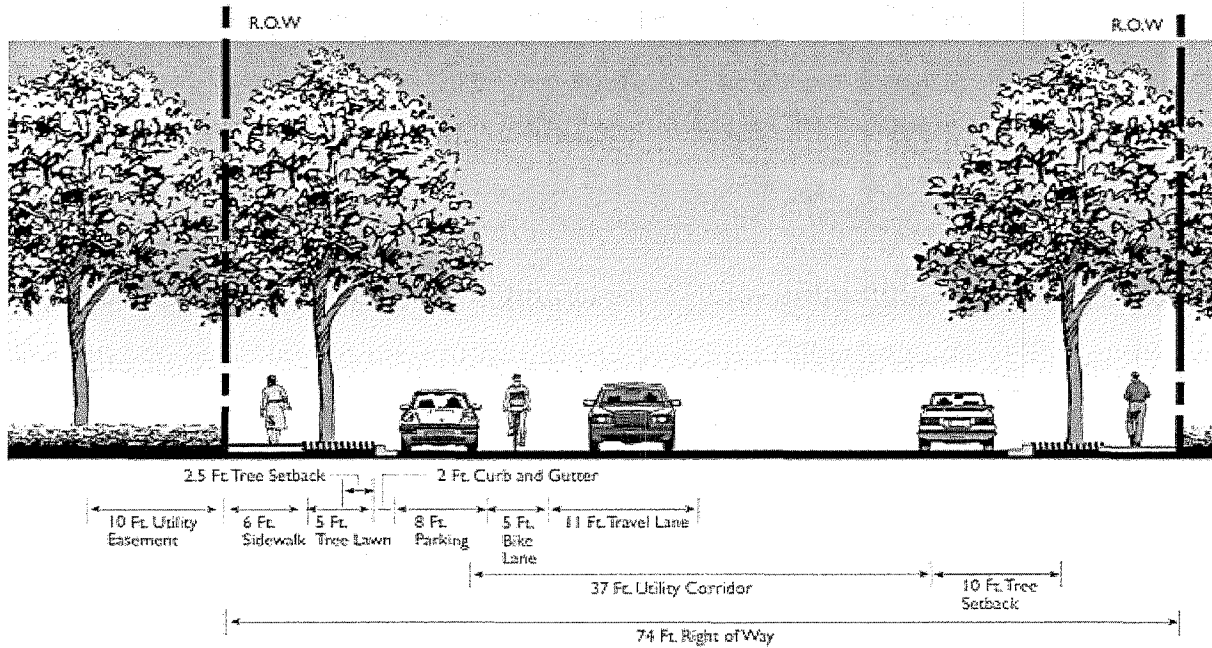
**Figure 3.F.2.A - TDD Commercial Street**



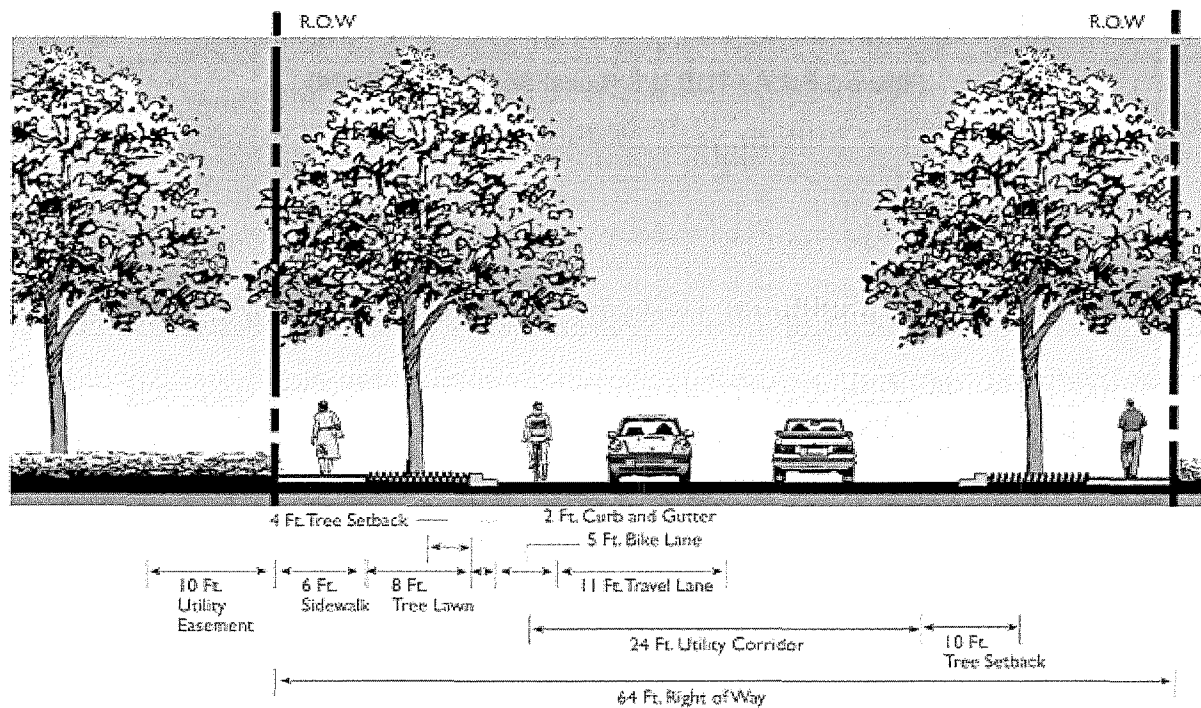
**Figure 3.F.2.A - TDD U/S (Local Residential Street)**



**Figure 3.F.2.A - TDD U/S (Collector: With On-Street Parking)**



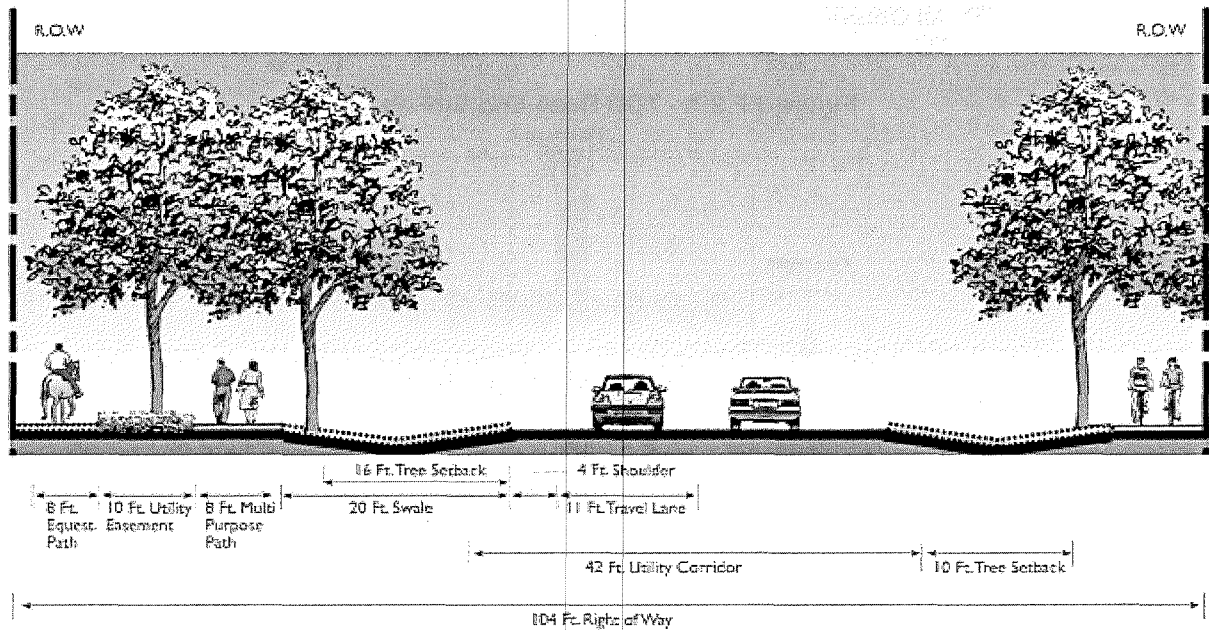
**Figure 3.F.2.A - TDD U/S (Collector: Without On-Street Parking)**



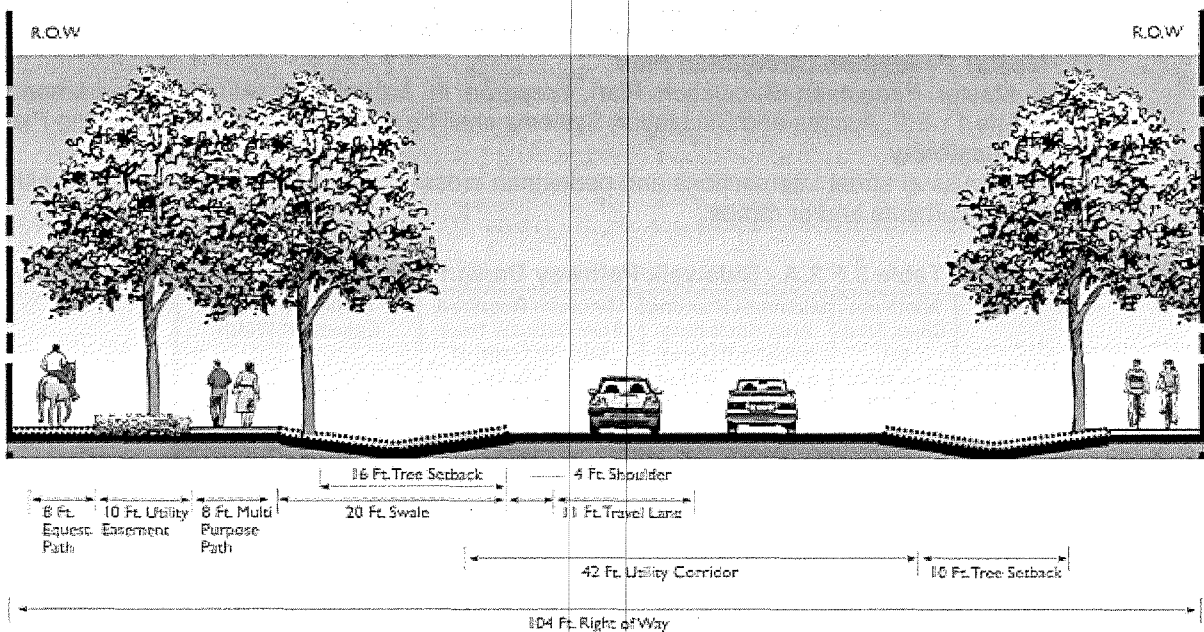
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**Figure 3.F.2.A - TDD Exurban/Rural/AGR (Non-Plan Roadway - Collector)**



**Figure 3.F.2.A - TDD Exurban/Rural/AGR (Plan Roadway - Collector)**



## 2) Connectivity

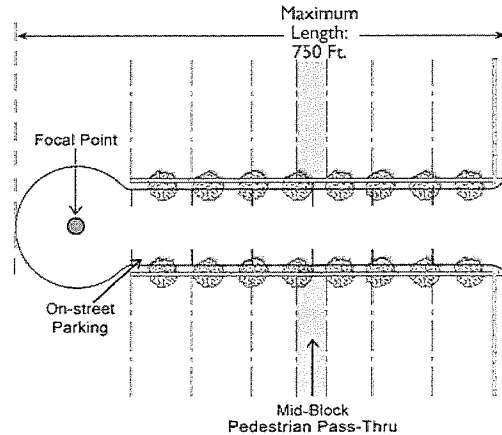
All streets and alleys shall connect to other streets and alleys to form a continuous vehicular and pedestrian network within the district. Streets shall connect to streets in adjacent development or vacant parcels, except for AGR TMDS. The use of gates or other preventative barriers shall not be permitted on collector streets. [Ord. 2005-041]

### a) Dead-End Streets

No more than 20 percent of all streets may be dead-end streets, such as cul-de-sacs and T-turnarounds. The maximum length for dead-end streets shall be 660 feet and up to 750 feet, with a mid-block pedestrian pass-thru. The maximum length for dead-end streets shall be: [Ord. 2005 – 002]

- (1) **Single Family Residential**  
660 feet. Up to 750 feet with a mid-block pedestrian pass-thru.
- (2) **All Others**  
500 feet.

**Figure 3.F.2.A - TDD Dead-End Streets**



**d. Sidewalks and Pathways**

Sidewalks and/or pedestrian pathways shall connect to one another to form a continuous pedestrian network within the TDD and between all adjacent uses to a TDD. Unless otherwise indicated, sidewalks shall be provided along both sides of the street and shall conform to the standards in Table 3.F.2.A, Sidewalk, Pathway Design Standards.

**1) Master Pedestrian Circulation Plan**

A Master Pedestrian Circulation Plan, prepared in accordance with the requirements of Article 11.E.2, Access and Circulation Systems shall be submitted with the Regulating Plan.

**2) Accessibility**

Sidewalks at street intersections and pedestrian crossings shall be grade accessible, with the use of curbcuts and/or ramps.

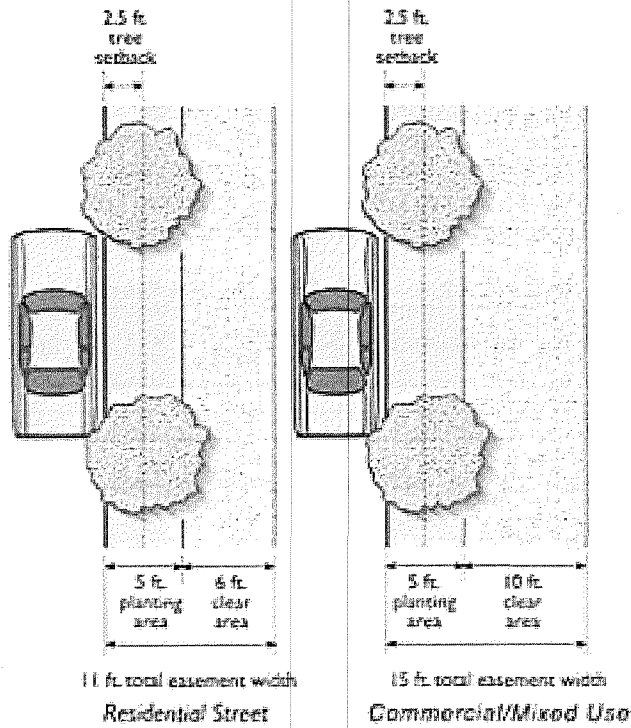
**Table 3.F.2.A - Sidewalk/Pathway Design Standards**

	Minimum Clear Area for Pedestrian Travel	Minimum Planting Area (including lighting fixtures and furniture) or Swale	Minimum Required Tree Setback from Curb or Edge of Roadway	Minimum Total Easement Width
<b>AGR and Urban/Suburban Tiers</b>				
Residential Street	6 ft.	5 ft.	2.5 ft.	11 ft.
Commercial Mixed -Use	10 ft.	5 ft.	2.5 ft.	15 ft.
<b>Exurban/Rural Tiers</b>				
Residential Street	8 ft.	20 ft.	16 ft.	28 ft.
Commercial Mixed-Use	10 ft.	5 ft.	2.5 ft.	15 ft.

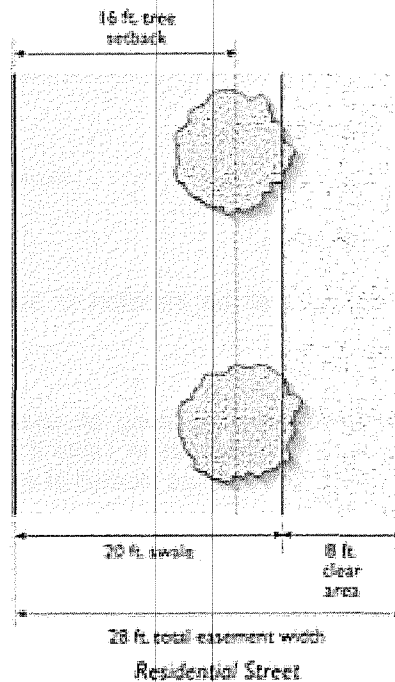
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**Figure 3.F.2.A – TDD - Sidewalk/Pathway Design Standards**  
*Agr/Urban/Suburban Tiers & all Commercial/Mixed Use*



**Exurban/Rural/Glades Tiers**



**e. Alleys**

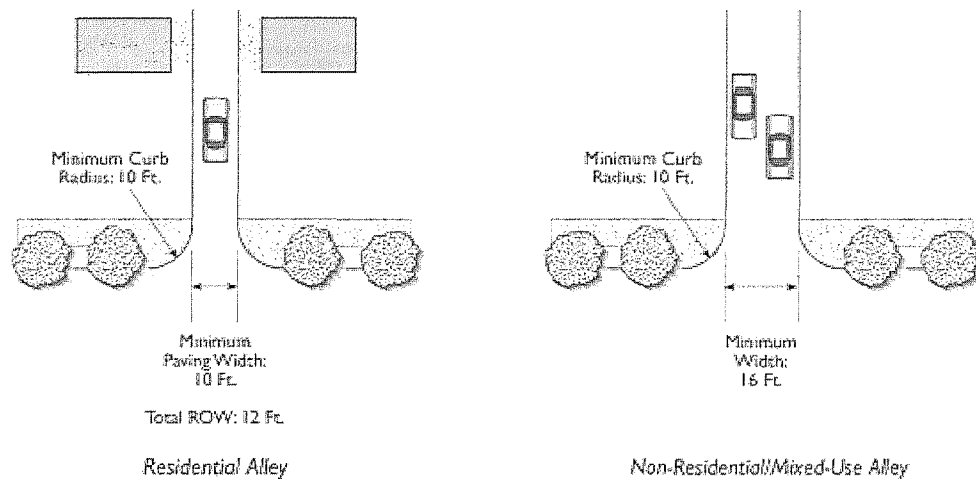
A minimum of one alley shall be required in all blocks, except blocks of single family and ZLL residential uses and AGR TMDs. Alleys shall conform to the standards in Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, and the following: [Ord. 2005-041]

- 1) Alleys shall conform to the design standards in Table 3.F.2.A, TDD Alley Design Standards. Alleys providing access to residential buildings shall be built to residential alley standards. Alleys providing access to commercial or office buildings shall be built to commercial alley standards. Where an alley provides access to a block with both residential and commercial uses, the alley shall be built to the commercial alley standards.

**Table 3.F.2.A – TDD Alley Design Standards**

Alley Type	Minimum R-O-W	Minimum Paving Width	Min. Curb Radius
One-way	12 ft.	10 ft.	10 ft.
Two-way	16 ft.	16 ft.	10 ft.

**Figure 3.F.2.A – TDD Alley Design Standards**



**f. Utilities and Lighting**

**1) Utilities**

Public utilities and lighting shall be installed in accordance with the standards of Article 11.E.7, Utilities.

**2) Lighting**

**a) Street Lighting**

Street lighting shall be provided along all streets and alleys, subject to Art. 5.E.4.E, Outdoor Lighting, and the standards in Table 3.F.2.A, TDD Street Lighting Standards. A minimum of one light fixture shall be located at every crosswalk.

**(1) Exurban-Rural Tiers**

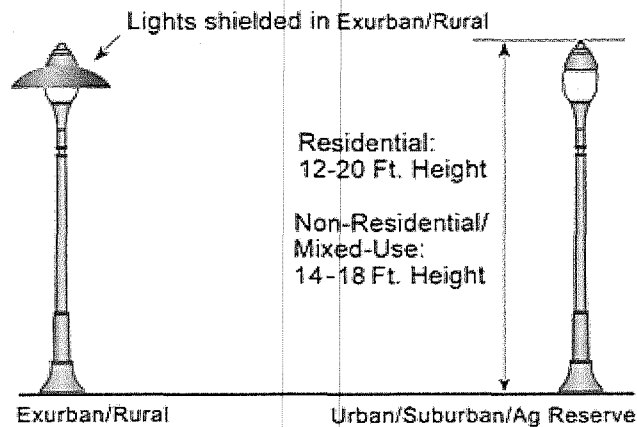
- (a) Lights are optional for residential streets.
- (b) All lights must be fully shielded.

**Table 3.F.2.A – TDD Street Lighting Standards**

Fixture Height	Residential	Non-residential/Mixed-Use
Maximum	20 ft.	22 ft.
Minimum	12 ft.	14 ft.

[Ord. 2005-041]

**Figure 3.F.2.A – TDD Street Lighting Standards**



**b) Parking Lot Lighting**

All parking lot lighting shall be fully shielded. All lighting fixtures shall be a maximum of 35 feet in height.

**2. Parking and Access**

**a. Number of Spaces**

Parking shall be provided as follows. On-street spaces may be used to meet these parking requirements.

**1) Residential**

Parking shall be provided in accordance with Article 6, PARKING.

**2) Non-residential**

**a) Minimum Number of Parking Spaces**

One parking space per 400 square feet of GFA (2.5/1000). [Ord. 2005 – 002]

**b) Maximum Number of Parking Spaces**

**(1) Exurban and Rural Tiers**

One space per 250 square feet of GFA (4/1000). [Ord. 2005 – 002]

**(2) AGR Tier**

One space per 200 square feet of GFA (5/1000). [Ord. 2005 – 002]

**b. Reduction in Requirement**

The number of required spaces may be reduced by either of the following methods:

- 1) The shared parking requirements of Article 6, PARKING; or
- 2) A parking demand study prepared by a traffic engineer licensed by the State of Florida demonstrating that the parking demand for the project will be less than the requirements of this Section.

**c. Location of Parking**

Off-street parking is prohibited in required front or side street setbacks. No parking space shall be located further than 750 feet from a building entrance. Parking shall be equitably distributed throughout the project. [Ord. 2005 – 002]

**d. Parking Structures**

**1) U/S and AGR Tiers**

Structured parking is required for any spaces in excess of one space per 250 gross square feet of non-residential floor area.

**a) AGR Exception**

The requirement for structured parking in the AGR Tier may be waived by the BCC. [Ord. 2005 – 002]

**2) Exurban and Rural Tiers**

Structured parking is prohibited. [Ord. 2005 – 002]

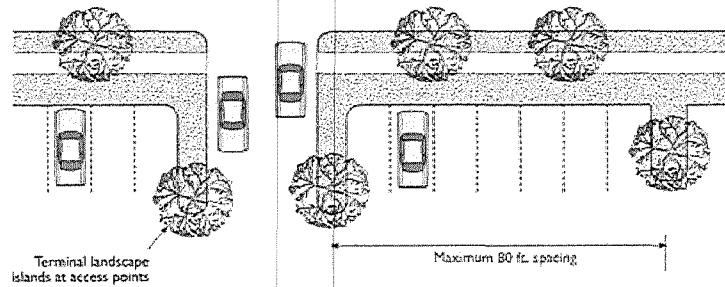
**e. Bicycle Parking**

One parking area shall be provided for every five units in multi-family housing and for every 20 vehicle parking spaces serving non-residential uses. Bicycle parking spaces shall be indicated on the site plan in visible, well-illuminated areas. For each bicycle parking space required, a

- stationary object shall be provided to which a user can secure the bicycle. The stationary object may either be a freestanding bicycle rack or a DRO approved alternative. [Ord. 2005 – 002]
- 3. Minimum Pervious Surface**
- a. U/S and AGR Tiers**  
20 percent of the gross development area. [Ord. 2005-002] [Ord. 2005-041]
- b. Exurban and Rural Tiers**  
30 percent of the project site. [Ord. 2005-002][Ord. 2005 – 041]
- c. Bicycle Parking**  
One parking area shall be provided for every five units in multi-family housing and for every 20 vehicle parking spaces serving non-residential uses. Bicycle parking spaces shall be indicated on the site plan in visible, well-illuminated areas. For each bicycle parking space required, a stationary object shall be provided to which a user can secure the bicycle. The stationary object may either be a freestanding bicycle rack or a DRO approved alternative. [Ord. 2005 – 002]
- 4. Landscaping and Buffering**  
In addition to the requirements in Art. 7, Landscaping, the following standards apply: [Ord. 2005 – 002]
- a. Buffer Around Districts**
- 1) No buffers are required where one TDD abuts another TDD. [Ord. 2005 – 002]
- 2) **AGR TMD Perimeter Buffer**
- a) Incompatibility Buffer**  
A Type III Incompatibility Buffer shall be required between the Development Area and all abutting properties zoned AGR that support agricultural uses, or are vacant (unless deed restricted to non-agricultural or residential uses). The minimum buffer width shall be 25 feet. [Ord. 2005 – 002]
- b) R-O-W Buffer**
- (1) The R-O-W buffer width reduction permitted under Article 7.F.7, R-O-W Buffer, shall only be permitted for any property line which abuts a 100 foot wide rural parkway. In the AGR Tier, a R-O-W buffer abutting open space a minimum of 100 feet in width and designated as a rural parkway may be deleted subject to DRO approval of a regulating plan that demonstrates that the landscaping in the rural parkway exceeds required R-O-W planting and buffering requirements. Required landscaping must be located within or adjacent to the rural parkway. [Ord. 2005 – 041]
- (2) A minimum four-foot high hedge, fence or wall visual screen shall be required in a R-O-W buffer adjacent to any surface parking area having more than two rows of parking. [Ord. 2005 – 041]
- b. Internal Compatibility and Incompatibility Buffers**  
Buffers are not required within TDDs, except that a solid six-foot high wall or five-foot wide landscape planting area providing a visual screen at least six feet in height is required along an interior property line where a non-residential use abuts a residential use. The height of the wall or landscape screen shall not exceed three feet within required front setback areas. The internal buffer requirement for multi-family and townhouse units may be waived when the units are constructed on a main street; are attached to a commercial structure; are separated from a commercial structure by streets or an alley, pedestrian walkway or plaza; or when adjacent to open space, plazas or private recreational uses associated with units requiring a buffer. [Ord. 2005 – 002] [Ord. 2005-041]
- c. Off-Street Parking Areas**
- 1) **Trees**  
One canopy tree shall be planted for every eight parking spaces. In a neighborhood center, one canopy tree shall be planted for every six parking spaces. Trees shall not be spaced more than 80 feet apart.
- 2) **Terminal Islands**  
Terminal landscape islands, subject to the requirements of Art. 7.G, Off-Street Parking Requirements. Terminal and interior landscape islands shall be provided on both sides of all vehicular access points.

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**Figure 3.F.2.A – TDD Off-Street Parking Landscaping Standards**



**d. Street Trees**

Street trees shall be provided along sidewalks, subject to the following standards:

**1) Number**

One canopy tree shall be planted for every 30 lineal feet of street frontage. Palm trees may be substituted for a canopy tree on a 1:1 basis along a frontage with a covered walkway.

**2) Minimum Height**

14 feet.

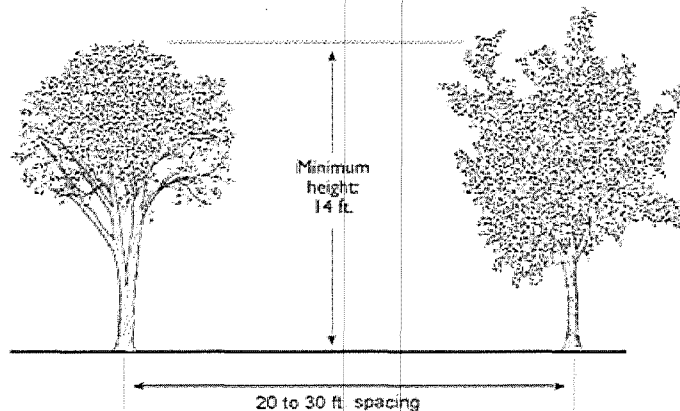
**3) Minimum Diameter**

2.5 inches, measured 4.5 feet above grade.

**4) Spacing**

Trees shall be spaced between 20 to 30 feet on center.

**Figure 3.F.2.A – TDD Street Tree Standards**



**5. Fencing and Walls**

Fences and walls shall be subject to the standards of Art. 5.B.1.A.2, Fences and Walls. Fences shall be made of wood, wrought iron, reinforced concrete with stucco, brick, vinyl-covered chain link, plastic composite or a combination of these materials. Fences in the Exurban, Rural, and AGR tiers shall be made of wood or other materials consistent with the rural design standards that demonstrate a vernacular or rural character.

**6. Signage**

All signs shall be located on site in a manner that ensures consistency within the development; with site, architectural, and landscape plans; site layout; ultimate maturity of vegetation; and, final architectural elevation. When preparing a sign plan the applicant shall consider and give attention to the placement of the sign to provide clear visibility for the tenants. In addition to the regulations in Art. 8, Signage, the following shall apply: **[Ord. 2009-040]**

**a. Building-Mounted Signs**

Building-mounted signs, including wall signs, awning and canopy signs, and projecting signs shall be permitted, subject to the following additional requirements: **[Ord. 2009-040]**

**1) Size**

0.75 square foot of signage for every linear foot of tenant frontage shall be permitted, up to a maximum of 64 square feet. [Ord. 2009-040]

**2) Sign Placement**

- a) Signs shall be located between the first and second story of the building. If the second story is non-residential, the signage shall comply with the minimum vertical separation requirements in Table 8.G.1.A, Wall Sign Standards. [Ord. 2009-040]
- b) All significant decorative elements on the building shall be considered when locating wall signs to ensure they are in harmony with each other. In addition, the architecture features, elements, or building lines shall not be modified to accommodate the location of the signs. [Ord. 2009-040]

**3) Projection**

Sign projection shall not exceed a maximum of 30 inches from any building face. [Ord. 2009-040]

**b. Freestanding Signs**

Unless otherwise provided herein, all freestanding signs shall be prohibited.

**1) AGR-TMD Exceptions**

Freestanding signs shall be permitted in an AGR-TMD pursuant to the following requirements: [Ord. 2009-040]

**a) Maximum Size and Height**

Signs shall not exceed 150 square feet of sign face area, and shall be limited to 15 feet in height. [Ord. 2009-040]

**b) Maximum Number Allowed**

One freestanding sign shall be permitted per right-of-way frontage. [Ord. 2009-040]

**2) A-frame Signs**

Temporary freestanding A – frame signs shall be allowed in front of arcades and covered walkways for commercial or mixed-use buildings, provided they do not conflict with pedestrian walkways. [Ord. 2009-040]

**c. Entrance Wall Signs**

Entrance wall signs are permitted for the purpose of identification, subject to the standards in Art. 8, Signage. Sign copy and graphics shall identify only the name of the development and the address.

**7. Recreation Clubhouse Emergency Generators**

A permanent emergency generator shall be required for all TDD clubhouses 2,500 square feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators. [Ord. 2006-004]

**Section 3 Traditional Neighborhood Development (TND)**

**A. Specific Purposes**

The purpose of the TND district is to:

- 1. Establish a specific neighborhood identity and focus with a pedestrian-oriented design consistent with the tier in which the development is located;
- 2. Provide a range of residential, commercial, civic, and open space land uses in close proximity to one another within the neighborhood;
- 3. Encourage walking and bicycling to reduce the need for local automobile trips;
- 4. Offer a range of housing opportunities;
- 5. Preserve natural features and scenic areas; and
- 6. Provide a safe and efficient circulation system for pedestrians, non-motorized vehicles, and automobiles, and emphasize connectivity within and to adjacent uses.

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**B. Uses**

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

**C. Thresholds**

A TND shall comply with Table 3.F.1.E, TDD Corresponding Land Use, and the following: **[Ord. 2006-004]**

**1. Minimum Size**

The minimum gross land area required for a TND is 40 contiguous acres. Within the U/S Tier, the minimum size may be reduced to 25 acres for infill projects that are adjacent to existing residential, civic, or commercial development on at least two sides. **[Ord. 2006-004]**

**2. Land Use Mix**

TNDs shall provide residential, recreational, civic, and neighborhood commercial land uses, as provided in Table 3.F.3.C, TND Land Use. A TND developed as part of a TTD is subject to the minimum land use allocations provided in Table 3.F.5.D, Traditional Town Development Land Use Allocations. **[Ord. 2006-004]**

**Table 3.F.3.C – TND Land Use**

Land Use Mixes	Percent of Total Gross Area	
	Minimum	Maximum
Residential		
Single Family	25	70
Zero Lot Line (ZLL)	-	50
Multi-Family/Townhouse	20	50
Neighborhood Centers	2	10
Civic <sup>1</sup>	2	25
Open Space/ Recreation	5	-
<b>[Ord. 2006-004]</b>		
<b>Notes:</b>		
1. Civic uses may be collocated with the Neighborhood Centers.		
2. Not required in the Rural and Exurban Tiers unless mandated by a sector plan pursuant to the provisions of the Plan. <b>[Ord. 2006-004]</b>		

**3. Minimum Development Threshold**

Any TND or single project of TNDs with more than 320 acres shall be developed as a TTD. **[Ord. 2006-004]**

**D. General Standards**

The following standards apply to all TND development:

**1. Neighborhoods**

The basic component of a TND is the neighborhood, organized in blocks around a neighborhood center. Each neighborhood within a TND shall not exceed 80 acres. No TND shall include more than four neighborhoods unless the TND is included within a TTD Refer to Art. 3.F.5, TTD.

**2. Connections**

All uses in a TND shall be connected by sidewalks or pedestrian paths, bicycle paths or bicycle lanes, and vehicular streets. A minimum of 80 percent of all streets shall connect at both ends to other streets at an intersection. All paths or trails, including bicycle paths or lanes, shall interconnect to form a continuous network throughout the TND and to paths or trails linked adjacent neighborhoods. Vehicular gates are prohibited on all streets, except alleys serving residential uses. Vehicular gates are not allowed on alleys serving commercial uses. **[Ord. 2006-004]**

**E. Land Use Zones****1. Neighborhood Center**

A Neighborhood Center is intended to accommodate neighborhood-oriented retail and commercial services. It may include professional offices, community facilities, and civic uses to serve the population of the TND and adjacent neighborhoods.

**a. General Standards****1) Location**

Each Neighborhood Center shall be centrally located in its neighborhood and shall be adjacent to a minimum of one side of a neighborhood square. A non-central location is permitted on an infill site, provided it is within 1320 linear feet of 100 percent of the units in the TND and also can serve the local shopping needs of an adjacent neighborhood.

- 2) **Maximum and Minimum Site Area**  
Each individual Neighborhood Center shall be a minimum 0.5 acre and a maximum of 2.5 acres in size.
- 3) **Parking**  
Parking shall be provided in accordance with Article 3.F.2.A.2, Parking and Access.
- 4) **Maximum Floor Area Ratio (FAR)**  
1.0.
- 5) **Maximum building coverage**  
50 percent.
- 6) **Maximum Total Floor Area**  
40,000 square feet of GFA.
- b. **Building Standards**
  - 1) **Maximum Floor Area per Tenant**  
8,000 square feet.
    - a) **Exception**  
Up to 30,000 square feet is allowed for a food store. If a TND is developed as part of a TTD, the maximum allowed for a food store in a Neighborhood Center shall be 20,000 square feet.
  - 2) **Setbacks**  
Minimum and maximum building setbacks shall conform to the standards in Table 3.F.3.E, TND Non-Residential Setback Regulations.

**Table 3.F.3.E – TND Non-Residential Setback Regulations**

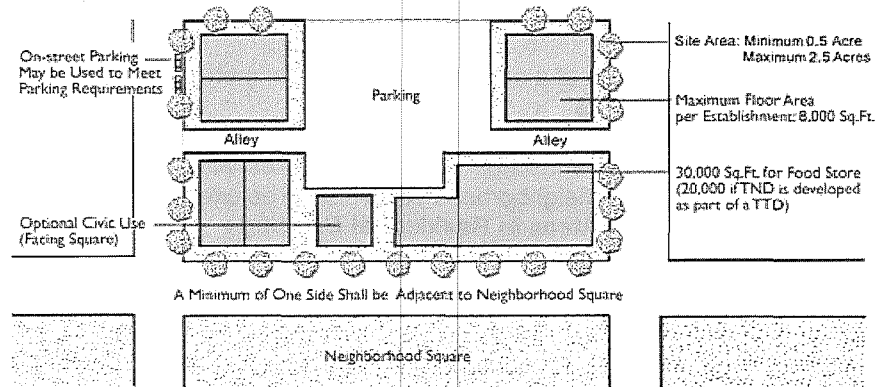
Regulation	Neighborhood Center and Civic	Open Space/Recreation
Front Setback	0 ft. min. 10 ft. max.	20 ft.
Side Setback	0 ft. for attached buildings 5 ft. min. for detached buildings 10 ft. adjacent to residential	20 ft.
Rear Setback	10 ft. min.	20 ft.

- c. **Maximum Building Height**  
45 feet – U/S Tier, 25 feet – Rural/Exurban Tiers.
- d. **Building Orientation**  
Buildings shall front a street. All principal buildings shall have their entrance facing the street or an intersection.
- e. **Build-to Lines**  
A minimum of 50 percent of a commercial building shall have a zero setback. The remaining 50 percent may be set back a maximum of ten feet.
- f. **Covered Walkways**  
A minimum of 50 percent of all first floor building frontages shall be constructed as storefronts and be adjacent to a covered sidewalk, with features such as awnings, colonnades, or arcades. Colonnades and arcades shall be a minimum of ten feet in width, including any support column intrusions. All covered walkways shall have a minimum interior height clearance of 12 feet from ground to ceiling.

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**Figure 3.F.3.E – TND Neighborhood Center Standards**



**2. Civic**

The civic designation is intended to accommodate publicly and privately owned institutional land uses intended to serve the neighborhood.

**a. Location**

Civic parcels used for community buildings shall be located adjacent to a neighborhood square or park, or on a lot terminating a street vista.

**b. Public Land Dedication**

Based on the proportional impacts of development on the demand for public services and facilities, a portion of a TND may be required to be conveyed or voluntarily committed in simple fee title to the PBC for civic purposes. These conveyances shall be in a form approved by the County Attorney or in the form of a development agreement.

**3. Open Space/Recreation**

Areas designated for open space/recreation include neighborhood parks, neighborhood squares, and active or passive recreation uses.

**4. Neighborhood Square**

a. Each neighborhood within a TND shall include a centrally located neighborhood square or "commons." The square and abutting neighborhood commercial and civic uses should serve as a focal point for the surrounding residential neighborhoods.

**1) Size**

The square shall have a minimum lot size of 20,000 to 140,000 square feet, see Figure 3.F.3.E, TND Neighborhood Park and Square.

**2) Street Access**

A minimum of 75 percent of a square perimeter shall abut a street.

**3) Minimum Pervious Area**

The minimum required area of a neighborhood park that must be pervious surface is:

**a) U/S Tier**

25 percent.

**b) Exurban and Rural Tiers**

50 percent.

**b. Neighborhood Parks**

**1) Minimum Area**

A minimum of 25 percent of the open space/recreation area required by Table 3.F.3.C, TND Land Use, must be common open space or park accessible to the public. Each neighborhood park shall have a minimum area of 20,000 square feet.

**2) Location**

Neighborhood parks shall be located within each neighborhood of a TND and shall be distributed so that 100 percent of all dwelling units are located within 1320 linear feet from a park or other recreation area.

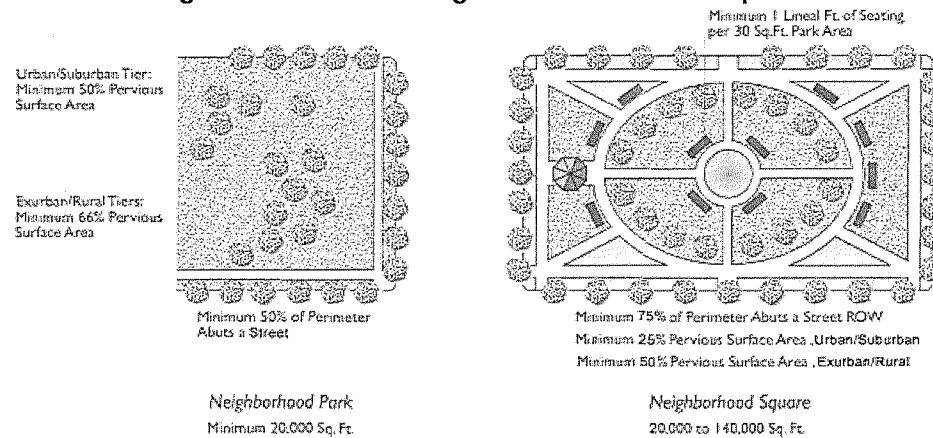
**3) Minimum Pervious Area**

The minimum required area of a neighborhood park that must be pervious surface is:

**a) U/S Tier**

- 50 percent.
- b) **Exurban and Rural Tiers**  
66 percent.
- 4) **Pedestrian Access**  
A minimum of 50 percent of a neighborhood park perimeter shall abut a street.
- 5) **Active Recreation Areas**  
Common active recreation uses, such as playing fields and swimming pools, shall be buffered by a perimeter landscape area that complies with the compatibility buffers in Article 7, LANDSCAPING. The neighborhood square shall be exempt from this requirement.
- a) **Active Recreation Areas in Residential Buildings**  
Penthouse and rooftop active and passive recreation shall not be counted towards the minimum open space/recreation area requirement.
- 6) **Required Amenities**  
Neighborhood squares shall include street furniture for outdoor seating and other amenities such as gazebos, fountains, statuary, flag poles, kiosks, and benches. At least one lineal foot of seating area shall be provided for each 30 square feet of park area. Seating area may include wooden benches, seating walls, and retaining walls where the seating area is between 16 inches and 30 inches above grade.

**Figure 3.F.3.E - TND Neighborhood Park and Square**



## 5. Residential Uses

### a. Lot Size and Setbacks

Minimum and maximum lot sizes and building setbacks shall conform to the standards in Table 3.F.3.E, TND Residential Lot Size and Setback Regulations.

### b. Maximum Building Height

35 feet.

#### 1) U/S Tier

One foot of additional height may be allowed for multi-family residential buildings for each additional foot of front and side setback, or upper story setback, provided beyond the minimum required setback, up to a total building height of 45 feet.

### c. Building Orientation

Residential buildings shall front a street, neighborhood square, or neighborhood park and be directly accessible from a street.

### d. Accessory Buildings

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

#### 1) Calculation of Density

Accessory dwellings 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 unit per principal dwelling unit is permitted.

#### 3) Required Parking

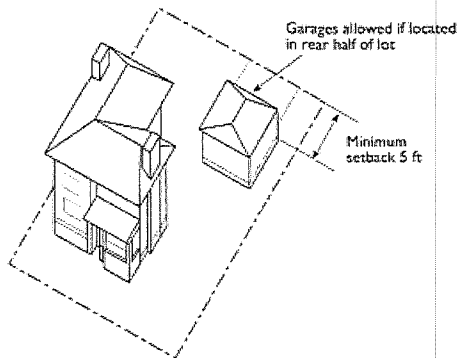
One additional parking space per accessory dwelling is required.

**e. Garages**

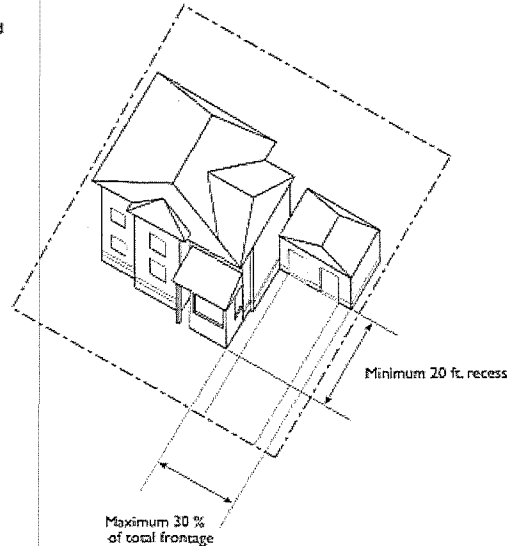
Garages are permitted in the rear half of the lot only. Garages accessible from an alley shall be setback a minimum of five feet from the rear property lot line.

**Figure 3.F.3.E – TND Garages**

*Multiple-Family, Townhouse, Zero Lot Line*



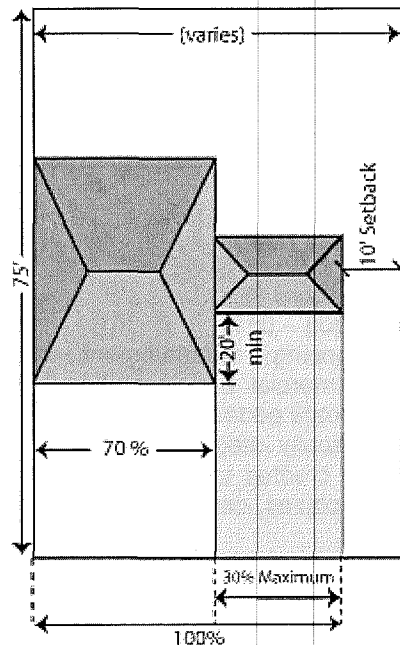
*Single Family*



**1) Exception for Single family or ZLL**

Garages may be attached to a single family house or ZLL if recessed a minimum of 20 feet from the front facade of the house. Attached garages shall occupy a maximum of 30 percent of the total frontage of the house, as determined by the total length between the two main exterior walls nearest to the interior property lines, including the garage but excluding any attached structures, such as a porch, deck or patio.

**Figure 3.F.3.E – ZLL Garages**



**f. Main Entrances**

All residential structures shall have their main entrance fronting a street or an intersection. Corner entries at street intersections are preferred for multi-family structures.

**g. Porches**

All single family and ZLL dwellings shall have a front porch, raised a minimum of 18 inches from the finished grade.

**1) Size**

Porches shall have a minimum depth of six feet and a minimum width of 12 feet.

**2) Enclosure**

Porches shall comply with the definition of TND, porch in Art. 1.I, Zoning Definitions and Acronyms.

**h. Balconies and Patios**

A minimum of 20 percent of the total number of dwelling units on each floor in a multi-family structure shall have individual balconies and/or patios.

**1) Setback Encroachment**

A balcony may encroach a maximum of six feet into a front or side street setback.

**Table 3.F.3.E – TND Residential Lot Size and Setback Regulations**

Regulation	Single family	ZLL	Townhouse	Multi-Family
Minimum Lot Size	5,000 sq. ft.	3,000 sq. ft.	1,000 sq. ft.	5,000 sq. ft.
Maximum Lot Size	40,000 sq. ft.	15,000 sq. ft.	8,000 sq. ft.	50,000 sq. ft.
Minimum Lot Width	50 ft.	40 ft.	16 ft.	50 ft.
Minimum Lot Depth	75 ft.	75 ft.	75 ft.	75 ft.
Front Setback	10 ft. min.	10 ft. min.	5 ft. min.	no min.
	20 ft. max.	20 ft. max.	10 ft. max.	30 ft. max.
Side Setback	5 ft. min.	0 ft. on zero lot line ZLL side and 10 ft. on other	no minimum  15 ft. separation	5 ft. min.  15 ft. separation
			10 ft. adjacent to Single family or ZLL Houses	20 ft. adjacent to Single family or ZLL Houses
Side Street Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
Rear Setback	10 ft.	10 ft. min.	15 ft. min.	15 ft. min.
	5 ft. min. for accessory Structure	5 ft. min. for accessory Structure or alley	5 ft. min. for accessory Structure or alley	
		5 ft. min. on alleys		

**Section 4 Traditional Marketplace Development (TMD)**

**A. Purpose**

The purpose of the TMD district is to: **[Ord. 2005 – 041]**

1. Provide a concentrated area for shopping, entertainment, business, services and cultural opportunities by allowing a mix of commercial and institutional uses and establishing physical development and design standards that create pedestrian-oriented development; **[Ord. 2005 – 002]**
2. Provide housing opportunities through vertically integrated residential uses; **[Ord. 2005 – 002]**
3. Promote a mix of uses in a manner that creates a stronger pedestrian orientation through design, placement and organization of buildings, plazas, common public space, and dispersed parking; and **[Ord. 2005 – 002]**
4. Ensure traditional marketplaces are compatible with the overall design objectives of the Plan and the MGTS. **[Ord. 2005 – 041]**

**B. Purpose of the TMD District in the AGR Tier (AGR-TMD)**

In addition to the above, the purpose of the AGR-TMD is to: **[Ord. 2005–041]**

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1. Promote the preservation of agriculture by providing for compact commercial areas and preserved agricultural land; [Ord. 2005 – 002]
2. Provide for commercial uses serving AGR residents at accessible locations on major arterials; and [Ord. 2005 – 002]
3. Encourage design that is compatible with the surrounding agricultural or rural area; [Ord. 2005 – 002]
4. Implement the conceptual designs that submitted to the BCC on April 6, 2005; and [Ord. 2005-041]
5. Implement the requirements of FLUE Policy 1.5-m, 1.5.1-m, 1.5.1-n, and 2.4-c of the plan. [Ord. 2005-041]

**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]

**D. Development Standards for all TMDs**

The following standards apply to TMDs located in all tiers: [Ord. 2005 – 002]

**1. General Standards**

The following standards apply to all TMDs; however, additional standards or provisions shall apply to the AGR Tier, per Art. 3.F.4.E, Standards Applicable to AGR Tier. [Ord. 2005-002] [Ord. 2005-041]

**a. Thresholds**

A TMD shall comply with Table 3.F.1.E, TDD Corresponding Land Use, and the following: [Ord. 2006-004]

**1) Minimum Site Area**

The minimum gross land area required for a TMD is ten contiguous acres. [Ord. 2005-002] [Ord. 2006-004]

**2) Minimum Total Floor Area**

In the U/S Tier, 200,000 square feet is required, with a minimum of 125,000 square feet in the first phase. In the Exurban and Rural tiers, 125,000 square feet is required. See Art. 3.F.4.E, Standards Applicable to AGR Tier, for AGR Standards. Additional development may be phased but shall not exceed a total of 200,000 square feet for the Exurban and Rural Tiers. Civic and Institutional uses are not subject to these floor area limitations. The floor area standards for the Rural and Exurban Tiers are not applicable to the Central Western Communities Sector Plan area (Plan Map Series LU 3.1, Special Planning Areas Map), if governed by a Sector Plan pursuant to the provisions of the Plan. [Ord. 2005 – 002] [Ord. 2006-004]

**3) Minimum FAR**

0.4 in the U/S Tier. [Ord. 2005 – 002] [Ord. 2006-004]

**b. Permitted Locations**

- 1) Within the CL designations in Exurban, Rural and AGR Tiers. [Ord. 2005 – 002]
- 2) Within the CL/CH designations in the U/S Tier. [Ord. 2005 – 002]
- 3) A TMD must have at least 200 feet of frontage along an arterial or collector street. [Ord. 2005 – 002]

**c. Maximum Floor Area per Single Tenant [Ord. 2005-041]**

**1) U/S Tier**

No single tenant may occupy more than 50,000 sq. ft. unless approved as a requested use. Single tenants occupying more than 100,000 square feet are prohibited. [Ord. 2005 – 002]

**2) Exurban/Rural and AGR Tiers**

No single tenant may occupy more than 25,000 sq. ft. unless approved as a requested use. Single tenants occupying 65,000 sq. ft. or more are prohibited. [Ord. 2005 – 002]

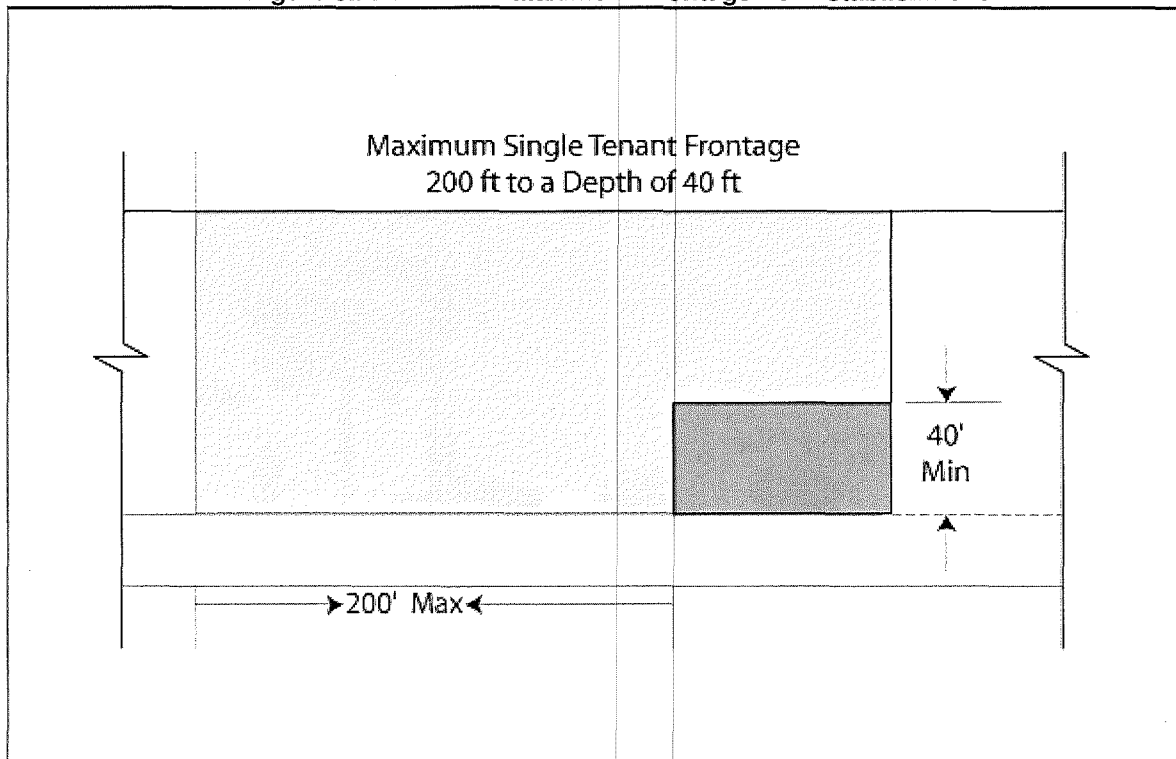
**3) Maximum Ground Floor Area per Establishment**

No single tenant may occupy more than 40 percent of the total ground floor area of a TMD. [Ord. 2005 – 002]

**4) Maximum Frontage Per Single Tenant**

No single tenant may occupy more than 200 feet of frontage. An increase of up to 240 feet of frontage per single tenant is permitted in the AGR Tier, provided that any increase over 200 feet incorporates the appearance of a separate storefront on the subject façade, to include the following: a distinct architectural style a minimum of 40 feet in length, a similar percentage of transparency, and an additional building entrance, or appearance of an entrance. [Ord. 2005-002] [Ord. 2005-041]

**Figure 3.F.4.D – TMD Maximum Frontage Per Establishment**



[Ord. 2005-002]

**d. Density/Intensity**

**1) Multiple Use Projects**

Multiple Use Projects may be allowed to utilize up to 100 percent of the combination of a site's residential density and its commercial intensity equivalent. (Additional density or intensity is equivalent to the corresponding amount of non-utilized existing density or intensity). (A = percent of additional density or intensity, U = percent of utilized density or intensity.  $A = 100 - U$ ). [Ord. 2005 – 002]

**2) Mixed Use Projects**

Mixed Use Projects which vertically integrate at least 20 percent of their allowed residential units with non-residential uses may be allowed to utilize up to 100 percent of both a site's residential density and commercial intensity. [Ord. 2005 – 002]

**2. Street Designations and Configurations**

All streets and alleys in a TMD dedicated to the public or meeting the definition of a private street shall conform to the standards of Art. 11, Subdivision, Platting and Required Improvements. All neighborhood centers and the central plaza of a TMD shall be directly connected by a non-gated street network. [Ord. 2005 – 002]

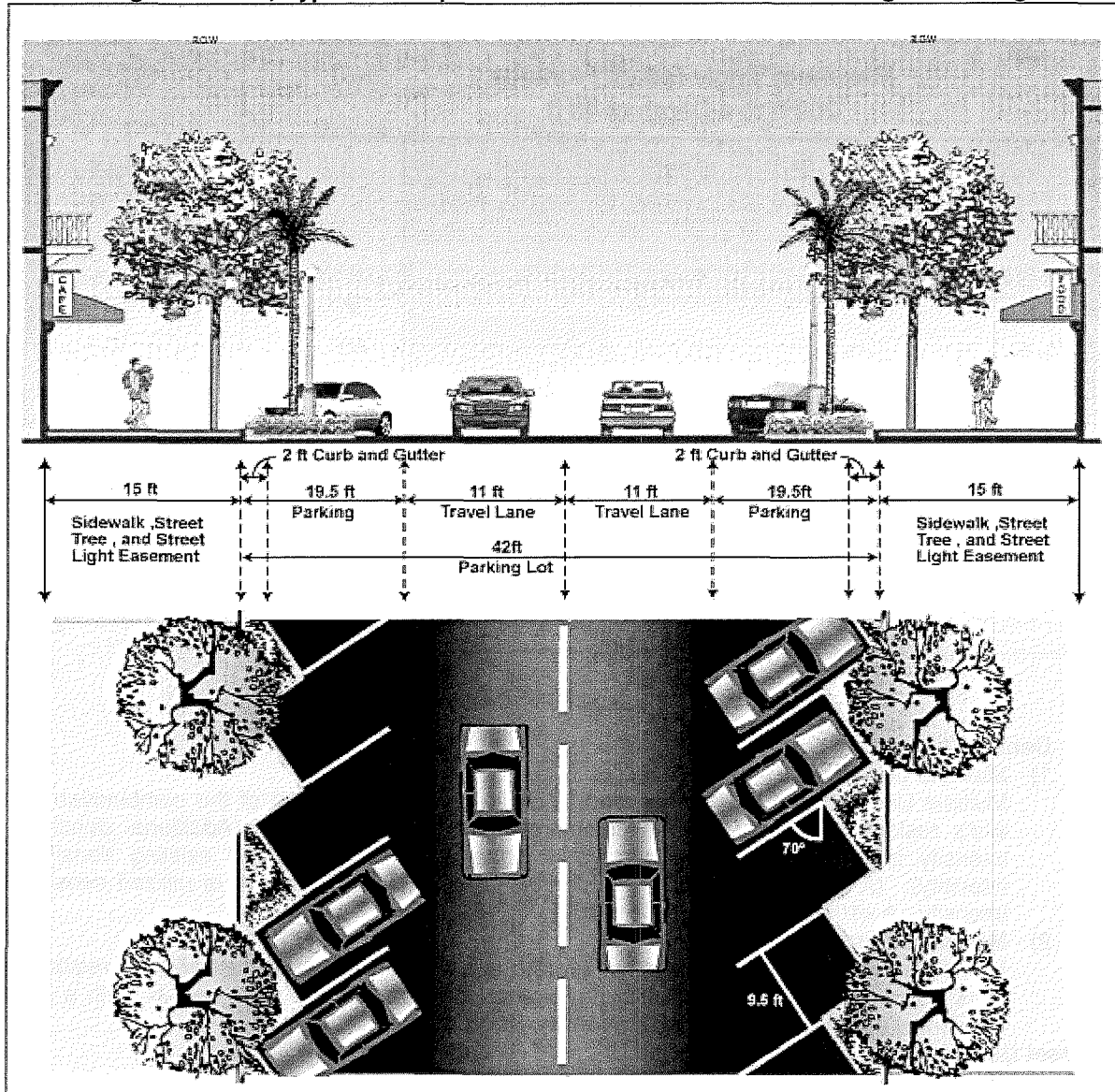
**a. Mainstreet**

At least two two-way streets forming an inter-section shall be designated as Main streets. A minimum of one mainstreet shall cross through the entire length or width of a TMD, unless waived by the BCC. Main streets shall be designed to be consistent with Figure 3.F.2.A, TDD Commercial Street. [Ord. 2005 – 002]

**1) Design Exception**

Main streets designed as an access way or non-residential parking lot may increase the overall width to provide for angled parking, not to exceed a 70 degree angle, as indicated in Figure 3.F.4.D, Typical Example of TMD Commercial Street with Angled Parking. The required width of travel lanes shall be as approved by the County Engineer based upon such factors as anticipated average daily traffic and overlap of back-out maneuvers. Parking stall dimensions shall be in accordance with Table 6.A.1.D, Minimum Parking Dimensions for

**Figure 3.F.4.D, Typical Example of TMD Commercial Street with Angled Parking**



[Ord. 2005-002]

**b. Sidewalks**

Sidewalks are required on both sides of all streets and shall be designed to be consistent with Figure 3.F.2.A, TDD Commercial Street, except for: alleys; drive isles between rows of parking or providing access to a surface parking lot; service streets; the side of a street abutting a preserve area of an AGR-TMD; and, where one side of a street abuts a surface parking lot or open space. All sidewalks shall conform to the requirements of Art. 3.F.2.A.1, Streets, Sidewalks, and Alleys.

[Ord. 2005-002] [Ord. 2005 – 041]

**c. Alley Access**

Alley access is not allowed from a Main Street. [Ord. 2005 – 002]

**d. Prohibition of Vehicular Gates**

Vehicular gates are not allowed in a TMD. [Ord. 2005 – 002]

**3. Building Form**

**a. Maximum Building Height**



1) **U/S Tier**

- a) 45 feet and two stories. A third story is allowed if the top floor is dedicated to residential uses. [Ord. 2005 – 002]
- b) The height limit shall not apply to those exceptions listed in Art. 3.D.1.E.4, Height Exceptions. [Ord. 2005 – 002]

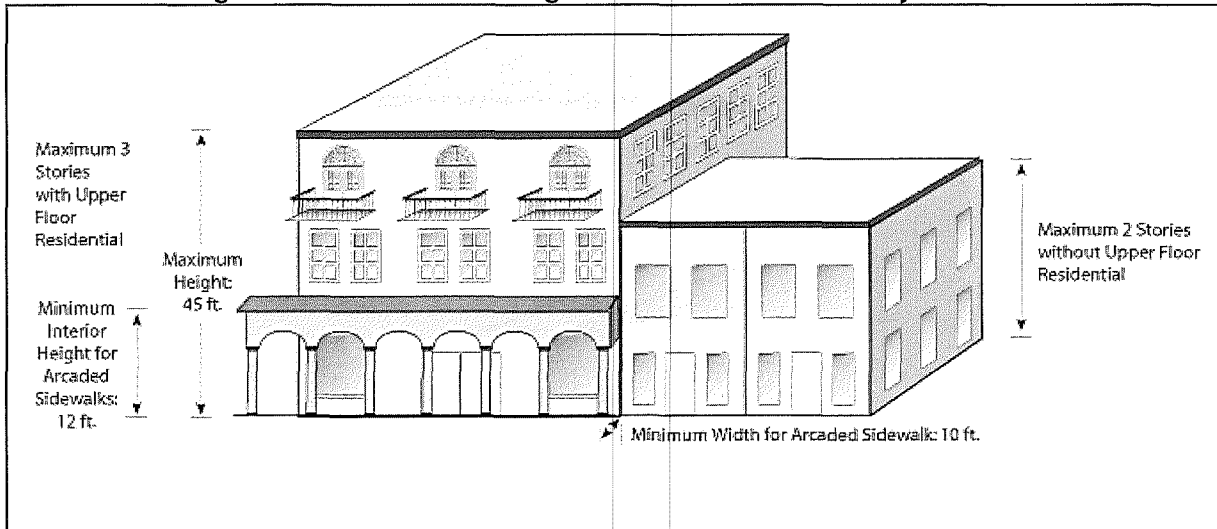
2) **Exurban, Rural, and Agricultural Reserve Tiers**

35 feet and two stories. [Ord. 2005 – 002]

a) **AGR Tier Exception**

- 1) A third story is allowed if limited to residential uses where a garage is provided on the ground floor for each residential unit. [Ord. 2005 – 002]
- 2) The height limit shall be 45 feet for those exceptions listed in Art. 3.D.1.E.4, Height Exceptions. [Ord. 2005 – 002]

**Figure 3.F.4.D – TMD Building Form U/S Tier – Three Story Maximum**



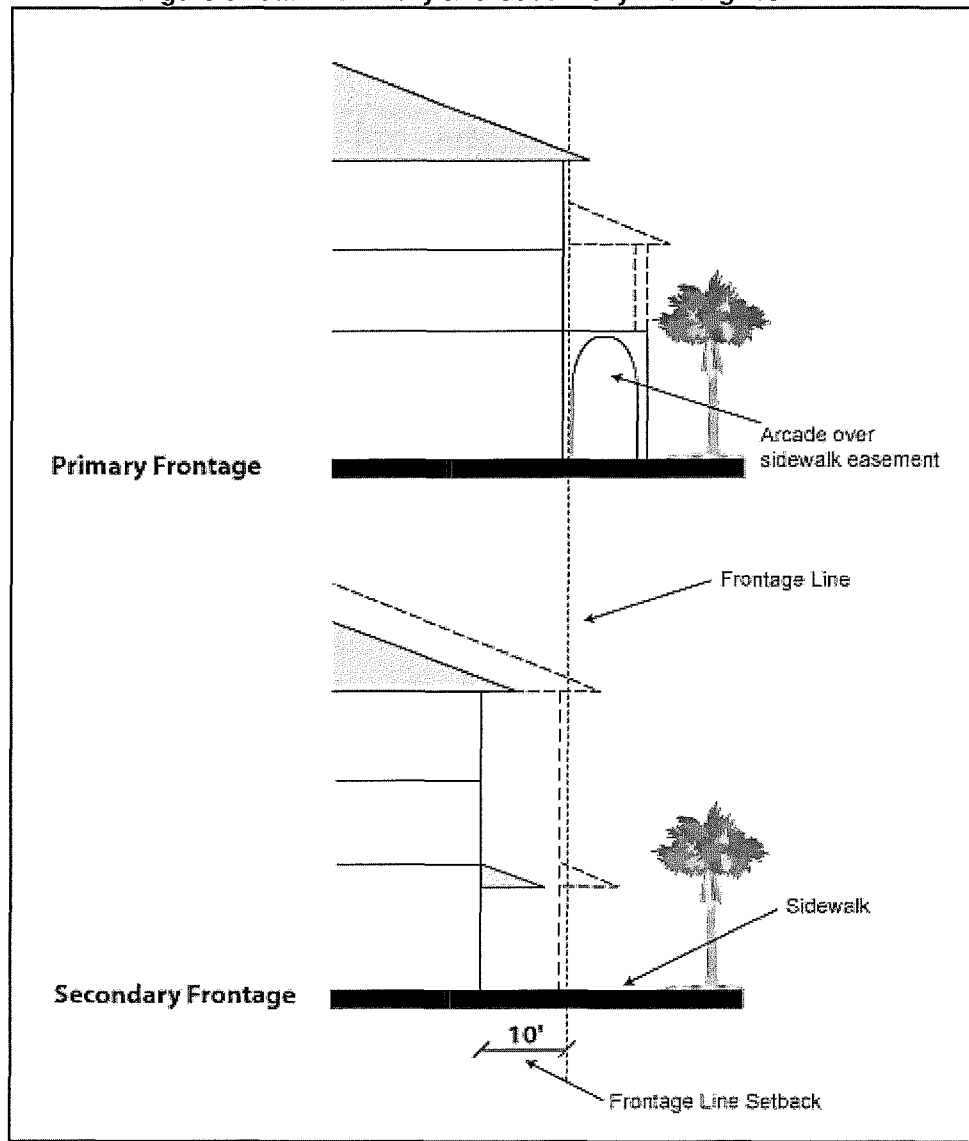
[Ord. 2005-002]

4. **Frontages and Residential PDRs**

All buildings shall be designated on the site plan as either Primary or Secondary Frontage and shall conform to the following requirements: [Ord. 2005-002] [Ord. 2005 – 041]

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**Figure 3.F.4.D – Primary and Secondary Frontage for TMD**



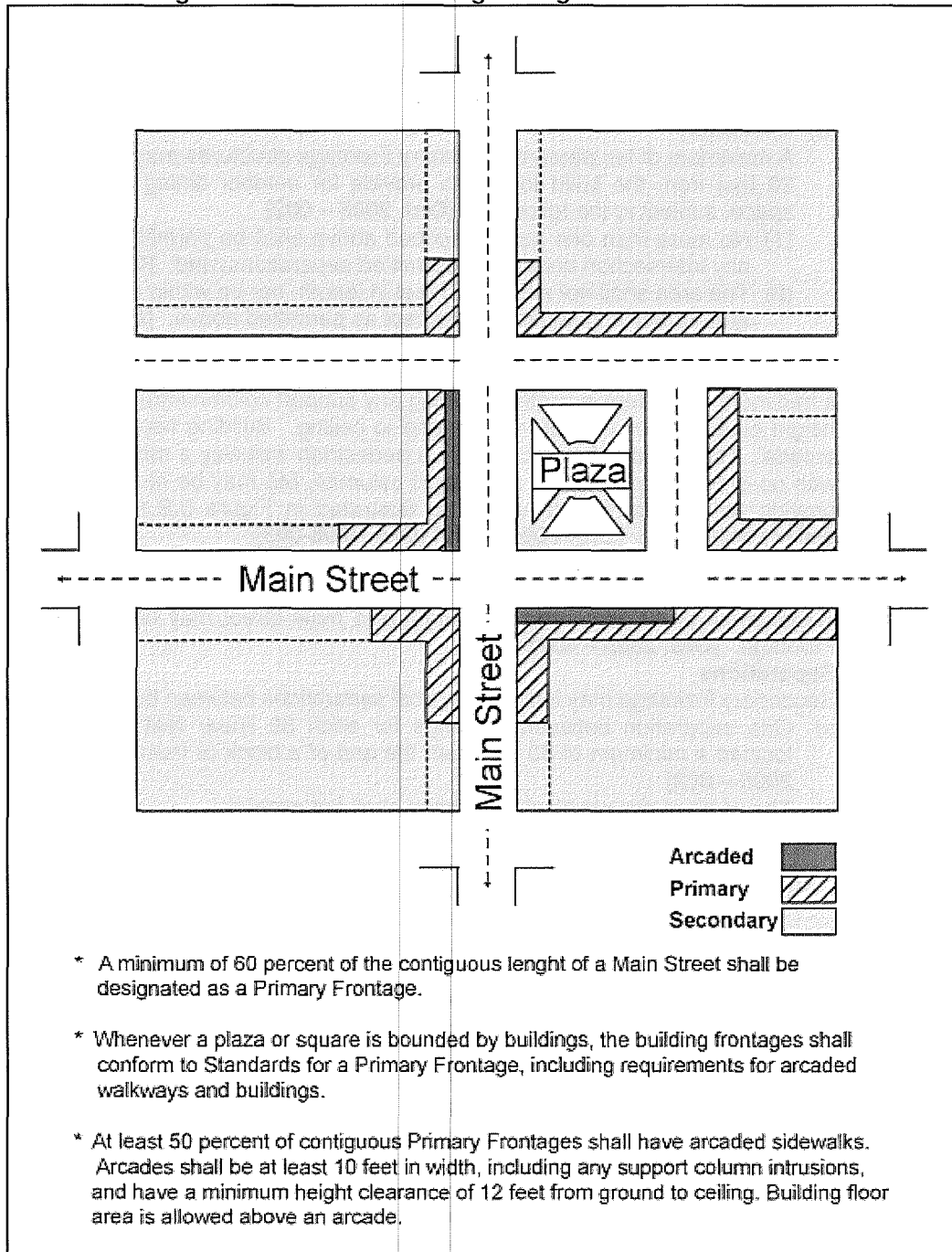
[Ord. 2005-002]

**a. Standards for Primary Frontage**

- 1) A minimum of 60 percent of the length of a Main Street shall be designated as a Primary Frontage. [Ord. 2005 – 002]

(This space intentionally left blank.)

**Figure 3.F.4.D – TMD Frontage Designation and Standards**



[Ord. 2005-002]

## 2) Continuity and Separations

Primary Frontage shall be continuous, except as follows: [Ord. 2005 – 002]

- A central plaza or square may be located at the end of a block. [Ord. 2005 – 002]
- One separation between buildings is allowed for each 120 linear feet of frontage, provided it is located a minimum of 120 feet from the end of a block. [Ord. 2005 – 002]
  - The width of this separation shall not exceed: [Ord. 2005 – 002]
    - 20 feet for pedestrian access to internal parking areas, off-street loading, refuse collection or recessed building entrances. [Ord. 2005 – 002]

- (b) 30 feet for outdoor dining areas or pedestrian shade and rest areas. [Ord. 2005 – 002]
  - (c) 60 feet for a mid-block plaza, other than the central plaza. [Ord. 2005 – 002]
- 3) **Build to Lines**  
 All building and structures along a Primary Frontage shall abut the required sidewalk. [Ord. 2005 – 002]
  - (a) **Exception**  
 A maximum of ten percent of Primary Frontage structures may be set back a maximum of 20 feet from the build to line to provide for outdoor dining areas and/or usable open space, subject to the following: [Ord. 2005 – 002]
    - (1) No more than one area described above shall be permitted at any intersection or at any intersection created by permitted separations; and, [Ord. 2005 – 002]
    - (2) The area shall not exceed 40 feet in length, nor be within 40 feet of any other setback area or building separation, except as permitted above. [Ord. 2005 – 002]
- 4) **Arcaded Sidewalk**  
 At least 50 percent of the Primary Frontages shall have arcaded sidewalks. Arcades shall be a minimum of ten feet in width, including any support column intrusions, and have a minimum height clearance of 12 feet from ground to ceiling. Building floor area is allowed above an arcade. The arcade shall provide for a pedestrian walkway a minimum of eight feet in width with no encumbrances such as support columns, but may be reduced to six feet in width to provide for outdoor dining areas, as illustrated in Figure 3.B.15.G, WCRAO Arcade and Gallery Standards. [Ord. 2005 – 002] [Ord. 2008-003]
- b. **Standards for Secondary Frontage**
  - 1) **Secondary Frontage**  
 A maximum of 40 percent of the length of a main street may be designated as Secondary Frontage. [Ord. 2005 – 002]
  - 2) **Separations**  
 Secondary Frontage may include physical separations between buildings, as follows:
    - a) One separation between buildings for each 80 linear feet of frontage, provided it is located a minimum of 80 feet from the end of a block or from the edge of a plaza. [Ord. 2005 – 002]
    - b) The width of this physical separation shall not exceed:
      - (1) 20 feet for pedestrian access to internal parking areas or recessed building entrances; [Ord. 2005 – 002]
      - (2) 30 feet for an alley or vehicular access to internal parking, outdoor dining areas, or pedestrian shade and rest areas; or [Ord. 2005 – 002]
      - (3) 60 feet for a mid block plaza. [Ord. 2005 – 002]
  - 3) **Build-to Lines**  
 All building structures along a Secondary Frontage shall be located within ten feet of the required sidewalk. [Ord. 2005 – 002]
    - (a) **Exception**  
 A maximum of ten percent of Secondary Frontage structures may be set back a maximum of 20 feet from the build to line to provide for outdoor dining areas and/or usable open space, subject to the following: [Ord. 2005 – 002]
      - (1) No more than one area described above shall be permitted at any intersection or at any intersection created by permitted separations; and, [Ord. 2005 – 002]
      - (2) The area shall not exceed 40 feet in length, nor be within 40 feet of any other setback area or building separation, except as permitted above. [Ord. 2005 – 002]
- c. **Standards for Perimeter Frontages**  
 Exterior frontages on the perimeter of a TMD shall be designed to provide views of building entrances, display windows, plazas and squares from adjacent arterial and collector streets. [Ord. 2005 – 002]
- d. **Optional Standards for Residential PDRs**  
 Residential buildings may use the TND Residential Lot Size and Setback Regulations, or the following: [Ord. 2005-041]
  - 1) **Multi-family Alley Frontage Design Alternative**  
 Multi-family dwellings may be permitted to have frontage from a street built to alley standards, subject to the following: [Ord. 2005-041]

**a) Build to Lines and Setbacks**

Setbacks or build to lines must be measured from the inside alley edge, or sidewalk if provided. [Ord. 2005-041]

- (1) Front setbacks must be a minimum of five feet, and a maximum of 10 feet. Garages fronting the alley shall be setback at least 20 feet. [Ord. 2005-041]
- (2) Side street setbacks must be a minimum of five feet, and a maximum of 10 feet. An exception may be made for one side of a block which fronts on open space or a recreation use. [Ord. 2005-041]
- (3) The rear of each unit shall have access to and be within 20 feet of a street, open space or plaza a minimum of 40 feet in width, with sidewalks that connect to the projects pedestrian circulation system. [Ord. 2005-041]

**b) Continuity and Separations**

One separation between buildings is allowed for each 80 feet of frontage, provided it is located a minimum of 80 feet from the end of a block. The width of this separation shall not exceed 25 feet for pedestrian access, or 40 feet for a mid block plaza. One mid block plaza may be permitted to have a separation of up to 120 feet in the AGR Tier only. [Ord. 2005-041]

**5. Pedestrian Circulation**

In addition to the sidewalk requirements of Art. 3.F.2.A.1, Streets, Sidewalks, and Alleys, all internal sidewalks shall provide a minimum clear width of six feet. [Ord. 2005 – 002]

**6. Foundation Planting**

Notwithstanding the requirements of Art. 7.D.11, Foundation Plantings, foundation plantings shall not be required for primary and secondary building frontages, buildings along an alley or access way to a parking area, where the alley or access way is located in-between non-residential buildings, or where buildings front on a plaza or square. [Ord. 2005-002] [Ord. 2005 – 041]

**7. Parking**

On-street parking is required on both sides of all two-way streets and on at least one-side of one-way streets, except within 25 feet of a street intersection or alley, or ten feet of a fire hydrant, or along arterials, planned collector streets, alleys or a vehicular access way to internal parking. [Ord. 2005-002] [Ord. 2005 – 041]

**8. Plazas**

Plazas are required to provide a focal point for pedestrians, and must meet the minimum standards of Table 3.F.4.D-53, Minimum Dimensions for Required Plazas, and the following: [Ord. 2005-002] [Ord. 2005 – 041]

**Table 3.F.4.D- Minimum Dimensions for Required Plazas**

	Minimum Size	Minimum Length	Minimum Width
Central Plaza	10,000 sf	120 feet	80 feet
Other Plazas	5,000 sf	60 feet	40 feet

**a. Minimum Total Area**

20,000 square feet or five percent of the gross development area within a TMD, whichever is greater, shall be used for public plazas or squares. [Ord. 2005 – 002]

**b. Required Location**

The central plaza shall front on a Main Street; other plazas shall be bounded by a street on at least one side. [Ord. 2005-002] [Ord. 2005-041]

**c. Required Landscaping and Pedestrian Amenities [Ord. 2005-041]**

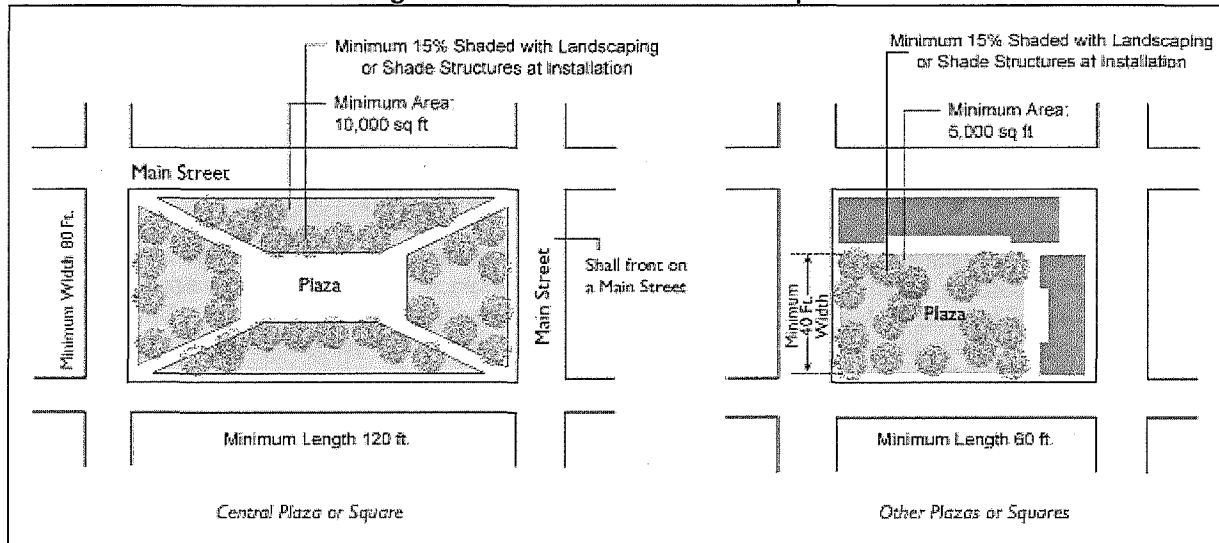
- 1) A minimum of 15 percent of each plaza shall be shaded by landscaping or shade structures, at time of installation. Landscaping shall provide a minimum of 50 percent of required shade. [Ord. 2005-002] [Ord. 2005-041]
- 2) A minimum of 40 percent of the overall plaza areas shall be pervious. [Ord. 2005-002] [Ord. 2005-041]
- 3) Each plaza must provide a minimum of one linear foot of seating for each 200 square feet of overall area. [Ord. 2005-002] [Ord. 2005-041]

**d. Corner and Mid-Block Plaza Abutting Buildings**

Wherever a plaza is bounded by buildings, the building frontages must conform to the standards

for a Primary Frontage, including requirements for arcaded walkways and building see Art. 3.F.4.D4, Frontages and Residential PDRs. [Ord. 2005-002] [Ord. 2005-041]

**Figure 3.F.4.D - TMD Plazas and Squares**



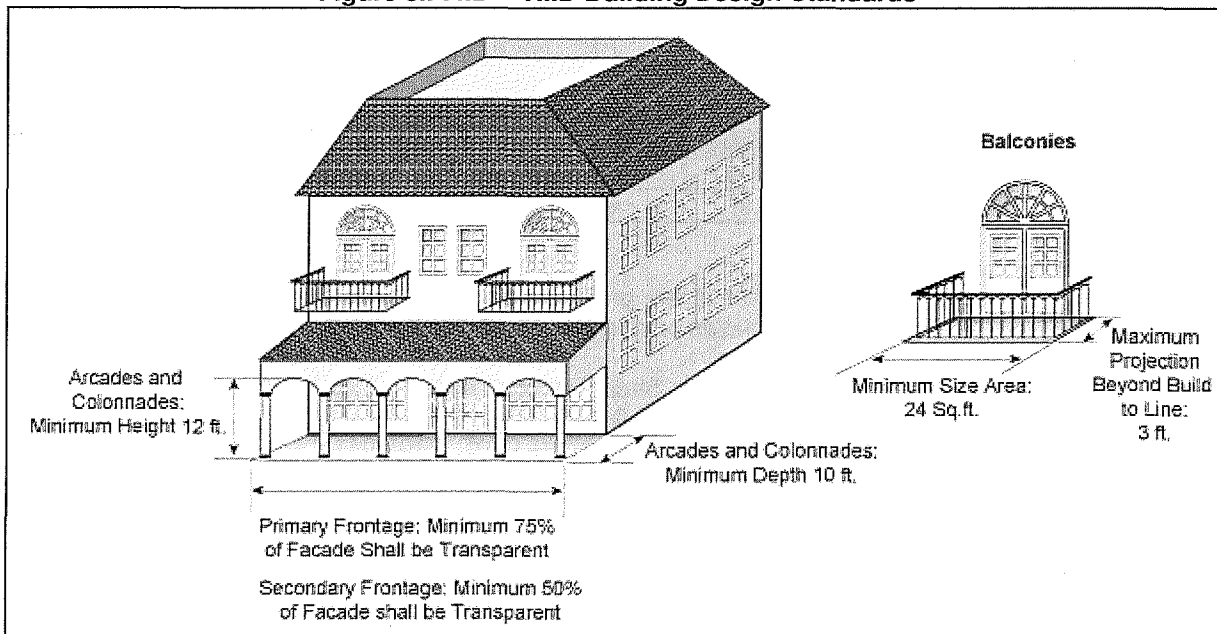
[Ord. 2005-002]

## 9. Building Design

### a. Transparency

A minimum of 75 percent of all commercial ground floor façades on a Primary Frontage, 50 percent of commercial ground floor façades on a Secondary Frontage, and 25 percent of the façade on commercial buildings on a Perimeter Frontage, shall be transparent glass, providing views into a commercial use or window display. [Ord. 2005 – 002]

**Figure 3.F.4.D – TMD Building Design Standards**



[Ord. 2005-002]

### b. Balconies

Balconies may project beyond build-to lines, subject to the following standards: [Ord. 2005 – 002]

- 1) **Maximum Projection**  
Three feet. [Ord. 2005 – 002]
- 2) **Maximum Size**  
24 sq. ft. [Ord. 2005 – 002]

**10. Phasing**

**a. Phasing**

TMDs shall be subject to the phasing and time limitations in Art. 3.F.1-H, Phasing and Platting, as well as Art. 2.E, Monitoring. [Ord. 2005 – 002]

**b. First Phase**

The following elements shall be constructed before the issuance of the first CO: [Ord. 2005 – 002]

- 1) All plazas and squares located on required mainstreets, including required landscaping; [Ord. 2005 – 002]
- 2) Fifty percent of required primary frontage buildings located on required main streets. [Ord. 2005 – 002]
- 3) All main streets, including all sidewalks, landscaping and lighting required to service the above. [Ord. 2005 – 002]

**E. Standards Applicable to AGR Tier**

**1. Minimum Site Area**

25 acres, including preserve area. [Ord. 2005 – 002]

**2. Maximum Development Area**

40 percent of gross acreage. [Ord. 2005 – 002]

**3. Minimum Retail and Commercial Floor Area**

175,000 sq. ft. of commercial/civic uses (inclusive of work/live space). Of these, 125,000 sq. ft. shall be retail and office space. [Ord. 2005 – 002]

**4. Maximum Retail and Commercial Floor Area**

375,000 sq. ft. [Ord. 2005 – 002]

**5. Maximum Floor Area Ratio FAR**

1.0. [Ord. 2005 – 002]

**6. Maximum Residential Density**

One dwelling unit per acre. Residential density shall be transferred from the preserve area to the development area at a ratio of one to one. [Ord. 2005 – 002]

**7. Permitted Locations**

A TMD shall only be located within 1,320 feet of the intersections of Lyons Road and Boynton Beach Boulevard and Lyons Road and Atlantic Avenue, on a site with a CL FLU designation. A maximum of one TMD is allowed at each of these intersections. [Ord. 2005 – 002]

**8. Preserve Area and Open Space Requirements**

A TMD shall conform to Objective 1, Art. 1.E, Prior Approvals, and the following additional requirements: [Ord. 2005 – 002]

**a. Minimum Preserve Area**

A minimum of 60 percent of the gross acreage, less roadways identified on the Thoroughfare Identification Map, shall be designated as preserve area. Rural parkway easements may be counted toward the preserve requirement. [Ord. 2005 – 002]

**b. Location**

The preserve area shall be contiguous with the TMD, or noncontiguous provided it has a common border with other land that is at least 150 acres and: [Ord. 2005 – 002]

- 1) In a Conservation district; [Ord. 2005 – 002]
- 2) Designated as an AGR preserve; or [Ord. 2005 – 002]
- 3) Has had development rights removed and is permanently restricted to useable open space or agricultural uses through a conservation easement or other legal instrument approved by the County Attorney's Office. [Ord. 2005 – 002]

**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; 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]

**9. Block Structure**

**a. BCC Waiver**

An AGR TMD shall comply with Art. 3.F.2.A.1.b, Block Structure, except for the provision below, unless waived by the BCC upon the BCC determining that the block structure proposed is functionally equivalent for the purpose of Art. 3.F.1.A.4, and Art. 3.F.4.A Purpose. The waiver may be granted only upon the applicant's agreement to be bound by the block configuration of the site plan approved by the BCC. [Ord. 2005-002] [Ord. 2005 – 041]

**b. AGR TMD Free Standing Structures**

A maximum of ten percent of the overall allowable square footage of an AGR TMD may be permitted to be developed as free standing structures, provided that a minimum of one façade is developed according to the standards for primary or secondary frontage. Buildings developed under this provision shall not be required to have circulation on all four sides, nor be subject to continuity and separation requirements. [Ord. 2005 – 002]

**10. Definition for Street**

Streets for TMD may also include access aisles in a parking lot for Commercial blocks, only when located along the side or rear of a block; non-residential alleys; and, alleys in residential blocks, subject to the standards or Art. 3.F.4.D.4.d.1 Multi-Family Alley Frontage Design Alternative. [Ord. 2005-041]

**Section 5 Traditional Town Development (TTD)**

**A. Specific Purpose**

The purpose of the TTD district is to:

1. Provide a framework for the coordinated development of compact, walkable neighborhoods with a well-developed traditional marketplace center and a mixture of office, open space and recreation, and civic uses serving local residents;
2. Ensure an interconnected street and pedestrian circulation network that serves the needs of pedestrian, vehicles, and other non-motorized forms of transportation and that functionally and physically integrates the various land use activities;
3. Provide for larger-scale community development that retains a strong neighborhood identity through a compatible scale of development, an identifiable center and edge, and well-defined public spaces for recreation and civic activities;
4. Accommodate optional development districts to provide additional employment opportunities and housing choices interconnected with traditional neighborhoods and within close proximity to the commercial, civic, and recreation and open space amenities of the traditional town; and
5. Make traditional towns compatible with the overall design objectives of the Plan and its MGTS.

**B. Organization and Applicability**

The requirements of this Section, Article 3.F.1, General Provisions for TDDs, and Article 3.F.2, General Standards, shall apply to all TTDs. In addition, the components of a TTD shall be subject to the following requirements:

**1. Traditional Neighborhood Development (TND)**

The requirements of Article 3.F.3, Traditional Neighborhood Development (TND) shall apply to residential pods in a TTD.

**2. Traditional Marketplace Development (TMD)**

The requirements of Article 3.F.4, Traditional Marketplace Development (TMD) shall apply to commercial pods in a TTD.

**3. Residential Planned Unit Development (PUD)**

A residential Planned Unit Development (PUD) may be included within a TTD, subject to the requirements of Article 3.E.2, Planned Unit Development (PUD) district.

**4. Office Multiple Use Planned Development (MUPD)**

A MUPD may be included within a TTD with a minimum of 320 acres, provided it has a CH-O FLU designation, subject to the requirements of Article 3.E.3, Multiple Use Planned Development (MUPD).

**C. Uses**

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

**D. General Requirements**

**1. Thresholds**

The minimum gross land area required for a TTD is 200 contiguous acres. [Ord. 2006-004]



## 2. Land Use Mix

TTDs shall consist of a balanced mix of land uses subject to the minimum land use allocations in Table 3.F.5.D, Traditional Town Development (TTD) Land Use Allocations.

**Table 3.F.5.D – Traditional Town Development Land Use Allocations**

	Allowable Gross Acreage(Percent of Total)	
	Minimum	Maximum
Traditional Neighborhoods (TND)	60	90
Traditional Marketplace (TMD)	10	25
Civic/Institutional <sup>1</sup>	-	20
Recreation & Open Space	-	25
Residential PUD	-	10
MUPD <sup>2</sup>	-	5
<b>Notes:</b>		
1.	Regional-serving civic and institutional uses may be located outside a TND but may not be used to fulfill the Civic/Institutional requirements of a TND as established by Table 3.F.3.E-37, TND Land Use.	
2.	Requires a TTD with a minimum of 320 acres.	

## 3. Connectivity

An interconnected network of streets, and sidewalks or pathways shall be provided that connects all pods within the TTD and to any adjacent thoroughfare roads.

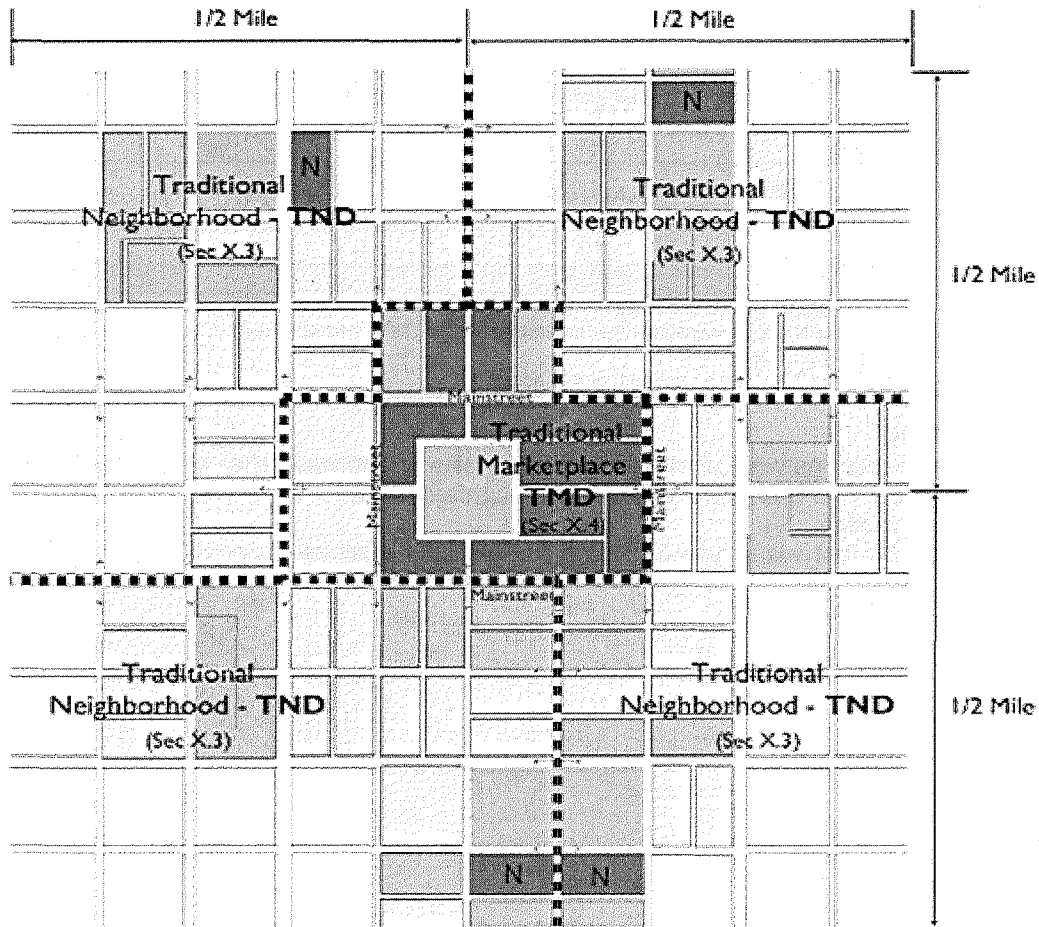
## 4. Landscape Buffer

A minimum 50 foot wide Type 3 incompatibility buffer shall be provided around the perimeter of a TTD.




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## APPENDIX 3 – TRADITIONAL DEVELOPMENT PROTOTYPES EXAMPLE OF LAY OUT

### MARKETPLACE, NEIGHBORHOODS, AND STREET NETWORK

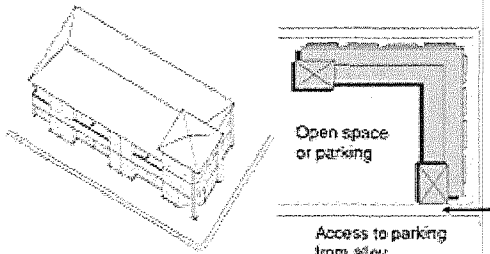

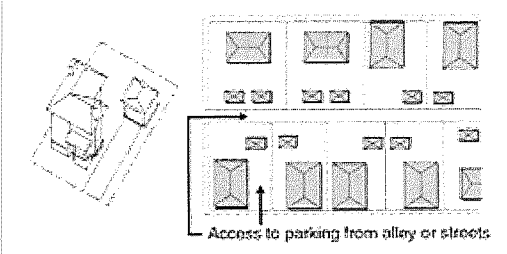

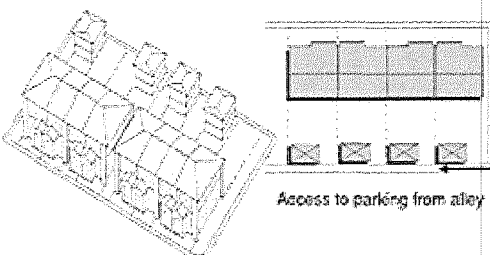

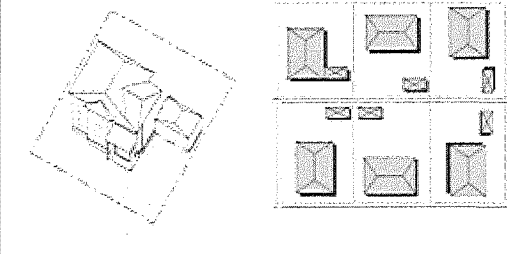



Traditional Town Development (Sec X.5)

-  Residential (Primarily Single Family and Zero Lot Line)
-  Residential (Mixed Building Types)
-  Residential (Primarily Town Houses + Multi-Family Buildings)
-  Neighborhood Center
-  Traditional Marketplace
-  Civic / Institutional
-  Plaza / Recreation / Open Space

## APPENDIX 4 – TRADITIONAL NEIGHBORHOODS

### EXAMPLE OF RESIDENTIAL DEVELOPMENTS

<p><b>Multi-Family</b></p>   <p>Two to three story Multi-Family buildings with parking garages or structured parking facing an alley</p>	<p><b>Zero Lot Line</b></p>   <p>Zero Lot Line homes with garage along back alley</p>
<p><b>Town House</b></p>   <p>Two story town houses with parking along back alleys</p>	<p><b>Single - Family</b></p>   <p>Single-family detached houses with garage at side or rear</p>

#### Amendment History:

[Ord. 2004-051; November 24, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-013; June 27, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2006-055; December 1, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-005; February 2, 2010] [Ord. 2010-009; April 2, 2010]

# ARTICLE 4

## USE REGULATIONS

	Page
<b>CHAPTER A USE CLASSIFICATION .....</b>	<b>11</b>
<b>Section 1 General .....</b>	<b>11</b>
A. Use Matrix.....	11
B. PDDs and TDDs .....	11
C. Overlays.....	11
D. Airport Zones .....	11
E. District Specific Regulations.....	11
<b>Section 2 Definitions .....</b>	<b>11</b>
<b>Section 3 Use Matrix.....</b>	<b>11</b>
A. Standard Use Matrix .....	11
1. Permitted.....	11
2. DRO .....	11
3. General Requirement.....	11
4. Special Permit .....	11
5. Class B Conditional Use.....	11
6. Class A Conditional Use.....	11
7. Prohibited Uses .....	11
8. Supplementary Use Standards.....	12
<b>Section 4 Development Thresholds.....</b>	<b>20</b>
A. General .....	20
1. Exemptions.....	21
<b>CHAPTER B SUPPLEMENTARY USE STANDARDS .....</b>	<b>21</b>
<b>Section 1 Uses .....</b>	<b>21</b>
A. Definitions and Supplementary Standards for Specific Uses .....	21
1. Accessory Dwelling .....	21
2. Adult Entertainment.....	21
3. Agriculture, Bona Fide.....	27
3.1 Agriculture, Research and Development.....	29
3.2 Agriculture, Renewable Fuels Production.....	29
4. Agriculture, Light Manufacturing .....	30
5. Agriculture, Packing Plant .....	30
6. Agriculture, Sales and Service .....	30
7. Agriculture, Storage.....	32
8. Agriculture, Transshipment .....	32
9. Air Curtain Incinerator .....	32
10. Airport, Landing Strip or Helipad .....	33
11. Air Stripper .....	34
12. Arena, Auditorium or Stadium .....	34
13. Asphalt or Concrete Plant .....	34
14. Assembly, Nonprofit Institutional .....	34
15. Assembly, Nonprofit Membership.....	35
16. Auction .....	35
17. Auto Paint and Body Shop.....	35

18. Auto Service Station .....	35
19. Aviculture, Hobby Breeder .....	37
20. Bed and Breakfast .....	37
21. Broadcast Studio .....	37
22. Building Supplies .....	37
23. Butcher Shop, Wholesale .....	38
24. Campground .....	38
25. Car Wash .....	39
26. Catering Service .....	39
27. Cemetery .....	39
28. Chipping and Mulching .....	39
29. Place of Worship .....	40
30. College or University .....	41
31. Communication Towers, Commercial .....	41
32. Community Vegetable Garden .....	41
33. Composting Facility .....	41
34. Congregate Living Facility .....	42
35. Contractor Storage Yard .....	45
36. Convenience Store .....	45
37. Convenience Store with Gas Sales .....	45
38. Data and Information Processing .....	46
39. Day Camp .....	46
40. Day Care .....	46
41. Day Labor Employment Service .....	47
42. Dispatching Office .....	48
43. Dog Daycare .....	48
44-1. Electric Power Facility .....	48
44-2. Electric Transmission Facility .....	49
45. Entertainment, Indoor .....	49
46. Entertainment, Outdoor .....	50
47. Equestrian Arena, Commercial .....	50
48. Estate Kitchen .....	51
49. Excavation .....	51
50. Farm Residence .....	51
51. Farm Workers Quarters .....	51
52. Farmers Market .....	51
53. Farrier .....	51
54. Film Production Studio .....	52
55. Financial Institution .....	52
56. Fitness Center .....	52
57. Flea Market, Enclosed .....	53
58. Flea Market, Open .....	53
59. Funeral Home .....	53
60. Garage Sale .....	53
61. Gas and Fuel, Wholesale .....	53
62. Golf Course .....	53
63. Government Services .....	54
64. Green Market .....	54
65. Groom's Quarters .....	54
66. Guest Cottage .....	55
67. Gun Club .....	55
68. Gun Range, Private .....	56
69. Heavy Industry .....	56
70. Home Occupation .....	56
70-1. Homeless Resource Center .....	58
71. Hospital or Medical Center .....	58
72. Hotel, Motel, SRO, and Rooming and Boarding House .....	58
73. Kennel, Type I (Private) .....	59
74-1. Kennel, Type II (Commercial) .....	60

75. Kiosk.....	63
76. Laboratory, Research .....	63
77. Landscape Service.....	63
78. Laundry Service .....	64
79. Lounge, Cocktail .....	64
80. Machine or Welding Shop .....	65
81. Manufacturing and Processing .....	65
82. Marine Facility .....	65
83. Medical or Dental Office .....	65
84. Medical or Dental Laboratory .....	66
85. Mobile Home Dwelling .....	66
86. Monument Sales, Retail.....	67
87. Multi-family .....	67
88. Nursery, Retail.....	67
89. Nursery, Wholesale.....	68
90. Nursing or Convalescent Facility.....	69
91. Office, Business or Professional.....	70
91-1.Pain Management Clinic .....	70
92. Park, Neighborhood Infill .....	70
93. Park, Passive .....	71
94. Park, Public.....	71
95. Parking Garage/Structure .....	71
96. Parking Lot, Commercial.....	71
97. Pawnshop .....	72
98. Personal Services .....	72
99. Potting Soil Manufacturing .....	72
100.Printing and Copying Services .....	72
101.Produce Stand .....	72
102.Real Estate Sales Model, Non-PDD .....	75
103.Recycling Center .....	76
104.Recycling Drop-Off Bin .....	76
105.Recycling Plant.....	77
106.Recycling Collection Station .....	78
106-1.Renewable Energy Facility, Solar .....	78
106-2.Renewable Energy Facility, Wind .....	79
107.Repair and Maintenance, General.....	81
108.Repair Services, Limited.....	82
109.Restaurant, Type I .....	82
110.Reserved for Future Use.....	84
111.Restaurant, Type II .....	84
112.Reserved for Future Use.....	84
113.Retail Sales, Auto Accessories and Parts .....	85
114.Retail Sales, General .....	85
115.Retail Sales, Mobile or Temporary.....	85
116.Salvage or Junk Yard .....	87
117.Sanitary Landfill or Incinerator .....	87
118.School, Elementary or Secondary .....	87
119.Security or Caretaker Quarters .....	90
120.Self-Service Storage.....	92
121.Shade House .....	94
122.Single-family .....	95
123.Solid Waste Transfer Station.....	95
124.Special Event .....	96
125.Stable, Commercial .....	96
126.Stable, Private.....	97
127.Sugar Mill or Refinery .....	97
128.Theater, Drive-In .....	97
129.Theater, Indoor .....	97
130.Towing Service and Storage .....	97

131.Truck Stop .....	97
132.Townhouse.....	98
133.Transportation Facility .....	98
134.Utility, Minor.....	98
135.Vehicle Sales and Rental .....	99
136.Veterinary Clinic .....	102
137.Vocational School .....	102
138.Warehouse .....	102
139.Water or Treatment Plant.....	103
140.Wholesaling, General .....	107
141-1.Work/Live Space.....	107
141-2.Live/Work .....	107
142.Zero Lot Line Home .....	107
143.Zoo .....	107
 <b>CHAPTER C COMMUNICATION TOWER, COMMERCIAL.....</b>	<b>108</b>
 <b>Section 1 States of Emergency .....</b>	<b>108</b>
 <b>Section 2 Definitions .....</b>	<b>108</b>
 <b>Section 3 Siting Requirements.....</b>	<b>108</b>
<b>A. Stealth Towers .....</b>	<b>108</b>
1. Permitted Districts .....	108
2. Separation and Setbacks .....	108
3. Criteria.....	108
4. Stealth Towers in Certain Residential Zoning Districts .....	108
5. Waivers from Required Dimensional Criteria .....	109
6. Mandatory Collocation .....	109
7. Public Parks Five Acres or Greater .....	109
<b>B. Camouflage Towers .....</b>	<b>109</b>
1. Permitted Districts .....	109
2. Separation and Setback .....	109
3. Criteria.....	109
4. Camouflage Towers in Certain Residential Zoning Districts .....	109
5. Waivers .....	110
6. Additional Submission Requirements .....	110
7. Public Parks Five Acres or Greater .....	110
<b>C. Electrical Transmission Line Streets .....</b>	<b>110</b>
1. Transmission Poles .....	110
2. Combined Transmission/Communication Structures.....	110
3. Separation of New Combined Transmission/Communication Structures .....	110
<b>D. Florida Department of Transportation (FDOT) Streets .....</b>	<b>110</b>
1. Installation of Antennas and Panels .....	110
2. Construction of New Towers .....	111
3. Separation of New Towers .....	111
<b>E. Monopole Towers .....</b>	<b>111</b>
1. Permitted Districts .....	111
2. Separations and Setbacks .....	111
3. Increase in Height .....	111
<b>F. Self Support/Lattice Towers .....</b>	<b>111</b>
1. Permitted Districts .....	111
2. Separations and Setbacks .....	111
<b>G. Guyed Towers .....</b>	<b>111</b>
1. Permitted Districts .....	111
2. Separations and Setbacks .....	112
3. Setbacks .....	112
4. Anchors.....	112

H.	Compatibility .....	112
1.	Site and Tower Location .....	112
2.	Aerial Photography .....	112
3.	Visual Impact Analysis .....	112
4.	Buffering .....	112
I.	Tower Appearance .....	112
J.	Exemptions for Existing Television Broadcast Towers .....	123
1.	Separation and Setback Distances .....	123
2.	Distance Between Towers .....	124
3.	Visual Impact Analysis .....	124
4.	Replacement or Reconstruction of Existing Towers .....	124
K.	Waiver from Required Dimensional Criteria .....	124
1.	Towers approved as a Class A or Class B Conditional Use .....	124
2.	Towers Approved on an Administrative Basis .....	124
3.	Requests for a Waiver .....	124
4.	Criteria for Granting a Waiver .....	124
5.	Simultaneous Consideration .....	126
Section 4	Standards .....	126
A.	Additional Uses Permitted on Lot .....	126
1.	Lease Parcel .....	126
2.	Accessory Structures .....	126
B.	Measurement of Height .....	126
C.	Separation and Setback from Residential Uses .....	126
1.	Measurement of Separations and Setbacks .....	126
D.	Distances/Separation Between Towers .....	127
1.	Waiver of Distance Between Towers .....	128
2.	Measurement .....	128
E.	Perimeter Buffering .....	129
1.	Fence/Wall .....	129
2.	Landscaping .....	129
3.	Accessory Equipment and Structures .....	130
F.	High Voltage Signs .....	130
G.	Tower Removal .....	130
1.	Form of Agreement .....	130
2.	Surety for Removal .....	130
3.	Alternative Surety for Removal .....	130
4.	Form of Surety .....	130
5.	Surety Required .....	130
H.	Building Permits .....	130
I.	Parking .....	130
J.	Signs and Advertising .....	130
K.	Identification Tags .....	130
L.	Location of Existing Towers .....	131
M.	Propagation Study .....	131
1.	Required Information .....	131
N.	Violation of Standards .....	131
O.	Generators .....	131
P.	Visual Impact Analysis Standards .....	131
1.	Visual Analysis .....	131
Q.	Additional Standards and Requirements .....	132
1.	Aircraft Hazard .....	132
2.	Lighting .....	132
3.	Inspections .....	133
4.	Interference .....	133
5.	Windload Standards .....	133
6.	Airborne Spraying .....	133
7.	Accessory Structures .....	133



8. Public Utilities .....	133
9. Consultant Services.....	133
R. Creation of Nonconforming Use or Structure .....	133
S. Nonconforming Lots of Record .....	133
<b>Section 5 Tower Replacement and Height Increases .....</b>	<b>133</b>
A. Replacement .....	133
1. Conforming Towers .....	133
2. Nonconforming Towers.....	133
B. Tower Height Increases .....	134
1. Conforming and Nonconforming Towers.....	134
2. Monopoles .....	134
C. Accessory Structures .....	134
<b>Section 6 Shared Use/Collocation .....</b>	<b>134</b>
A. Collocation .....	134
1. Site area .....	134
B. Setbacks.....	134
C. Review Process .....	134
1. Collocations on Commercial Communication Towers Including Non-conforming Towers .....	134
2. Collocations on Structure Other Than Commercial Communication Towers .....	134
D. Review Procedures .....	135
1. List of Tower Users.....	135
2. Notification .....	135
3. Shared Use Application.....	135
4. Feasibility.....	135
5. Rejection or Dispute .....	135
6. Acceptance with No Dispute.....	136
<b>Section 7 Communication Panel Antennas, Commercial.....</b>	<b>136</b>
A. Permitted Districts.....	136
1. Applicability and Review Process .....	136
B. Communication Panel Antennas .....	136
1. Architectural Compatibility .....	136
2. Screening .....	136
3. Size Limitations.....	136
4. Supplemental Application Requirements.....	136
C. Setbacks .....	136
1. Accessory Structures .....	136
2. Communication Panels and Antennas .....	136
D. Whip Antennas.....	136
E. Intergovernmental Activities .....	136
1. Mapping .....	136
2. Notification .....	137
<b>Section 8 Communication Cell Sites on Wheels (COWs).....</b>	<b>137</b>
A. States of Emergency .....	137
B. Special Permit.....	137
C. Use limitations .....	137
1. Exception .....	137
D. Time Limitations .....	137
1. Time Extensions.....	137
E. Fencing.....	137
F. Non-Residential Districts.....	137
1. COWs Greater than 50 Feet in Height .....	137
2. COWs 50 Feet in Height or Less.....	137

G. Residential Districts .....	137
1. COWs Greater than 50 Feet in Height .....	137
2. COWs 50 Feet in Height or Less .....	138
H. Removal Bond and Agreement .....	138
CHAPTER D EXCAVATION .....	138
Section 1 Purpose and Intent .....	138
Section 2 Applicability .....	138
A. Conflicting Provisions .....	139
B. Previously Approved Development Orders .....	139
Section 3 Excavation Types .....	139
A. Agricultural Excavation .....	139
B. Type I .....	139
C. Type II .....	139
D. Type III .....	139
Section 4 Prohibitions and Exemptions .....	139
A. Prohibitions .....	139
B. Exemptions .....	139
1. Existing Lakes .....	139
2. Pools .....	140
3. Small Ponds .....	140
4. Cemeteries .....	140
5. R-O-W .....	140
6. Utilities .....	140
7. Man-made Drainage Structures .....	140
8. WCAA Canals .....	140
9. Mitigation Projects .....	140
10. Wetlands .....	140
11. Agricultural Ditches .....	141
12. De Minimis Impact .....	141
13. Canals of Conveyance .....	141
14. Excavation by Public Agencies .....	141
Section 5 Excavation Standards .....	141
A. Agricultural Excavations .....	141
1. Separation and Setbacks .....	141
2. Maximum Depth .....	141
3. Sediment Sump .....	141
4. Reclamation, Maintenance and Monitoring .....	142
5. Use Approval and Procedures .....	142
6. Guarantee Requirements .....	142
7. Notice of Intent to Construct .....	142
B. Type I A Excavation .....	143
1. Lot Size .....	143
2. Excavated Surface Area .....	143
3. Off-site Removal .....	143
4. Separation and Setbacks .....	143
5. Slope .....	143
6. Depth .....	143
7. Reclamation .....	143
8. Use Approval and Procedures .....	143
C. Type I B Excavation .....	143

1. Lot Size.....	143
2. Excavated Surface Area .....	143
3. Off-site Removal.....	143
4. Separations and Setbacks .....	143
5. Maximum Depth .....	144
6. Reclamation.....	144
7. Use Approval and Procedures.....	144
D. Type II Excavation .....	144
1. Location .....	144
2. Standards.....	144
3. Separations and Setbacks .....	144
4. Depth .....	144
5. Use Approval and Procedures.....	144
E. Type III Excavations .....	146
1. Classification of Types .....	146
2. Standards.....	146
3. Location .....	146
4. Depth .....	146
5. Accessory Use .....	146
6. Use Approval and Procedures.....	146
7. Annual Report .....	147
8. Compatibility Standards.....	148
9. Extraction Fee for Impacts.....	153
<b>Section 6 Supplemental Application Requirements .....</b>	<b>154</b>
A. Content of Application .....	154
1. Statement.....	154
2. Site Plan .....	154
3. Vegetation Permit.....	154
4. Aerial .....	154
B. Additional Application Requests for Type II, Type III A and Type III B .....	154
1. Soil Statement .....	154
2. Site Plan .....	154
3. Landscape Plan.....	154
4. Cross Sections .....	154
5. Operations Plan.....	154
6. Haul Route Plan.....	154
C. Additional Application Requests for Type III A and Type III B.....	155
1. Site Plan .....	155
2. Additional Information.....	155
<b>Section 7 Notice of Intent to Construct .....</b>	<b>155</b>
A. Notice of Intent.....	155
B. Contents of Notice of Intent to Construct.....	155
C. Agriculture Excavation .....	155
D. Type III Exceptions .....	155
E. Written Approval.....	155
<b>Section 8 Technical Standards .....</b>	<b>155</b>
A. Operational Standards and Requirements .....	155
1. Hours of Operation .....	155
2. Objectionable Odors.....	156
3. Emission of Fugitive Particulate Matter.....	156
4. Existing Topsoil .....	156
5. Equipment Storage, Maintenance and Service Areas.....	156
6. Regulated Substances.....	156
7. Dewatering.....	156

8. Access to Public Prohibited .....	156
9. Retail Sale of Material .....	156
10. Hauling Standards .....	156
11. Phasing .....	157
12. Sound Insulation .....	157
B. Construction Standards.....	157
1. Separation.....	157
2. Slopes.....	158
3. Final Site Conditions .....	158
C. Reclamation Standards.....	158
1. General .....	158
2. Excavated Area Reclamation Standard .....	158
3. Littoral Planting Reclamation Standard .....	158
4. Upland Reclamation Standards .....	159
5. Area of Record .....	161
D. Performance Guarantee Requirements.....	161
1. General .....	161
2. Guarantees Required.....	161
3. Execution .....	162
4. Form of Guarantee .....	162
5. Amount of Guarantee .....	162
6. Submittal and Approval of Guarantee .....	162
7. Duration and Release .....	163
8. PBC Use of Guarantee.....	163
E. Maintenance and Monitoring.....	163
1. Excavation Activity .....	163
2. Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas .....	163
3. Long-Term Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas .....	164
4. Repair, Reconstruction Modification .....	164
Section 9 Administration and Enforcement.....	164
A. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type II and Type III Excavations.....	164
1. Authority and Criteria .....	164
2. Limitations .....	165
3. Review Process.....	165
B. Violations, Enforcement, and Penalties .....	165
1. Violations .....	165
C. Enforcement.....	165
D. Restoration.....	166
E. Additional Remedies .....	166
F. Use of Collected Monies .....	166
G. Appeals.....	166
1. Director of ERM .....	166
2. Director of Zoning or Director of Land Development.....	166
3. Judicial Relief .....	166

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# ARTICLE 4

## USE REGULATIONS

### CHAPTER A USE CLASSIFICATION

#### Section 1 General

##### A. Use Matrix

Uses permitted by right, permitted subject to a Special Permit permitted by the DRO, or subject to conditional use approval in each standard district shall be determined in Table 4.A.3.A, Use Matrix.

##### B. PDDs and TDDs

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

##### C. Overlays

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

##### D. Airport Zones

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

##### E. District Specific Regulations

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

#### Section 2 Definitions

See Art. 1.I, Definitions and Acronyms

#### Section 3 Use Matrix

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

##### A. Standard Use Matrix

Table 4.A.3.A, Use Matrix, applies as follows:

###### 1. Permitted

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

###### 2. DRO

Uses identified with a "D" or exceeding the thresholds of Table 4.A.3.A, Threshold for Projects Requiring DRO Approval are permitted subject to approval by the DRO in accordance with Article 2.D, ADMINISTRATIVE PROCESS. [Ord. 2005-002]

###### 3. General Requirement

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

###### 4. Special Permit

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

###### 5. Class B Conditional Use

Uses identified with a "B" are permitted in the district only if approved by the ZC in accordance with Article 2.B, PUBLIC HEARING PROCESS - Class B conditional uses.

###### 6. Class A Conditional Use

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

###### 7. Prohibited Uses

Uses not identified in a district column as permitted by right, by a Special Permit, or as a Conditional Use are not allowed in the District, unless otherwise expressly permitted by this Code.

**8. Supplementary Use Standards**

A number in the "Note" column refers to supplementary use standards applicable to the use. The referenced standards appear in Article 4.B, SUPPLEMENTARY USE STANDARDS, for example, note 53 refers to Article 4.B.1.A.53, Farrier.

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**Table 4.A.3.A - Use Matrix**

Use Type	Zoning District/Overlay																	N O T E		
	Agriculture/ Conservation			Residential					Commercial					Industry/Public						
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C O	C H O	C G R E	I L	I G	P O		I P F	
				R S A	U S A															
Residential Uses																				
Single Family			P		P	P	P	P	P										A	122
Zero Lot Line Home									D	D									A	142
Townhouse									D	D									A	132
Multi-Family									P										A	87
Mobile Home Dwelling			S	S	S															85
Accessory Dwelling			S	P	P	P	P	P	P											1
Congregate Living Facility, Type 1					P	P	P	P	P	P									P	34
Congregate Living facility, Type 2					A	A			A	B	B		B						B	34
Congregate Living Facility, Type 3									A	A	A		A		A				A	34
Estate Kitchen			P	P	P	P	P	P	P	P										48
Farm Residence			P	P																50
Farm Workers Quarters			D	D																51
Garage Sale			P		P	P	P	P	P	P										60
Guest Cottage			P		P	P	P	P	P	P										66
Home Occupation			P	P	P	P	P	P	P	P										70
Kennel, Type I (Private)			P	P	P	P	P	D	D	D										73
Nursing Convalescent Facility									A	A	A		A		A					90
Security or Caretaker Quarters			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	119
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2007-001] [Ord. 2008-037]																				
Key:																				
P Permitted by right																				
D Permitted subject to DRO approval																				
S Permitted subject to Special Permit approval																				
B Permitted subject to Zoning Commission approval																				
A Permitted subject to Board of County Commission approval																				

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

Use Type	Zoning District/Overlay																	N O T E		
	Agriculture/ Conservation			Residential					Commercial						Industry/Public					
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C	C H O	C G	C R E	I L	I G		P O	I P F
				R S A	U S A															
Commercial Use																				
Adult Entertainment														S		S	S			2
Auction, Enclosed		P											B	D	D					16
Auction, Outdoor		P												A	A	A	B			16
Auto Paint or Body Shop														A		P	P			17
Auto Service Station												A		A		B	D			18
Bed and Breakfast				S	S	S	S	S	S						S					20
Broadcast Studio												B	D	D		P				21
Building Supplies												A		B		D	P			22
Butcher Shop, Wholesale														A		P	P			23
Car Wash												A		B		D				25
Catering Service										P	P	P	P	P	P	P	P			26
Contractor Storage Yard																D	P			35
Convenience Store										A		B		P						36
Convenience Store with Gas Sales												A		A						37
Day Labor Employment Service														A		D	P			41
Dispatching Office														B		P	P			42
Dog Daycare														A		P				43
Financial Institution										D	D	A	A	A						55
Flea Market, Enclosed														B						57
Flea Market, Open														A	A	B				58
Funeral Home or Crematory												A		A		D				59
Green Market		P								S		S		S						64
Hotel, Motel, SRO, Rooming and Boarding									A			A	B	B	D					72
Kennel, Type II (Commercial)		B												B		B	B			74-1
Kennel, Type III (Commercial Enclosed)												A		B		B	D			74-2
Kiosk										P	P	P	P	P	P	P	P			75
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040]																				
Key:																				
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**Table 4.A.3.A - Use Matrix Continued**

Use Type	Zoning District/Overlay																		N O T E
	Agriculture/ Conservation			Residential				Commercial						Industry/Public					
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C O	C H O	C G R E	I L	I G	P O	I P F	
				R S A	U S A														
Commercial Uses																			
Landscape Service		D		A								B		B		P	P		77
Laundry Services										P		P	P	P		P	P		78
Live/Work																			141-2
Lounge, Cocktail										A		A	A	P	A				79
Medical or Dental Office										D	A	P	D	P				P	D
Monument Sales Retail												A		P		P			86
Office, Business or Professional										P	P	P	P	P					91
Pain Management Clinic																			91-1
Parking Garage, Commercial														A		P			95
Parking Lot, Commercial												B	B	D	P	P		P	96
Pawnshop														A					97
Personal Services										P		P	P	P	P				98
Printing and Copying Services										P	P	P	P	P		P			100
Real Estates Sales Model, Non-PDD																			102
Repair and Maintenance, General												A		A		P	P	P	107
Repair Services, Limited										P		P	P	P		P	P	P	108
Restaurant, Type I												A	A	A	A				109
Restaurant, Type II										A		D	A	D	A				111
Retail Sales, Auto										P		P		P					113
Retail Sales, General										P		P		P					114
Retail Sales, Mobile or Temporary		S								S	S	S	S	S	S	S	S	S	115
Self-Service Storage												A		A		D	D		120
Theater, Drive-In														A	D				128
Theater, Indoor										A		B		D	P				129
Towing Service and Storage																P	P		130
Vehicle Sales and Rental												A		A		A			135
Veterinary Clinic		D		B	B					A	A	B	B	P		P			136
Vocational School												A	P	P		P	P	P	A
Work/Live Space																			141-1
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005] [Ord. 2010-009].																			
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**Table 4.A.3.A - Use Matrix Continued**

Use Type	Zoning District/Overlay																	N O T E		
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				R S A	U S A															
Public and Civic Uses																				
Airport															A			A	A	10
Assembly, Nonprofit Institutional		A		A				A	A	A		A		A				P	A	14
Assembly, Nonprofit Membership					A						A	A	A	A					A	15
Cemetery				A	A	A	A	A	A			B		B				B	A	27
Place of Worship		A		A	A	A	A	A	A	A	A	A	A	A	A				A	29
College or University												A	A	A				P	A	30
Day Camp												A		A	D			P	D	39
Day Care, General		B		A	A	A	A	A	A	A	A	A	B	B	D	B	B	D	B	40
Day Care, Limited		D		A	A	A	A	A	B	B	B	D	D	D	D	D	D	D	D	40
Government Services		D	A	A	A	A	A	A	A	D	D	D	D	D	D	P	P	P	D	63
Kennel, Type IV (Animal Shelter)												A		A		A	D	A	A	74-3
Helipad		B	B	A	A	A			A				B	B	D	D	D	P	D	10
Hospital or Medical Center												A	A	A				P	A	71
Landing Strip		B	B	B											B		B		B	10
School, Elementary or Secondary		A		A	A	A	A	A	A	A	A	A	A	A		A		P	A	118
Recreation Uses																				
Arena, Auditorium or Stadium														A	A			D	A	12
Campground	D		D												D			P	D	24
Entertainment, Indoor										A		A		B	D	D		P	D	45
Entertainment, Outdoor												A		A	D	D		P		46
Fitness Center									A	B		A	A	A	P	P		P		56
Golf Course						A	A	A	A			A		B	D	D		B	B	62
Gun Club, Enclosed														B	P	D	P	D		67
Gun Club, Open															A			B		67
Gun Range, Private			D	A														P		68
Marine Facility													B	B	B	P	P	D		82
Park, Passive	P	P	P	D	D	D	D	D	D	D	P	P	P	P	P	P	P	P	P	93
Park, Public	D			B	B	A	A	A	B	B		D		D	D	D	D	P	D	94
Park, Neighborhood	P			P	P	P	P	P	P	P		P		P	P	P	P	P	P	92
Special Event			S	S	S					S	S	S	S	S	S	S		S	S	124
Zoo				A										B	D			P	B	143
[Ord. 2005-002] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040]																				
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Table 4.A.3.A - Use Matrix Continued

Use Type	Zoning District/Overlay																		N O T E	
	Agriculture/ Conservation			Residential					Commercial						Industry/Public					
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C O	C H O	C G R E	I L	I G	P O	I P F		
				R S A	U S A															
Agricultural Uses																				
Agriculture, Bona Fide		P	P	P	A	A	A	A	A	A	A	A	A	A	A	A	A	P	A	3
Agriculture, Light Manufacturing		D	D	A													P	P		4
Agriculture, Packing Plant		D	D	A										A			D	D		5
Agriculture, Research/ Development		D	D														P	P	P	3.1
Agriculture, Renewable Fuels Production			P																	3.2
Agriculture, Sales and Service		B										A		P						6
Agriculture, Storage		P	P	P	P	D	D	D	D	P		P		P			P	P	P	7
Agriculture, Transshipment		D	D														D	P		8
Aviculture		P	P	P	A															19
Community Vegetable Garden		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	32
Equestrian Arena, Commercial		D		B	B	B				A	A	B	B	B	P		B	B	D	47
Farmers Market		D		D						P		P		P			P	P	P	52
Farrier		P	P	P	P					P		P		P						53
Groom's Quarters		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	65
Nursery, Retail		P		B	A	A	A	A	A	P		P		P			B	B		88
Nursery, Wholesale		P	P	D	B	B	B	B	B	B		P		P	P		P	P	P	89
Potting Soil Manufacturing		D	D														B	D	P	99
Produce Stand		S	S	S	S	A	A	A	A	S	S	S	S	S	S		S	S	S	101
Shadehouse		P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	121
Stable, Commercial		D	D	D	D	A	A	A	A	B	B	D	D	D	P		D	D	D	125
Stable, Private		P	P	P	P	P	B	B	B											126
Sugar Mill Or Refinery			P															A		127
[Ord. 2006-036] [Ord, 2008-037] [Ord. 2009-040]																				
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**Table 4.A.3.A - Use Matrix Continued**

Use Type	Zoning District/Overlay																		N O T E	
	Agriculture/ Conservation			Residential						Commercial						Industry/Public				
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C	C H O	C G	C R E	I L	I G	P O		I P F
				R S A	U S A															
Utilities & Excavation																				
Air Curtain Incinerator			A													A	A	A		9
Air Stripper, Remedial		P	P							P	P	P	P	P	P	P	P	P	P	11
Chipping and Mulching		D	B													B	D	D		28
Communication Cell Sites on Wheels (COW) Tower, Mobile	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	31
Communication Panels, or Antennas, Commercial		D	P	B	B	B	B	B	D	D	D	D	D	D	D	P	P	P	B	31
Communication Tower, Commercial	A	A	D	A	A	A	A	A	A	A	A	B	B	B	B	D	D	D	A	31
Composting Facility		D	D													D	D	D		33
Electric Power Facility			A							A	A	A	A	A	A	A	A	P	A	44-1
Electric Transmission Facility		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	A	44-2
Excavation, Agriculture		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	P	D	49
Excavation, Type I		P	P	P	P	P	P	P	P										P	49
Excavation, Type II		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	49
Excavation, Type III A			A	A										A	A	A	A	A		49
Excavation, Type III B			A	A										A	A	A	A	A		49
Recycling Center										A		B		D		P	P	P		103
Recycling Collection Station										D	D	D	D	D		D	D	D	D	106
Recycling Drop Off Bin			D							D	D	D	D	D	D	D	D	D	D	104
Recycling Plant																B	D	P		105
Renewable Energy Facility, Wind		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	106-2
Sanitary Landfill or Incinerator																		P		117
Solid Waste Transfer Station			A	A	A									A		A	B	P	A	123
Utility, Minor		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	P	D	134
Water or Treatment Plant			A	A	A	A	A	A	A	A	A	A	A	A	A	D	D	P	A	139
[Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005]																				
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Table 4.A.3.A - Use Matrix Continued

Use Type	Zoning District/Overlay																	N O T E		
	Agriculture/ Conservation			Residential					Commercial						Industry/Public					
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C	C H O	C G R E	I L	I G	P O		I P F	
				R S A	U S A															
Industrial Uses																				
Asphalt or Concrete Plant															A	B			13	
Data Information Processing											D	D	P	P		P	P		38	
Film Production Studio													D	D	A	P	P	P	A	54
Gas and Fuel, Wholesale																A	B	P		61
Heavy Industry																A	D			69
Laboratory, Industrial Research																B	P			76
Machine or Welding Shop																P	P			80
Manufacturing And Processing																P	P			81
Medical or Dental Laboratory													B	P		P				84
Salvage or Junk Yard																	A			116
Transportation Facility														B		D	D	P	B	133
Truck Stop																A	A			131
Warehouse																P	P			138
Wholesaling, General																P	P			140
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**Table 4.A.3.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
W CRAO	All commercial or industrial development and residential development of more than two dwelling units.
<b>[Ord. 2010-005]</b>	
<b>Notes:</b>	
1. Approval of a subdivision plan is required for all subdivision of land for which a plat or plat waiver has not been granted pursuant to Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, Platting and Required Improvements or which exceeds the threshold above.	
2. Projects exceeding the thresholds above shall comply with Article 5.C, DESIGN STANDARDS.	

## Section 4 Development Thresholds

### A. General

Any amendment to an existing development, or new construction of residential, commercial or industrial projects that meets or exceeds either the maximum square footage or units, or maximum acreage of Table 4.A.3.A, 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]**

**Table 4.A.3.A – Thresholds for Projects Requiring Board of County Commission Approval <sup>1</sup>**

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

**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. Dwelling units shall include any density awarded as part of a density bonus program. **[Ord. 2006-004]**

## 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 district, that support existing or proposed government facilities; and, [Ord. 2010-005]
- b. Infill Redevelopment Overlay projects approved by the DRO. [Ord. 2010-005]

## CHAPTER B SUPPLEMENTARY USE STANDARDS

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

### Section 1 Uses

#### A. Definitions and Supplementary Standards for Specific Uses

##### 1. Accessory Dwelling

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

###### a. Number of Units

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

###### b. Maximum Floor Area

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

###### c. Additional Floor Area

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

###### d. Maximum Number of Bedrooms/Baths

One bedroom and one bathroom.

###### e. Compatibility

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

###### f. Property Development Regulations (PDRs)

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

###### g. No Separate Ownership

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

###### h. Kitchen Removal

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

###### i. No Separate Electrical Service

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

##### 2. Adult Entertainment

###### a. Establishment

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

###### b. Definitions, Adult Entertainment Establishment

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) Residential Zoning District**

Includes the following zoning districts which have not been designated in the comprehensive plan as commercial or industrial: [Ord. 2004-051] [Ord. 2009-040]

- a) AR-Agricultural Residential. [Ord. 2004-051] [Ord. 2009-040]
- b) RE-Residential Estate. [Ord. 2004-051] [Ord. 2009-040]
- c) RT-Residential Transitional. [Ord. 2004-051] [Ord. 2009-040]
- d) RS-Single Family Residential. [Ord. 2004-051] [Ord. 2009-040]
- e) RM-Multiple-Family Residential (Medium Density). [Ord. 2004-051] [Ord. 2009-040]
- f) TND-Traditional Neighborhood Development. [Ord. 2004-051] [Ord. 2009-040]
- g) PUD-Planned Unit Development. [Ord. 2004-051] [Ord. 2009-040]

**17) 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]

**18) 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**

An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment. An adult entertainment use shall comply with the following supplementary use standards: A Special Permit for an adult entertainment establishment shall be issued or denied within 21 days of a determination of application sufficiency pursuant to the standards and procedures in Art. 2.D.2, Special Permit, and the requirements of the Code. The standards set forth in Art. 2.D.2.D.1 and Art. 2.D.2.D.4 shall not be applied to special permits for adult entertainment uses. An aggrieved party has the right to immediately appeal a denial of application sufficiency for a Special Permit, denial of a Special Permit, or revocation or suspension of a permit to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida in accordance with the procedure and within the time provided by the Florida Rules of Appellate Procedure. [Ord. 2004 - 051] [Ord. 2009-040]

**e. Purpose and Intent**

This Section is intended to provide for the proper location of adult entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks, and other commercial uses. Proper separation of adult entertainment uses prevents the creation of "skid-row" areas in unincorporated PBC that results from the concentration of these uses and their patrons. It is the intent of this Section to limit the secondary effects of adult entertainment uses. The standards in this Section are intended to ensure that residential districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of adult entertainment uses. The location of residential districts, religious uses, educational uses, parks and other commercial uses within viable, unlighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public. [Ord. 2004-051] [Ord. 2009-040]

**f. Findings of Fact**

Based on the evidence and testimony presented at the October 5, 2004 preliminary reading and the October 19, 2004 and November 16, 2004 Public Hearings before the BCC, and 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.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, are presented in commercial uses, other activities that are illegal, immoral, or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution, and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and land. **[Ord. 2004-051] [Ord. 2009-040]**
    - b) When the activities described in Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, are present in commercial uses within PBC, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, promote crime, and ultimately lead residents and businesses to move to other locations. **[Ord. 2004-051] [Ord. 2009-040]**
    - c) There is a direct relationship between the display and depiction of specified anatomical areas as described in Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community, and the occurrence of these activities are hazardous to the health and safety of those persons in attendance and tend to depreciate the value of adjoining land and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, the tone of commerce and the community environment in PBC. **[Ord. 2004-051] [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]**
- g. Location**
- 1) **General**  
An adult entertainment use shall be located in the following minimum distances from the following uses. There shall be no variance to the locational standards in this Section. **[Ord. 2004-051] [Ord. 2009-040]**
    - a) **Other Adult Entertainment Use**  
2,000 feet. **[Ord. 2004-051] [Ord. 2009-040]**
    - b) **A Church or 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 in this Section shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed adult entertainment use to the nearest point on the property line of the relevant church or place of worship, educational institution, public park, residential zoning district. For the purpose of measuring the distance, also see Article 1.C, RULES OF CONSTRUCTION AND MEASUREMENT, between adult entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing adult entertainment establishment and the nearest point on the exterior wall or bay of another adult entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects. [Ord. 2004-051] [Ord. 2009-040]

**3) WCRA Overlay**

Adult entertainment is prohibited within the boundaries of the WCRAO, as per Table 3.B.15.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Ord. 2009-040]

**h. Subsequent Development within Locational Standards**

The subsequent approval of a development order for a church or place of worship, elementary or secondary school, public park or residential district within the distances outlined in this Section shall not change the status of the adult entertainment use to that of a nonconforming use. [Ord. 2004-051] [Ord. 2009-040]

**i. Landscaping**

A Type 2 incompatibility buffer, pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS with canopy trees spaced a minimum of 20 feet on center and a wall a minimum of six feet in height shall be installed along any property line that abuts a residential district. [Ord. 2004-051] [Ord. 2009-040]

**j. Lighting**

Outdoor low-intensity lighting shall be provided that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures that do not exceed 16 feet in height from finished grade. [Ord. 2004-051] [Ord. 2009-040]

**k. Nonconformity**

**1) Establishment of Nonconformity**

Any adult entertainment use shall be deemed a nonconforming use and the standards of this Section shall not apply if the adult entertainment use on November 28, 1988: [Ord. 2004-051] [Ord. 2009-040]

**a) Location**

Was in operation as an adult entertainment use, generally known and held out in the neighborhood and community as an adult entertainment establishment, and was open to the public as an adult entertainment establishment use; and [Ord. 2004-051] [Ord. 2009-040]

**b) Business Tax Receipt**

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) Adult Entertainment License**

Applied for an adult entertainment use under the terms of this Code, shall submit an application for an adult entertainment license pursuant to the PBC Adult Entertainment Code, Chapter 17, Article V of the PBC Code, as may be amended, with appropriate filing fees by August 15, 1992. [Ord. 2004-051] [Ord. 2009-040]

**2) Standards for Nonconformance**

A nonconforming adult entertainment use as determined in Article 4.B.1.A.2.k, Nonconformity, above shall be subject to the following supplementary standards, in addition to Article 1.F, NONCONFORMITIES. [Ord. 2004-051] [Ord. 2009-040]

**a) Location**

Was in operation as an adult entertainment use, was generally known and held out in the neighborhood and community as an adult entertainment establishment, and was open to the public as an adult entertainment establishment use; [Ord. 2004-051] [Ord. 2009-040]

**b) Landscape Buffer**

The adult entertainment use shall construct and install a Type 2 incompatibility buffer, as defined in Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, with

canopy trees spaced a maximum of 20 feet on center along any property line that abuts a residential district, within 90 days of the date of issuance of the adult entertainment license by the occupational licensing department. [Ord. 2004-051] [Ord. 2009-040]

**c) Building Permit**

If a building permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the adult entertainment use, the requirements of Article 7, LANDSCAPING, shall apply to the entire site of the adult entertainment use. [Ord. 2004-051] [Ord. 2009-040]

**3. 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. The determination as to whether or not the use of land is considered bona fide agriculture shall be made pursuant to FS 823.14, Florida Right to Farm Act. [Ord. 2009-040]

**a. Determination**

A determination as to whether the use of the land for agriculture is bona fide shall only be made where both Article 4.B.1.A.3.a.1, Designation Criteria, and Article 4.B.1.A.3.a.2, Productivity Standards, below are met. Criteria listed in item Article 4.B.1.A.3, Agriculture, Bona Fide, Additional Guidelines, below shall be used as guidelines in the determination.

**1) Designation Criteria**

The property complies with the following standards:

**a) Continuous Use**

The use has been continuous; and

**b) Farming Procedures**

Farming procedures have been demonstrated by past action or documented plans to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, but not limited to, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices; and

**c) Agricultural Classification**

The property has received a qualified agricultural classification pursuant to F.S. §193.461.

**2) Productivity Standards**

The productivity or proposed net return or production of the farm operation based on net or yield for the type of agricultural production on the site is comparable to the average net or yield for the type of agriculture in the State of Florida. In making this determination at least four of the following standards shall be met:

**a) Amount of Land**

The amount of land under cultivation or in agricultural use (including canal or drainage features) is greater than 60 percent of the total parcel;

**b) Investment**

Demonstration is made that there has been on-going investment in and maintenance of the agricultural land use or documented plans for investment in agricultural use of the land;

**c) Employees**

There are typical seasonal or full-time employees for the agricultural operation;

**d) No Nonagricultural Development**

There is no nonagricultural development (except accessory agricultural uses as defined in this Article, or farm residences or farm workers quarters) on site; and

**e) Demonstration**

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

**3) Additional Guidelines**

**a) Lot Size**

Whether the size of the land area as it relates to a specific agricultural use, is appropriate.

**b) Lease**

Whether such land is under lease, and, if so, the effective length, terms and conditions of the lease.

**c) Intent**

The intent of the landowner to sell or convert the land for nonagricultural purposes.

**d) Proximity**

The proximity of the property to existing urban metropolitan development.

**e) Productivity**

The productivity of land in its present use.

**f) Plan Designation**

Must be consistent with Plan designation.

**b. Agricultural Uses in the U/S Tier**

**1) Applicability**

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

**2) Uses Not Listed**

Agricultural uses not listed in Table 4.A.3.A, Use Matrix, as permitted in the U/S Tier shall only be permitted as an interim use, subject to Class A conditional use approval.

**3) AR District**

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

**4) Temporary Agricultural Uses**

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

**c. Groves and Row Crop**

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

**1) Lot Size**

A minimum of five acres.

**2) Setback**

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

**3) Hours of Operation**

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

**4) Loading**

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

**5) Spraying**

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

**d. Dipping Vats**

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

**e. Pens and Cages**

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

**f. Game and Exotic Animals**

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

**1) Exotic Animals**

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

**2) Dangerous or Class I and II Animals**

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

**g. Livestock Raising**

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

**1) Urban Service Area (USA)**

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

**a) Lot Size**

A minimum of five acres.

**b) Setback**

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

**c) Large Animals**

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

**d) Small Animals**

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

**e) Palm Beach County Animal Control Department (PBCACD)**

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

**f) Processing and Slaughtering**

Processing and slaughtering shall be prohibited.

**g) Loading**

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

**h) Waste**

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

**i) Compatibility**

The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.

**h. Accessory Agricultural Uses**

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

**i. Landscape Curbing**

A bona fide agricultural use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Article 7.G, Off-Street Parking Requirements.

**3.1 Agriculture, Research and Development**

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

**a. AR/RSA**

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

**b. Outdoor Activities**

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

**c. Landscape Curbing**

A bona fide agricultural use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Article 7.G, Off-Street Parking Requirements.

**3.2 Agriculture, Renewable Fuels Production**

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]

**a. Setback from Residential**

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]

**b. Location**



Facilities shall be located within two miles of an existing agricultural related use. [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]

**4. Agriculture, Light Manufacturing**

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

**a. Setbacks**

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

**b. Accessory Use**

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

**c. Landscaping**

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

**5. Agriculture, Packing Plant**

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

**a. Accessory Use**

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

**b. Setbacks**

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

**c. Landscaping**

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

**d. Storage**

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

**e. AR/RSA**

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

**6. Agriculture, Sales and Service**

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

**a. Storage**

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

(This space intentionally left blank.)

- b. **Grocery Sales**  
Five percent or 1000 square feet, whichever is less, of the merchandise sales area use may be devoted to retail grocery sales. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale.
  - c. **Repair Service**  
Service of small implements only shall be permitted in an enclosed area that is completely screened from view from adjacent properties and setback a minimum of 25 feet from any side or rear property line. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m.
  - d. **AR/RSA**  
May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]
7. **Agriculture, Storage**  
The storage of equipment or products accessory or incidental to a principal agricultural use.
- a. **General**  
Storage of hazardous waste or regulated substances shall comply with local, state and federal regulations.
  - b. **Outdoor Storage**  
Outdoor agricultural storage shall comply with the following standards:
    - 1) **Urban Service Area**
      - a) **Setbacks**  
Outdoor agricultural storage shall meet the principal use setbacks of the district in which it is located.
      - b) **Screening**  
Outdoor agricultural storage shall be screened from view by a solid fence, wall or building.
    - 2) **Outdoor Agriculture Storage**  
Outdoor agriculture storage is only permitted in the RE, RT, RS, RM, CN, CC and CG districts as a Class B conditional use.
      - a) **Exception**  
Outdoor agriculture storage is not permitted in a PDD with a commercial FLU designation.
  - c. **Indoor Storage**  
Indoor agricultural storage shall be permitted in conjunction with a bona fide agricultural use with or without a principal structure. Indoor storage shall be contained within a permanent structure. Agricultural storage in a mobile home shall not be permitted. Agricultural storage in a shipping container shall only be permitted in conjunction with a bona fide agricultural use.
    - 1) **AR district in Urban Service Area (USA)**  
An enclosed structure shall be setback 100 feet from the front and side street and 50 feet from the side and rear property lines.
    - 2) **All Other Districts in Urban Service Area (USA)**  
An enclosed structure shall meet the principal use setbacks of the district in which it is located.
8. **Agriculture, Transshipment**  
A facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.
- a. **AGR and AP Districts**
    - 1) **Accessory Use**  
Agricultural transshipment facilities not exceeding 25,000 square feet shall be permitted as an accessory use.
    - 2) **Setback**  
A minimum 100 foot setback shall be required along all property lines which are adjacent to an existing residential use, district or FLU as of the effective date of this Code excluding farm worker quarters and mobile homes accessory to agriculture.
9. **Air Curtain Incinerator**  
A combustion device used to burn trees and brush.
- a. **Standards**
    - 1) **Exemptions**

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

**2) Storage**

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

**3) Hours of Operation**

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

**4) No Burn Days**

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

**5) Setback**

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

**b. Supplemental Application Requirements**

**1) Site Plan**

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

**2) Waste**

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

**3) Dust Control**

A plan which addresses dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator and watering or enclosing storage piles. If facility with an air curtain incinerator also includes chipping, mulching or composting, adherence to the supplementary use standards applicable to such use shall also be required.

**10. Airport, Landing Strip or Helipad**

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

**a. Accessory Landing Strip**

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

**b. AGR and AR Tiers**

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

**c. CRE District**

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

**d. Airspace Analysis**

A helipad shall demonstrate that the FAA has conducted an airspace analysis and a preliminary Airport License Report has been prepared by the FDOT. Any alteration in ground facilities, or the addition of navigation aids designed to facilitate an instrument approach capability, shall require a new application if the original approval was granted for Visual Flying Rules (VFR).

**e. Landing Area**

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

**f. Lot Size**

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

**g. Hangers**

Storage buildings for aircraft shall be allowed as principal structures.

**h. Setback**

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

**i. Building Height**

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

**11. Air Stripper**

A temporary remedial system which treats contaminated groundwater.

**a. Duration**

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

**b. Setback**

If the applicant is unable to meet the property development regulations, in lieu of a variance, the Zoning Division shall be authorized to determine the location of the incinerator and set necessary conditions for landscaping and screening.

**12. Arena, Auditorium or Stadium**

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

**a. CRE District**

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

**b. Lot Size**

A minimum of five acres.

**c. Frontage**

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

**d. AGR District or FLU Designation**

Paramutal betting is not permitted.

**13. Asphalt or Concrete Plant**

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

**14. Assembly, Nonprofit Institutional**

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

**a. Frontage and Access**

**1) General**

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

**2) Redevelopment and Revitalization Overlay**

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

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

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

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

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

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

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

g) Prior to the issuance of a business tax receipt, the building shall comply with all applicable Health and Building Code requirements; and **[Ord. 2006-013]** **[Ord. 2007-013]**

- h) The following accessory uses shall be permitted: limited day care, day camp, neighborhood association office, police and fire rescue substations, and special events. [Ord. 2006-013]
- b. **TND District**  
Nonprofit institutional assembly shall be limited to a maximum of 10,000 square feet of GFA. [Ord. 2006-013]
- c. **AGR District**  
The use shall be limited to that which serves the needs of farm workers or residents of the AGR tier and shall not be located west of SR7. [Ord. 2006-013]
- d. **PO District**  
Nonprofit institutional assembly shall be government owned and operated. [Ord. 2006-013]
- 15. Assembly, Nonprofit Membership**  
A site or facility owned or operated by a not-for-profit organization for social, education or recreational purposes where paid membership is required. Typical uses include fraternal or cultural organizations and union halls.
  - a. **Frontage and Access**  
The use shall front on a collector, arterial, or local commercial street. A place of assembly with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street. [Ord. 2006-013]
  - b. **AR/RSA**  
May be permitted in the AR/RSA with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]
  - c. **AGR District**  
The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7. [Ord. 2006-013]
  - d. **PO District**  
A nonprofit membership assembly shall be government owned and operated. [Ord. 2006-013]
  - e. **TND District**  
Nonprofit membership assembly shall be limited to a maximum of 10,000 square feet of GFA. [Ord. 2006-013]
- 16. Auction**  
An establishment engaged in the sale of merchandise to the highest bidder in an enclosed building or outdoor. [Ord. 2009-040]
  - a. **Temporary**  
A temporary auction shall comply with the Special Event supplementary use standards, Article 2.D.2, Special Permit.
  - b. **Enclosed**  
All activities, display and sale of merchandise shall occur within an enclosed building. [Ord. 2009-040]
    - 1) **MUPD**  
An enclosed auction in a MUPD with IND FLU designation shall be subject to a Requested Use approval process. [Ord. 2009-040]
  - c. **Outdoors**  
An auction with all or a portion of the activity, display and sale of merchandise occurring outdoor on site shall require approval of a Class A Conditional Use. [Ord. 2007-001] [Ord. 2009-040]
  - d. **TMD and LCC Districts**  
Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005-002] [Ord. 2009-040] [Ord. 2010-005]
- 17. Auto Paint and Body Shop**  
An establishment engaged in the painting of motor vehicles or performance of major external repairs of a non-mechanical nature.
  - a. **Enclosed Structure**  
All activity, except detailing and car washing, shall be conducted within an enclosed structure. Use of outdoor lifts, jacks, stands, paint booths and similar equipment shall be prohibited.
  - b. **Architecture**  
Freestanding auto paint and body shops contiguous to a public street or residential zoning district shall comply with Article 5.C, DESIGN STANDARDS.
- 18. Auto Service Station**

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

**a. Approval Criteria**

Prior to approving a conditional or requested use for an auto service station, the BCC shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the BCC shall consider whether or not:

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

**b. Location Criteria**

**1) Intersection Criteria**

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

**2) Separation Criteria**

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

**3) U/S Tier**

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

**4) Rural, Exurban, Glades and Agriculture Reserve Tiers**

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

**5) WCRA Overlay**

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

**c. Collocated Restaurant**

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

**d. Parking for Accessory Automatic Car Wash**

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

**e. Standards**

**1) Enclosed Repair**

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

**2) Delivery Vehicles**

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

**3) Vehicle Testing**

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

**4) Loudspeakers**

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

**f. TMD and LCC Districts**

Automotive service stations shall be permitted only on sites that are within 500 feet of the perimeter of the development. The maximum site area is per station shall not exceed 10,000 square feet of GFA. Gasoline pumps shall be located in the rear or side of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2010-005]

**g. Infill Redevelopment Overlay (IRO)**

An automotive service station located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

**h. Nonconformities**

For an automotive service station with gasoline sales, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the ten percent limitation and approval of a Traffic Study by the Engineering Department. [Ord. 2010-005]

**19. Aviculture, Hobby Breeder**

The raising and care of birds in captivity.

**a. Minimum Lot Size**

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

**b. Hobby Breeder**

**1) 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.

**20. Bed and Breakfast**

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

**a. Adverse Effect**

A bed and breakfast shall not adversely affect the immediate neighborhood nor create noise, light or traffic conditions detrimental to neighboring residents.

**b. Existing Structures**

Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing a bed and breakfast.

**c. Guest Register**

The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.

**d. Health Department and Building Code**

Prior to the issuance of a business tax receipt, the dwelling shall be modified to comply with all applicable Health Department and Building Code requirements. [Ord. 2007-013]

**e. Signage**

One sign, a maximum of eight square feet, a listing name and contact information only.

**21. Broadcast Studio**

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

**22. Building Supplies**

**a. Retail**

An establishment engaged in the retail sale of building supplies and home improvement products.

- 1) Only permitted as an accessory use in an Industrial Zoning District.

**b. Wholesale**

An establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.

- 1) Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.

**c. LCC District**



Building supplies in an LCC shall be enclosed with no outdoor storage area. [Ord. 2010-005]

**23. Butcher Shop, Wholesale**

An establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.

**a. Frontage**

A wholesale butcher shop shall front on and access from an arterial street.

**b. Deliveries**

If adjacent to a residential use, deliveries shall be limited to 6:00 a.m. to 5:00 p.m., Monday through Saturday. Truck engines, including refrigeration units, shall not be operated between 5:00 p.m. and 6:00 a.m.

**c. Storage and Disposal**

No outdoor storage, disposal of waste, or by product shall be permitted.

**d. Slaughtering**

Slaughtering, rendering and dressing shall be prohibited.

**e. Flex Space**

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

**24. Campground**

A parcel of land used for a temporary camping and recreational uses and not as permanent living quarters. [Ord. 2005 – 002]

**a. Lot Size**

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

**b. Setback for Campsites**

A minimum of 50 feet from any property line.

**c. Camping Cabin**

A rental cabin used for temporary occupancy.

**1) Use**

A camping cabin shall be permitted as an accessory use to a RVPD or campground.

**2) Structure**

The cabin shall comply with all structural requirements of the Building Code.

**3) Duration**

Time limitations for occupancy shall be in accordance with Article 3.E.7.D, Time Limitations.

**4) Setback**

Camping cabins shall meet the setbacks required for a recreational vehicle.

**5) Location**

A camping cabin may be located on a recreational vehicle lot or campsite in lieu of a recreational vehicle or campsite.

**6) Floor Area**

A camping cabin shall not exceed 800 square feet of GFA.

**7) Additional Floor Area**

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

**8) Amenities**

A camping cabin may contain electrical outlets, heating, lighting, air conditioning, fans, cooking facilities and plumbing.

**9) Number**

A maximum of 30 percent of the total approved RV lots or campsites may be converted to cabin use.

**10) Camping Cabin Lots**

At no time shall the number of camping cabins exceed 49 percent of the developed lots or campsites.

**d. LOSTO Overlay**

A camping cabin shall be allowed as a principal use, or as an accessory use to a single family dwelling, subject to approval as a special use and the following:

**1) Density**

A maximum of ten camping cabins per acre.

**2) Setback**

A minimum of 25 feet from all property lines.

**3) Occupants**

Only users of the LOSTO Trail, such as hikers, bikers and tourists, shall be allowed to occupy the cabins.

**25. Car Wash**

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

**a. Location Criteria**

**1) Intersection Criteria**

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

**2) Separation Criteria**

A car wash shall be separated from any other car wash pursuant to Art. 5.E.2.C.1. [Ord. 2006-004]

**b. Auto Detailing**

Auto detailing limited to hand washing/waxing shall be subject to approval by the DRO in the CG district or a PDD with a CH FLU designation. [Ord. 2006-004]

**c. Accessory Use**

An automatic car wash shall be allowed as an accessory use to an auto service station or convenience store with gas sales when it is located on the same lot. [Ord. 2006-004]

**d. Loudspeakers**

No outdoor speaker or public address systems audible off-site shall be permitted. [Ord. 2006-004]

**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]

**f. Infill Redevelopment Overlay (IRO)**

A car wash located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

**26. Catering Service**

An establishment where food and beverages are prepared and delivered for consumption off the premises. A catering service may also provide personnel, serving equipment, and decorations.

**a. Restaurant**

Catering shall be allowed as an accessory use to a restaurant. The use of more than three delivery vehicles shall be subject to approval by the DRO.

**b. Flex Space**

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

**27. Cemetery**

Land used or intended to be used for human or animal burial. A cemetery may include an office, chapel, mausoleum, columbarium or crematory.

**a. Frontage**

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

**b. Lot Size**

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

**c. RM**

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

**d. Pet Cemetery**

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

**28. Chipping and Mulching**

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

**a. Lot Size**

- A minimum of five acres.
  - b. Setback**  
A minimum of 500 feet from any property line abutting a residential district.
  - c. Accessory Uses**  
Potting soil manufacturing may be allowed as an accessory use to chipping and mulching.
  - d. Access**  
An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local residential street shall be prohibited. Access from a local commercial street shall be prohibited where the street also serves residential uses. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site. [Ord. 2005 – 002]
  - e. Storage**  
Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Article 5.B, ACCESSORY AND TEMPORARY USES.
  - f. Hours of Operation**  
The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1000 feet of a residential zoning district.
  - g. Supplemental Application Requirements**
    - 1) Site Plan**  
A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, chipper and storage piles.
    - 2) Waste Volume**  
An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
    - 3) Dust Control**  
A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.
  - h. AR/RSA**  
May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]
- 29. Place of Worship**  
Means a sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that require additional approval, such as a day care, school, cemetery, or CLF. [Ord. 2005-041] [Ord. 2006-013]
- a. Frontage and Access**  
A place of worship with collocated uses such as a day care, school, CLF, or cemetery; or, in excess of 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or an arterial street. [Ord. 2006-013]
  - b. Use Limitations**
    - 1) DRO Approval**  
A place of worship not exceeding 3,000 square feet of GFA or 150 seats, including collocated or accessory uses, shall be permitted in the CN, CC, CG, MUPD, MXP, TMD districts, and a commercial pod in a PDD or TDD subject to DRO approval. [Ord. 2005 – 002] [Ord. 2006-013]
    - 2) Accessory/Collocated Use**  
A place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted as an accessory use to an assembly, civic, educational or recreational use in any non-residential district, except IL, IG or a PDD with an IND FLU designation, subject to approval by the DRO. [Ord. 2006-013]
    - 3) Temporary Sales**  
Temporary sales, such as rummage, bake, or seasonal sales, shall be permitted as an accessory use. Temporary sales greater than three consecutive days shall obtain a Special Permit for Temporary Retail Sales.

**4) Limited Day Care**

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

**5) INST**

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

**6) AGR District**

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

**30. College or University**

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

**31. Communication Towers, Commercial**

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

**a. Communication Panel Antennas, Commercial**

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

**b. Communication Cell Sites on Wheels (COWs)**

A temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.

**32. Community Vegetable Garden**

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

**a. Accessory Structures**

Accessory structures shall be limited to 400 square feet.

**b. Setbacks**

Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential districts. Accessory structures shall meet the setbacks of the district.

**c. Spraying**

Aerial application of fertilizer or pesticides shall be prohibited.

**d. Parking**

Overnight parking shall be prohibited.

**e. Loading**

All loading and unloading activities shall be restricted to the site and shall not encroach into any setbacks.

**f. Storage**

Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall be contained within an accessory structure.

**33. Composting Facility**

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

**a. Lot Size**

A minimum of five acres.

**b. Setbacks**

A minimum of 500 feet from residential districts and uses.

**c. Access**

An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local street shall be prohibited. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.

**d. Storage**

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

**e. Hours of Operation**

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

**f. Supplemental Application Requirements**

**1) Site Plan**

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

**2) Waste Volume**

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

**3) Dust Control**

A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator and watering or enclosing storage piles.

**g. AR/RSA**

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

**34. Congregate Living Facility**

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

**a. Maximum Occupancy**

**1) Type 1**

Six persons, excluding staff.

**2) Type 2**

14 persons, excluding staff.

**3) Type 3**

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

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

FLU Category	Zoning District	Maximum Occupancy (Residents per Acre)	
		Standard District	Planned Development <sup>1</sup>
AGR	AGR	PROHIBITED	0.23
RR	AR	PROHIBITED	0.23
RR20	AR	PROHIBITED	0.11
LR1	RE, RT	PROHIBITED	2.34
LR2	RT	PROHIBITED	4.68
LR3	RT	PROHIBITED	7.02
MR5	RS	PROHIBITED	11.70
HR8	RS, RM	14.04	18.72
HR12	RM	18.72	28.08
HR18	RM	18.72	28.08

[Ord. 2005-002]

**Notes**

1. For the purpose of this Section, the required minimum acreage for a PDD consisting exclusive of a CLF may be reduced by 50 percent.
2. For CLF, one TDR unit is equivalent to 2.34 beds. [Ord. 2005-002]

**4) PDD Occupancy Bonus**

**a) No Double Counting Density**

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

**b. Separation**

For the purpose of required separations, measurements shall be made from structure to structure, except where the separation required is between a structure and a district boundary, in which case the separation shall be measured from structure to district boundary.

**1) Location of Type 1**

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

**2) Location of Type 2 and Type 3**

**a) RM District**

A Type 2 CLF shall be allowed as a permitted use, provided that it is not located within a radius of 1,200 feet of another CLF. [Ord. 2008-003]

**b) Frontage**

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

**c) Fire Rescue**

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

**c. Design and Compatibility**

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

**1) Planned Development Districts (PDDs)**

A Type 3 facility having 250 residents or fewer may be located in a pod with access to a local street or a parking tract in a PDD. These facilities shall only be permitted in a multi-family, commercial, or civic pod, subject to the following criteria: [Ord. 2005 – 002]

**a) Compatibility**

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

**b) Height**

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

**d. Minimum Lot Dimensions**

The minimum lot dimension requirements of the district in which a Type II or Type III CLF is located shall apply. The minimum lot size for a Type II CLF shall be 8,000 square feet. [Ord. 2009-040]

**e. Height**

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

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

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

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

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

**h. Cooking Facilities**

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

**i. Signage**

**1) Type 1 and 2 CLFs**

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

**2) Type 3 CLF**

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

**j. Accessory Uses**

**1) Type 1 and 2 CLFs**

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

**2) Type 3 CLF**

**a) Accessory Use**

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

**b) Non-Commercial Uses**

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

**k. Accessory Commercial Uses**

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

**l. Conversion to Conventional Units**

**1) Structure**

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

**2) Restrictions**

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

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

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

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

**m. Conversion to Other Uses**

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

**n. Congregate Living, Personal Services**

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

**o. Emergency Generators**

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

**35. Contractor Storage Yard**

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

**a. Construction Equipment**

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

**b. Office Permitted**

An accessory office shall be permitted subject to Article 5.B, ACCESSORY AND TEMPORARY USES.

**c. Screening**

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

**d. Flex Space**

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

**36. Convenience Store**

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

**a. Floor Area**

A maximum of 5,000 square feet.

**b. CN and CC District**

Shall comply with Article 5.E.1, Major Intersection Criteria.

**37. Convenience Store with Gas Sales**

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

**a. Floor Area**

A maximum of 5,000 square feet.

**b. Approval Criteria**

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

**c. Location Criteria [Ord. 2006-004]**

**1) Intersection Criteria**

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

**2) Separation Criteria**

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

**3) U/S Tier**

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

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

A convenience store with gas sales shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the FDOT PBC Federal Functional Classification Table. [Ord. 2006-004]



- d. **Water**  
Evidence of the protection of drinking water sources shall be provided to the Health Department prior to certification by the DRO. [Ord. 2006-004]
  - e. **Parking**
    - 1) **Location**  
A convenience store with gas sales greater than 3,000 square feet in GFA shall provide one half of the required parking spaces directly adjacent to the store. [Ord. 2006-004]
    - 2) **Parking for Accessory Automatic Car Wash**  
Parking for an accessory automatic car wash may be exempt from the parking requirements of Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval. [Ord. 2006-004]
  - f. **Collocated Restaurant**  
A Type I or II restaurant may be collocated with a convenience store with gas sales subject to the use regulations applicable to the restaurant use. [Ord. 2006-004]
  - g. **TMD and LCC Districts, and IRO Projects**  
Islands for gasoline pumps shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2006-004] [Ord. 2010-005]
  - h. **WCRA Overlay**  
Convenience stores with gas sales are prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.15.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004]
  - i. **Infill Redevelopment Overlay (IRO)**  
A convenience store with gas sales located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]
  - j. **Nonconformities**  
For a convenience store with gasoline sales, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the ten percent limitation and approval of a Traffic Study by the Engineering Department. [Ord. 2010-005]
- 38. Data and Information Processing**  
The use of an establishment for business offices of an industrial nature, including corporate centers, mail processing and telemarketing centers. Such uses are not frequented by the general public.
- a. **Flex Space**  
This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]
- 39. Day Camp**  
An establishment which provides care, protection and programmed activities for children five years of age and older for a period of less than 24 hours per day. This use shall not operate as a day care as defined and regulated by the Department of Children and Family Services.
- a. **Duration**  
Maximum 16 weeks per calendar year.
  - b. **Operation**  
Shall operate only during those times when local schools are not in session.
  - c. **Accessory Use**  
A day camp for 200 or fewer children may be permitted as an accessory use to a legally established institutional, civic, recreational, or educational use.
- 40. Day Care**
- a. **General**  
An establishment licensed by the Health Department, which provides care, protection and supervision for 21 or more children or adults for a period of less than 24 hours per day on a regular basis.
  - b. **Limited**  
An establishment licensed by the Health Department, which provides daytime care, protection and supervision for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. Limited day care does not include nighttime or overnight care.
  - c. **Lot Size**  
A minimum of 6,000 square feet, or the minimum required by the district in which the day care is located, whichever is greater.
  - d. **AGR District**

A limited day care may be permitted as an accessory use to a church, place of worship, farm worker quarters, or assembly non-profit institutional use, subject to DRO approval. In the AGR district a day care shall not be located west of SR7.

**e. CRE District**

A general day care shall not be located in a CRE district with an RR FLU designation.

**f. IND FLU or Pod**

A day care center located in a project with an IND FLU designation or in an industrial pod of a PDD shall be for exclusive use on-site employees or contiguous employees.

**1) Exception**

A commercial pod in a MXP or PIPD shall not be subject to this limitation.

**g. Floor Area**

**1) Child Care**

For a child day care with 40 children or less, the minimum floor area, exclusive of any area devoted to a kitchen, office, storage and toilet facilities, shall be 1,500 square feet. An additional 35 square feet of floor area or the amount required by the PBCHD shall be provided for each child over 40 children.

**2) Adult Care**

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

**h. Outdoor Activity Area**

**1) General**

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

**2) Child Care**

**a) General**

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

**b) Infants**

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

**c) Location of Outdoor Play Equipment**

Stationary outdoor play equipment permanently anchored to the ground shall be setback a minimum of 25 feet from any residentially zoned or used property line, and ten feet from any other property line. The location of stationary play equipment shall be depicted on the site plan. Outdoor play equipment shall not be located in any required landscape area or easement.

**3) Shade Trees**

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

**4) Fence/Wall**

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

**i. Drop-off Access**

**1) Drop-Off**

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

**2) Sidewalk Access**

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

**41. Day Labor Employment Service**

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

**a. Location**

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

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

**b. Hours of Operation**

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

**c. Minimum Building Size**

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

**d. Loitering**

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

**e. Loudspeakers**

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

**f. Records**

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

**g. Advertising**

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

**h. Development Standards**

All services shall adhere to the non-residential development standards of Article 3.C, STANDARD DISTRICTS.

**42. Dispatching Office**

An establishment providing services off-site to households and businesses using land-based communication. Typical uses include janitorial services, pest control services, and taxi, limousine, and ambulance services.

**a. CG and CH/MUPD Districts**

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

**43. Dog Daycare**

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

**a. Use Approval**

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

**b. Waste Disposal**

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

**c. Number of Dogs**

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

**d. Runs and Drop-Off**

Facilities shall be subject to the following standards:

- 1) outdoor runs, play areas, yards, etc., shall be prohibited;
- 2) adequate drop-off areas shall be provided; and
- 3) three drop off spaces measuring 12 feet by 20 feet shall be provided for every 50 dogs.

**44-1. Electric Power Facility**

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] [Ord. 2009-040] [Ord. 2010-005]

**a. Setbacks**

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

- 3) Accessory uses and structures (excluding poles) shall be setback a minimum of 50 feet from all property lines.

**b. Screening and Perimeter Buffers**

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

**c. Ash disposal and wood recycling facilities**

Ash disposal and wood recycling facilities shall be permitted on sites in the AP district as an accessory use to biomass electric power facilities. 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 facility. [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. Electric Transmission Facility**

An electric transmission facility collocated with a new request or DOA for an electric generation facility may be reviewed and approved as one application. The transmission facility shall comply with the requirements of Art. 4.B.1.A.44-2, Electric Transmission Facility. [Ord. 2006-004]

**44-2. Electric Transmission Facility**

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

**a. Setbacks**

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

**1) Buildings**

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

**2) Mechanical Equipment and Related Structures**

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

**3) Maximum Height**

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

**b. Screening and Perimeter Buffers**

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

**45. Entertainment, Indoor**

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

**a. CRE District**

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

**b. IL District**

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

**c. CC, CG, and MUPD Districts**

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

**46. Entertainment, Outdoor**

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

**a. CRE District**

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

- 1) Maximum size – 20 acres. [Ord. 2005 – 002]
- 2) Maximum FAR – 0.05. [Ord. 2005 – 002]
- 3) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. [Ord. 2005 – 002]
- 4) Frontage shall be required on a roadway designated as a Florida Intrastate Highway System (FIHS) or Strategic Intermodal System (SIS) facility. [Ord. 2005-002] [Ord. 2009-040]
- 5) Shall not be located within 1,320 feet of any other privately owned outdoor entertainment use with a RR FLU designation. [Ord. 2005 – 002]

**b. IL District**

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

**c. CC District**

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

**d. Frontage**

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

**e. Setbacks**

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

**Table 4.B.1.A – Outdoor Entertainment Setbacks**

Adjacent Use	Minimum Setback
Non-residential and streets	50 feet
Residential District or Use	100 feet

**47. Equestrian Arena, Commercial**

An establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes.

**a. U/S Tier**

**1) Lot Size**

The minimum lot size shall be five acres.

**2) Frontage**

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

**3) Hours of Operation**

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

**4) Loudspeakers**

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

- b. **Rural, Exurban, Agricultural Reserve (AGR) and Glades Tiers**
  - 1) **Location**  
The project in which an equestrian arena is located shall have frontage on a paved street.
  - 2) **Operating Hours**  
Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily.
  - 3) **Loudspeakers**  
Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.
- c. **Setbacks**  
Riding, spectator viewing areas, and show rings shall not be located within 100 feet of any property line.
- d. **Compatibility**  
Design of the site shall assure no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.
- 48. **Estate Kitchen**  
An accessory use which is physically integrated with the main residence.
  - a. There shall not be the presence of a complete living environment associated with the estate kitchen.
  - b. The required minimum lot size shall be twice the minimum lot size requirement for the underlying zoning district for a house supporting an estate kitchen.
- 49. **Excavation**  
Excavation – see Article 4.D, EXCAVATION.
- 50. **Farm Residence**  
A dwelling unit, other than a mobile home, located on a parcel of land used for a bona fide agricultural use and occupied by the owner or operator of the farm operation. **[Ord. 2005-002]**
  - a. **Principal Dwelling**  
One principal dwelling shall be permitted for each bona fide farm operation.
- 51. **Farm Workers Quarters**  
One or more residential structures occupied by farm workers who provide labor in conjunction with agricultural operations.
  - a. **Density**  
One dwelling unit limited to a maximum of four beds shall be permitted for each 25 acres. **[Ord. 2006-004]**
  - b. **Clustering**  
Ten or more units on any lot shall be clustered and subject to DRO approval.
  - c. **AGR/PUD or TMD**  
AGR/PUD or TMD Preserve shall be allowed one dwelling unit per acre provided such units are clustered onto a single compact area of the preserve and are restricted to occupancy by farm workers. Farm worker quarters shall not be located on property in the AGR Tier in which no residential density is assigned by the FLU designation. **[Ord. 2006-004]**
  - d. **AR/RSA**  
May be permitted in the AR/RSA District with a SA FLU, subject to DRO Approval. **[Ord. 2005 – 002] [Ord. 2007-001]**
- 52. **Farmers Market**  
An establishment for the wholesale sale of farm produce.
  - a. **Setback**  
A farmers market shall be setback a minimum of 100 feet from property lines adjacent to a residential use existing as of the effective date of this Code, excluding farm worker quarters and mobile homes accessory to agriculture.
  - b. **Accessory Use**  
A produce stand shall be permitted as an accessory use to a farmers market.
  - c. **Frontage**  
Shall be located on arterial street.
  - d. **AR/RSA**  
May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. **[Ord. 2005 – 002]**
- 53. **Farrier**

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

**54. Film Production Studio**

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

**a. CHO, CG and LCC Districts**

Outdoor activities shall be located a minimum of 300 feet from a residential district. [Ord. 2010-005]

**b. Film Permit**

A film permit shall be issued by the Director of the Film Liaison Office. The duration of the permit shall not exceed 24 months without approval of the Zoning Director. This permit may be issued in all districts. [Ord. 2007-001]

**c. LCC**

Film production studios shall not be located on a main street. [Ord. 2010-005]

**55. Financial Institution**

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

**a. Development Thresholds and Approval Process**

A financial institution shall comply with the Development Thresholds and required approval processes of Table 4.B.1.A, Financial Institution Development Thresholds and Approval Processes. [Ord. 2007-013] [Ord. 2009-040]

**Table 4.B.1.A – Financial Institution Development Threshold and Approval Process**

Zoning District	Development Thresholds			Approval Process
	GFA		Drive-thru <sup>1</sup>	
CN and CLO	5,000 s.f. max	and	Not permitted	DRO
CC and CHO; CL and CLO PDDs; COM Pod of PUD;	5,000 s.f. max	and	No drive thru lanes	Permitted by Right
CC; and, CL and CLO PDDs, and COM Pod of PUD	5,000 s.f. max	and	≤ 3 drive thru lanes	DRO
CG; CH and CHO PDDs; PIPD COM Use Zone; and, TDDs	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted by Right
CC, CHO and CG; CL, CH, CLO and CHO PDDs; COM Pod of PUD; PIPD COM Use Zone; and, TDDs	> 5,000 s.f.	or	> 3 drive thru lanes	Class A or Requested Use
[Ord. 2007-013] [Ord. 2009-040]				
<b>Notes:</b>				
1. An ATM lane shall not be considered a drive thru lane for purposes of development thresholds.				

**b. TMD 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]

**c. Infill Redevelopment Overlay (IRO)**

A financial institution with no drive-thru lanes; or, a financial institution with drive-thru lanes located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

**56. Fitness Center**

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

**a. RM and CN Districts**

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

**b. CC, CHO, CG Districts and PDDs**

A fitness center that has less than 15,000 square feet of GFA shall be permitted by right. [Ord. 2010-005]

**c. CRE District**

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

**57. Flea Market, Enclosed**

A retail sales within a building permanently enclosed by walls and roof in which floor space is rented to individual merchants to display and sell goods.

**58. Flea Market, Open**

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

**a. Sanitary Facilities**

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

**59. Funeral Home**

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

**a. CG, IL and MUPD Districts**

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

**b. IL District**

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

**60. Garage Sale**

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

**a. Duration**

A maximum of 72 hours.

**b. Number of Sales**

A maximum of two per year per dwelling unit.

**61. Gas and Fuel, Wholesale**

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

**62. Golf Course**

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

**a. AGR Tier**

**1) PUD**

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

**a) Management Plan**

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

- (1) A Best Management Plan (BMP) detailing procedures for the construction, irrigation, operation, and maintenance of the golf course, designed to prevent contamination of adjacent properties and ground and surface waters;
- (2) A Pest Management Plan (PMP) designed to prevent contamination of ground and surface water from pesticides, herbicides, and fertilizers; and
- (3) A Water Quality Monitoring Plan designed to protect adjacent wetlands and surface waters.

**b. Clubhouse**

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

**1) Fencing**

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

**a) Maximum Height Adjacent To**



- (1) **Residential Use**  
15 feet.
- (2) **Street or Easement**  
30 feet.
- (3) **Non-Residential Use**  
30 feet.

**63. Government Services**

Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. Typical uses include administrative offices for government agencies, public libraries, police and fire stations, and homeless resource centers. [Ord. 2009-040]

**a. AGR District**

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

**b. Prisons**

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

**c. ACC Animal Control Facilities**

An ACC operated Animal Control Facility shall be considered a government services use in the PO and IPF districts; or a commercial or light industrial pod of a PIPD, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b. [Ord. 2008-037]

**d. Homeless Resource Centers**

These facilities shall comply with the supplementary standards indicated in Note 70-1 of this Chapter, Homeless Resource Center. [Ord. 2009-040]

**64. Green Market**

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

**a. Lot Size**

A minimum of one acre.

**b. Duration and Approval**

Weekends only, subject to approval of a Special Permit.

**c. Site Operation**

The market stall shall be located on the site as not to utilize required parking spaces or obstruct any access or parking lot aisles. [Ord. 2007-001]

**d. The applicant shall obtain an electrical permit for temporary power, if applicable. [Ord. 2007-001]**

**e. Stands**

Each vendor stand shall not exceed 150 square feet. The stand shall remain transportable. Motor vehicles such as vans or small trucks may be permitted provided the vehicle is removed from the site at the close of the market each weekend.

**f. Signage**

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

**g. LCC District and IRO Projects**

A permanent Green Market shall be allowed to operate each weekend provided the area designated for the Green Market is not located in required parking and indicated on the final DRO site plan. A Green Market that is located within required parking spaces or access aisles for a temporary period of time, which shall be defined by anything exceeding one hour or several days, shall comply with the Special Permit requirements in Article 2.D.2. [Ord. 2010-005]

**65. Groom's Quarters**

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

**a. Number Permitted**

**1) 20 Acres or Less**

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

**2) More Than 20 Acres**

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

**b. Floor Area**

**1) Each Unit**

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

**2) 20 Acres or Less**

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

**c. Bedrooms and Bathrooms**

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

**d. Approval Process**

**Table 4.B.1.A – Groom's Quarters**

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

[Ord. 2007-001]

**e. AGR PUD or TMD**

For more than 20 groom's quarters, or more than 20 groom's quarters on the Preservation Area of an AGR-PUD or TMD, the allowable density shall be decreased by one unit for each groom's quarter to a maximum reduction of one-half of the number of dwelling units associated with the Preservation Area. [Ord. 2006-004]

**f. Kitchen Facilities**

Groom's quarters may contain individual cooking facilities and/or one common dining facility. An agreement to remove all kitchen equipment shall be executed prior to approval of the groom's quarter. The agreement shall require the kitchen to be removed if the unit ceases to operate as a groom's quarters.

**66. Guest Cottage**

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

**a. Units**

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

**b. Floor Area**

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

**c. Additional Floor Area**

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

**d. Kitchen or Cooking Facilities**

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

**e. Compatibility**

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

**f. Setbacks**

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

**g. No Separate Ownership**

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

**67. Gun Club**

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

**a. Setbacks and Buffers**

**1) Enclosed**

An enclosed gun club shall have a 100-foot setback and a 50 foot buffer from a residentially occupied or zoned property. These setbacks are in addition to the minimum required setbacks of the district.

**2) Open**

An open gun club and its accessory shooting areas shall have a 300 foot setback to a 100 foot buffer from residentially occupied or zoned property. These setbacks are in addition to the minimum required setbacks of the district.

**b. Lot Size**

Except in the IL district, a gun club shall be located on a minimum of five acres or meet the minimum lot and setback requirements of the district in which it is located, whichever is greater.

**c. AR/RSA**

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

**68. Gun Range, Private**

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

**a. Required Lot Size, Buffer and Approval Process**

**1) Enclosed**

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

**2) Open**

Requirements for open private gun ranges vary based on location of proposed range and type of weapons to be fired. An outdoor gun range use for small caliber and rim fire shall have a 100 foot setback and an additional 50 foot buffer from residentially occupied property. An outdoor gun range for large caliber or center-fire shall have a 300 foot setback and an additional 100 foot buffer from residentially occupied property. These setbacks are in addition to the required minimum setbacks. The discharge of firearms shall not occur within 300 yards of a structure. The shooter must have the written permission of the property owner. A bullet trap is required in all locations.

**b. Small Caliber and Rim Fire**

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

**c. Larger Caliber or Center-Fire**

The open firing of any center-fire gun or of handguns of more than 22 calibers shall require a minimum lot size of ten acres. A private gun range located east of the L-40 canal, as defined below, shall be subject to Class A Conditional use approval. A private gun range located west of the L-40 canal, as defined below, shall be subject to DRO review and approval.

**d. L-40 Canal**

For the purpose of this Subsection, the boundaries of the L-40 Canal are: From the Broward County Line north along Canal L-36 to the Loxahatchee National Wildlife Refuge. Thence north to Southern Boulevard along Canal L-40. Thence west along Southern Boulevard to a north-south line 1.5 miles west of Canal L-8, which coincides with a private agricultural road heading north from Southern Boulevard at that point where SR 880 intersects Southern Boulevard from the south. Thence north along the line of this north-south road to the boundary of the J. W. Corbett Wildlife Management Area. Thence east and north along the boundary at the J. W. Corbett Wildlife Management Area to the Martin County Line.

**69. Heavy Industry**

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

**a. Fireworks**

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

**70. Home Occupation**

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

**a. Incidental Nature**

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

**b. Location**

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

**c. No Change to Character of Dwelling**

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

**d. Employees**

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

**e. Business Tax Receipt**

Shall be operated pursuant to a valid business tax receipt for the use conducted by the resident of the dwelling. More than one home occupation may be permitted on a residential lot. [Ord. 2007-013]

**f. Advertising**

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

**g. On-Premise Sales**

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

**h. Instructional Services**

Instructional services shall meet the following additional regulations:

**1) Home Instruction, Inside**

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

**2) Home Instruction, Outside**

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

**3) Hours of Operation**

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

**4) Insurance**

Proof of liability insurance in the amount of at least \$300,000 covering the instructional service shall be submitted prior to the issuance of a Business Tax Receipt. [Ord. 2008-003]

**5) Number of Students**

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

**6) Parking**

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

**7) Resident**

The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor shall be permitted to provide instruction. The business tax receipt shall be issued to the instructor. [Ord. 2007-013]

**i. Outside Storage**

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

**j. Nuisances**

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

**k. Violations or Hazard**

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

**l. Vehicles**

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

**70-1. 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]

**a. 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 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 may be requested if this standard cannot be met. Facilities located in the PO zoning district may request a deviation from this requirement pursuant to the standards in Article 5.A.3, Deviations for the PO Zoning District. [Ord. 2009-040]
- 2) A Homeless Resource Center (HRC) shall not be located within a 1,200 foot radius of another HRC. [Ord. 2009-040]
- 3) The applicant shall obtain certification from Palm Beach County Fire Rescue that a fire rescue facility is available to serve the proposed facility. Certification shall be provided prior to issuance of the development permit. [Ord. 2009-040]

**b. 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]

**c. Subsequent Development with Locational Standards**

The subsequent approval of a development order for a residential district shall not change the status of the HRC to a nonconforming use. [Ord. 2009-040]

**71. Hospital or Medical Center**

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

**a. Lot Size**

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

**b. Frontage**

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

**c. Beds**

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

**d. Helipad**

An accessory helipad is a permitted use.

**e. Incinerator**

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

**1) Setbacks**

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

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

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

**a. Commercial Districts and AZO Overlay**

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

**1) Lot Size**

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

**2) Lot Width**

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

**3) Sleeping Units**

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

**b. RM District**

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

**c. CRE District**

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

**d. PO District**

An existing hotel located in the PO district shall be considered a conforming use. [Ord. 2009-040]

**e. Accessory Uses**

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

**f. Lounge**

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

**73. Kennel, Type I (Private)**

Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, owned by the occupants of the premises. [Ord. 2006-036] [Ord. 2008-036]

**a. Limitations of Use**

A private kennel shall be limited to domestic animals owned by the occupants of the premises only, or a private non profit animal organization licensed by PBC ACC that is not open to the public and located on less than 2.5 acres. The care, breeding, boarding, raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or mammal is prohibited, except as permitted by PBCACC. The raising of domestic animals for sale is prohibited. The sale of domestic animals on site is prohibited. Property size and restrictions on the number of animals permitted shall be regulated by the PBCACC. [Ord. 2006-036] [Ord. 2008-037]

**1) Setbacks**

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

**2) Hobby Breeder**

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

**3) Outdoor Runs**

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

adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036]

**4) Private Kennel**

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

**b. Guard Dog Exemption**

Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ord. 98-022 shall be permitted in any Zoning district, and shall be exempt from the setback requirements of this section. [Ord. 2008-036]

**74-1. Kennel, Type II (Commercial)**

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

**a. Limitations of Use**

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

**1) Lot Size**

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

**2) Frontage**

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

**3) Outdoor Runs**

**a) Setbacks**

Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a residential district, 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]

**b) Standards**

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

**4) AZO Overlay**

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

**b. Accessory Residential Use**

A Type II commercial kennel may be operated in the AGR district in conjunction with a residence. [Ord. 2006-036] [Ord. 2009-040]

**c. PIPD**

A Type II commercial kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan FLUE Policy 2.2.4-b. [Ord. 2008-037]

**74-2. Kennel, Type III (Commercial)**

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

**a. Limitations of Use**

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

**1) Maximum Square Footage**

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

**2) Number of Animals Permitted**

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

**3) Standards**

All use areas shall be within an enclosed building constructed, maintained and operated so that no noise or odor nuisances related to the kennel operations can be detected

(This space intentionally left blank.)



outside the building. With exception to designated drop off areas, no outdoor runs, playgrounds, walking areas, yards or similar uses shall be permitted. [Ord. 2006-036]

**4) Waste Disposal**

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

**5) AZO Overlay**

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

**b. Approval Process**

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

**c. PIPD**

A Type III Commercial Kennel shall be permitted in a commercial or light industrial use zone of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b. [Ord. 2007-001]

**74-3.Type IV Kennel (Animal Shelter)**

A not for profit institutional establishment regulated by ACC Ord. 98-022, as amended as a humane society, or private animal non-profit organization on 2.5 acres or more or when open to the public, that is used for the protection of unwanted or abandoned domesticated animals, the use of which may include 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]

**a. Limitations of Use**

All Type IV kennels shall be licensed and regulated by ACC, and comply with the following. [Ord. 2008-037]

**1) Frontage**

Facilities that are open to the public shall have a minimum of 100 feet fronting on and access from a collector or arterial street. [Ord. 2008-037]

**2) Hours of Operation**

Hours of operation shall be in accordance with ACC Ord. 98-022. [Ord. 2008-037]

**3) Outdoor Animal Use Areas**

**a) Setbacks**

Outdoor animal use areas including but not limited to outdoor runs shall not be located within 50 feet of any property line adjacent to a residential district, use or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. [Ord. 2008-037]

**b) Screening**

In addition to the incompatibility buffer standards of Art. 7.F.9, Incompatibility Buffer, 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]

**4) Number of Animals Permitted**

Prior to review by DRO, preliminary approval shall be obtained from ACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2008-037]

**5) Waste Disposal**

A Type IV kennel shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2008-037]

**b. Collocated Uses**

Any commercial or other use providing services to the general public, inclusive of training or boarding services, among others, shall only be permitted in accordance with the PDD, TDD or Standard District Use Matrices, stated approval process, and supplemental standards, unless stated otherwise herein. Veterinary clinics operated by a licensed veterinarian for the

care of the animals kept in the shelter facility may also offer veterinary services to the public. [Ord. 2008-037] [Ord. 2009-040]

**c. Accessory Residential Use**

A Type IV Kennel may be operated in conjunction with a single-family dwelling unit on properties having underlying residential FLU designations. [Ord. 2008-037]

**d. PIPD**

A Type IV Commercial Kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b. [Ord. 2008-037]

**75. Kiosk**

A freestanding outdoor unmanned structure which offers products for sale.

**a. Uses**

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

**b. Setbacks**

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

**c. Architecture Compatibility**

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

**d. Parking**

Shall not occupy required parking spaces.

**e. Landscaping and Buffering**

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

**f. Maximum Number of Freestanding Structures**

**1) Standard Districts**

One kiosk per project.

**2) Planned Development Districts**

Two kiosks per project.

**g. Size**

A maximum of 100 square feet per kiosk.

**76. Laboratory, Research**

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

**a. Outdoor Activities**

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

**b. Accessory Use**

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

**c. Biotechnology Research Protection Overlay (BRPO)**

A research laboratory located in the BRPO and the IL District may be approved by the DRO and shall not be subject to the limitations of Table 4.A.3.A, Thresholds for Projects Requiring Board of County Commissioner Approval. [Ord. 2007-001]

**d. Flex Space**

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

**77. Landscape Service**

An establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.

**a. AR District 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. Home Occupation**

A landscape service, not including 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]**

**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 Art. 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]**

**78. Laundry Service**

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

**a. CN District**

Shall not exceed 3,000 square feet of GFA.

**b. CC District and Commercial Pod of a PUD**

Shall not exceed 5,000 square feet of GFA.

**c. TMD and LCC Districts**

A laundry service shall not exceed 3,000 square feet of a GFA. **[Ord. 2010-005]**

**d. Approval**

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

**79. Lounge, Cocktail**

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

**a. Separation**

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

**b. CN District**

Shall not exceed 1,500 square feet of GFA.

**c. CHO District**

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

**d. CG District and PDDs**

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

**e. Outdoor Areas**

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

**80. Machine or Welding Shop**

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

**81. Manufacturing and Processing**

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

**a. Manufacturing**

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

**1) Exception**

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

**b. Outdoor Activities**

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

**c. Flex Space**

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. **[Ord. 2010-005]**

**82. 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]**

**a. Boatel Units**

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

**b. Setbacks**

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

**83. Medical or Dental Office**

An establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office. **[Ord. 2005 – 002] [Ord. 2010-009]**

**a. CN District**

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

**b. Ambulatory Surgical Center**

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

**1) Floor Area**

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

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

**2) Elective Surgical Care**

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

**84. Medical or Dental Laboratory**

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

**a. Flex Space**

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. **[Ord. 2010-005]**

**85. Mobile Home Dwelling**

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

**a. Mobile Home**

A detached, transportable single family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.

**b. Mobile Home Subdivision**

A subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.

**c. Accessory to Agriculture**

One mobile home dwelling shall be permitted as an accessory use to a principal bona fide agricultural use.

**1) Lot Size**

**a) AR (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) Separation/Setbacks**

**a) Multiple Mobile Homes on the Same Property**

A minimum of 20 feet.

**b) Single Family Dwelling Unit**

A minimum of 200 feet.

**c) Setbacks**

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

**3) Documents**

A unity of title and notarized removal agreement shall be executed and recorded.

**d. Temporary During Construction**

In the AR district in the RSA, a mobile home dwelling shall be allowed subject to the following standards: **[Ord. 2007-001]**

**1) Building Permit**

A building permit for the single-family dwelling shall have been issued by the Building Director.

**2) Limitations on MH Approval**

a.) The approval for the mobile home shall be valid for two years from the date of issuance of the building permit, or issuance of the certificate of Occupancy for the single family dwelling. No time extensions shall be granted. One MH approval per PCN number. **[Ord. 2007-001]**

**3) Removal Agreement**

Execution of a notarized removal agreement which requires the mobile home to be removed within 30 days after receipt of a CO, or within two years, whichever occurs first.

**4) Proof of Ownership**

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

**e. Storage**

A mobile home shall not be used for storage in any district.

**86. Monument Sales, Retail**

An establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, gargoyles and ledges, for placement on graves, including indoor or outdoor storage.

**87. Multi-family**

The use of a structure designed for two or more dwelling units which are attached, or the use of a lot for two or more dwelling units excluding mobile homes. Typical uses include apartments and residential condominiums. Multi-family uses are also subject standards in Article 3, OVERLAYS & ZONING DISTRICTS, and the prohibition in the NR Sub-area of the WCRAO, as outlined in Table 3.B.15.E, WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**

**a. TMD and LCC Districts**

On Main Streets multi-family units are permitted only on upper floors of mixed-use buildings. **[Ord. 2010-005]**

**88. Nursery, Retail**

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]**

**a. Frontage**

Shall front on and access from a collector or arterial street.

**b. Lot Size**

A minimum of one acre is required in a residential district.

**c. 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.

**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.121, Shade House. **[Ord. 2009-040]**

**e. Loading**

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

**f. Office**

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

**g. Compatibility**

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

**h. Spraying**

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

**i. Buffering**

A buffer shall be provided along all property lines that are not screened by plant material.

**1) Incompatibility Buffer**

A Type 3 incompatibility buffer shall be required adjacent to all retail, office, parking, loading and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.

**2) Compatibility Buffer**

A compatibility buffer shall be provided around all growing areas less than 50 feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high and the growing area is a minimum of five feet wide.

**3) R-O-W Buffer**

A R-O-W buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall be required adjacent to all growing areas unless the growing area is at least 50 feet in width, and contains

plant materials providing a six foot high visual buffer equivalent in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall be preserved.

**4) Barbed Wire**

The use of barbed wire shall be prohibited.

**j. Outdoor Bulk Storage**

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

**k. Site Plan**

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

**89. Nursery, Wholesale**

The 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]

**a. Limitations of Sales**

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

**b. Approval Process**

**Table 4.B.1.A – Residential Districts in the USA**

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

[Ord. 2005-041]

**Table 4.B.1.A – AR District in RSA**

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

**1) All Other Districts**

Permitted.

**c. Hours of Operation**

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

**d. Parking and Loading**

All parking and loading shall occur on site.

**e. AR District**

May be operated in conjunction with a residence.

**f. Buffering**

A buffer shall be provided along all property lines that are not screened by plant material.

**1) Incompatibility Buffer**

A Type 3 incompatibility buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.

**2) Compatibility Buffer**

A compatibility buffer shall be provided around all growing areas less than 50 feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant

material is grown in the ground, ten feet on center, six feet high and the growing area is a minimum of five feet wide.

**3) R-O-W Buffer**

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

**4) Barbed Wire**

The use of barbed wire shall be prohibited.

**g. Office**

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

**h. U/S Tier**

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

**1) Lot Size**

A minimum of one acre.

**2) Setbacks**

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.121, 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 DRO or Special Permit approval.

**4) Spraying**

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

**i. Outdoor Bulk Storage**

Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in Article 5.B, ACCESSORY AND TEMPORARY USES. Outdoor bulk storage in residential zoning districts shall be setback a minimum of 50 feet or the district setback, whichever is greater.

**j. Agricultural Reserve (AGR) Tier**

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

**k. Site Plan**

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

**90. Nursing or Convalescent Facility**

An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.

**a. Lot Size**

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

**b. Frontage**

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

**c. Access**

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

**d. 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.

**e. Emergency Generators**

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



## **91. Office, Business or Professional**

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

### **a. Maximum Floor Area**

#### **1) CN District**

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

#### **2) CLO District**

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

#### **3) CC District**

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

### **b. IL an IG Districts**

Limited to an accessory use only.

### **c. LOSTO**

Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the sole purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours to natural, agricultural, or historic points of interest of the area, shall be allowed subject to approval of a Special Permit.

### **d. Use Limitations**

#### **1) Accessory Uses**

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

### **e. Office of an Industrial Nature**

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

## **91-1.Pain Management Clinic**

All privately owned pain management clinics, facilities, or offices, which advertise in any medium for any type of pain management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and are required to register with the Florida Department of Health pursuant to Sec. 458.309 or Sec. 459.005, FL Stat. (2009). A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists: 1) beyond the usual course of the disease or the injury that is the cause of the pain; or 2) more than 90 days after surgery. **[Ord. 2010-009]**

### **a. Moratorium**

1. The Board of County Commissioners of Palm Beach County does hereby impose a moratorium beginning on the effective date of this ordinance, upon the acceptance of zoning applications and all applicable requests for zoning approval for pain management clinics. **[Ord. 2010-009]**
2. This Ordinance shall expire upon the earlier of the following: one year from the effective date of this ordinance or upon the effective date of Unified Land Development Code amendments dealing with pain management clinics to be considered by the Board of County Commissioners during the moratorium. **[Ord. 2010-009]**

## **92. Park, Neighborhood Infill**

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

- a. **Size**  
A maximum of five acres.
  - b. **Recreational Amenities**  
Active recreation amenities may include playground equipment and non-regulation basketball courts.
  - c. **Landscaping**  
Landscaping shall be subject to the PBC Parks and Recreation Department landscape standards.
  - d. **Minimum Setbacks from Residential Uses**
    - 1) **Playground Surface Areas**  
Ten feet.
    - 2) **Structures, Park Furniture and Playground Equipment**  
15 feet.
    - 3) **Active Recreation Facilities**  
25 feet
  - e. **Setbacks from R-O-Ws and Non-residential Uses**
    - 1) **Playground Surface Areas**  
A minimum of ten feet.
    - 2) **Structures Park Furniture and Playground Equipment**  
A minimum of 15 feet.
  - f. **Hours of Operation**  
Shall be pursuant to the PBC Parks and Recreation Department.
  - g. **Restrictions**  
Sports lighting, parking spaces and permanent sanitary facilities shall be prohibited.
- 93. Park, Passive**  
A public or private outdoor recreation area relying on a natural or man-made resource base and developed with a low intensity of impact on the land. Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relate to the natural qualities of the area, and support facilities for such activities.
- a. **PC District**  
In the PC district, a passive park use shall generally include but not be limited to nature and foot trails; canoe trails; wildlife management performed by official game, fish and wildlife commissions; public hunting and fishing camps; the use of boats, airboats and wheeled and tracked vehicles under policies and regulations prescribed by the appropriate government agencies; hunting and fishing camps on private property under policies prescribed by official game, fish and wildlife commissions; exploration, observation and archeological studies supervised by recognized authorities or persons granted permission to proceed by the State of Florida; preserves and passive recreation areas, and residences for preservation management officers or substantially similar recreational conservation accessory uses. **[Ord. 2006-004]**
- 94. Park, Public**  
A publicly owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.
- 95. Parking Garage/Structure**  
A building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use and subject to:
- a. Article 6.A.1.D.18, Parking Structure Standards; and
  - b. Article 7.G.2.F, Parking Structures.
- 96. Parking Lot, Commercial**  
A lot used for temporary parking or storage for motor vehicles as a principal use for a fee and subject to:
- a. **Parking**  
Design standards of Art. 6.A, PARKING; and
  - b. **Landscaping**  
Article 7.G, Landscape – Off-Street Parking Requirements.
  - c. **Principal Use**  
Parking spaces may be rented for daily parking. No other business of any kind shall be conducted on the lot, including repair, service, display, or storage of other goods, except mobile working and detailing.
  - d. **Proximity to Residential**  
A commercial parking lot shall not be located on a parcel adjacent to a residential district.

**e. Storage**

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

**97. Pawnshop**

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

**a. Separation**

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

**b. Setbacks**

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

**c. Hours of Operation**

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

**98. Personal Services**

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

**a. CN and CLO Districts**

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

**99. Potting Soil Manufacturing**

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

**a. Setbacks**

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

**b. Frontage**

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

**c. Storage**

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

**d. Supplemental Application Requirements**

**1) Site Plan**

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

**2) Dust Control**

A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

**e. Use**

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

**f. AR/RSA**

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

**100. Printing and Copying Services**

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

**a. Flex Space**

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

**101. Produce Stand**

An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products, such as jelly, jam, honey and juice. The sale of grocery or convenience-type foods or products shall not be permitted.

**a. Permanent**

**1) Maximum Floor Area**

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

**2) Outdoor Display and Storage**

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

**3) Uses**

The use shall be limited to those uses identified above. No Special Permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Art. 4.B.1.A.115, Retail Sales, Mobile or Temporary. No vending machines or other similar equipment shall be permitted on site. **[Ord. 2005 – 002]**

**4) Building Construction**

The produce stand shall be contained in either an entirely enclosed or roofed open-air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

**5) AR/RSA and AGR Tiers**

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

**a) Locational Criteria**

The structure and accessory area shall be:

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

**b) Lot Size**

The stand shall be located on a legal lot of record. A minimum of one acre shall be allocated to the exclusive use of the stand and accessory parking area.

**c) Setbacks**

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

**d) Approval**

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

**(1) AR and AGR Districts**

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

**6) Stands Less than 1,500 Square Feet**

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

**a) Paving**

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

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

**7) Wholesale**

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

**b. Temporary Stands**

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

**1) Use Limitations**

**a) Location Criteria**

The stand and accessory area shall be located:

- (1) on an arterial street designated on the PBC Thoroughfare Plan;

- (2) a minimum of 100 feet from an Intersection of an arterial and any other dedicated R-O-W;
  - (3) at least 600 feet from any other agricultural stand permitted in accordance with these provisions; if located in a zoning district other than a commercial district;
  - (4) at least 500 feet from adjacent residential uses, and **[Ord. 2005-041]**
  - (5) located on a legal lot of record no less than one acre in size.
- b) Number**  
Only one stand shall be permitted on a lot of record.
- c) Approval**  
Subject to Special Permit approval.
- d) Setbacks**  
The stand shall be setback a minimum of 35 feet from the front property line and 50 feet from all other property lines.
- e) Size and Configuration**  
The stand shall not exceed 300 square feet. The accessory area shall be limited to display, storage and cashier purposes and shall be covered by a removable cantilevered canopy or umbrellas. No outdoor display or storage shall occur outside of the stand, umbrella, or canopy area.
- 2) Uses**  
No on-site food preparation or processing shall be permitted. No vending machines shall be permitted on site. No additional Special Permits shall be permitted in conjunction with the stand except for seasonal sales.
- 3) Parking**  
A minimum of two spaces and additional spaces subject to approval by the Zoning Director.
- 4) Special Regulations**
  - a) Mobility**  
The stand shall retain its mobility, and have a frame of sufficient strength to withstand being transported by wheels, skids, or hoist.
  - b) Building Materials**  
The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products. Semi-truck trailers, mobile homes, and other permanent or temporary structures shall not be used as a stand. Motor vehicles, including vans and small trucks may be permitted provided the vehicle is removed from site at the end of each business day. These vehicles shall not be used for permanent or temporary residential purposes.
  - c) Refrigeration**  
Refrigeration shall be contained within the confines of the stand. If a motor vehicle is used for the stand, portable refrigeration may be used if contained as part of a motor vehicle and removed from the site daily.
  - d) Signage**  
Signs shall be limited to two, with a combined maximum sign face area of 32 square feet per side. Signs shall be setback a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons, or flags shall be prohibited.
  - e) Existing Stands**  
All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid 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.

#### **102.Real Estate Sales Model, Non-PDD**

A single family residential unit used for real estate marketing, real estate sales, builder's office, and other services directly associated with the sale of a residential unit and limited to the areas referenced below. In a real estate sales model, sales shall be limited to new units built by the company operating the sales model.

##### **a. Approval**

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

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

##### **b. Fee**

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

##### **c. Location**

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

##### **d. Number**

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

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

##### **e. Office**

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

##### **f. Completion Agreement**

All sales models, including those in existence prior to January 1, 1998, shall execute a completion agreement in a manner and form acceptable to the County Attorney. The completion agreement shall include any modification(s) necessary to convert the model to a residential use.

##### **1) Existing Models**

All sales models existing on January 1, 1998 shall file a completion agreement with PBC by July 1, 1998. This agreement shall specifically identify all improvements, which are not consistent with the provisions of this Section, such as but not limited to additional parking or location on unpaved roads. At the time of executing the completion agreement, all signage shall comply with the requirements of this Section.

##### **g. Parking**

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

##### **h. Permitted Signs**

The following signs shall be permitted:

##### **1) Temporary**

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

##### **2) Directional**

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

##### **3) Flags**

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

##### **i. Prohibited Signs**

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

**j. Modifications**

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

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

**k. Outdoor Storage**

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

**103. Recycling Center**

A permanent facility designed and used for collecting, purchasing, storing, dropping-off and redistributing pre-sorted, recyclable materials that are not intended for disposal. A recycling center shall be used for limited processing of recyclable materials, such as can and glass crushing and sorting.

**a. Screening**

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

**b. Size**

A maximum of 500 square feet of GFA.

**c. Manning**

A recycling collection station containing 40 cubic yards or more shall be monitored by a person.

**d. Location**

A recycling collection station shall be located in or adjacent to an off-street parking area and shall not be located within required parking space.

**e. Containers**

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

**f. Processing**

Only limited sorting, separation or other processing of deposited materials shall be allowed on the site. The unit shall employ no mechanical sorting or processing equipment.

**g. Type of Materials**

There shall be no collection or storage of hazardous or non-biodegradable wastes on the site or mulching or receiving of construction debris.

**h. Signage**

The name and phone number of a responsible party shall be clearly posted on the collection station. The name of the organization that is collecting the recyclable materials, if different than the responsible party, shall also be posted on the collection station.

**i. Maintenance**

The container and adjacent area shall be maintained in good appearance and free from litter, debris, and residue on a daily basis. Failure to maintain a good appearance shall result in the revocation of the Special Permit.

**j. Number**

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

**k. Hours of Operation**

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

**104. Recycling Drop-Off Bin**

A totally enclosed mobile structure, containing no more than four cubic yards, within which pre-sorted, non-biodegradable recovered materials are collected for redistribution or sale for the purpose of reuse, subject to DRO approval. If there is no DRO certified site plan on file with the Zoning Division, a Special Permit shall be required. **[Ord. 2007-001]**

**a. Mobility**

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

**b. Location**

The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking space. In TMD and LCC districts, and for IRO projects, the recycling drop-off bins shall be designed to be consistent with the buildings design. **[Ord. 2010-005]**

**c. Maintenance**

The bin and adjacent area shall be maintained in good appearance and free from litter, debris, and residue on a daily basis. Failure to maintain a good appearance shall result in the revocation of the special use permit.

**d. Processing**

Only limited sorting, separation, or processing of deposited materials shall be allowed on the site. The unit shall employ no mechanical sorting or processing equipment.

**e. Type of Materials**

Collection and storage of deposited materials shall be limited to pre-sorted, recyclable glass, plastic, aluminum and steel containers, paper, newsprint and cardboard.

**f. Signage**

The name and phone number of a responsible party shall be clearly posted on the drop-off bin. The name of the organization that is collecting the recyclable materials, if different than the owner, shall also be posted on the drop-off bin.

**g. Number**

Only one bin per material type per development, including out parcels, shall be permitted.

**h. Recycling Bin**

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

**i. AR/RSA**

May be permitted in the AR/RSA District with a SA FLU, subject to DRO approval. [Ord. 2005 – 002] [Ord. 2007-001]

**105. Recycling Plant**

A permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching.

**a. Compatibility, Screening, Buffering**

To ensure compatibility with surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed. The standards shall be waived if any of the required landscape buffer is not visible from adjacent lots or streets.

**1) Lot Size**

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

**2) Setbacks**

Except for a freestanding office, no part of a recycling plant and its accessory ramps, on site circulation system, or storage areas shall be located within 50 feet of any property line.

**a) IL District**

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

**b) Civic and Residential Uses**

No part of a recycling plant, its accessory ramps, on site circulation system or storage areas shall be sited within 150 feet of a school, park, church, library or residential lot. In no case shall the setback be less than the requirement of the district.

**c) CC, CG, IG, IL Districts**

No additional setback beyond district setbacks shall apply to recycling plants that operate completely in enclosed buildings and are located in the CC, CG, IG, and IL districts.

**3) Screening and Fencing**

All storage areas shall be screened from view by on-site walls, fences, or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from street or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas, exceed 20 feet or the height of the principal building on the lot, whichever is greater. For an outdoor recycling plant contiguous to property in a residential district, an opaque fence/wall a minimum of eight feet in height shall be placed along the inside border of the required landscape buffer.

**4) Buffers**

When the property line is contiguous to a residential district, the incompatibility buffer shall be 50 feet in width.



**b. Access**

An access road that can be negotiated by loaded collection vehicles shall be provided to the entrance of the recycling plant. Access shall not be provided from a local residential street. Access shall be restricted to specific entrances with gates which can be locked at all times and which carry official notice that only authorized persons are allowed on the site.

**c. Drainage**

Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas.

**d. Storage Areas**

All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material. Run-off shall be handled in a manner that is in conformance with local, state and Federal regulations.

**e. Chipping or Mulching**

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

**f. Supplemental Application Requirements**

Application for recycling plants shall include the following:

**1) Access**

Graphic illustration and narrative analysis of year round access routes to the site.

**2) Type of Facility**

An explanation of the type of facility requested. It shall specify the type of materials to be handled and include a description of the proposed method of operation, including special waste handling procedures and limitations.

**3) Quantity of Waste**

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

**4) Hours of Operation**

A statement specifying the hours of operation.

**5) Dust Control**

A plan to address dust control in traffic, storage and processing areas and contingency during high winds. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder, screening/fencing, vacuuming or watering traffic areas and watering or enclosing storage piles.

**6) SWA Permit**

Verification that the applicant has obtained a permit from and posted a bond with the SWA before Site plan approval.

**7) Fire Protection**

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

**106.Recycling Collection Station**

A totally enclosed structure or mobile container, containing more than four cubic yards, within which pre-sorted, recyclable and recovered materials are collected for redistribution or sale for the purpose of reuse, subject to Administrative Amendment approval. If no DRO site plan then Special Permit required. [Ord. 2007-001]

**a. TMD and LCC Districts**

Shall not be located on a Main Street. [Ord. 2010-005]

**106-1.Renewable Energy Facility, Solar**

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]

**a. Minimum 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]

**b. Minimum Setback Requirements**

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**

Facilities located on lots 50 acres or greater in size shall be setback a minimum of 25 feet from the side and rear property lines. The facility shall comply with the minimum front and side corner setbacks of the applicable zoning district. [Ord. 2009-040]

**2) Lots Less than 50 Acres**

Facilities located on lots less than 50 acres in size shall be setback a minimum of 15 feet from the side and rear property lines. The facility shall comply with the minimum front and side corner setbacks of the applicable zoning district. [Ord. 2009-040]

**3) Lots Adjacent to Existing Residential Uses**

Facilities located on lots adjacent to existing residential uses shall be setback a minimum of 35 feet 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]

**c. Perimeter Buffers and Interior Tree Requirements**

- 1) A six foot high hedge shall be incorporated into the buffer required pursuant to Article 7.F, Perimeter Buffer Landscape Requirements. Palms may be substituted for 50 percent of the required canopy trees. This buffer may be modified pursuant to Article 7.B.3, Alternative Landscape Plan. [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]

**d. Substation**

Substations associated with the facility shall be subject to the requirements of Article 4.B.1.A.134, Utility Minor. [Ord. 2009-040]

**e. Collocation with Existing Electric Power Facilities**

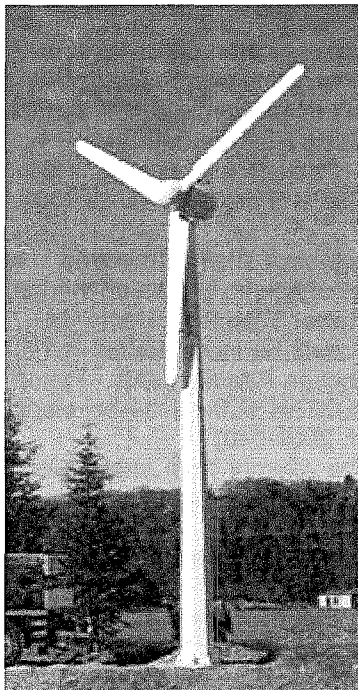
Solar facilities located on a site with an existing electric power facility shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a legislative development order amendment pursuant to Article 2.B.2.H, Development Order Amendment. [Ord. 2009-040]

**106-2.Renewable Energy Facility, Wind**

A facility that uses wind turbines or other systems with a principal use of producing electric or mechanical power from the wind. [Ord. 2010-005]

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**Figure: 4.B.1.A – Typical Renewable Wind Structure**



**[Ord. 2010-005]**

**a. Pre-Submittal Requirements**

Prior to submitting an application for zoning approval, the applicant shall provide documentation from the Florida Fish and Wildlife Conservation Commission or US Fish and Wildlife Service indicating that the proposed facility complies with their applicable siting requirements for bat and bird migration patterns. The documentation shall be submitted to the Zoning Division, with the zoning application, and reviewed by ERM. **[Ord. 2010-005]**

**b. Minimum 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. 2010-005]**

**c. Minimum Setback Requirements**

Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below. **[Ord. 2010-005]**

**1) All Lots**

Facilities shall comply with the minimum setback requirements of the applicable zoning district. **[Ord. 2010-005]**

**2) Lots Adjacent to Existing Residential Uses**

Facilities located on lots adjacent to existing residential uses shall be setback a minimum of 110 percent of the height of the structure. The height shall be measured from finished grade to the top of the turbine blade. The setback shall be measured from the residential property line. **[Ord. 2010-005]**

**3) 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 35 feet. **[Ord. 2010-005]**

**d. Perimeter Buffers and Interior Tree Requirements**

- 1) A Type I 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 use. In addition, a Type II 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. These buffers may be modified pursuant to Article 7.B.3, Alternative Landscape Plan. **[Ord. 2010-005]**

- 2) 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]**
  - e. **Substation**  
Substations associated with the facility shall be subject to the requirements of Article 4.1.A.134, Utility Minor. **[Ord. 2010-005]**
  - f. **Collocation with Existing Electric Power Facilities**  
Wind facilities located on a site with an existing electric power facility 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]**
- 107.Repair and Maintenance, General**  
An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops.
- a. **CC District**  
A maximum of 5,000 square feet of GFA. **[Ord. 2005 – 002]**
    - 1) **Use Limitations**  
Limited to minor repairs and services including alignment and balancing, brake repair, air conditioning recharging and repair, automatic car wash (tunnel), washing, waxing, upholstery shops, and detailing shops may be permitted. General engine type repair including rebuilding or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, and steam cleaning, auto paint and body shops, and transmission shops shall not be permitted.
  - b. **Enclosed Repair Activities**  
All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts, and PDDs with an IND FLU designation. **[Ord. 2005 – 002]**
  - c. **Storage**  
There shall be no outdoor storage of disassembled vehicles or parts except in the IL and IG districts, and PDDs with an IND FLU designation. **[Ord. 2005 – 002]**
  - d. **Industrial**  
In the IL and IG districts, and PDDs with an IND FLU designation, outdoor storage and/or repair activities, shall be screened from view in accordance with the requirements of Art. 5.B.1.A.3.d, Industrial Districts. **[Ord. 2005 – 002]**
  - e. **Setbacks**  
No repair or maintenance building, structure or activity shall be conducted within 100 feet of any property line adjacent to a residential district, except in the WCRAO. In the WCRAO, no service bay door shall be located within 100 feet of any residential structure. **[Ord. 2005 – 002]**
  - f. **Bay Door Orientation**  
Service bay doors shall not face any residential district, FLU designation, or use unless separated by an arterial or collector street. **[Ord. 2005 – 002]**
    - 1) **Buffer Requirements**  
Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer.
    - 2) **Bay Doors Facing a Residential District or Use**  
Bay doors facing a residential district or use separated by an arterial or collector street shall require a Type 3 incompatibility buffer.
    - 3) **Infill Redevelopment Overlay (IRO)**  
Bay doors shall not be oriented towards perimeter streets. **[Ord. 2010-005]**
  - g. **No Loudspeakers**  
No outdoor speaker or public address system that is audible off-site shall be permitted. **[Ord. 2005 – 002]**
  - h. **Vehicle Testing on Residential Streets**  
Vehicles shall not be tested off-site on residential streets. **[Ord. 2005 – 002]**
  - i. **WCRA Overlay**  
Repair and maintenance, general uses are prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.15.E, WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**
  - j. **Infill Redevelopment Overlay (IRO)**

A repair and maintenance general use located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

#### **108.Repair Services, Limited**

An establishment engaged in the repair of personal apparel or household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.

**a. CC District and Districts with a CL FLU Designation**

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

**b. CN District**

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

**c. Enclosed Repair Activities**

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

**d. Industrial**

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

**e. LCC District**

Repairs of motors such as golf carts, mopeds and lawn movers is prohibited. [Ord. 2010-005]

#### **109.Restaurant, Type I**

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

**a. Location Criteria**

A Type I restaurant with a drive through shall be subject to the following: [Ord. 2006-004] [Ord. 2007-001]

**1) Intersection Criteria**

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

**2) Separation Criteria**

A Type I restaurant shall be separated from any other Type I restaurant subject to these standards, in accordance with Art. 5.E.2.C.2. [Ord. 2006-004] [Ord. 2009-040]

**3) Exception**

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

- a) Required sidewalks and related pedestrian connections fronting on the façade supporting the primary entrance shall be increased to eight feet in width; [Ord. 2006-004]
- b) Dumpster enclosures shall be physically connected to and architecturally consistent with the building and shall not be freestanding; [Ord. 2006-004]
- c) No reductions in the width of required foundation planting areas shall be permitted; [Ord. 2006-004]
- d) Wall signage is limited to one façade of the restaurant; [Ord. 2006-004]
- e) Landscape plans and architectural elevations shall be required as part of any application for a Conditional or Requested Use, or any DOA affecting the items listed herein. [Ord. 2006-004]
- f) Where applicable, a drive through, including queuing and by-pass lanes shall not be visible from adjacent public streets. This may be accomplished by the use of a Type 3 Incompatibility Buffer, exemplary architectural design that incorporates walls or other visual barriers a minimum of six feet in height, or a combination of the two; [Ord. 2006-004]

- g) Required parking shall not be separated from restaurant entrances by any means of vehicular circulation with exception of drive isles used to access those parking spaces; **[Ord. 2006-004]**
- h) The restaurant shall not have continuous vehicular circulation on all four sides. For the purposes of this Section, vehicular circulation shall include drive ways, drive aisles, or other means of internal vehicular circulation located within 50 feet or less of the building. Vehicular circulation shall not include customer parking provided for the restaurant, one-way drive-through lanes and related by-pass lanes serving the restaurant. **[Ord. 2006-004]**
- b. Approval Process Exceptions**
  - 1) DRO Approval**  
A Type I restaurant without a drive-through may be approved by the DRO in a district where the use is permitted by Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, Traditional Development Permitted Use Schedule, Table 4.A.3.A, Use Matrix, or in an MUPD with a CL FLU designation, subject to the following: **[Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013]**
    - a) GFA including outdoor dining areas does not exceed 5,000 square feet; and **[Ord. 2007-013]**
    - b) The use is not located in an out parcel or freestanding building. **[Ord. 2007-013]**
  - 2) Permitted by Right**  
A Type I restaurant without a drive-through or located in an out parcel, may be permitted by right in any PDD or TDD with a commercial or institutional FLU designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD or RVPD; or the IL and all commercial Zoning districts, provided: **[Ord. 2006-004]**
    - a) GFA including outdoor dining areas does not exceed 1,500 square feet; **[Ord. 2006-004]**
    - b) All district specific requirements are addressed; **[Ord. 2006-004]**
    - c) The total of all Type I restaurant uses does not exceed 25 percent of the overall GFA of the development, unless it is the sole use of the property; and **[Ord. 2006-004]**
    - d) The restaurant is not located in a freestanding building, unless it is the sole use of the property. **[Ord. 2006-004]**
- c. Major Intersection Criteria for CL FLU**  
A Type I restaurant with a CL FLU designation shall comply with Article 5.E.1, Major Intersection Criteria, unless the restaurant meets the requirements of one or more of the following: Article 4.B.1.A.109.b.1), DRO Approval, Article 4.B.1.A.109.b.2), Permitted by Right, is located within a TMD, or complies with the design requirements outlined under Article 4.B.1.A.109.a.3), Exception. **[Ord. 2006-004] [Ord. 2009-040]**
- d. TMD and LCC Districts**  
A Type I Restaurant shall not: **[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-005]**
  - 1) Exceed 3,000 square feet of GFA. An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 4,500 square feet of GFA. An exception shall be permitted where food is served cafeteria or buffet style, to allow up to 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) Be located in an outparcel or freestanding building; with exception to restaurants in a AGR TMD where food is served cafeteria or buffet style; or **[Ord. 2005-002] [Ord. 2007-001]**
  - 3) Have a drive-thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. **[Ord. 2005-002] [Ord. 2006-004]**
- e. Outdoor Dining**  
Shall comply with the principal structure setbacks.
- f. Exurban and Rural Tiers**  
A Type I 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 R-O-W. 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.1.A.109.a.3), Exception. **[Ord. 2009-040]**

**g. Infill Redevelopment Overlay (IRO)**

A Type I restaurant located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

**110.Reserved for Future Use**

**111.Restaurant, Type II**

An establishment with no drive-through, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption. Traffic generation rates are normally in the range of 90 to 130 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering. [Ord. 2006-004] [Ord. 2007-001]

**a. Alcohol Sales**

A Type II Restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. A Type II Restaurant with less than 150 seats that does not qualify for a 4COP/SRX license shall obtain a Special Permit prior to obtaining an alcoholic beverage license. The Special Permit shall be subject to the following restrictions: [Ord. 2006-004]

**1) Accessory Use**

Alcohol sales, service, and consumption shall not exceed 30 percent of receipts. An annual accounting of the restaurant receipts prepared by a Certified Public Accountant (CPA) shall be provided to the Zoning Division.

**2) Kitchen**

The restaurant shall have a full kitchen which shall remain open and serving full course meals while alcohol is being served.

**3) Floor Area**

A maximum of 30 percent of the floor area of the restaurant or number of seats, whichever is less, shall be devoted solely to alcohol sales.

**4) Special Permit Renewal**

The Special Permit shall be renewed annually.

**b. Use Limitations and Approval Process**

**1) DRO Approval**

**a) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC**

A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-036] [Ord. 2007-013]

**b) 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]

**c) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial Use Zone**

A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013]

**2) Catering Service**

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

**3) Take Out Service**

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

**4) TND, TMD, and LCC Districts**

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]

**112.Reserved for Future Use**

### **113.Retail Sales, Auto Accessories and Parts**

An establishment providing retail sales of auto accessories and parts.

#### **a. Architecture**

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

#### **b. Disposal of Motor Oil**

Auto part stores shall provide an oil recycling drum or other device for the disposal of motor oil, as prescribed by the U.S. Environmental Protection Agency (EPA).

#### **c. LCC District**

Sales shall be limited to 3,000 square feet GFA provided that the use is not located in a freestanding building and shall not have outdoor storage or any installation of vehicle parts in the main streets or parking lots. **[Ord. 2010-005]**

### **114.Retail Sales, General**

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

#### **a. TND District**

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

#### **b. TMD District**

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

#### **c. CN District**

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

#### **d. LOSTO**

Shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to approval of a Special Permit.

#### **e. Fireworks**

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

##### **1) Exception**

Temporary sale of sparklers, subject to a special permit.

### **115.Retail Sales, Mobile or Temporary**

General retail sales without a fixed or permanent location.

#### **a. General Requirements**

##### **1) Frontage**

Mobile or temporary retail sales shall front an arterial street.

##### **2) Setbacks**

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

##### **3) Insurance**

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

##### **4) Landscape**



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

**5) Location Plan**

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

**6) Warranty Deed**

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

**b. Temporary Sales**

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

**1) Districts**

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

**2) AGR District**

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

**3) Duration**

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

**4) Tent**

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

**5) Sign**

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

**6) Debris**

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

**7) Storage**

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

**c. Special Provisions for Sparklers**

Sale of sparklers shall comply with the following additional requirements:

**1) Seasonal Limitations**

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

**2) CG and IL Districts**

Limited to the sale of sparklers only.

**3) Hours of Operation**

Hours of operation shall be limited from 7 a.m. to 11 p.m. daily.

**4) Electrical Service**

All electrical uses shall meet the requirements established by the PBC Chief Electrical Inspector and PBC Fire-Rescue Department.

**5) Supplemental Application Requirements**

The Special Permit application shall include the following information:

**a) Liability**

A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation.

**b) Certification**

A certification of registration from the State Fire Marshal authorizing the sale of sparklers.

**c) Affidavit of Compliance**

A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshall. The affidavit shall be submitted affirming that only products on the State Fire Marshall's approved List of Sparklers and Novelty Items will be sold and that violation of the affidavit may result in an injunction.

**6) Documentation**

The applicant shall submit copies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and driver's licenses for the applicant's authorized agents.

**d. Mobile Sales [Ord. 2005 – 002]**

Mobile sales shall be conducted from a portable stand, structure, or trailer which is removed each night. Mobile sales operations shall be limited to flowers and food products and shall:

**1) District**

Mobile sales shall be limited to the CC, CG, IL, PO, and MUPD Districts.

**2) Location**

Mobile sales shall not be located in any required parking spaces nor in such a manner as to distract motor vehicle operators or promote, require or cause any vehicles to stop, stand or to park in violation of official traffic-control devices, including, but not limited to, signs, signals, and markings erected by authority of the County or State of Florida for the purpose of regulating, moving or guiding traffic. Mobile sales shall not be located in any driveway aisles or loading areas or interfere with on-site circulation.

**3) Adjacent Residential District**

Mobile sales shall be located a minimum of 300 feet from the property line of any existing residential use.

**4) Number**

Only one mobile sales vendor shall be permitted per parcel of land.

**5) Electric Service**

Electric service shall not be permitted.

**6) Hours of Operation**

Mobile sales may operate between the hours of 6:00 a.m. and 11:00 p.m. daily. **[Ord. 2008-003]**

**7) Renewal**

The Special Permit for mobile sales shall be renewed annually.

**8) Signage**

Shall comply with Article 8, SIGNAGE, subject to special standards and requiring no permit.

**116.Salvage or Junk Yard**

A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof.

**117.Sanitary Landfill or Incinerator**

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

**a. PO District**

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

**b. Accessory Incinerator**

An incinerator may be an accessory use to a hospital.

**118.School, Elementary or Secondary**

An institution of learning, whether public, private or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.

**a. General**

The following standards shall apply to all schools:

**1) Pedestrian Access/Bike Path**

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

**2) Vehicular Circulation**

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

**3) Dumpsters**

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

**4) Signalization**

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

**5) Setbacks**

**a) Residential Districts**

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

**Table 4.B.1.A – Minimum Building Setbacks**

Front	Side	Corner	Rear
25	25	25	25

**b) Non-residential Districts**

Setbacks for schools in all non-residential zoning districts shall be consistent with the district standards.

**6) Maximum Building Height**

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

**7) Outdoor Activity Areas**

Outdoor activity areas shall comply with Article 5.B, ACCESSORY AND TEMPORARY USES.

**8) Lighting**

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

**9) South Florida Water Management District (SFWMD)**

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

**a) Preservation**

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

**b) Wetlands Permits**

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

**c) Construction Documents**

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

**10) Airport Zoning Overlay**

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

**11) Agricultural Reserve Tier**

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

**b. Charter Schools**

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

**c. Public Schools**

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

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

**2) Applicability**

**a) General**

This Section shall apply only to public schools built and operated by the PBC School Board. Other types of School Board development, such as administrative offices, warehouse buildings, etc., shall comply with the regulations of the applicable zoning district.

**b) Previous Approvals and Future Amendments**

Public schools approved prior to June 16, 1992 shall be considered conforming uses. Future amendments to these schools shall be subject to the requirements of this Section and Article 2, Development Review Process and Article 2.D.1, DRO. [Ord. 2005-002]

**3) Approval Process**

**a) Development Review Officer**

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

**(1) DRO Application**

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

**(2) School Site Acquisition**

Proof of compliance with the School Site Acquisition Review procedures required by Intergovernmental Agreement R-93-1600D adopted on 12-7-93.

**(3) DRO**

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

**(4) Standards**

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

**4) Accessory Uses**

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

**a) Accessory Radio Towers**

**(1) Height**

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

**(2) Setbacks**

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

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

**(3) Anchors**

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

**(4) Fencing**

Security fencing or a security wall shall be installed around the base of each tower, each anchor base and each tower accessory building to limit access.

**(5) Sign-Off**

The School Board shall provide a written sign-off from the County Department of Airports stating the tower will not encroach into any public or private airport approach space as established by the Federal Aviation Administration.

**(6) Removal**

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

**b) Water or Waste Water Treatment**

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

**(1) Location/Buffering**

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

**(2) Duration**

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

**5) Property Development Regulations (PDRs)**

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

**a) Maximum Building Height**

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

**b) Lot Size**

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

**c) Building Setbacks**

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

**6) Supplemental Design Standards**

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

**a) Parking**

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

**b) Landscape Buffer**

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

**c) Accessory Recreation**

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

**d) R-O-W Dedication**

Within six months of site plan approval by the DRO, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, plus turn lanes and corner clips, as determined by the County Engineer for any affected road on the County Thoroughfare Map. The conveyance shall include documentation acceptable to the County Engineer that the land is free of all encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney.

**e) Road Improvements**

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

**119. Security or Caretaker Quarters**

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

**a. Number**

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

**b. Maximum Floor Area**

- 1) On less than one acre: 800 square feet. [Ord. 2007-001]
- 2) On one acre or more: 1000 square feet. [Ord. 2007-001]

**c. Occupancy**

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

**d. Accessory Use**

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

(This space intentionally left blank.)

**e. Temporary Use**

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

**f. Mobile Home**

A mobile home may be used for a security or caretaker quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. 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.A.85.c.1), Lot Size. If a mobile home is used, the Special Permit shall be renewed annually. [Ord. 2008-037]

**g. Discontinuation of Use**

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

**120. Self-Service Storage**

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

**a. Types Permitted**

- 1) Limited-access, which is a multi-storied self-service storage facility with limited access points from the exterior of the building to interior halls that serve individual bays.
- 2) Multi-access, storage which is a one story self-service storage facility with multi-access points from the exterior of the building to individual bays.

**b. General**

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

**1) Location**

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

**2) Limitations**

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

**3) Storage Units**

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

**4) Vehicle Rental**

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

**5) Security Quarters**

A security or caretaker quarters use may be allowed on the site of a self-storage facility pursuant to Article 4.B, SUPPLEMENTARY USE STANDARDS.

**6) Outside Storage**

Except as provided in this Section, all goods shall be stored entirely within enclosed buildings. Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained for personal use shall be permitted within a self service storage facility provided the following standards are met:

**a) Location**

The storage shall occur only within a designated area.

**b) Storage Area**

The storage area shall not exceed 50 percent of the lot area.

**c) Screening**

The storage area shall be entirely screened from view from adjacent residential areas and public streets.

**d) Boats**

Boats stored on the site shall be on wheeled trailers.

**e) Repair**

Vehicle repair shall be prohibited.

**7) Landscaping and Buffering**

**a) Wall Option**

A perimeter wall in the landscape buffer may be waived if all of the following standards are met.

**(1) Facades**

The exterior facades of storage structures present an unbroken, wall-like appearance when seen from adjacent lots and streets.

**(3) Wall**

Separate storage structures are connected by a solid opaque wall to give the appearance of structural continuity.

**(3) Access Isles**

No aisle-ways or other vehicle access ways are located in the area between the building and the adjacent property line.

**(4) Buffering**

The area between the building and the adjacent property line is planted as a landscape buffer with a berm or maintained as a vegetation preserve.

**8) Loudspeakers**

Exterior loudspeakers, public address, or paging equipment shall be prohibited.

**9) Door Orientation**

Bay doors shall not face in a residential district nor shall bay doors be visible from a public street.

**10) Barbed Wire**

Barbed or similar wire shall not be visible from any residential district or public street.

**c. Supplemental Standards for Multi-Access Facilities.**

**1) Lot Size**

A minimum of two acres.

**2) Separation**

A minimum of ten feet between buildings.

**3) Bay Size**

A maximum of 500 square feet.

**4) Height**

A maximum of 35 feet.

**5) Circulation**

**a) Interior**

The minimum width of aisle ways between storage structure shall be 20 feet for one-way traffic, and 30 feet if two-way traffic between storage structure.

**b) Flow**

Traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist at a minimum of standard directional signage and painted lane markings with arrows.

**6) Door Orientation and Access**

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

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

**a) Outdoor Storage Area**

A maximum of 30 percent of overall square footage.

**b) Door Orientation**

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

**c) Height**

A maximum of one story.

**d) Multi-Access Storage**

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

**d. Supplemental Standards for Limited Access Facilities**

**1) Lot Size**

A minimum of one acre.

**2) Loading**

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

**e. CLO, CHO, and MUPD Districts**



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

**1) Lot Size**

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

**2) Height**

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

**3) Signage**

One freestanding or one wall sign.

**4) Frontage**

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

**f. Multi-Access and Limited-Access Combinations**

A combination of multi-access and limited-access storage uses may be permitted within the same building or on the same site pursuant to the supplemental standards for both uses.

**g. WCRA Overlay**

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

**121.Shade House**

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

**a. Permits**

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

**Table 4.B.1.A – 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

**b. Commercial Greenhouse**

Commercial greenhouses having roofs and walls made of rolled plastic or other similar materials, used for the indoor cultivation of plants, including hydroponic farming using water containing dissolved inorganic nutrients, may be permitted in the AGR districts, subject to the following: **[Ord. 2006-004]**

**1) DRO Approval**

Commercial greenhouses that exceed the FAR limitations of Table 2.1-1 of the Plan, or with five or more acres of building coverage must be approved by the DRO. **[Ord. 2006-004]**

**2) Property Development Regulations**

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with Table 3.D.1.A, 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 and Loading**

All parking and loading shall occur in the designated areas indicated on the site plan. [Ord. 2006-004]

**a) Parking**

If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles. [Ord. 2006-004]

**b) Loading**

Loading zones shall not be oriented towards residential uses, and shall be setback from property lines a minimum of 250 feet, unless waived by the DRO. [Ord. 2006-004]

**5) Storage**

Only equipment directly related to the facility may be stored on site. All stored equipment must be screened from view from adjacent properties and streets. [Ord. 2006-004]

**6) Interior Lighting**

Greenhouses shall not be illuminated between 9 p.m. and 6 a.m. if light is visible from outside of the structure from any adjacent R-O-W, or properties with a residential FLU designation or use. [Ord. 2006-004]

**7) Accessory Office**

An office is permitted as an accessory use, subject to the following and all other applicable requirements: [Ord. 2006-004]

a) Less than five acres of commercial greenhouse: 1,000 square feet. [Ord. 2006-004]

b) Greater than five acres of commercial greenhouse: 2,000 square feet. [Ord. 2006-004]

c) Bathroom facilities shall not be included in the calculation of office square footage. [Ord. 2006-004]

**8) Signage**

Signage for commercial greenhouses shall be limited to one freestanding sign located at the projects primary entrance. [Ord. 2006-004]

**122.Single-family**

The use of a lot or a structure for one detached dwelling unit, excluding a mobile home but including a manufactured building.

**123.Solid Waste Transfer Station**

A facility where solid waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at a transfer station.

**a. Frontage**

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

**b. Setbacks**

All portions of a transfer station, including structures, ramps, parking and on site circulation areas, shall be setback a minimum of 25 feet from all property lines, lakes, canals, water management tracts, retention/detention areas, drainage swales, and other water bodies.

**c. Screening**

All storage areas shall be screened from view by walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from streets or adjacent lots. In no event shall the height of solid waste stored outdoors exceed 25 feet.

**d. Buffer**

A minimum width of 50 feet municipality buffer shall be provided adjacent to an existing residential use, district or FLU designation: The DRO may waive required landscaping not visible from adjacent lots or streets.

**e. Storage Areas**

All solid waste stored outdoors shall be in leak-proof containers or located on a paved surface designed to capture all run-off. Run-off shall be treated in a manner that is in conformance with local, State and Federal regulations.

**f. Supplemental Application Requirements**

**1) Access**

A graphic and written analysis of access routes to the site.

**2) Type**

An explanation of the type of facility requested including a description of the materials to be handled, methods of operation, handling procedures, whether sorting will occur, and runoff treatment plans.

**3) Waste**

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

**4) Hours of Operation**

A statement specifying the hours of operation.

**5) SWA Permit**

Prior to approval by the DRO, the applicant shall obtain a permit from, and post a bond with the SWA.

**124. Special Event**

A temporary activity which includes rides, amusements, food, games, crafts, performances, or services. Typical uses include carnivals, circuses, auctions, and revivals.

**a. Duration**

A maximum of 14 consecutive calendar days. Special events exceeding 14 days shall require approval of a Class A conditional use.

**b. Setbacks**

All buildings, trailers, vehicles, tents, mechanical devices, rides or animals related to an amusement or special event shall comply with the minimum setbacks of the district and shall be locked at a minimum of 50 feet from a street and 200 feet from any property line adjacent to a residential use.

**c. Frontage**

The minimum frontage on a public street shall be 200 feet. A special event shall not be permitted if the frontage abuts a street under construction.

**1) U/S Tier**

Primary access shall be from a paved arterial or collector street.

**2) Rural Tier**

In the Rural, Exurban, AGR and Glades Tiers, primary access shall be from a paved street. Access shall minimize traffic through nearby residential areas. Back-out parking directly onto a public street shall be prohibited.

**d. Parking**

Off-site parking may be and allowed subject to a Special Permit and conditions for temporary special events.

**e. Events Per Year**

There shall be no more than three special events permitted in any one calendar year per parcel of land.

**f. Attendance**

DRO approval shall be required for any event projected to attract more than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application.

**g. Separation**

A Special Permit shall not be issued for the same dates for two or more special events within one-half mile from each other.

**h. AR/RSA**

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

**125. Stable, Commercial**

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

**a. Use Limitations**

A commercial stable shall be limited to raising, breeding, training, boarding, and grooming of horses, or rental (livery) of horses for riding and instruction.

**b. Lot Size**

A minimum of five acres.

**c. Frontage**

The minimum required frontage on a public street to be used from the primary point of access shall be 100 feet, or the minimum standard of the Tier in which the stable is located, whichever is greater.

**d. Setbacks**

A minimum of 25 feet from any property line, or the minimum setback of the district, whichever is greater.

**e. LOSTO**

A commercial stable with 20 or fewer stalls shall be allowed as a Special Permit.

**126.Stable, Private**

The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A private stable shall comply with the PBACD.

**a. Boarding**

On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted.

**b. Setbacks**

**1) Accessory Structure**

A private stable with twelve stalls or fewer located on a parcel with a single family residence shall be considered an accessory structure and shall meet the setback requirements for an accessory structure, or 25 feet, whichever is greater.

**2) Principal Structure**

A private stable with more than twelve stalls located on a parcel with a single family residence, or a vacant parcel, shall be considered a principal structure and shall meet the applicable setback requirements for a principal structure.

**127.Sugar Mill or Refinery**

An establishment for the extraction and refining of sugar from agricultural products.

**a. Setback**

Shall be setback 300 feet from off-site residentially occupied or zoned property. In the AR district, a sugar mill or refinery shall be permitted on land in a RR FLU designation as a Class A conditional use.

**128.Theater, Drive-In**

An establishment for the outdoor viewing of motion pictures by patrons while in their vehicles.

**a. CRE District**

Shall not be allowed in a RR FLU designation.

**129.Theater, Indoor**

An establishment for showing motion pictures or live performances in an enclosed building.

**a. CRE District**

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

**b. CC, CG, MUPD and LCC Districts**

Indoor theaters not exceeding 15,000 square feet are a permitted use. [Ord. 2010-005]

**c. IL District**

An indoor theater exceeding three acres in the IL district shall rezone to the CRE district.

**130.Towing Service and Storage**

The use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot and subject to the following standards:

a. Outdoor storage standards and screening requirements of Article 5.B, ACCESSORY AND TEMPORARY USES.

b. Towtruck and towing and storage regulations of Towtruck Ord. No.2002-007 as amended.

**131.Truck Stop**

A facility which provides fueling, parking, washing, repair and maintenance services, food service, overnight accommodations, and incidental retail sales for transient commercial vehicles.

**a. Frontage**

A minimum of 200 feet on an arterial street only.

**b. Lot Size**

**1) Ten Acres or Less**

Shall be permitted as a Class A conditional use in the IL and IG districts.

**2) Greater than Ten Acres**

Shall require approval as a MUPD or PIPD. The proposed site shall have an IND FLU designation.

**c. Setbacks**

Parking shall be setback a minimum of 200 feet from any existing residential use, district or FLU designation.

**d. Buffer**

Perimeter landscape buffers adjacent to an existing residential district, use or FLU designation shall include a six foot high berm topped by a six foot high opaque wall or fence.

**e. Security**

24 hour on site security shall be provided.

**f. Accessory Uses**

The following uses may be allowed in conjunction with a truck stop, subject to the requirements of the underlying zoning district: convenience store with gas sales, general repair and maintenance, restaurant, car wash, security or caretakers quarters, personal services, and business office. Use permitted based on the zoning designation of the site: general repair and maintenance; truck wash facilities; convenience stores; general or specialty restaurants; hotel/motel accommodations; and general office services.

**132.Townhouse**

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

**a. RS Zoning District with MR5 FLU Designation**

A townhouse development in the RS zoning district with a MR5 FLU designation shall require a Class A conditional use approval. [Ord. 2005 – 002]

**133.Transportation Facility**

A facility for loading, unloading, and interchange of passengers, baggage, and freight or package express between modes of transportation. Typical uses include bus terminals, railroad stations and yards, and major mail-processing centers.

**a. Transportation Transfer Facility (distribution)**

An establishment providing for the transfer of transportation or other motorized vehicles, but not involving vehicle sales or rental (retail or wholesale). Typical uses include the transfer of automobiles, trucks, heavy equipment, or other motorized vehicles prior to distribution to retail dealers.

- 1) Permitted only in districts with an industrial zoning designation. The facility shall be subject to the same approval requirements indicated in the use matrix as a transportation facility except for commercial districts.

**134.Utility, Minor**

Mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations, 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. [Ord. 2006-004] [Ord. 2007-013]

**a. Floor Area**

**1) Residential Districts [Ord. 2004-040]**

A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied accessory facilities. [Ord. 2007-013]

**2) Non-residential Districts**

A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied accessory facilities. [Ord. 2004-040] [Ord. 2007-013]

- 3) A minor utility exceeding either standard above may be approved as a Class A Conditional Use or a Requested Use. [Ord. 2004-040]

**b. Buffer**

A minor utility shall be located and buffered to ensure compatibility with surrounding land uses. Increased setbacks, screening, and buffering around the utility may be required to ensure compatibility. [Ord. 2004-040]

**c. Lift Station**

**1) New Subdivisions**

Facilities located in new subdivisions shall be subject to DRO approval concurrent with the subdivision approval.

**2) Streets**

Facilities located within streets or utility easements shall not be subject to DRO approval.

**d. Electric Distribution Substations**

For the purposes of this section, shall be 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 of more distribution lines less than 69 kilowatts in size. An electrical distribution substation shall comply with the following: **[Ord. 2007-013]**

**1) Exemptions**

Electrical substations are exempt from the floor area limitations. **[Ord. 2007-013]**

**2) Landscape Buffering in Residential Areas**

Where located in and adjacent to parcels with residential uses or a FLU designation landscape buffering shall be upgraded as follows: **[Ord. 2007-013]**

a) An eight-foot wall or fence shall be installed around the substation where equipment or structures are setback less than 50 feet. Landscaping materials shall be native. **[Ord. 2007-013]**

b) An open green space shall be maintained between required perimeter buffers and 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. Required green spaces shall be planted with double the amount of interior trees and shrubs required by Table 7.C.3, Minimum Tier Requirements, in addition to normal interior landscaping requirements. **[Ord. 2007-013]**

**3) Landscape Buffering – General**

Required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed 14 feet of height. **[Ord. 2007-013]**

**e. States of Emergency**

The PZ&B Executive Director may request a waiver from the review timeframes for each case of a declared emergency that directly affects the permitting activities of the local Government. **[Ord. 2007-013]**

**135. Vehicle Sales and Rental**

An establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental.

**a. Development Standards**

**1) Lot Size**

A minimum of three acres.

**2) IL District**

A minimum of one acre.

**3) Accessory Uses**

Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located a minimum of 100 feet from any residential district.

**4) Bay Doors**

Service bay doors shall not be oriented toward any adjacent property in a residential district or toward any adjacent public street.

**5) Outdoor Activities**

There shall be no outdoor repair of vehicles or outdoor storage of disassembled vehicles or parts.

**6) Sales Office**

No mobile home, recreational vehicle, or other vehicle shall be used as a sales office, storage space or as a dwelling unit.

**7) Car Wash**

Car wash facilities shall use a water recycling system.

**8) Loudspeakers**

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

**9) Loading Space**

Loading space shall be setback a minimum of 100 feet from an existing residential district, use or FLU designation.

**10) Parking**

Vehicles otherwise stated in this Section, all vehicular use areas for display, sale, rent, or storage shall comply with Article 6, PARKING.

**b. Display**

Outdoor area storage and display areas shall be permitted, subject to the following requirements:

**1) Bull Pen Storage**

Vehicle may be stored outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops. Outdoor sales and display parking shall conform to Article 6, PARKING, except for space striping. Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees. Vehicles shall not be stored or temporarily parked in a required parking space, handicap parking space, driveway, queuing area, fire lane, or other vehicle circulation area.

**2) Parking**

A barrier shall be provided between vehicles or display and customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.

**3) Display**

No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part.

**4) Operating Conditions**

No vehicles shall be stored or displayed on-site except those which are intended for sale, rental or lease, and are in safe operating and running condition.

**c. District and Overlay Limitations**

**1) CC, CG IL, and MUPD Districts**

**a) Truck and Trailer Rental**

Truck and trailer rental, limited to a maximum of five vehicles per lot, shall be permitted as an accessory use to an auto service station or convenience store with gas sales subject to DRO approval. Truck and trailer rental exceeding five vehicles shall be permitted subject to requested or Class B conditional use approval. Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping. No truck or trailer shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.

**2) CG and MUPD Districts**

A vehicle sales and rental facility consisting of an indoor vehicle showroom only shall be allowed subject to DRO approval and the following criteria.

**a) Floor Area**

A maximum of 30,000 square feet and 15 display vehicles.

**b) New Vehicles**

Display shall be limited to new vehicles only.

**c) Test Drives**

Test drives shall not be permitted from the indoor vehicle showroom or on-site.

**d) Parking**

Vehicles for sale or lease shall not be parked or displayed outside of the showroom. Trucks used to transport vehicles to and from the showroom shall not be parked in required loading spaces and shall not be stored on-site.

**e) Vehicle Operations**

Display vehicles shall not operate engines during store hours. Engines shall only be permitted to operate during the transport of vehicle into or out of the showroom.

**f) Maintenance and Repair**

Maintenance, repair, painting or detailing shall not occur on-site.

**3) IL District**

In the district vehicle sales and rental uses shall be limited to the following:

**a) Accessory Use**

In the IL districts limited vehicle sales may be permitted as an accessory use to general repair and maintenance facilities, subject to DRO approval. The vehicle sales use shall be limited to a maximum of five vehicles per lot. Designated storage spaces for each

vehicle shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of walls, fences or landscaping. No vehicle shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.

**(1) Display**

Vehicles on display shall be located within 100 feet of a repair bay.

**b) Automobile Rental**

Automobile rental shall be subject to Class A conditional use approval.

**c) Mobile Home, RV, and Heavy Equipment Sales or Rental**

The sale or rental of mobile homes, recreational vehicles or heavy equipment shall be permitted subject to Class B conditional use approval.

**d) Rental Equipment**

Construction equipment, moving trailer, farm equipment, and farm implement and machinery sales and rental uses shall require DRO approval.

**4) WCRA Overlay**

Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.15.E – WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**

**d. Temporary Sale**

The temporary sale of vehicles shall be allowed as a Special Permit, and subject to the following additional standards.

**1) CG, IL, and MUPD Districts**

Temporary sale of vehicles shall be permitted.

**2) Lot Size**

A minimum of ten acres.

**3) Separation**

A minimum of 50 feet from all buildings.

**4) Duration**

Temporary sales shall be limited to five consecutive calendar days and shall be prohibited during the months of November and December.

**5) Parking**

A maximum of 50 required off-street parking spaces may be utilized. No activities shall extend beyond the permitted area.

**6) Signage**

Signage shall be permitted only in the designated event area.

**7) Hours of Operation**

Hours of operation shall be from 8:00 a.m. to 9:00 p.m.

**8) Location**

There shall be suitable access to the event area, subject to Zoning Division approval.

**e. Neighborhood Vehicle Rental Facility**

A rental facility that is limited to a maximum of six vehicles stored on site. For the purpose of this section vehicles shall be limited to cars, sports utility vehicles, standard pick up trucks, and minivans. **[Ord. 2009-040]**

**1) Development Standards**

**a) Minimum Lot Size**

The lot size shall comply with the minimum required for the applicable zoning district. Legal non-conforming 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]**

**b) Zoning Districts**

Facilities shall be permitted in the CN, CC, and CG zoning districts; PDDs with a CH or CL FLU designation; and the Neighborhood Center (NC) of a TDD. **[Ord. 2009-040]**

**c) Approval Process**

This use shall be subject to DRO approval. **[Ord. 2009-040]**

**d) Parking**

The rental vehicles shall be parked in specifically designated spaces or located in bull pen storage. Vehicles shall not be parked in required or handicap spaces, driveways, queuing areas, fire lanes, or other vehicular circulation areas. **[Ord. 2009-040]**



**e) Outdoor Activities**

Maintenance, repair, detailing, washing, cleaning or related activities shall not be conducted on site. [Ord. 2009-040]

**f. Infill Redevelopment Overlay (IRO)**

A vehicle sales and rental use located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]

**136. Veterinary Clinic**

An establishment engaged in providing medical care, treatment and temporary boarding for animals.

**a. AR and AGR Districts**

Shall be limited to livestock only and located on a minimum of five acres.

**b. CN District**

Shall not have outdoor facilities nor occupy more than 3,000 square feet of GFA.

**c. LCC District**

A veterinary clinic shall not include outdoor runs or boarding facilities and shall not occupy more than 5,000 square feet of GFA. [Ord. 2010-005]

**d. Infill Redevelopment Overlay**

A veterinary clinic shall not include outdoor runs. Boarding facilities shall comply with the standards for a type III commercial kennel. [Ord. 2010-005]

**e. Outdoor Runs**

A veterinary clinic with outdoor runs or boarding facilities shall comply with the following standards:

**1) Lot Size**

A minimum of one acre.

**2) Setbacks**

Outdoor runs and boarding facilities shall not be located within 50 feet of any property line adjacent to an existing residential use, district or FLU; or 25 feet from any property line adjacent to a non-residential zoning district, use, or FLU.

**3) WCRAO**

Outdoor runs shall not be located within 25 feet of any property line.

**4) Design Runs**

Outdoor runs shall have a hard surface or grass with drains every ten feet, and shall be connected to an approved sanitary facility. A six foot high fence shall be required around the runs. If the fence is not opaque, a continuous opaque hedge, a minimum of four feet at installation, shall be provided around the run.

**137. Vocational School**

An establishment offering regularly scheduled instruction in technical, commercial, or trade skills such as business, real estate, building and construction trades, electronics, computer programming and technology, automotive or aircraft mechanics and technology, or other type of vocational instruction.

**a. AGR, CC, CG and LCC Districts**

A vocational school shall not involve heavy equipment or machinery, motor vehicle engines, or aircraft unless approved as a Class A conditional use. [Ord. 2010-005]

**b. AGR-PUD**

A Vocational School is not permitted.

**138. Warehouse**

A building used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

**a. Accessory Office**

The maximum percentage of office space in each warehouse bay shall be 30 percent of the GFA, unless approved as a Class A conditional use.

**b. Sales**

General retail sales shall be prohibited.

**c. Manufacturing**

Manufacturing, assembly or processing shall be prohibited in a warehouse.

**d. WCRA Overlay**

Warehouse and office/warehouse uses are prohibited in the NR, NRM, NG, and NC sub-areas, as outlined in Table 3.B.15.E, WCRAO Sub-area Use Regulations. Office and warehouse combinations, such as a construction office for special trade contractors, or a commercial wholesale trade establishment consisting of a mix of independent business offices each having a contiguous, accessory enclosed storage area which is internally accessible to the office, shall be

permitted in the UG, UH, and UI sub-areas pursuant to a Class A Conditional or Requested Use, limited to lots with a CH or IND FLU Designation and corresponding zoning district. The office/warehouse development must have an office space a minimum of 25 percent of the gross floor area for each bay. [Ord. 2006-004]

**e. Parking in PDDs**

Facilities located in a PDD shall comply with Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements. [Ord. 2008-037]

**f. Flex Space**

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

**139. Water or Treatment Plant**

A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

**a. Location**

In the AGR district, a water or wastewater treatment plant shall not be located west of SR 7/ US 441.

**b. Odor**

Facilities shall be designed and operated to minimize objectionable odors.

**c. Compatibility**

For purpose of this Section, the AR district is not considered a residential district. Required setbacks, screening and buffering are as follows:

(This space intentionally left blank.)

**Table 4.B.1.A – Wastewater Treatment Facility Setbacks**

Type/Capacity	Type of Facility	Setback from Residential and Commercial District	Setback From Non-Residential and Non-Commercial District
Wastewater treatment facilities over one million gallons per day capacity:	Head works, clarifiers, sludge treatment & handling facilities without odor control	750 feet	500 feet
	Head works, clarifiers, sludge treatment & handling facilities with odor control	300 feet <sup>2</sup>	200 feet <sup>1</sup>
	Chemical storage facilities	300 feet	200 feet
	Accessory facilities	200 feet	100 feet
Wastewater treatment facilities up to one million gallons per day capacity including package treatment facilities	Treatment units without odor control	150 feet	150 feet
	Treatment units with odor control	100 feet <sup>1</sup>	100 feet <sup>1</sup>
	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) <sup>3,4</sup>	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
<b>Notes:</b> <ol style="list-style-type: none"> <li>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.</li> <li>Tertiary filters do not require odor control.</li> <li>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. <b>[Ord. 2007-013]</b></li> <li>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. <b>[Ord. 2007-013]</b></li> </ol>			

**Table 4.B.1.A – Water Treatment Facility Setbacks for Open Treatment Process**

Type/Capacity	Type of Facility	Setback
Water treatment facilities over two millions gallons per day capacity	Treatment units and chemical storage	200 feet
	Units which cause airborne sulfides	500 feet <sup>1</sup>
	Accessory facilities	100 feet
Water treatment facilities up to two million gallons per day capacity, including package treatment facilities	Treatment units and chemical storage	100 feet
	Units which cause airborne sulfides	250 feet <sup>2</sup>
	Accessory units	100 feet
<b>Notes:</b> <b>[Ord. 2004-054] [Ord. 2007-013]</b> 1. Odor Control. Unless treatment for removal of sulfides for odor control is included. <b>[Ord. 2004-054]</b> 2. Maximum building height. Buildings not including storage tanks and water towers higher than 35 feet are allowed provided the following setbacks are met: <b>[Ord. 2004-054] [Ord. 2007-013]</b> 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.1.A – Water Treatment Facility Setbacks For Enclosed Treatment Process without Gas Chlorine**

Type/Capacity	Yard	Setback
Water treatment facilities over two million gallons per day capacity	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	200 feet <sup>1</sup>
Water treatment facilities 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
<b>Notes:</b> 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, or AP zoning district and FLU designations.		

**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 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]**

**d. Package Treatment Facility**

Package water or wastewater treatment facilities shall comply with the following additional standards:

**1) USA**

If a package treatment facility is proposed to be developed in the designated Urban Service Area (USA) confirmation shall be provided from the appropriate utility that central water or wastewater service is not available at the time the application for development permit is submitted and that service is projected to be unavailable within four years of that date.

**2) LSA**

If a package treatment facility is proposed to be developed in the Limited Service Area (LSA), confirmation shall be provided from the PBCHD that use of a package treatment plant is necessary to protect water quality. The PBCHD shall certify that the uses proposed can be adequately served with a package treatment plant.

**3) RSA**

If a package treatment facility is proposed to be developed in the Rural Service Area (RSA), there shall be demonstrated evidence that it is to be used to provide potable water or wastewater service to bona fide agricultural uses, public recreational uses, public educational uses, or other uses when found to be consistent with the Plan by the Planning Director and upon approval of the Director of the PBCHD. The PBCHD may impose conditions or restrictions necessary to protect public health and prevent the creation of a nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in Chapter 17-602, F.A.C., the BCC, may require a higher level of operator coverage.

**e. Effect on Previously Approved Facilities**

Water and wastewater treatment facilities approved prior to the effective date of this Code shall be considered conforming uses. Expansion 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 lower 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]**

**f. Dewatered Domestic Wastewater Residual Land Application**

Class A or B Dewatered Domestic Wastewater Residuals (DDWR), as defined by Chapter 17-640, F.A.C., may be applied to land in bona fide agricultural operation in the AP, AGR and AR districts. Class AA DDWR, as defined by Chapter 17-640, F.A.C., has unlimited distribution pursuant to Chapter 17-640, F.A.C. Nothing herein shall preclude disposal of DDWR at a landfill or at a wastewater treatment facility in compliance with applicable Federal, State and local regulations nor effect any DDWR operation approved prior to the effective date of this Code.

**1) AP and AGR Districts**

A Class A or B DDWR shall be permitted on the site of a bona fide agricultural operation as a matter of right in the AP and AGR districts in compliance with FDEP standards in Chapter 17-640, F.A.C., as verified by the PBCHD. Following verification, the PBCHD shall be notified of the proposed first date of the land application no fewer than thirty days prior to land application.

**2) AR District**

Land application for a Class A or B DDWR shall be permitted in the AR district on the site of a bona fide agricultural operation following approval by the DRO. An applicant shall demonstrate compliance with FDEP standards except that the required separation from buildings and other property lines shall be as specified below. In the case of several adjacent properties which apply for a DDWR the properties may be combined for the purpose of measuring the required separation and the separation may be measured from the boundary of the most exterior property.

**a) External Separation**

There shall be a minimum separation of 500 feet from any off-site structure occupied on a daily or frequent basis by people. This distance shall be measured from the perimeter of the DDWR application area outward toward the structure.

**b) Internal Separation**

Internal to the site, there shall be a minimum 200 foot separation from the perimeter of the DDWR application area to the property line of the parcel.

**c) Setbacks**

These setbacks may be reduced or increased by the Director of the PBCHD.

#### **140. Wholesaling, General**

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

##### **a. Flex Space**

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

#### **141-1. Work/Live Space**

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]

##### **a. Non-residential Designation**

Both residential and non-residential square footage shall be counted towards the maximum FAR allowed for the district. [Ord. 2010-005]

##### **b. Floor Area**

Shall not exceed 1,000 square feet of living area. [Ord. 2004-040]

##### **c. Office Space**

A minimum of ten percent of the living area shall be designated as office space. [Ord. 2004-040]

##### **d. WCRAO**

Shall be permitted in accordance with Table 3.B.15.E – WCRAO Sub-area Use Regulations. [Ord. 2007-013]

#### **141-2. Live/Work**

Live/Work – a mixed use consisting of one residential dwelling unit collocated with any permitted non-residential use pursuant to the applicable zoning district, where permitted by the Florida Building Code. [Ord. 2010-005]

##### **a. Mixed Use Designation**

The residential unit shall be counted as density with no limit on maximum square footage, and the non-residential use shall be counted as building square footage. Both shall comply with the allowable density and FAR permitted in the Zoning district. [Ord. 2010-005]

##### **b. Final Site Plan**

To ensure compliance with parking, concurrency and building code requirements, among others, the square footage for both the residential unit and the non-residential use shall be clearly indicated on the Final Site Plan for each live/work unit. [Ord. 2010-005]

##### **c. Residential Limitations**

Non-residential uses or other similar activities other than home office shall be prohibited within the residential unit portion. [Ord. 2010-005]

#### **142. Zero Lot Line Home**

The use of a lot for one detached dwelling unit with at least one wall, but not more than two walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building. Subject to additional standards in Article 3, OVERLAYS & ZONING DISTRICTS.

##### **a. RS Zoning District with MR5 FLU Designation**

A ZLL development in the RS zoning district with a MR5 FLU designation shall require a Class A conditional use approval. [Ord. 2005 – 002]

#### **143. Zoo**

Means a place where animals are kept in captivity for the public to view or for educational or animal rehabilitative purposes.

##### **a. AR District**

A zoo shall be located on a minimum of ten acres and shall provide a 500 foot buffer adjacent to existing residential uses, districts or FLU designated property.

##### **b. Accessory Uses**

A veterinary clinic, gift shop, and food service may be permitted as accessory uses to a zoo.

##### **c. Setbacks**

No animal containment area shall be located within 500 feet of any residential district.

## **CHAPTER C COMMUNICATION TOWER, COMMERCIAL**

Commercial communication tower use shall comply with the following supplementary use standards. If this Section prohibits a government-owned tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria of this Section may be waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the modification.

### **Section 1 States of Emergency**

The PZ&B Executive Director may request a waiver to the review timeframes for each case of a declared emergency that directly affects the permitting activities of the local Government. **[Ord. 2006-004]**

### **Section 2 Definitions**

See Art. 1.1, Definitions and Acronyms

### **Section 3 Siting Requirements**

#### **A. Stealth Towers**

##### **1. Permitted Districts**

Stealth facilities may be permitted and shall be reviewed as provided in Table 4.C.2.I, Residential District, Tower Location and Type of Review, and Table 4.C.2.1 Non-Residential Districts, Tower Location, and Type of Review, and as provided herein.

##### **2. Separation and Setbacks**

Separation or setbacks for stealth facilities shall be established as provided in Table 4.C.2.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.2.I, Distances for Towers Located in Non-Residential Districts Separation and Setback.

##### **3. Criteria**

Stealth structures shall comply with the following criteria:

- a. The structure shall be compatible with the architectural style of the existing buildings/structures on site and with the character of the surrounding area. A determination of architectural compatibility shall include, but not be limited to, color, type of building material, and architectural style;
- b. The structure shall be consistent with the character of existing uses on site;
- c. Communications equipment or devices shall not be readily identifiable;
- d. The structure shall be related to and integrated into the existing natural and/or man-made environment to the greatest extent possible; and
- e. The maximum height of the structure shall not exceed 200 feet.

##### **4. Stealth Towers in Certain Residential Zoning Districts**

Subject to the limitations provided in this subsection, stealth towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, public or private civic pods only.

##### **a. Approval**

Stealth towers shall be permitted and reviewed as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review.

##### **b. Separation and Setback from Existing Residential Structures**

The minimum separation from any existing residential structure shall be 150 percent in tower height. In addition, the tower shall be setback a distance of at least 100 percent of tower height from any property line adjacent to an existing residential use.

##### **c. Setback from Vacant Residential Property**

The minimum setback from any adjacent vacant residential property shall be at least 100 percent of tower height from any such property line.

##### **d. Setbacks from Nonresidential Zoning Districts of Public R-O-W**

The minimum setback from any adjacent nonresidential zoning district or public streets shall be the greater of the required district setback or 20 percent of tower height.

##### **e. Associated Uses**

The stealth towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility, excluding electrical transmission line streets as provided herein; government services; park, passive; park, public; school, elementary or secondary; solid waste transfer station; utility minor;

or water or wastewater treatment plant; commercial, office or industrial development. Stealth towers in the form of flagpoles shall be exempt from Article 8.G.3.C, Flags and Freestanding Flagpoles.

**5. Waivers from Required Dimensional Criteria**

A waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Article 4.C.3.K, Waiver from Required Dimensional Criteria.

**6. Mandatory Collocation**

A stealth tower shall be required to accommodate a minimum of two providers. However, an applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures of this Section indicate no other service provider wishes to collocate on the structure.

**7. Public Parks Five Acres or Greater**

The minimum separation between any existing residential structure, and stealth towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent nonresidential zoning district or public R-OW.

**B. Camouflage Towers**

**1. Permitted Districts**

Camouflage towers shall be permitted and reviewed as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review, and Table 4.C.2.I, Non-Residential Districts, Tower Location, and Type of Review and as provided herein.

**2. Separation and Setback**

Separation and setbacks for camouflage facilities shall be established as provided in Table 4.C.2.I, Distances for Towers Located in and adjacent to Residential Districts Separations and Setback and Table 4.C.2.I, Distances for Towers Located in Non-residential Districts Separations and Setback.

**3. Criteria**

Camouflage towers shall comply with the following criteria;

- a. The structure shall have an additional function other than antenna support.
- b. The maximum height of the structure shall not exceed:
  - 1) 100 feet for a single provider;
  - 2) 125 feet for a minimum of two providers; or
  - 3) 150 feet for a minimum of three providers.

Prior to the issuance of a building permit for a structure with two or more providers, the applicant shall provide proof of collocation in a form acceptable to the County Attorney and Zoning Director.

**4. Camouflage Towers in Certain Residential Zoning Districts**

Subject to the limitations provided in this subsection, camouflage towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, public or private civic pods only.

**a. Approval**

Camouflage towers shall be permitted and reviewed as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review.

**b. Separation and Setback from Existing Residential Structures**

The minimum separation from any existing residential structure shall be 150 percent of tower height. In addition, the tower shall be setback a distance of at least 100 percent of tower height from any property line adjacent to an existing residential use.

**c. Setback from Vacant Residential Property**

The minimum setback from any adjacent vacant residential property shall be at least 100 percent of tower height from any such property line.

**d. Setbacks from Nonresidential Zoning Districts of Public R-O-W**

The minimum setback from any adjacent nonresidential zoning district or public streets shall be the greater of the required district setback or 20 percent of tower height.

**e. Associated Uses**

The camouflage towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility, excluding electrical transmission line streets as provided herein; government services; park,



passive; park, public; school, elementary or secondary; solid waste transfer station; utility, minor; or water or wastewater treatment plant; commercial, office or industrial development.

**5. Waivers**

A waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Article 4.C.3.K, Waiver from Required Dimensional Criteria.

**6. Additional Submission Requirements**

Applications for approval to install a camouflage tower shall include the following information:

- a. A colorized illustration or representation of the proposed tower.
- b. The height, diameter, and coloration of the proposed facility.
- c. A statement of compatibility to indicate the nature and character of the surrounding area, and how the proposed facility will be consistent with the overall characteristics of the area.

**7. Public Parks Five Acres or Greater**

The minimum separation between any existing residential structure, and camouflage towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-OW.

**C. Electrical Transmission Line Streets**

Communication towers, antennas, and related facilities may be located in such streets as provided herein.

**1. Transmission Poles**

Antennas attached to existing electrical transmission poles shall not be required to obtain building permits. Building permits are required for accessory structures, such as equipment cabinets, constructed to support such antennas or panels. Height increases to transmission poles to allow antenna attachment shall be subject to the provisions of this Section

**2. Combined Transmission/Communication Structures**

Combined transmission/communication structures may be installed in an electrical transmission streets as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review, and Table 4.C.2.I, Non-Residential District Tower Location and Type of Review, and subject to the following requirements.

- a. Structures installed in transmission line streets with a residential Plan and Zoning designation shall:
  - 1) be located in streets a minimum of 250 feet in width;
  - 2) be limited to combination structures which are similar to monopole towers;
  - 3) not exceed 100 feet in height, however the height may be increased to a maximum of 125 feet if an additional provider is accommodated, and proof of collocation is provided in a form acceptable to the County Attorney and the Zoning Director;
  - 4) be setback a minimum 150 feet from any property line possessing a residential designation;
  - 5) not be located within a PUD unless approved by the BCC as a Class A conditional use; and
  - 6) require review as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review, and Table 4.C.2.I, Non-Residential District Tower Location and Type of Review.
- b. Transmission lines streets in areas with a nonresidential Plan and Zoning designation shall:
  - 1) be located in streets a minimum of 250 feet in width;
  - 2) be limited to combination structures which are similar to monopole towers or self support towers; not exceed 300 feet in height;
  - 3) be setback a minimum of 200 feet from any property line possessing a nonresidential designation; and
  - 4) be setback a minimum of 100 feet from any property line possessing a nonresidential designation; and
  - 5) require review as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review, and Table 4.C.2.I, Non-Residential District Tower Location and Type of Review.

**3. Separation of New Combined Transmission/Communication Structures**

New Combined Transmission Communication Structures shall be subject to the as provided in Table 4.C.4.D, Separations/Distances Between Towers.

**D. Florida Department of Transportation (FDOT) Streets**

Within the streets for I-95 and the Florida Turnpike owned or controlled by the FDOT, towers, antennas, or panels may be installed as follows.

**1. Installation of Antennas and Panels**

Antennas and panels may be attached to existing communication towers, light standards, or other structures or facilities subject only to building permit review.

**2. Construction of New Towers**

New towers constructed within streets shall comply with the following requirements;

- a. Towers installed in those portions of streets immediately adjacent to any property possessing a residential designation shall:
  - 1) be located in a street at least 250 feet in width;
  - 2) be only a monopole or lattice tower;
  - 3) not exceed 150 feet in height;
  - 4) be setback a minimum of 150 feet from the nearest property line; and
  - 5) require review as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review, and Table 4.C.2.I, Non-Residential District Tower Location and Type of Review.
- b. Towers installed in those portions of streets immediately adjacent to any property possessing a nonresidential designation shall:
  - 1) be located in a street at least 200 feet in width;
  - 2) be only a monopole or lattice tower;
  - 3) not exceed 200 feet in height;
  - 4) be setback a minimum of 75 feet from the nearest nonresidential property line and 50 feet from any residential property line; and
  - 5) require review as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review, and Table 4.C.2.I, Non-Residential Districts, Tower Location, and Type of Review.

**3. Separation of New Towers**

New towers shall be subject to the separation distances as provided in Table 4.C.4.D, Separation/Distances Between Towers, of this Section.

**E. Monopole Towers**

**1. Permitted Districts**

Monopole towers may be permitted and shall be reviewed as provided in Table 4.C.2.I, Residential Districts Tower Location, and Type of Review, and Table 4.C.2.I, Non-Residential Districts, Tower Location, and Type of Review.

**2. Separations and Setbacks**

Monopole towers shall provide the separations and setbacks as established in Table 4.C.2.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.2.I, Distances for Towers Located in and Adjacent to Non-Residential District Separation and Setback.

**3. Increase in Height**

The height of a monopole tower may be increased as provided herein.

**a. Percentage of Increase**

The height of a proposed monopole tower may be increased by 20 percent, one time only, without regard to required separation or setback requirements, for all applications which provide proof of the collocation of an additional personal wireless service provider. Additional increases are subject to setbacks and separations of this Code.

**b. Proof of Collocation**

Proof of collocation shall be provided in a form acceptable to the County Attorney and the Zoning Director. Proof of collocation shall include an executed contract or lease providing for use of the facility for a period of at least ten years.

**F. Self Support/Lattice Towers**

**1. Permitted Districts**

Self-support or lattice towers may be permitted and shall be reviewed as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review and Table 4.C.2.I, and Type of Review. Non-Residential District Tower Location

**2. Separations and Setbacks**

Lattice towers shall provide the separations and setbacks as established in Table 4.C.2.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.2.I, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback.

**G. Guyed Towers**

**1. Permitted Districts**

Guyed towers may be permitted and shall be reviewed as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review and Table 4.C.2.C, Non-Residential District Tower Location and Type of Review.

**2. Separations and Setbacks**

Guyed towers shall provide the separations and setbacks as established in Table 4.C.2.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.2.I, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback.

**3. Setbacks**

Breakpoint calculations may be provided to demonstrate a tower will collapse within the minimum required district setbacks. Breakpoint calculations shall be certified by a professional engineer, licensed in the State of Florida.

**4. Anchors**

Peripheral supports and guy anchors may be located within required setbacks provided they shall be located entirely within the boundaries of the property on which the communication tower is located. Peripheral supports and guy anchors shall be located at least ten feet from all property lines.

**H. Compatibility**

To assist in ensuring compatibility between a proposed communication tower and surrounding land uses, the information listed below shall be included with all applications for development approval, development order amendments, etc.

**1. Site and Tower Location**

The proposed site of a tower and the proposed location of the tower within that site, indicated on an official PBC zoning quad sheet.

**2. Aerial Photography**

The proposed location of a tower, indicated on an aerial map possessing a scale of not more than one inch equals 300 feet (1" = 300'). The aerial photograph shall indicate all adjacent land uses within a radius of 2,000 feet from the site of the proposed tower.

**3. Visual Impact Analysis**

A visual impact analysis, consistent with the requirements of Article 4.C.3.P, Visual Impact Analysis Standards.

**4. Buffering**

Buffering and landscaping as required by this Section.

**I. Tower Appearance**

The style, height, and overall appearance of any tower or communications facility constructed pursuant to this Section shall be consistent with plans and elevations submitted as part of an application for development approval. The DRO shall have the authority to approve additions or minor modifications, which do not materially modify the appearance of a tower as approved by the ZC or BCC. Modification which cannot be approved by the DRO shall be subject to a development order amendment as provided in this Code.

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**Table 4.C.2.I – Residential District Tower Location and Type of Review**

TOWER TYPE	AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Stealth Towers ≤ 100'	DE	DE	DE	DE	D	D	D	D	*	*	D
Stealth Towers > 100' ≤ 125'	D	D	D	D	B	B	B	D	*	*	D
Stealth Towers > 125'	B	B	B	B	A	A	A	B	*	*	B
Camouflage Towers	BP	BP	BP	BP	D	D	D	D	*	*	D
Monopole Towers ≤ 60'	BP	D	D	D	*	*	*	D	*	*	D
Monopole Towers > 60' and ≤ 100'	D	B	B	B	*	*	*	B	*	*	B
Monopole Towers > 100' and ≤ 150'	B	B	B	B	*	*	*	B	*	*	B
Monopole Towers > 150' and ≤ 200'	B	B	B	B	*	*	*	*	*	*	*
Monopole Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*
Monopole Towers > 250'	A	A	A	*	*	*	*	*	*	*	*
Self Support Towers ≤ 60'	BP	D	D	B	*	*	*	D	*	*	D
Self Support Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	*	*	B
Self Support Towers > 100' and ≤ 150'	B	A	A	A	*	*	*	A	*	*	A
Self Support Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	*	*	*
Self Support Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*
Self Support Towers > 250'	A	A	A	*	*	*	*	*	*	*	*
Guyed Towers ≤ 60'	BP	D	D	B	*	*	*	D	*	*	D
Guyed Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	*	*	B
Guyed Towers > 100' and ≤ 150'	B	A	A	*	*	*	*	*	*	*	*
Guyed Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	*	*	*
Guyed Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*
Guyed Towers > 250'	A	A	A	*	*	*	*	*	*	*	*
FDOT	D(2)	D(2)	D(2)	D(2)	D (2)	D (2)	D (2)	D (2)	D(2)	D(2)	D(2)
FPL (3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)
<b>Notes</b>											
D = Development Review Officer (No Public Hearing) DE = Expedited Review BP = Building Permit Review (No Public Hearing) B = Conditional use Review by ZC (1 Public Hearing) A = Conditional use Review by BCC (2 Public Hearings) (1) = Public or Private, Civic and Commercial pods only (2) = I-95 and Florida Turnpike streets at least 250 feet in width (3) = Electrical transmission streets at least 250 feet in width * = Not permitted in zoning district, unless otherwise allowed in association with non-residential uses as provided in this Section.											

**Table 4.C.2.1 – Non-Residential Districts, Tower Location, and Type of Review**

TOWER TYPE	AP	PO	CN	CLO	CC	CG	CHO	CRE	IL	IG	MXPD	MUPD (1)	PIPD	PC
Stealth Towers ≤ 100'	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP
Stealth Towers >100' ≤ 125'	D	D	D	D	D	D	D	D	D	D	D	D(2)	D	D
Stealth Towers > 125'	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Camouflage Towers	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP(2)	BP	BP
Monopole Towers ≤ 60'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers > 60' and ≤ 100'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers >100' and ≤ 150'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers > 150 and ≤ 200'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers >200' and ≤ 250'	D	A	A	A	B	B	A	A	D	D	A	A(2)	D	A
Monopole Towers >250'	B	A	A	A	A	A	A	A	B	B	A	A(2)	B	A
Self Support Towers ≤ 60'	BP	BP	*	*	*	BP	*	*	BP	BP	*	BP(3)	BP	BP
Self Support Towers > 60' and ≤ 100'	D	D	*	*	*	D	*	*	D	D	*	D(3)	D	D
Self Support Towers >100' and ≤ 150'	D	D	*	*	*	D	*	*	D	D	*	D(3)	D	D
Self Support Towers > 150' and ≤ 200'	D	B				B			D	D		D(3)	D	D
Self Support Towers > 200' and ≤ 250'	B	B				B			B	B		B(3)	B	B
Self Support Towers > 250'	B	A				A			B	B		B	A	A
Guyed Towers ≤ 60'	BP	BP				BP			BP	BP	BP	BP(3)	BP	BP
Guyed Towers > 60' and ≤ 100'	D	D				D			D	D	D	D(3)	D	D
Guyed Towers > 100' & ≤ 150'	D	D				D			D	D	D	D(3)	D	D
Guyed Towers > 150' & ≤ 200'	D	B				B			D	D	B	D(3)	D	B
Guyed Towers > 200' & ≤ 250'	B	B				B			B	B	B	B(3)	B	B
Guyed Towers > 250'	B	A				A			B	B	A	B(3)	B	A
FDOT (4)	D	D	D	D	D	D	D	D	D	D	D	D	D	D
FPL (5)	D	D	D	D	D	D	D	D	D	D	D	D	D	D
<b>Notes:</b>														
D = Development Review Officer (No Public Hearing) BP = Building Permit Review (No Public Hearing) B = Conditional use Review by ZC (1 Public Hearings) A = Conditional use Review by BCC (2 Public Hearings) (1) = Permitted in CH of CL FLU Designation over five acres (2) = CH and IND FLU Designation (3) = Limited to IND FLU Designation (4) = I-95 and Florida Turnpike streets at least 250 feet in width (5) = Electrical transmission line streets at least 250 feet in width * = Not permitted in zoning district														

**Table 4.C.2.I – Distances for Towers Located in and Adjacent to Residential Districts  
Separation and Setback**

TOWER TYPE		AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Stealth Towers ≤ 100'	residential existing (2)	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	100150% NLT % from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	Non- residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
Stealth Towers >100' ≤ 125'	residential existing (2)	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	Non- residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
Stealth Towers > 125'	residential existing (2)	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	Non- residential Public ROW	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater
Camou- flage Towers	residential existing (2)	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	Non- residential Public ROW	20% of tower height or district set-backs which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setback which- ever is greater
<b>[Ord. 2005-002]</b>												
<b>Notes:</b>												
(1) = Permitted in public or private civic and commercial pods only												
(2) = Percent measured as a separation between lower and adjacent residential structures												
(3) = Measured as a setback from property lines of lower location												
(4) = Height tower type and setbacks limited as provided in this section												

**Table 4.C.2.I – Distances for Towers Located in and Adjacent to Residential Districts  
Separation and Setback – Cont.**

TOWER TYPE		AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Monopole Towers ≤ 60'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Monopole Towers > 60' and ≤ 100'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Monopole Towers > 100' and ≤ 150'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Monopole Towers > 150' and ≤ 200'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Monopole Towers > 200' and ≤ 250'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Monopole Towers > 250'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
[Ord. 2005-002]												

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**Table 4.C.2.I – Distances for Towers Located in and Adjacent to Residential Districts  
Separation and Setback – Cont.**

TOWER TYPE		AGR	RSA	AR/ USA	RE	RT	RS	PUD (1)	RVPD	MHPD	TND
Self Support Towers ≤ 60'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	600%, NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Self Support Towers > 60' and ≤ 100'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	600%, NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Self Support Towers > 100' and ≤ 150'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	600%, NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Self Support Towers > 150' and ≤ 200'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Self Support Towers >200' and ≤250'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Self Support Towers > 250'	residential existing (2)	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL

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**Table 4.C.2.I – Distances for Towers Located in and Adjacent to Residential Districts  
Separation and Setback – Cont.**

TOWER TYPE		AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Guyed Towers ≤ 60'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Guyed Towers > 60' and ≤ 100'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Guyed Towers > 100' and ≤ 150'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Guyed Towers > 150' and ≤ 200'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Guyed Towers > 200' and ≤ 250'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL

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**Table 4.C.2.I – Distances for Towers Located in and Adjacent to Residential Districts  
Separation and Setback – Cont.**

TOWER TYPE	TND	AGR	RSA	AR/ USA	RE	RS	RT	PUD (1)	RVPD	MHPD	TND
Guyed Towers > 250'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
FDOT		(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
FPL		(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
<b>Notes</b>											
< = Less than (1) = Limited to public civic site locations (2) = Percent measured as a separation between tower and adjacent residential structures (3) = Measured as a setback from property line of tower location (4) = Height, tower type, and setbacks limited as provided in this section % = Separation or setback measured as a percentage of tower height > = More than NMT = Not more than NLT = Not less than PL = Property line											

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**Table 4.C.2.I – Distance for Towers Located in Non-Residential Districts  
Separation and Setback**

TOWER TYPE		AGR	AR/ RR	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Stealth Towers	residential existing (3)	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL
	residential vacant	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	Non- residential Public ROW	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setback s whichever is greater
Camou- flage Towers	residential existing (3)	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, but NLT 100% from PL	150%, NLT 100% from PL
	residential vacant	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	Non- residential Public ROW	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or distri- setb s whichever is greater

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**Table 4.C.2.I – Distance for Towers Located in Non-Residential Districts  
Separation and Setback – Cont.**

Tower Type	AGR	AR/RR	AR/USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Monopole Towers ≥ 60' and < 100'	residential	B	B	B	B	B	B	B	B	B	B
	non-residential	A	A	A	A	A	A	A	A	A	A
	non-residential	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 150' and ≤ 200'	residential	B	B	B	B	B	B	B	B	B	B
	non-residential	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 200' and ≤ 250'	residential	B	B	B	B	B	B	B	B	B	B
	non-residential	A	A	A	A	A	A	A	A	A	A

**Table 4.C.2.I – Distance for Towers Located in Non-Residential Districts  
Separation and Setback – Cont.**

TOWER TYPE	AP	CN	CLO	CC	CHO	CG	CRE	IL	IG	PO	MUPD	MXPD	PIPD	PC
Self Support Towers ≤ 60'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D
Self Support Towers > 60' and ≤ 100'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D
Self Support Towers > 100' and ≤ 150'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D
Self Support Towers > 150' and ≤ 200'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D
Self Support Towers > 200' and ≤ 250'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D
Self Support Towers > 250'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D

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**Table 4.C.2.I – Distance for Towers Located in Non-Residential Districts  
Separation and Setback – Cont.**

TOWER TYPE		AP	CN	CLO	CC	CHO	CG	CRE	IL	IG	PO	MUPD	MXPD	PIPD	PC
Guyed Towers ≤ 60'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers >60' and ≤ 100'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 100' and ≤ 150'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 150' and ≤ 200'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 200' and ≤ 250'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 250'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
FDOT	residential	F	F	F	F	F	F	F	F	F	F	F	F	F	F
	non-residential	G	G	G	G	G	G	G	G	G	G	G	G	G	G
FPL	residential	F	F	F	F	F	F	F	F	F	F	F	F	F	F
	non-residential	H	H	H	H	H	H	H	H	H	H	H	H	H	H
<b>Notes:</b> A = Greater of district setback or 20% of tower height B = See Table 4.C.2.C for required separations and setback distances for Towers located in adjacent to residential districts C = See Table 4.C.2.C for required separations and setback distances for Towers located in adjacent to residential districts D = Lesser of 100% of tower height or minimum district setback substantiated by breakpoint calculations E = See Table 4.C.2.C for required separations and setbacks from distances for Towers located in adjacent to residential districts F = Minimum of 150 feet from abutting residential property line G = Minimum of 75 feet from abutting non-residential property line H = Minimum of 100 feet from any non-residential property line (1) = MUPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories (2) = MXPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories (3) = Percent measured as a separation between tower and adjacent residential structures (4) = Limited to Industrial (IND) FLU Designation % = Separation or setback as a percentage of tower height < = Less than > = More than NMT= Not more than															

**J. Exemptions for Existing Television Broadcast Towers**

Guyed towers existing as of December 31, 1997 with a principal use as a television broadcasting tower shall be exempt from the provisions of this Section as provided below.

**1. Separation and Setback Distances**

Television towers as provided herein shall be exempt from the separation and setback distances of Table 4.C.2.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.2.I, Distances for Towers Located in Non-Residential Districts Separation and Setback.

**2. Distance Between Towers**

Television towers as provided herein shall be exempt from the distance between tower requirements of Table 4.C.4.D, Separations/Distances Between Towers, of this Subsection.

**3. Visual Impact Analysis**

Existing or replacement television towers as provided herein shall be exempt from the visual impact analysis requirements of Article 4.C.4.P, Visual Impact Analysis Standards.

**4. Replacement or Reconstruction of Existing Towers**

Television towers exempted by the operation of this subsection may be replaced or reconstructed on the same parcel as provided below.

**a. Approval**

Television towers to be replaced or reconstructed shall be reviewed as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review or Table 4.C.2.I, Non-Residential Districts Tower Location and Type of Review.

**b. Tower Height**

The height of a replacement for or reconstruction of an existing tower may be increased subject to approval as provided in Table 4.C.2.I, Residential District Tower Location and Type of Review or Table 4.C.2.I, Non-Residential Districts Tower Location and Type of Review.

**c. Required Setbacks from Property Lines**

Setbacks from property lines shall be provided as indicated below.

**1) Structures of Equal or Lesser Height**

Television towers to be replaced or reconstructed with a structure of equal or lesser height shall provide a setback substantially the same as the existing setbacks, taking into account the continued location of the tower being replaced during construction.

**2) Structures of Greater Height**

Television towers to be replaced or reconstructed with a structure of greater height shall provide a minimum setback of 110 percent of tower height from any adjacent street and a minimum setback of 100 percent of tower height from all adjacent property lines.

**3) Breakpoint Calculations**

All setbacks shall be substantiated by certified breakpoint calculations. The breakpoint calculations shall demonstrate that should tower failure occur, the entire height of the tower shall fall within with property lines of the tower site.

**4) Nonconformity Not Created**

Replacement or reconstruction of a television broadcast tower shall not result in creation of a nonconforming structure or nonconforming use. The television broadcast tower resulting from the replacement or reconstruction as provided herein shall be deemed a conforming structure and use.

**K. Waiver from Required Dimensional Criteria**

A waiver from the separation, setback, distance between towers, height, and similar dimensional criteria applicable to communication towers may be allowed as provided in this Section.

**1. Towers approved as a Class A or Class B Conditional Use**

The dimensional criteria required by this Section may be reduced by the BCC for Class A conditional uses and Class B conditional uses subject to the criteria contained herein.

**2. Towers Approved on an Administrative Basis**

The dimensional criteria required by this Section may be reduced by the BCC for towers subject to review by the DRO or the building permit process subject to the criteria contained herein.

**3. Requests for a Waiver**

When considering a request to allow a waiver from one or more required dimensional criteria, the BCC must determine that: the request complies with the intent of this Section and, the request is consistent with the criteria listed below.

**4. Criteria for Granting a Waiver**

The following criteria shall be utilized by the BCC when considering requests for waivers. Each request for a waiver must be consistent with the following criteria listed below: Art. 4.C.2.K.4.a - 4.C.2.K.4.h. In addition, each request for a waiver must be consistent with one or more of the following criteria: Art. 4.C.2.K.4.h - Art. 4.C.2.K..4.r.

**a. Protection of Public Welfare**

The waiver, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare.

**b. Economics**

The waiver is not granted based solely upon or in large measure due to costs associated with complying with all requirements of this Section.

**c. Incompatibility Not Created**

The waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.

**d. Exhaustion of Other Remedies**

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted. Alternatives to a waiver shall include but not be limited to such techniques as collocation, use of stealth or camouflage structures, and use of building mounted equipment and facilities.

**e. Minimum Waiver**

Grant of the waiver is the minimum waiver that will make possible the reasonable use of the parcel of land, building, or structure.

**f. Consistent with the Plan**

Grant of the waiver will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

**g. Not Detrimental**

The grant of the waiver will not be injurious to the area involved or otherwise detrimental to the public welfare.

**h. Prohibition of Service**

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted.

**i. FAA Limitations**

The waiver is required to comply with locational standards established by the FAA.

**j. Lack of Technical Capacity**

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service.

**k. Height of Existing Structures**

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service.

**l. Lack of Structural Capacity**

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area.

**m. Interference**

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature of other communications equipment or signals, or other technical problems that would result in interference between providers.

**n. Unreasonable Costs**

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as the fees, costs or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable.

**o. More Appropriate Site**

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large scale non-residential area.

**p. Avoid Certain Locations**



The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following:

- 1) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
- 2) officially designated vegetation and wildlife preserves;
- 3) habitats of threatened/endangered species, historical sites;
- 4) Indian religious sites;
- 5) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
- 6) night use of high intensity lights in residential areas;
- 7) environmentally sensitive lands acquired or leased by PBC; or
- 8) linked open space corridors as set forth in the Plan.

**q. Reduce Residential Impact**

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses.

**r. Effect of Governmental Regulation or Restrictive Covenant**

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of a tower.

**5. Simultaneous Consideration**

A request for a waiver from one or more required dimensional criteria may be considered at the same time a related request for tower approval is considered. However, final BCC, ZC, or administrative approval shall not be granted until a final decision is rendered by the BCC.

## **Section 4 Standards**

**A. Additional Uses Permitted on Lot**

Communication towers may be permitted on a lot with another principal use as provided herein.

**1. Lease Parcel**

Communication towers may be located on lots containing another principal use, including another communication tower. Separation between communication towers and other uses on the lot may be required to ensure compatibility. Towers may occupy a leased parcel on a lot that meets the minimum lot size requirement of the district in which it is located. PBC may require execution of a unity of title, or other documentation as determined appropriate by the County Attorney, for lease parcels that do not meet the minimum lot size requirement for the district in which they are located.

**2. Accessory Structures**

Any structure accessory to communication towers, other than peripheral supports and guy anchors, shall conform to the setback requirements for the district in which it is located.

**B. Measurement of Height**

All antennas, panels, and other attachments shall be included in the height measurement of the tower structure, and shall not extend beyond its maximum permitted height. Lightning rods and whip antennas, less than six inches in diameter, shall be excluded from this requirement.

**C. Separation and Setback from Residential Uses**

**1. Measurement of Separations and Setbacks**

**a. Existing Residential Use**

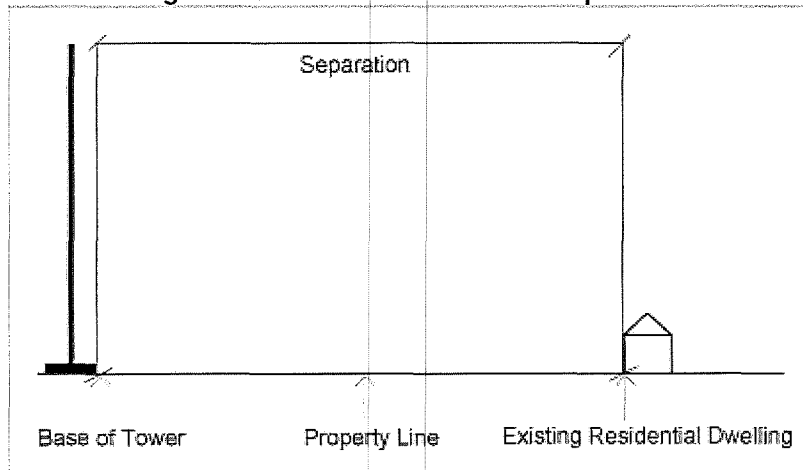
Separations from existing residential structures shall be measured from the wall of the closest principal residential structure to the base of the tower (See Figure 4.C.4.C, Measurement of Separation).

**b. Vacant Residential Parcel**

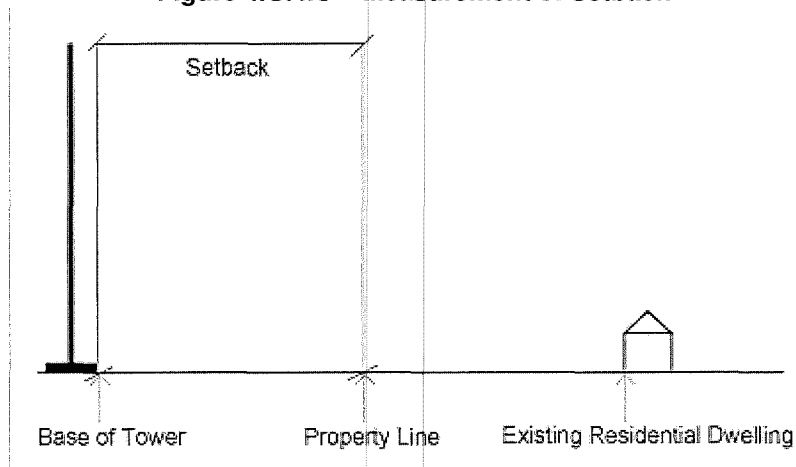
Setbacks from vacant residential parcels shall be measured from adjacent property lines to the base of the tower (See Figure 4.C.4.C, Measurement of Setback).

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**Figure 4.C.4.C – Measurement of Separation**



**Figure 4.C.4.C – Measurement of Setback**



**D. Distances/Separation Between Towers**

Towers shall be subject to the following minimum distances between towers:

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**Table 4.C.4.D – Separations/Distances Between Towers**

<b>ZONING DISTRICT</b>	<b>AGR, AR less than 10 acres, PC</b>	<b>CC, CHO, CLO, CN, RE, RM, RS, RT</b>	<b>CG, CRE, MUPD</b>	<b>AP, IG, IL, PIPD parcels less than 10 acres</b>	<b>AP, AR, IG, IL, PIPD parcels 10 or more acres</b>	<b>PO</b>	<b>Public Civic Sites IPF</b>	<b>FPL Trans. R-O-Ws and FDOT R-O-Ws</b>
Stealth	0	0	0	0	0	0	0	0
Camouflage	0	0	0	0	0	0	0	0
Monopole								
60' or less in height	0	0	0	0	0	0	0	0
>60' and 100' or less in height	500 feet	660 feet	500 feet	0	0	0	300 feet	0
>100' and 150' or less in height	660 feet	660 feet	660 feet	0	0	0	600 feet	0
>150' and 200' or less in height	1,320 feet	1,320 feet	1,320 feet	1,320 feet	660 feet	660 feet	660 feet	660 feet
>200' and 250' or less in height	2,640 feet	2,640 feet	2,640 feet	2,640 feet	1,320 feet	1,320 feet	1,320 feet	1,320 feet
>250' in height	3,960 feet	5,280 feet	5,280 feet	2,640 feet	1,320 feet	2,640 feet	2,640 feet	2,640 feet
Self Support/ Lattice	5,280 feet	Not permitted	5,280 feet	1,320 feet	0	0	5,280 feet	5,280 feet
Guyed	5,280 feet	Not permitted	5,280 feet	2,640 feet	0	0	5,280 feet	5,280 feet

**1. Waiver of Distance Between Towers**

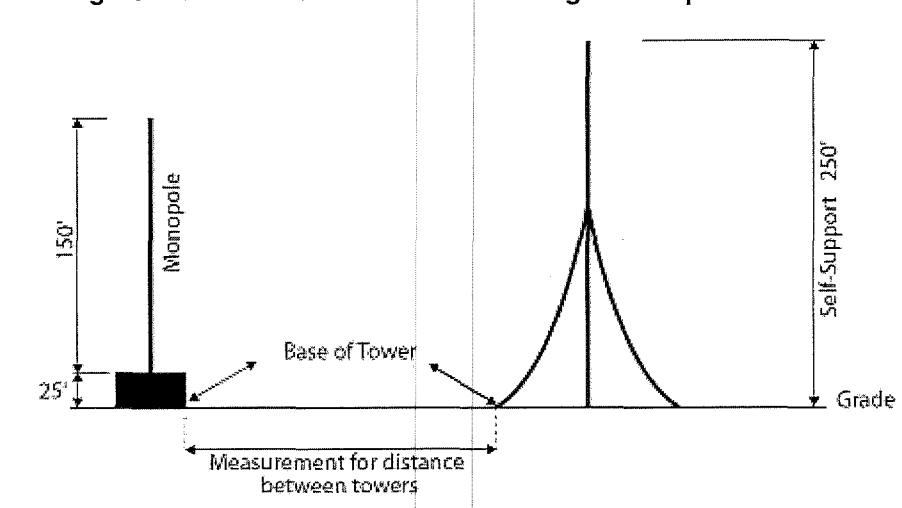
A waiver to reduce the distance between towers may be granted subject to the requirements of Article 4.C.3.K, Waiver from Required Dimensional Criteria. A waiver to reduce the distance between towers may be granted subject to the requirements of Article 4.C.3.K, Waiver from Required Dimensional Criteria.

**2. Measurement**

The distance between an existing and a proposed tower shall be measured at grade in a direct lineal fashion between the closest points of the base of the existing and the base of proposed towers (see Figure 4.C.4.D).

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**Figure 4.C.4.D Distance Between Existing and Proposed Towers**



Separations between towers located in different zoning districts shall be measured as follows:

**a. Residential and Residential**

The greater of the distance between towers requirements shall apply between residentially zoned parcels.

**b. Residential and Non-Residential**

The greater of the distance between towers requirements shall apply between residentially and non-residentially zoned parcels.

**c. Non-Residential and Non-Residential**

The lesser of the distance between towers requirements shall apply between non-residentially zoned parcels.

**d. Certification of Distance**

The distance between towers shall be certified by a professional engineer or a professional land surveyor, each of whom shall be licensed by the State of Florida.

**E. Perimeter Buffering**

**1. Fence/Wall**

A fence or wall, a minimum of eight feet in height measured from finished grade, shall be constructed around the base of each communication tower and accessory equipment structure, and around each guy anchor. Access to the communication tower shall be through a locked gate. Barbed wire along the top of the fence or wall may be used in any zoning district to preclude unauthorized tower access.

**2. Landscaping**

The landscape and buffer standards provided below shall be required around the perimeter of the tower, accessory structures, and guy anchors, unless waived as provided herein. These standards shall be waived by the Zoning Director, unless otherwise required by the BCC or ZC when the proposed landscaping would not be visible from adjacent lots or streets.

Landscaping shall be installed along the exterior side of the required fence, unless the Zoning Director determines that the viability, survivability, or utility of the plant material is enhanced when located along the interior side of the fence or wall.

**a. Leased Parcels**

Landscaping shall be maintained pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS. The applicant shall execute a perpetual maintenance agreement with the property owner to ensure the maintenance of the landscape buffer if the buffer is installed outside of the leased parcel footprint.

**b. Adjacent to Residential Uses or Districts**

**1) Towers Less than 50 feet from Existing Residential**

A Type 3 landscape buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS.

**2) Towers More than 50 feet from Existing Residential**

A Type 1 landscape buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS.

**c. Adjacent to Non-Residential Uses or Districts**

Towers shall comply with the standards for landscape buffers between compatible uses of Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS.

**3. Accessory Equipment and Structures**

All accessory equipment and structures shall be located within the required perimeter buffering.

**F. High Voltage Signs**

If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in the tower, warning signs shall be permanently attached to the exterior side of the perimeter fence and located every 20 feet. The signs shall display in bold letters at least eight inches high the following: "HIGH VOLTAGE-DANGER".

**G. Tower Removal**

**1. Form of Agreement**

All obsolete or abandoned communication towers shall be removed within three months following cessation of use. Prior to the issuance of a building permit or site plan approval, whichever occurs first, the property owners or tower operators shall submit an executed removal agreement to ensure compliance with this requirement. The removal agreement shall be in a form acceptable to the County Attorney.

**2. Surety for Removal**

Prior to the issuance of a building permit, surety shall be submitted by the property owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the Executive Director of PZB and the County Attorney. The required surety shall be irrevocable, unless released by the BCC. The surety shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:

- a. submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
- b. a surety equivalent to 50 percent of the estimated cost to remove and dispose of the tower;
- c. an agreement to pool multiple sureties of the tower owner or property owner required by this Section to allow pooled surety to be used to remove abandoned towers; and,
- d. an agreement by the tower owner or property owner to replenish surety pool upon utilization of surety by PBC.

**3. Alternative Surety for Removal**

The Zoning Director, subject to review by the County Attorney, may accept documentation from a tower owner that adequate resources or irrevocable contractual obligations are available to remove obsolete or abandoned communication towers.

**4. Form of Surety**

Surety shall be provided in a form consistent with the requirements of Art. 11.B.4.A.6.c, Performance or Surety Bond. [Ord. 2005 – 002]

**5. Surety Required**

Surety required pursuant to this Section shall be provided only for towers constructed after the effective date of this Code.

**H. Building Permits**

In addition to the review processes required in this Section, a building permit shall be required for all towers, support and accessory structures, and antenna attachments, except as otherwise provided by State of Florida or local law.

**I. Parking**

Communication towers shall be exempt from the parking requirements of Article 6, PARKING, unless otherwise required by the Zoning Director.

**J. Signs and Advertising**

The placement on a monopole, self-support, or guyed tower, of any signs, flags or appurtenances for advertising purposes, including company name, shall be prohibited. Signs or advertising may be permitted when in conjunction with a stealth tower when that structure is an integral element of a principal building or structure.

**K. Identification Tags**

Identification tags or signs shall be posted on all communication towers and facilities in accordance with FCC and OSHA requirements. The tags shall include the FCC tower registration number, or television or radio call numbers; the latitude and longitude of the tower; and, the name, address, and telephone

number of the tower owner. The identification tags shall be visible from the perimeter fence, and shall be constructed of durable materials. The Zoning Director shall prescribe the size of the sign and the materials to be used.

**L. Location of Existing Towers**

At the time of any tower application submittal to the appropriate reviewing body, the applicant shall comply with the following:

1. Provide or update previously submitted data indicating the location of their towers; latitude and longitude; tower height; and tower type.
2. Submit an alternative structure map with a minimum one mile radius around the proposed site. The alternative structure map shall include the location of all existing towers located within the one mile radius. An alternative structure map shall not be required for television towers. [Ord. 2006-004]

**M. Propagation Study**

At the time of application submittal for a new commercial communications tower, the provider shall submit a propagation study prepared by a professional engineer, licensed in the State of Florida, to justify the need to construct a new tower. Propagation studies shall not be required for television towers. [Ord. 2006-004]

**1. Required Information**

Propagation studies shall include the following information:

- a. the location of other sites considered, including potential options for collocation and alternative sites or properties;
- b. desired signal strength in the area to be served; and [Ord. 2006-004]
- c. current and predicted RF coverage following installation and use of the new tower facility. [Ord. 2006-004]

**N. Violation of Standards**

The property owners, as well as the tower owners, shall be responsible for violations of applicable standards.

**O. Generators**

All permanently installed generators used on site shall use propane fuel. However, generators 125 kilowatts or greater may utilize diesel fuel.

**P. Visual Impact Analysis Standards**

The requirements of this subsection shall be required for any application to construct a monopole tower greater than 150 feet in height or any guyed or self-support/lattice tower greater than 150 feet in height. The applicant shall be advised of the requirement to submit a visual impact analysis by the Zoning Director within ten working days following the application submittal deadline date.

**1. Visual Analysis**

To assess the compatibility with and impact of a proposed tower site on adjacent properties, an applicant seeking to construct a tower subject to the requirements of this Section may be required to submit a visual impact analysis. The applicant may request review of a proposed tower location, prior to application submittal to the appropriate zoning process, to determine whether or not a visual impact analysis will be required. A visual impact analysis may be required under the circumstances listed below.

- a. Existing residential uses are located along 50 percent or more of the entire perimeter of the proposed tower site.
- b. When the proposed site is located adjacent to:
  - 1) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
  - 2) officially designated vegetation and wildlife preserves;
  - 3) habitats of threatened/endangered species;
  - 4) historical sites;
  - 5) Indian religious sites;
  - 6) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
  - 7) residential areas when night use of high intensity lights is required;
  - 8) environmentally sensitive lands acquired or leased by PBC; or
  - 9) linked open space corridors as set forth in the Plan.
- c. The proposed site does not meet the distance between towers requirements of this Section. The applicant may utilize digital imaging technology to prepare the analysis, in a manner acceptable to the Zoning Director. For non-digital methods, the visual impact analysis shall, at minimum, provide the information listed below.

- 1) The location of the proposed communication tower illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1"=300'). All adjacent zoning districts within a 3,000 foot radius from all property lines of the proposed communication tower site shall be indicated.
- 2) A line of site analysis, which shall include the following information:
  - a) identification of all significant existing natural and manmade features adjacent to the proposed tower site and identification of features which may provide buffering and screening for adjacent properties and public streets;
  - b) identification of at least three specific points within a 2,000 foot radius of the proposed tower location, subject to approval by the Zoning Director, for conducting the visual impact analysis;
  - c) certification by the professional that the proposed communication tower meets or exceeds the standards contained in this subsection of this Code;
  - d) copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
  - e) graphic illustration of the visual impact of the proposed communication tower, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points;
  - f) identification of all screening and buffering materials under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis.);
  - g) identification of all screening and buffering materials that are not under the permanent control of the applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, etc.;
  - h) screening and buffering materials considered in the visual impact analysis shall not be removed by future development on the site;
  - i) screening and buffering materials considered in the visual impact analysis shall be replaced if they die;
  - j) prohibited plant species, pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, shall not be considered in the visual impact analysis; and
  - k) any additional information that may be required by the Zoning Director to fully review and evaluate the potential impact of the proposed communication tower.
- d. In addition to all other applicable standards of the Code, the following visual impact standards may be applied when a visual impact analysis is required for any application to construct a tower.
  - 1) At least 25 percent of the tower is screened from all streets other than expressways, or arterials and planned collector streets with five lanes or more.
  - 2) at least three specific points from adjacent streets, shall be identified, subject to approval by the Zoning Director, for conducting the visual impact analysis.
  - 3) The results of the line of site analysis performed as part of the visual impact analysis.
  - 4) The distance a proposed communication tower, including anchors for guy wires, and guy wires are proposed to be setback from surrounding properties such that its height, bulk and scale is compatible with surrounding residential and nonresidential uses.
  - 5) At least 25 percent of the tower is screened from view from a majority of the points selected by the Zoning Director for the visual impact analysis.
  - 6) The degree or amount of buffering or screening materials permanently included as part of the application.
- e. The visual impact analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor registered in the State of Florida. PBC, at the expense of the applicant and at its own discretion, may employ such consultants as are necessary to review and evaluate the visual impact analysis.

## **Q. Additional Standards and Requirements**

### **1. Aircraft Hazard**

- a. Towers shall not be a hazard to air navigation as determined by the FAA.
- b. Prior to the issuance of a building permit for a tower, proof of compliance with applicable requirements of the FAA and Article 16, AIRPORT REGULATIONS; of the Code, shall be provided in a manner acceptable to the Zoning Director.

### **2. Lighting**

The least intensive nighttime method of illumination acceptable to the FAA shall be utilized. To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All required lighting shall be maintained on an as needed basis by the owner of the tower.

**3. Inspections**

All towers shall be inspected in compliance as required by the Building Division. [Ord. 2006-004]

**4. Interference**

As provided by the FCC, towers shall not interfere with the normal operation of electrical or mechanical equipment located within surrounding properties.

**5. Windload Standards**

All antennas, panels and other tower attachments shall meet the required windload standards pursuant to Building Division review. Documentation indicating compliance with the windload standards shall be certified by a professional engineer, licensed in the State of Florida, and submitted to the Building Division at the time of building permit application.

**6. Airborne Spraying**

Towers or guy wires shall not impede the aerial mosquito control activities performed by PBC, as determined by the BCC, for the health, safety, and welfare of its residents.

**7. Accessory Structures**

Building permits shall be required for all accessory structures related to an antenna.

**8. Public Utilities**

For the purposes of this Section, wireless communications, communication towers, and associated facilities shall not be considered public utilities.

**9. Consultant Services**

A qualified telecommunication consultant shall be selected and retained by the Zoning Director, and paid for by an applicant, to review technical documents related to the siting of communication towers and facilities. The consultant may review technical documents, propagation studies and other related documents to determine the following:

- a. need for additional towers;
- b. existence of incompatibilities between providers that may hinder collocation;
- c. necessity of waiver relief to deviate from established dimensional criteria;
- d. compliance with the general requirements of this Section; and
- e. the applicant shall reimburse PBC for the consultant fees prior to the issuance of the final development order.

**R. Creation of Nonconforming Use or Structure**

Construction of any lawful residential or nonresidential structure within the required separation distance shall not create a nonconforming use or structure when an existing communication tower is established pursuant to the provisions of this Section.

**S. Nonconforming Lots of Record**

Towers may be located on nonconforming lots of record provided the structure will comply with all siting requirements of this Section without a waiver from any dimensional criteria as provided herein.

**Section 5 Tower Replacement and Height Increases**

**A. Replacement**

**1. Conforming Towers**

An existing conforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement tower shall comply with the siting requirements of this Section. [Ord. 2006-004]

- a. The tower shall accommodate a minimum of two providers. [Ord. 2006-004]
- b. The tower shall be of the same or lesser impact than the existing structure pursuant to the defined tower hierarchy. [Ord. 2006-004]
- c. The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- d. The tower shall be subject to review by the Zoning Division through the DRO, Article 2.D.1, Development Review Officer, administrative amendment process. [Ord. 2006-004]
- e. The tower may be structurally modified to allow collocation. [Ord. 2006-004]

**2. Nonconforming Towers**

An existing nonconforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement shall comply with the siting requirements of this Section. [Ord. 2006-004]

- a. The tower shall accommodate a minimum of two providers. [Ord. 2006-004]
- b. The tower shall be of equal or less impact than the existing structure pursuant to the defined tower hierarchy. [Ord. 2006-004]



- c. The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- d. The tower shall be subject to review by the DRO. [Ord. 2006-004]
- e. The tower may be structurally modified to allow collocation. [Ord. 2006-004]

## **B. Tower Height Increases**

### **1. Conforming and Nonconforming Towers**

Unless otherwise provided herein, the height of a conforming or nonconforming tower may be increased on one occasion subject to the requirements of Table 4.C.5.B, Tower Height Increases.

**Table 4.C.5.B – 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 to Table 4.C.5.B:

- 1. Increases of 25' or less.
- 2. Increases greater than 25' and 45' or less.
- 3. Increases greater than 45' and 65' or less.
- 4. Increases greater than 65'.

### **2. Monopoles**

The height of an existing monopole may be increased by a maximum of 20 percent to accommodate a second user subject to standard building permit review. An additional increase of up to 20 percent may be approved to accommodate an additional user, subject to standard building permit review. Increases shall be based upon the original approved tower height.

### **C. Accessory Structures**

The size of an accessory structure or structures may be increased to accommodate collocation. The expansion shall be subject to Zoning Division review through the DRO administrative amendment process.

## **Section 6 Shared Use/Collocation**

This Section is designed to foster shared use of communication towers and their accessory support facilities.

### **A. Collocation**

All communication towers, except stealth and camouflage structures, shall be constructed to accommodate a minimum of two providers.

#### **1. Site area**

The site or leased footprint shall contain sufficient square footage to accommodate the equipment/mechanical facilities for all proposed providers based upon the structural capacity of the tower.

### **B. Setbacks**

If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collocation of at least one additional service provider, minimum setback requirements may be reduced by a maximum of 15 feet, except from residential property lines.

### **C. Review Process**

#### **1. Collocations on Commercial Communication Towers Including Non-conforming Towers**

Collocation of antennas on commercial communication towers that meet the following requirements shall be exempt from all other requirements of this Section of the ULDC and shall only be subject to a Building Permit Review: [Ord. 2006-004]

- a. The collocation does not increase the height of the existing tower, as measured to the highest point of any part of the tower or any existing antenna attached to the tower; [Ord. 2006-004]
- b. The collocation does not increase the area of the approved ground compound for accessory equipment and structures; [Ord. 2006-004]
- c. The collocation shall be consistent with all of the applicable design and aesthetic regulations, or conditions, if any, applied to the first antenna placement onto the tower itself. [Ord. 2006-004]

#### **2. Collocations on Structure Other Than Commercial Communication Towers**

Collocation of antennas, on a structure other than a commercial communication tower that meets the following requirements shall be subject to final DRO review. Collocation that does not meet the requirement below shall be subject to Article 4.C.7, Communication Panel Antennas, Commercial. **[Ord. 2006-004]**

- a. Does not increase the height of the existing structure, as measured to the highest point of any part of the structure or any existing antenna attached to the structure; **[Ord. 2006-004]**
- b. Does not increase the area of the approved ground compound shall be the accessory equipment and structures; and **[Ord. 2006-004]**
- c. The collocation are of a design and configuration consistent with all of the applicable design and aesthetic regulations, or conditions, if any, applied to the first antenna placement. **[Ord. 2006-004]**

#### **D. Review Procedures**

Prior to submittal of an application for approval of a proposed tower for Conditional use, development order amendment, original DRO, or building permit review, all applicants for communication towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one year of the notice mailing date.

##### **1. List 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. **[Ord. 2009-040]**

##### **2. 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. **[Ord. 2009-040]**

##### **3. Shared Use Application**

Potential communication tower users shall respond to the notice within 20 days of receipt of certified mailing. Response shall be submitted utilizing a shared use application form. A completed shared use application form shall be sent to the owner of the proposed communication tower or authorized agent. The tower applicant shall not be responsible for a lack of response or responses received after the 20 day period. The Zoning Division shall provide the shared use application form.

##### **4. Feasibility**

The feasibility of each shared use request shall be evaluated by the applicant. The evaluation shall document the feasibility of shared use between the proposed communication tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared use include but are not limited to: structural capacity, RF interference, geographic service area requirements, mechanical or electrical incompatibilities, inability or ability to locate equipment on approved and unbuilt communication towers, cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a 25 year period), FCC limitations that would preclude shared use, and other applicable Code requirements.

##### **5. Rejection or Dispute**

If the applicant rejects one or more request(s) for shared use and if potential tower lessees dispute the rejection(s) for shared use, the following procedure shall occur within ten working days after the shared use response deadline.

###### **a. Submittal**

Applicant shall submit two copies of the following to the Zoning Division: a brief evaluation of each rejected response; all design data for the proposed communication tower; and, an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations, paid for by the tower space lessee.

###### **b. Consultant**

The Zoning Division shall forward copies of all applications for shared use and the applicant's evaluation of each rejected request to a qualified communications consultant. The consultant shall be selected by and retained at the discretion of the Zoning Division and paid by applicant who is refusing to allow collocation from an interested service provider.

###### **c. Evaluation**

Within ten working days of receiving the shared use responses that were rejected by the applicant and disputed by the potential tower space lessee, the consultant shall review and prepare an evaluation. Two copies of the consultant's evaluations shall be sent to the Zoning Division. One copy of the evaluation shall be made an official part of the communication tower application and one copy of the evaluation shall be forwarded to the applicant by the Zoning Division. The consultant's report shall be advisory, and made part of the staff report, and considered in reviewing the communication tower application.

**6. Acceptance with No Dispute**

If the applicant did not reject any requests for shared use or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary.

**Section 7 Communication Panel Antennas, Commercial**

These standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards (collocations). [Ord. 2006-004]

**A. Permitted Districts**

Communication panels and antennas, excluding whip antennas not exceeding eight feet in height and six inches in diameter, may be permitted and shall be reviewed as follows in Table 4.C.7.A, Panel Antenna Regulations.

**Table 4.C.7.A – Panel Antenna Regulations**

Zoning District or Use	Single Family Residential	Multi-Family Residential	Non-Residential	IG, IL, PO Districts
Structures 25' or less in height	Not Permitted	Not Permitted	Not Permitted	Building Review Permit
Structures greater than 25' and 45' or less in height	Development Review Officer	Development Review Officer	Development Review Officer	Building Review Permit
Structures greater than 45' in height	Class B Conditional use	Building Review Permit	Building Review Permit	Building Review Permit

**1. Applicability and Review Process**

A building permit shall be required for the installation of all communication panels and antennas in addition to any other review process.

**B. Communication Panel Antennas**

**1. Architectural Compatibility**

Demonstrate architectural compatibility (color and/or texture) with the structure on which it is located.

**2. Screening**

If the panel is attached to a pole support structure, the pole shall be concealed by an opaque screen.

**3. Size Limitations**

Each communication panel shall not exceed a maximum height of eight feet; maximum depth of four feet; and maximum width of four feet.

**4. Supplemental Application Requirements**

In addition to the requirements indicated above, plans depicting cross Sections or elevations of the panel attached to the structure shall be provided at the time of submittal of the application package.

**C. Setbacks**

**1. Accessory Structures**

Unmanned roof mounted accessory structures shall meet a minimum 25-foot setback from the edge of the roof or comply with the architectural compatibility standards pursuant to Article 4.C.7.B.1, Architectural Compatibility.

**2. Communication Panels and Antennas**

There shall be no minimum setback required for panels or antennas.

**D. Whip Antennas**

Whip antennas not exceeding eight feet in height and six inches in diameter shall be permitted in any zoning district. Whip antennas may be attached to residential structures, utility poles, etc. Whip antennas, unless attached to a residential structure, shall be installed at least 50 feet from any existing residential structure.

**E. Intergovernmental Activities**

**1. Mapping**

PBC shall participate in any countywide mapping program to identify proposed and existing tower sites.

**2. Notification**

- a. PBC shall participate in an intergovernmental notification program by continuously providing information regarding tower construction applications to the PBC Intergovernmental Coordination Program Clearinghouse.
- b. All jurisdictions within a two-mile radius of a proposed tower site located in unincorporated PBC shall be notified at the time of application submittal.

**Section 8 Communication Cell Sites on Wheels (COWs)**

COWs shall comply with the following supplementary use standards. COWs means a temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.

**A. States of Emergency**

The requirements of this Section may be waived in the case of a declared state of emergency, as provided by law.

**B. Special Permit**

A Special Permit must be obtained from the Zoning Division prior to the placement of the facility.

**C. Use limitations**

COWs shall be permitted only in association with recognized large-scale special events with a minimum projected daily attendance of 30,000 or greater.

**1. Exception**

The Zoning Director shall seek BCC direction, and approval, through an Administrative Inquiry (AI) for any event not meeting the minimum projected attendance standards listed above.

**D. Time Limitations**

The Special Permit shall be valid for seven days, including installation and removal.

**1. Time Extensions**

The Special Permit may be extended up to an additional ten days by the Zoning Director based upon individual circumstances and demonstration of need by the applicant.

**E. Fencing**

The COW shall be enclosed by a temporary fence a minimum of six feet in height, or other barrier approved by the Zoning Division.

**F. Non-Residential Districts**

**1. COWs Greater than 50 Feet in Height**

COWs greater than 50 feet in height located on parcels with non-residential zoning designations shall be subject to the following:

**a. Setback**

The structure shall meet the greater of the setback requirements of the applicable zoning district or a distance equal to 110 percent of its height.

**b. Separation**

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

**2. COWs 50 Feet in Height or Less**

COWs 50 feet in height or less, located on parcels with non-residential zoning designations are subject to the following:

**a. Setback**

The structure shall meet the setback requirements of the applicable zoning district, provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).

**b. Separation**

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

**c. Other**

COWS not utilizing a commercial power source shall be subject to the setback requirements of Article 4.C.8.F.1, COWs Greater than 50 Feet in Height.

**G. Residential Districts**

**1. COWs Greater than 50 Feet in Height**

COWs greater than 50 feet in height located on parcels with residential zoning designations shall be subject to the following:

**a. Setback**

The structure shall meet a setback from the property lines equal to 150 percent of its height.

**b. Separation**

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

**2. COWs 50 Feet in Height or Less**

COWs 50 feet in height or less, located on parcels with residential zoning designations are subject to the following:

**a. Setback**

The structure shall meet a setback from the property lines equal to 75 percent of its height; provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).

**b. Separation**

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

**c. Other**

COWs not utilizing a commercial power source shall be subject to the setback requirements of Article 4.C.8.G.1, COWs Greater than 50 Feet in Height, above.

**H. Removal Bond and Agreement**

The applicant shall execute a removal agreement and post a \$50,000.00 removal bond, subject to approval by the County Attorney.

## **CHAPTER D EXCAVATION**

### **Section 1 Purpose and Intent**

The purpose of this Chapter is to provide for the health, safety, and welfare of the residents of PBC by ensuring beneficial and sound land management practices associated with excavation and mining activities. To prevent a cumulative negative impact on PBCs natural resources and to achieve these goals, it is the intent of this Section to:

- A. ensure that mining and excavation activities do not adversely impact the health, safety, and welfare of the citizens of PBC;
- B. prevent immediate and long-term negative environmental and economic impacts of poor land development practices;
- C. encourage the use of economically feasible and environmentally sound mining and excavation practices;
- D. preserve land values by ensuring that alteration of a parcel by non-commercial land excavation does not result in conditions that would prevent that parcel from meeting minimum land development requirements for other valid uses;
- E. encourage the rehabilitation of commercially mined sites to other beneficial uses by promoting economical, effective and timely site reclamation;
- F. protect existing and future beneficial use of surrounding properties from the negative effects of excavation and mining;
- G. provide for the off-site disposal of excess extractive material provided that the excavation site is incorporated into the approval of a bona fide site development plan;
- H. establish a regulatory framework of clear, reasonable, effective, and enforceable standards and requirements for the regulation of excavation, mining, and related activities; and
- I. ensure that excavation and mining activities and resulting mined lakes are not allowed to become public safety hazards, or sources of water resource degradation or pollution.

### **Section 2 Applicability**

All mining and excavation activities that create a temporary or permanent body of water within unincorporated PBC shall comply with the regulations established in the Code and other State and Local requirements, as applicable.

**A. Conflicting Provisions**

To the extent provisions of this Section conflict with regulations of other applicable regulatory agencies, the more restrictive regulations shall apply. Other permitting agencies include but are not limited to SFWMD, Florida Game and Fresh Water Fish Commission, USACE, DEP, and ERM. [Ord. 2006-004]

**B. Previously Approved Development Orders**

Applications for excavation and mining projects approved prior to September 25, 1996, may amend the certified site (excavation) plan pursuant to Article 2.D, ADMINISTRATIVE PROCESS, to comply with the standards enumerated below provided the standards do not conflict with development order conditions. All standards of each Section shall apply. Selective choice of standards shall not be permitted. The DRO may review and approve the excavation plan, pursuant to Article 2.D.1, Development Review Officer, provided the subject site complies with the compatibility criteria in Article 4.D.5.E.8.b, Type III A Excavations, and the technical standards in Article 4.D.8, Technical Standards, and provided there is no increase in the land area, excavated surface area, quantity of excavated material, or intensity as approved by the BCC in the original development order. Any increase shall require approval of a development order amendment by the BCC pursuant to Article 2.B, PUBLIC HEARING PROCEDURES. Applicable standards include:

Technical standards include: 1) Article 4.D.8.A, Operational Standards and Requirements; 2) Article 4.D.8.B, Construction Standards, excluding depth; 3) Article 4.D.8.C, Reclamation Standards; 4) Art. 4.D.5.F.7.b, Buffer; and 5) Article 4.D.8.E, Maintenance and Monitoring.

**Section 3      Excavation Types**

Excavation or mining activities shall not be conducted unless such activities are deemed exempt or an approval has been issued in accordance with this Section. The types of excavation that are allowed are as follows:

**A. Agricultural Excavation**

Approval process for agricultural excavation is administered by ERM and PZB. Application procedures and requirements are subject to Art. 4.D.5.A, Agricultural Excavations. Agricultural excavation in the WCAA are administered by ERM. Application procedures and requirements are in Article 4.D.5.B, WCAA Excavations.

**B. Type I**

Two approval processes (Types 1A and 1B) are administered by PZB for excavations on single-family lots. Application procedures and requirements are in Article 4.D.6.A, Content of Application, and Article 4.D.6.B, Additional Application Requests for Type II, Type II IA and Type III B.

**C. Type II**

The approval process for Type II excavation is administered by PZB and ERM. Application procedures and requirements are in Article 4.D.6.B, Additional Application Requests for Type II, Type III A and Type III B.

**D. Type III**

Two approval processes for commercial mining excavation activities (Type III A and Type III B) are administered by PZB and ERM. Application procedures and requirements are in Article 4.D.6, Supplemental Application Requirements.

**Section 4      Prohibitions and Exemptions**

**A. Prohibitions**

Excavation and mining activities shall be prohibited in the following areas:

1. RR20 FLU Designation.
2. The Pleistocene Sand Ridge.
3. An archeological site, unless approved and requested as a Class A conditional use.
4. Publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands.
5. Areas otherwise prohibited by this Section.

**B. Exemptions**

The following excavation activities shall be exempt from the requirements of this Section:

**1. Existing Lakes**

Existing mined lakes approved prior to June 16, 1992 that have a valid development order which complies with the criteria below shall be exempt from the requirements of this Section. If an amendment is proposed that deviates from the original approval, then a development order

amendment shall be requested pursuant to Article 2.B, PUBLIC HEARING PROCEDURES, and shall comply with the provisions in Article 1.F, NONCONFORMITIES.

- a. Regulated by a National Pollutant Discharge Elimination System Permit; or
- b. Regulated by a Florida Department of Environmental Protection (DEP) industrial wastewater operation permit; or
- c. Located within an approved residential, commercial, industrial or mixed-use development and function as a stormwater management facility pursuant to:
  - 1) A surface water management construction permit issued by the SFWMD; or,
  - 2) A conceptual permit issued by the SFWMD that delineates proposed littoral slopes of the excavated lake(s) conducive for planting; or
  - 3) An applicable County land development permit depicting proposed littoral and upland slopes of a mined lake. As long as the existing excavated lake continues to meet the water quality standards contained in Chapter 62-302, F.A.C.

**2. Pools**

Swimming pools, pursuant to Article 5.B, ACCESSORY AND TEMPORARY USES.

**3. Small Ponds**

Ponds accessory to a principal use, such as lily ponds, goldfish ponds, reflecting ponds, and other small ornamental water features with a maximum depth of four feet OWL and not exceeding 500 square feet in surface area.

**4. Cemeteries**

Burial plots in approved cemeteries.

**5. R-O-W**

Excavation in a road R-O-W, when the road is under construction. To qualify for this exemption, excavation shall be performed by PBC, the FDOT or any Water Control District created by special act to operate under 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 II excavation in Article 4.D.5.D, Type II Excavation.

**6. Utilities**

Excavations necessary for the installation of utilities, including septic systems.

**7. Man-made Drainage Structures**

The repair, reconstruction and maintenance of existing non-tidal man-made canals, channels, control structures with associated riprap, erosion controls, intake structures, and discharge structures, provided:

- a. All spoil material is deposited directly to a self-contained upland site, which will prevent the release of material and drainage from the spoil site into surface waters of the State;
- b. No more dredging is performed than is necessary to restore the canal, channels, and intake, and discharge structures to original design specifications or as amended by the applicable permitting agency; and
- c. Control devices in use at the dredge site that prevent the release of turbidity, toxic, or deleterious substances into adjacent waters during the dredging operation.

**8. WCAA Canals**

Canals of conveyance located in the WCAA which require permits from SFWMD or DEP, provided the permitted project does not exceed 15 feet in depth from OWL.

**9. Mitigation Projects**

Mitigation projects permitted by SFWMD, DEP, or ERM, pursuant to F.S. Chapters 403 and 373, and Chapter 62-312, F.A.C., as amended, and Art. 14, Environmental Standards, including projects approved to implement an adopted Surface Water Improvement & Management (SWIM) plan, provided the permitted project depth does not exceed 20 feet from OWL or 15 feet from OWL in the WCAA. Projects proposed to exceed these depths shall comply with Article 4.D.6, Supplemental Application Requirements, the administrative waiver requirements of Article 4.D.9, Administration and Enforcement, and the technical standards of Article 4.D.8.A, Operational Standards and Requirements, Article 4.D.8.B.1, Separation, Article 4.D.8.B.2, Slopes, Article 4.D.8.C, Reclamation Standards, and Article 4.D.8.D, Performance Guarantee Requirements .

**10. Wetlands**

Excavation activities within jurisdictional wetlands that have been issued permits pursuant to Wetlands Protection requirements or have been issued a permit for wetland impacts through the Environmental Resource Permit (ERP) process by DEP, USACE, SFWMD, or any other agency with ERP delegation for PBC. **[Ord. 2006-004]**

#### **11. Agricultural Ditches**

Agricultural ditches supporting vegetation production which meet the standards of bona fide agriculture (i.e. groves, row crops, hay, and tree farming) constructed solely in uplands that are less than six feet in depth from OWL. These ditches shall not connect to canals of conveyance or waters of the State without the appropriate Federal, State, and Local approvals and permits.

#### **12. De Minimis Impact**

Those projects for which ERM and PZB approval is necessary and both departments determine that there will be no significant adverse environmental or land use impacts. A de minimus determination from one agency does not constitute approval by the other.

#### **13. Canals of Conveyance**

Canals of conveyance that require permits from SFWMD, USACE, DEP, or ERM pursuant to Wetlands Protection requirements. [Ord. 2006-004]

#### **14. Excavation by Public Agencies**

- 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 by this subsection 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.D.5.A.2 and Article 4.D.5.B.6, 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]

### **Section 5      Excavation Standards**

Before commencement of any excavation, approval shall be obtained pursuant to the procedures and standards defined in this Section.

#### **A. Agricultural Excavations**

##### **1. Separation and Setbacks**

In addition to the separation requirements in Article 4.D.5.A, Agricultural Excavations, shall maintain a minimum setback of 100 feet, measured from the inside edge of the lake maintenance easement to any adjacent property line.

##### **2. Maximum Depth**

Excavation activity shall not exceed 20 feet from OWL. This maximum depth may be exceeded if approved by ERM in accordance with Article 4.D.9, Administration and Enforcement, provided the applicant adequately ensures that 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]

##### **3. Sediment Sump**



A sediment sump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. A sump shall not exceed five percent of the mined lake area.

**4. Reclamation, Maintenance and Monitoring**

Agricultural excavations shall comply with the excavated area, and littoral zone reclamation requirements of Article 4.D.8.C, Reclamation Standards, and Article 4.D.8.C.2, Excavated Area Reclamation Standard, Article 4.D.8.C.3, Littoral Planting Reclamation Standard, Article 4.D.8.C.5, Area of Record, and 4.D.8.E, the Maintenance and Monitoring requirements and Article 4.D.9.E, Additional Remedies, unless waived by ERM.

**5. Use Approval and Procedures**

All applications for agricultural excavation shall include a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and satisfy the definition requirements of bona fide agriculture pursuant to Article 1.I, Definitions and Acronyms. The excavation shall be the minimum necessary to implement the proposed bona fide agricultural use. **[Ord. 2008-037]**

**a. Two Acres or Less**

Unless exempt, DRO review and approval shall be required for AG excavation consisting of two acres or less in surface area pursuant to Article 2.D.1, Development Review Officer, The DRO shall review for compliance with the standards of this Section and may approve the application with or without conditions.

**b. Greater Than Two Acres**

Agriculture excavation activity greater than two acres in surface area shall be subject to approval as a Class A Conditional use pursuant to Article 2.B, PUBLIC HEARING PROCEDURES, and this Section. The BCC may permit offsite removal and apply the appropriate compatibility standards of Article 4.D.5.E, Type III Excavations.

**c. Additional Review**

See Section 5.F.6 for Excavation Pre-application Checklist. **[Ord. 2008-037]**

**6. Guarantee Requirements**

Agricultural excavation shall comply with the Guarantee requirements pursuant to Article 4.D.8.D, Performance Guarantee Requirements .

**7. Notice of Intent to Construct**

In accordance with Article 4.D.7, Notice of Intent to Construct, shall be required.

**8. WCAA Excavations**

**a. Operational and Construction Standards**

An application for WCAA excavation shall comply with the standards in Article 4.D.8.A, Operational Standards and Requirements, and Article 4.D.9.B, Violations, Enforcement, and Penalties, and except for hours of operation.

**b. Separations and Setbacks**

In addition to the separation requirements in Article 4.D.8.B.1, Separation, a WCAA excavation shall maintain a minimum setback of 50 feet measured from the inside edge of the lake maintenance easement to any adjacent property lines.

**c. Depth**

The maximum depth for the excavated lake or pond shall not exceed 15 feet from OWL due to chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM in accordance with Article 4.D.9, Administration and Enforcement, provided the applicant adequately ensures that chloride levels shall not exceed 250 parts per million (PPM) and 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]**

**d. 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.

**e. Approval and Procedures**

All applications for WCAA excavation shall include a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Art. 1.I, Definitions and Acronyms. Excavation shall be the minimum necessary to implement the bona fide agricultural use. **[Ord. 2008-037]**

1) Additional Requirement. See Section 5.F.6 for Excavation Pre-application Checklist. **[Ord. 2008-037]**

**f. Notice of Intent to Construct**

In accordance with Article 4.D.7, Notice of Intent to Construct, shall be required.

**B. Type I A Excavation**

**1. Lot Size**

A minimum of one acre.

**2. Excavated Surface Area**

The maximum surface area of all excavation on the premises shall be less than two-tenths acre or (8,712 square feet).

**3. Off-site Removal**

Off-site removal of extracted material is prohibited.

**4. Separation and Setbacks**

In addition to the separation requirements in Article 4.D.8.B.1, Separation, Type I A Excavation shall maintain the following minimum setbacks, measured from the inside edge of the lake maintenance easement.

- a. 15 feet at the time of construction from any adjacent property line. The top of bank shall be a minimum of five feet.
- b. 50 feet from any potable water well.
- c. 100 feet from any septic system pursuant to Article 15.A, ECR I Onsite sewage treatment and Disposal Systems.

**5. Slope**

If a lake excavated prior to June 16, 1992, does not comply with the minimum slope requirements of Article 4.D.8.B.2, Slopes, a minimum four foot high gated fence completely enclosing the excavated area may be substituted for the required slopes.

**6. Depth**

Excavation activity shall not exceed ten feet in depth below OWL.

**7. Reclamation**

The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

- a. Compliance with the slope and drainage and reclamation standards of Article 4.D.8.B, Construction Standards, shall be required.
- b. The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the Building Division depicting:
  - 1) an as-built survey showing the location, size, and depth of the excavated area; and,
  - 2) in cases where no permanent water body is created, the site plan submitted with the building permit shall serve as the reclamation plan.

**8. 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]**

**a. Application Requirements**

The building permit plans shall be supplemented with the following information: **[Ord. 2008-037]**

**1) Site Plan**

A general site plan complying with the standards of this Section;

**2) Statement**

A statement estimating the amount of excavated material, in cubic yards; and

**3) Notarized Authorization**

Notarized authorization from the property owner to excavate.

**b. Determination of Sufficiency, Review and Decision**

A building permit shall be issued by PZB, with or without conditions of approval, after the application has been determined complete and in compliance with this Section.

**C. Type I B Excavation**

**1. Lot Size**

A minimum of two and one-half acres.

**2. Excavated Surface Area**

The maximum surface area of all excavation on the premises shall be less than 25 percent of the gross lot area and shall not exceed two acres.

**3. Off-site Removal**

Off-site removal of extracted material is prohibited.

**4. Separations and Setbacks**

In addition to the separation requirements of Article 4.D.8.B, Construction Standards, Type I excavations shall maintain the following minimum setbacks:

- a. 30 feet at the time of construction from any adjacent property line.
- b. 50 feet from any potable water well.
- c. 100 feet from any septic system pursuant to Article 15.A, ECR I Onsite sewage treatment and Disposal Systems.

**5. Maximum Depth**

Excavation activity shall not exceed 15 feet in depth below OWL.

**6. Reclamation**

The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

- a. Compliance with the slope angle, drainage, and reclamation standards Article 4.D.8.B, Construction Standards.
- b. The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the DRO depicting:
  - 1) An as-built survey showing the location, size, and depth of the excavation.
  - 2) In cases where no permanent water body is created, the building permit site plan shall serve as the reclamation plan.

**7. Use Approval 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]**

**a. DRO Approval**

Pursuant to Article 2.D, ADMINISTRATIVE PROCESS: DRO Approval shall be required. The DRO shall review for compliance with this Section and may approve the application with or without conditions.

**b. Duration**

A Type I B excavation permit shall expire 120 days from the date authorization is received to begin excavation activity. The DRO may grant one 90 day extension.

**D. Type II Excavation**

**1. Location**

A Type II excavation may be permitted to implement a site development plan for a principal use as permitted in the Use Regulation Schedule Table 4.A.3.A, Use Matrix, and to implement a master Plan, site plan, or final subdivision plan approved by the DRO. **[Ord. 2008-037]**

**2. Standards**

An application for a Type II excavation shall comply with the following requirements:

- a. Article 4.D.8.A, Operational Standards and Requirements, and Article 4.D.8.B, Construction Standards;
- b. Excavated area, Littoral zone and general upland reclamation requirements pursuant to Article 4.D.8.C, Reclamation Standards;
- c. Article 4.D.8.D, Performance Guarantee Requirements ;
- d. Article 4.D.8.E, Maintenance and Monitoring; and
- e. Article 4.D.7, Notice of Intent to Construct.

**3. Separations and Setbacks**

In addition to the separation requirements in Article 4.D.8.B.1, Separation, Type II Excavation shall maintain a minimum setback of 30 feet, measured from the top of bank to the perimeter boundary of the master planned development, subdivision, overall final site plan, streets 80 feet in width or greater, and canal R-O-W. For the purpose of this Section. The top of bank is considered the waterward edge of the lake maintenance easement.

**4. Depth**

The maximum depth of a Type II excavation shall be in accordance with Article 4.D.5.A.2, Maximum Depth.

**5. Use Approval and Procedures**

Prior to initiating excavation activity, approval shall be required in accordance with this Section. **[Ord. 2008-037]**

**a. DRO Approval**

Prior to initiating Type II excavation activities, DRO review and approval shall be required. Application shall be made in accordance with Article 2.D, ADMINISTRATIVE PROCESS, and this Section. DRO shall review the final site development plan for compliance with the standards of this Section and may approve with or without conditions.

**b. Removal of Excess Fill from the Site**

If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Art.

4.D.5.D, Type II Excavation, then the applicant shall apply for a Class A Conditional use or Requested Use pursuant to the standards of Art. 2.B.2, Conditional and Requested Uses, and shall comply with the following standards: 1) Art. 4.D.8.A, Operational Standards and Requirements, 2) Littoral; 3) Upland Reclamation Standards in Art. 4.D.8.E, Maintenance and Monitoring; 4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in Art. 4.D.8.E, Maintenance and Monitoring; 5) Buffer requirements in Art. 4.D.5.F.7.b.c), Type III A Excavation; and 6) Setbacks shall be provided pursuant to Type II setback requirements in Art. 4.D.5.E.3, Separations and Setbacks. **[Ord. 2004-040]**

- 1) The applicant demonstrates that the make up of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock or muck; or
- 2) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and
- 3) The impact of hauling the material off-site will not cause adverse affects to adjacent property owners or streets.

**c. Off-site Removal**

A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If the applicant must remove more than ten percent of the fill from the site, then use approval shall be required as follows: **[Ord. 2004-040]**

**d. Excavation Necessary to Implement a Final Development Order**

If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Art. 4.D.5.D, Type II Excavation, then the excavation shall be considered a Type III A mining operation. This exception applies only to sites located within the Urban Service Area or a site in the rural service area which has a valid development order approved prior to the effective date of this ordinance. The applicant shall apply for a Class A Conditional use approval for a Type III A excavation pursuant to the standards of Art. 2.B.2, Conditional and Requested Uses and Development Order Amendments and shall comply with the following standards: 1) Art. 4.D.8.A, Operational Standards and Requirements, 2) Littoral; 3) Upland Reclamation Standards in Art. 4.D.8.E, Maintenance and Monitoring; 4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in Art. 4.D.8.E, Maintenance and Monitoring; 5) Buffer requirements in Art. 4.D.5.E, Type III Excavation; and 6) Setbacks shall be provided pursuant to Type II setback requirements in Art. 4.D.5.D.3, Separations and Setbacks.

**1) Location**

The following Type III A standards shall apply, unless waived by the BCC after a finding of fact that waiver of these standards will not violate the compatibility standards, pursuant to Art. 4.D.5.F.8, Compatibility Standards. **[Ord. 2004-040]**

**e. Excavation, Performed by Public Agency, To Provide Drainage For A Public Street**

- 1) Excavation activity located outside the street boundary, conducted solely to accommodate drainage for a public streets and performed or caused to be performed by contract with a public agency, as defined herein, shall comply with the standards below. The excavation activity shall:
  - a) be on land owned by PBC, the State, or a Water Control District created by special act to operate under F.S. Chapter 298 (1996); or
  - b) be on land granted by easement to and accepted by PBC, the State, or a Water Control District; and
  - c) be the absolute minimum necessary to comply with the surface water drainage requirements for the public streets.
- 2) For the purpose of this Section, authorization by PBC, FDOT or a Water Control District to construct a public streets shall constitute a valid development order. The excavation activity shall comply with the standards below.
  - a) Notice of Intent to Construct pursuant to Article 4.D.7, Notice of Intent to Construct;
  - b) Operational and Construction standards pursuant Article 4.D.8.A, Operational Standards and Requirements, Article 4.D.8.B, Construction Standards, and Article 4.D.8.A.10, Hauling Standards;
  - c) Littoral zone and general upland reclamation requirements pursuant to Article 4.D.8.C, Reclamation Standards; and

- d) Maintenance and Monitoring requirements pursuant to Article 4.D.8.E, Maintenance and Monitoring.

## **E. Type III Excavations**

### **1. Classification of Types**

An excavation that meets the definition of mining is considered commercial operations. Type II, or Agricultural excavations that exceed established criteria, as defined in this Section, are to be considered a Type III excavation. Two classes of Type III excavations (Type III A and Type III B) are established to distinguish between the types of mining operations. **[Ord. 2008-037]**

#### **a. Type III A**

Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require limited on-site processing by using temporary or portable crushers, sifters and conveyor systems. A Type III A excavation activity may use dragline, dredging or earthmoving equipment to perform the mining operation provided the operation complies with the standards of this Section. The use of explosive devices or permanent structures or equipment used to crush or sift material shall be prohibited.

#### **b. Type III B**

Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require extensive processing of the material on site. Type IIIB excavations may use dragline, dredging, earthmoving equipment to perform the mining operation. The use of explosives and heavy industrial equipment to crush, sift and transport the material on site may be permitted subject to compliance with the standards of this Section.

### **2. Standards**

An application for a Type III excavation shall comply with the following requirements: **[Ord. 2008-037]**

- a. Operational and construction standards pursuant to Article 4.D.8.A, Operational Standards and Requirements, and Article 4.D.8.B, Construction Standards.
- b. Excavated area, Littoral zone and upland reclamation requirements pursuant to Article 4.D.8.C, Reclamation Standards.
- c. Article 4.D.8.D, Performance Guarantee Requirements .
- d. Article 4.D.8.E, Maintenance and Monitoring.

### **3. Location**

A Type III excavation may be permitted in accordance with Table 4.A.3.A, Use Matrix. Mining may be permitted with limitations in the districts identified below.

#### **a. AP District in the AP FLU Designation**

Mining shall be limited to the support of public road construction projects, agricultural activities, or water management projects associated with ecosystem restoration, regional water supply or flood protection, on sites identified by the SFWMD or the U.S. Army Corps of Engineers where such uses provide viable alternative technologies for water management. Mining shall demonstrate compliance with standards in Article 4.D.5.E.8, Compatibility Standards. **[Ord. 2005-041]**

### **4. Depth**

The maximum depth of a Type III excavation shall be in accordance with Article 4.D.5.A.2, Maximum Depth.

### **5. Accessory Use**

An asphalt batch concrete plant shall be permitted as an accessory use to a Type III B excavation, subject to DRO approval and provided that:

- a. the site is a minimum of 500 acres;
- b. the use is separated at least one-half mile from any residential use or district; and
- c. direct access to the plat is provided from an arterial street.

### **6. Use Approval and Procedures**

A Class A conditional use approval is required for a Type III excavation, in accordance with Article 2.B.2, Conditional and Requested Uses, and this Section. A Type III 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]**

#### **a. 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]

**1) 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 Art. 4.D.6.a.2. 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]

**2) 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]

**3) Conditions of Approval**

The DEP may recommend conditions of approval to the BCC to resolve issues related to its regulations. [Ord. 2008-037]

**b. 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]

**c. 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]

1) The applicant shall submit a phasing plan complying with the requirements of Article 4.D.6, Supplemental Application Requirements, and Article 4.D.7, Notice of Intent to Construct.

2) Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all guarantees, required by Article 4.D.8.E, Maintenance and Monitoring, and written authorization by the DRO.

3) 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]

**d. 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]

**e. Haul Permit**

The BCC may require, as a condition of approval, for a haul permit for unpaved collector or arterial streets. If required, a haul permit application shall be submitted to and approved by the Land Development Division in accordance with Article 4.D.8, Technical Standards, prior to issuance of the Notice of Intent to Construct by ERM.

**f. Notice of Intent to Construct**

Notice of Intent to Construct shall be submitted to and receive approval from ERM in accordance with Article 4.D.7, Notice of Intent to Construct, prior to initiating any on-site excavation activities.

**g. Reclamation Plan Approval and Release of Performance Guarantees**

Prior to the release of any performance guarantee. The DRO shall approve an "as built" reclamation plan. The plan shall include certified as-built drawings and written certification, bearing the seal of an engineer registered in the State of Florida, certifying compliance with Article 4.D.8, Technical Standards, (excluding littoral and upland planting requirements), and that all construction related development order conditions and guarantees have been satisfied. Performance guarantees for planting areas shall be released in accordance with Article 4.D.8.E, Maintenance and Monitoring.

**7. Annual Report**

For the purpose of Type III Excavation, the owner shall submit an Annual Report to the Monitoring Section 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]**

**a. General:**

- 1) Acres mined to date; **[Ord. 2008-037]**
- 2) Tonnage removed/sold including a copy of the resource extraction fee receipt to the County; **[Ord. 2008-037]**
- 3) Status of each phase; **[Ord. 2008-037]**
- 4) Updates to master /site plans; **[Ord. 2008-037]**
- 5) 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]**
- 6) Status of compliance with conditions contained within the approved Resolution(s); **[Ord. 2008-037]**
- 7) 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]**
- 8) 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]**
- 9) Certification and documentation that all seismograph instruments have been re-calibrated during the calendar year. **[Ord. 2008-037]**

**b. Agencies**

Address the following the following agency requirements: **[Ord. 2008-037]**

**1) Archaeological:**

- a) Status of found artifacts and their location(s); and, **[Ord. 2008-037]**
- b) Copy of notification(s) to County and State Archaeologist and current status. **[Ord. 2008-037]**

**2) Engineering:**

- a) Status of potential road construction requirements, signalization and ROW acquisitions. **[Ord. 2008-037]**

**3) Environmental:**

- a) Status of NIC conditions of approval and compliance with Administrative waivers; **[Ord. 2008-037]**
- b) Status of extraction fee; and **[Ord. 2008-037]**
- c) Water quality data from designated sampling location from FDEP. **[Ord. 2008-037]**

**4) Health:**

- a) Status of compliance for any onsite sewage treatment and disposal systems; **[Ord. 2008-037]**
- b) Status of compliance for any onsite drinking water systems; and, **[Ord. 2008-037]**
- c) Status of compliance with BMP's for mosquito control including the need for aerial spraying. **[Ord. 2008-037]**

**5) Planning:**

- a) 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]**

**6) Zoning:**

- a) Copy of the daily blasting log; **[Ord. 2008-037]**
- b) Copy of the State Fire Marshall's blast permit; and **[Ord. 2008-037]**
- c) Status of the upland reclamation requirements. **[Ord. 2008-037]**

**8. Compatibility Standards**

A Type III excavation shall be reviewed to assure the proposed excavation is compatible with surrounding land uses and complies with the applicable separation and setback standards and to ensure there are no negative impacts as defined herein. The BCC shall not approve the application if a finding is made that the use will be incompatible with surrounding land uses. For the purposes of this Section, incompatible means negative impacts caused to surrounding land uses because of proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including, but not limited to, the impacts of noise, vibration, dust, traffic, smoke, odors, toxic matter, radiation, and similar environmental conditions.

**a. General**

The following standards shall apply to both Type III A and Type III B mining activities.

**1) Location and Access**

Local residential streets shall not be used for access or as a haul route. The site shall front on and have direct access to an arterial or collector street designated on the County's Future Thoroughfare Identification Map. In cases when the street on the Thoroughfare Identification Map is not paved, the BCC may allow an Excavation Type III to locate and have access to the street provided the BCC makes a finding of fact that the use of the street will not cause an incompatible affect on surrounding residential uses, and may condition the project to obtain a haul permit in accordance with Article 4.D.8.A.10, Hauling Standards.

**a) Restrictions in the RR FLU Designation**

Commercial excavation shall be prohibited in neighborhoods which support developed single-family residences on 60 percent of the valid lots of record. For the purposes of this Section, neighborhoods shall be defined as an area contained within a platted subdivision, a rural unrecorded subdivision an approved affidavit of exemption, an area which has prepared a neighborhood plan in accordance with the Plan, or is in an area with lots of similar size. Commercial excavation located in an area with a rural residential land use designation that do not satisfy the definition of neighborhood above, shall have a minimum of 100 acres and 500 feet of frontage with direct access to an arterial or collector street as specified herein.

**2) Separation from Other Land Uses**

Minimum separations from protected land uses are defined in Article 4.D.5.E.8, Compatibility Standards. Unless otherwise specified, separation shall be measured from the outermost edge of the excavated area (top of bank), equipment, stockpiles, buildings, or structures, to the closest structure of a protected land use. The BCC may reduce the required separation distance based on the compatibility of the use with the adjacent area, and the remoteness or proximity of adjacent incompatible uses, provided the reduction complies with the intent of the compatibility standards in Article 4.D.5.E.8, Compatibility Standards. The BCC shall state the basis for the reduced separation and make a finding of fact that the reduction should not negatively impact adjacent uses. If the separation is reduced, the BCC may require increased setbacks, buffering and other restrictions as necessary to protect surrounding land uses.

**a) Residential Uses**

For the purposes of this Section, existing residential uses shall be defined as a residential lot supporting a residence in a platted subdivision, a rural unrecorded subdivision, an approved affidavit of exemption, a plat waiver, or other recorded instrument and is not located within the boundary of the excavation project.

**3) Setbacks**

Setbacks shall be measured from the outermost edge of the excavated area (top of bank), structure, building, equipment, or stockpile to the boundary of the excavation project.

**4) Fence**

If mining activity is conducted within one-half mile of a residential use, the mining operation shall be completely enclosed by a minimum six foot high fence, wall, or natural barrier and shall have signage posted to prohibit trespassing.

**5) Noise**

Airborne noise produced from the excavation activity shall comply with the noise provisions in Article 5.E, PERFORMANCE STANDARDS, as measured at the nearest inhabited structure. The sound level limits are allowed to increase for a limited duration. For this limited period, noise generated by excavation projects may increase up to ten DB more than permitted by Table 5.E.4.B, Maximum Sound Levels. In addition, the noise level may increase to a maximum of 120 dB once each weekday (Monday - Friday) for a maximum of ten seconds.

**b. Type III A Excavations**

**1) Restrictions in the RR FLU Designation**

**a) Lot Size**

A minimum of 40 acres.

**b) Minimum Surface Area**

The maximum excavated surface area shall not exceed 30 percent of the gross area contained within the boundary of the excavation project.

**2) General**

The following standards shall apply to a Type III A excavation:



**a) Minimum Separations and Setbacks**

In addition to the separation requirements in Article 4.D.8.B, Construction Standards, a Type III A excavation shall maintain the following separations and setbacks from adjacent uses as provided below.

**(1) Separations from Residential Land Uses**

Separation from an existing residence shall be a minimum of one-quarter mile, measured from the property line of the excavation project to the inhabited structure.

**(2) Setbacks**

**Table 4.D.5.E - Setbacks**

	Residential	Commercial	Industrial/ Agricultural	Streets
Excavated lake edge	100'	50'	50'	50'
Processing equipment	600'	200'	200'	200'
Stockpiles	300'	200'	100'	200'
Accessory buildings and structures	100'	100'	100'	100'

**b) Stockpile Height**

Stockpile height shall be limited to 30 feet.

**c) Buffer**

A buffer shall be preserved or installed along a property lines in accordance with the provisions below. The buffer shall be planted and maintained in accordance with the standards of Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, as applicable.

**(1) Existing Vegetative Buffer**

If a substantial native or non-native, non-invasive vegetative buffer exists, then the vegetation shall be utilized as an incompatibility buffer and preserved along the entire perimeter of the site, except for an approved access area. To be considered substantial, the buffer shall provide an opaque screen and be a minimum depth of one 100 feet. If the 100 foot buffer is not opaque, then native vegetation complying with the standards of a Type 3 incompatibility buffer shall be required to be planted to supplement the existing vegetation and shall form a solid visual buffer within two years. All native vegetative buffers shall be protected during the duration of the excavation activity in accordance with the standards in Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, and in Article 14.C, VEGETATION PRESERVATION AND PROTECTION.

**(2) Existing Prohibited Vegetative Buffer**

To provide an instant buffer the BCC, by condition of approval, may permit existing prohibited species to be maintained within the setbacks for a Type IIIA excavation until completion of the excavation activity. In such cases the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, shall be installed in conjunction with subsequent development.

**(3) No Existing Vegetative Buffer**

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 incompatibility Buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

- a) all streets;
  - b) all residential zoning districts;
  - c) lots supporting existing or proposed residential uses in the AR zoning district.
- Unless otherwise determined by the BCC, a buffer shall not be required adjacent

(This space intentionally left blank.)

- to land in agricultural production in the AP, or SA zoning districts nor in the AR zoning district if the land is used solely for bona fide agricultural purposes; and
- d) commercial zoning districts.

**c. Type III B Excavation**

**1) Restrictions in the RR and SA FLU Designation [Ord. 2005 – 002]**

**a) Lot Size**

A minimum of 100 acres.

**b) Maximum Surface Area**

The maximum excavated surface area shall be determined by the BCC.

**2) General**

A Type III B excavation shall comply with the following criteria:

**a) Minimum Separations and Setbacks**

In addition to the separation requirements in Article 4.D.8.B, Construction Standards, a Type III B Excavation, except those that lie in the area defined as the WCAA, shall comply with the separation and setback regulations below. Excavation projects in the WCAA shall be evaluated on a case by case basis in accordance with the compatibility criteria Article 4.D.5.E.8, Compatibility Standards, and shall have separation requirements set by the BCC.

**(1) Separation from Residential Uses**

Separations from residential uses, shall be a minimum of one-eighth of a mile, in all directions measured in accordance with Art. 4.D.5.E.8.a.2), Separation from Other Land Uses, above. [Ord. 2005-002]

**(2) Setbacks**

Minimum setbacks shall be provided based on separations from uses as indicated below. [Ord. 2005-002]

**(3) Separation from Commercial and Industrial Uses**

Commercial: 1/2 mile

Industrial: 1/8 mile

[Ord. 2005-002]

**Table 4.D.5.F – Setbacks Based On Separation From Residential Uses**

Uses	Separations			
	1 mile	2 mile	1/4 mile	1/8 mile
Mined lake edge	50'	100'	500'	1200'
Processing equipment	100'	300'	800'	1400'
Stockpiles	100'	300'	700'	1300'
Accessory buildings & structures	100'	100'	100'	100'

**Table 4.C.5.F – Setbacks Based on Separation from Commercial and Industrial Land Uses**

Commercial/Ind Uses	Setback
Mined lake edge	100'
Processing equipment	200'
Stockpiles	200'
Accessory buildings & structures	100'

**b) Mining Impact Study**

A Mining Impact Study shall be submitted for a Type III B excavation in the WCAA and for projects which the applicant requests a reduction in the required separations. The study shall detail all methods and procedures for material extraction, processing, storage and hauling operations. At a minimum the study shall include the time of day blasting will occur, the maximum number of holes to be shot each occurrence, including the type of explosive agent, maximum pounds per delay, method of packing and type of initiation device to be used for each hole. The study shall include a blasting schedule and establish noise and vibration standards complying with Article 4.D.5.E.8, Compatibility

Standards. The study shall also demonstrate how these operations will impact surrounding land uses.

- (1) Prior to certification of an application for inclusion on a public hearing agenda, the DRO may retain a technical consultant to advise the PBC of the adequacy of the standards established in conjunction with the Mining Impact Study. The cost of PBCs consultant shall be borne by the applicant.

**c) Noise and Vibration Monitoring Report**

The applicant shall monitor all blasting and other mining activities and record resultant noise and vibrations. PZB may, at any time, require the property owner to submit monthly monitoring reports, indicating the number, time, peak over pressure (noise) and vibration caused by each activity. If requested, the property owner shall provide the noise and vibration monitoring report within two working days from the date of the request.

**d) Buffer**

A buffer shall be installed along all property lines as specified below. The buffer shall be planted and maintained in accordance with the standards of Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS.

**(1) Existing Native Vegetative Buffer**

Existing native vegetation within 100 feet of the property line shall be preserved along the entire perimeter of the site, except for an approved access area.

**(2) Existing Prohibited Vegetative Buffer**

To provide an instant buffer along the entire perimeter of the site, the BCC, by condition of approval, may permit existing prohibited species to be maintained in the setbacks until completion of the excavation activity. In such cases, the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, shall be installed in conjunction with subsequent development.

**(3) Type 3 Incompatibility Buffer**

Sites within a one-quarter mile of a public or private streets, which does not support an existing opaque native or non-native, non-invasive vegetative buffer shall install a Type 3 incompatibility buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof.

**(4) No Existing Vegetative Buffer**

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of 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 district if the land is used solely for bona-fide agricultural purposes.

**3) Hours of Operation**

Excavation and hauling activity shall occur only between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday, unless otherwise determined by the BCC. Blasting activity shall be limited to 10:00 a.m. to 5:00 p.m., Monday through Friday.

**4) Notice of Intent to Construct**

Compliance with Article 4.D.7, Notice of Intent to Construct.

**9. 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]

## **Section 6 Supplemental Application Requirements**

### **A. Content of Application**

All Type I B, Type II, Type III A and Type III B excavations shall supplement the applicable application requirements with the material and information listed below.

#### **1. Statement**

Application listing the nature of the excavation operation, including but not limited to the:

- a. amount and type of materials to be excavated;
- b. duration of the excavation activity and reclamation activity;
- c. the proposed method of excavation;
- d. the amount of fill to remain on site;
- e. if permitted, the amount of fill to be removed from site; and
- f. intent to comply with Article 9.A, ARCHAEOLOGICAL RESOURCES PROTECTION.

#### **2. Site Plan**

A site plan depicting:

- a. Boundaries, dimensions and acreage of the site and excavated surface area(s);
- b. All existing and proposed improvements including easements, streets, weigh stations, and other structures;
- c. Setbacks and separations;
- d. Preservation areas;
- e. Water table elevations, including Ordinary Water Level.

#### **3. Vegetation Permit**

A vegetation permit application pursuant to Article 14.C, VEGETATION PRESERVATION AND PROTECTION.

#### **4. Aerial**

An aerial at a scale of 1:200 or better, clearly depicting the site and phase lines.

### **B. Additional Application Requests for Type II, Type III A and Type III B**

All applications for Type II, Type III A and Type III B excavations shall require the additional information listed below.

#### **1. Soil Statement**

A statement certified by an engineer indicating the type of soils to be excavated and that the soils are suitable for road or structural fill construction or the soil contains excessive amounts of silt, rock, or muck.

#### **2. Site Plan**

A site plan depicting:

- a. Article 4.D.8.A, Operational Standards and Requirements, as applicable; and
- b. Equipment storage, and stockpile areas, including sizes and heights.

#### **3. Landscape Plan**

A landscape plan indicating the buffers and reclamation planting required.

#### **4. Cross Sections**

Cross Sections delineating compliance with the following requirements, as applicable:

- a. Article 4.D.8.B, Construction Standards;
- b. Article 4.D.8.C, Reclamation Standards; and
- c. Buffer details.

#### **5. Operations Plan**

An operations plan shall be submitted in the form of a statement and include the methods of material extraction, on site processing, including erosion and sediment control methods, and particulate matter control. The plan shall also delineate how impacts from hauling operations will be controlled.

#### **6. Haul Route Plan**

A map indicating all possible proposed haul routes within the radius of impacts as defined in Article 4.D.5.E.6, Use Approval and Procedures.

**C. Additional Application Requests for Type III A and Type III B**

All applications for Type III A and Type III B Excavation shall require the additional information listed below.

**1. Site Plan**

A site plan depicting:

- a. Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of excavated material.

**2. Additional Information**

**a. Report Schedule**

Report Schedule, pursuant to Article 4.D.8.E, Maintenance and Monitoring.

**b. Location Map**

Surrounding uses map depicting the location of the outer boundary of area to be excavated and distances to surrounding land uses; including all residences within the applicable specified distance in the separation standards in Article 4.D.5.E.8, Compatibility Standards.

**c. Phasing Plan**

A phasing plan and tabular data depicting acreage, location, sequence of operations and schedule of reclamation requirements.

**d. Tree Survey**

A tree survey, as required by Article 4.D.8.C.4.d, Calculating Planting Requirements.

**Section 7 Notice of Intent to Construct**

All applications for Agricultural, WCAA, Type II excavation, and Type III mining activities shall submit a Notice of Intent to Construct in accordance with the provisions below.

**A. Notice of Intent**

Prior to commencement of any on-site excavation or mining activities, a Notice of Intent to Construct shall be submitted to and receive written approval from ERM.

**B. Contents of Notice of Intent to Construct**

The following information shall be included with the completed Notice of Intent to Construct form:

1. paving and Drainage plans, if applicable;
2. preliminary plat, if applicable, and restrictive covenant, pursuant to Article 4.D.8.C.5, Area of Record;
3. Article 4.D.8.C.3, Littoral Planting Reclamation Standard; **[Ord. 2005 – 002]**
4. master Plan, showing all phases of development, if applicable; and **[Ord. 2005 – 002]**  
Items 1 and 2 (preliminary plat) shall be signed and sealed by a certified engineer or surveyor as applicable, recognized and approved by the Florida Department of Professional Regulation (FDPR).
5. methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations, a copy of the on-site Stormwater Pollution Prevention Plan shall be submitted as part of the permit application. **[Ord. 2005 – 002]**

**C. Agriculture Excavation**

All Agricultural and WCAA excavation shall submit a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Art. 1.I, Definitions and Acronyms.

**D. Type III Exceptions**

A Type III application shall include documentation of an approved for Class A conditional use pursuant to Article 2.B, PUBLIC HEARING PROCEDURES.

**E. Written Approval**

ERM shall issue a written approval to the applicant within 30 days upon receipt of a Notice of Intent to Construct and appropriate fee with all information necessary to demonstrate that the provisions of this Section will be met, and confirmation by The Land Development Division that all necessary haul permits have been issued.

**Section 8 Technical Standards**

**A. Operational Standards and Requirements**

All excavation types shall comply with the following operational standards, unless specifically exempt or prohibited pursuant to this Section.

**1. Hours of Operation**

All excavation and hauling activity, except dewatering, shall only occur between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday, unless otherwise specified in this Section.

**2. Objectionable Odors**

The excavation activity shall be conducted in such a manner as to prevent the occurrence of odors which can be detected off the premises.

**3. Emission of Fugitive Particulate Matter**

Excavation operations, including hauling activity, shall be conducted to prevent the emission of dust or other solid matter into the air or onto adjacent properties pursuant to the smoke, emissions and particulate matter provisions in Article 5.E, PERFORMANCE STANDARDS, and Rule 62-296, F.A.C.

**4. Existing Topsoil**

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

**5. Equipment Storage, Maintenance and Service Areas**

Equipment storage, maintenance and service areas shall be setback a minimum 200 feet from all property lines abutting a residential district or use. The equipment storage area shall be designed such that noise generated by the equipment is muffled in order to comply with the noise performance standards in Article 5.E, PERFORMANCE STANDARDS.

**6. Regulated Substances**

All storage and use of regulated substances shall comply with local, state, and federal regulations. All regulated substance dispensing areas shall comply with Best Management Practices. Any spill of any regulated substance shall be reported to the PBCHD within one hour and to ERM within one hour or at the beginning of the next business day.

**7. Dewatering**

Dewatering shall not be allowed unless permitted by a State agency, Federal agency, the SFWMD, or the dewatering operation is in compliance with conditions of F.A.C. 40E-20.302(3). If dewatering is permitted, pumps shall be located, submerged, buried, or encased in an insulated structure in order to comply with the noise standards in Art. 5.E, Performance Standards. [Ord. 2005 – 002]

**8. Access to Public Prohibited**

Signs shall be posted prohibiting access to the general public while excavation and reclamation activity is being conducted.

**9. Retail Sale of Material**

The retail sale of excavated material shall not be permitted on site.

**10. Hauling Standards**

**a. General**

- 1) All trucks hauling material from sites that permit off-site removal shall be covered to prevent debris and fill from spilling onto the roadway.
- 2) The hauler shall employ measures acceptable to the PBCHD, and any applicable road maintenance authority, to ensure that roads are properly maintained and kept free of fugitive particulate matter.
- 3) The BCC may require special conditions, including, but not limited to:
  - a) construction of turn lanes and other roadway improvements necessary to provide safe traffic movement;
  - b) requirement to obtain a haul permit from the DEPW in accordance with the procedures herein.
- 4) All vehicles used to haul excavated material shall use the approved haul routes. Vehicles shall not use local residential streets to access arterial or collector streets.

**b. Permit Required**

The BCC may require that the petitioner obtain a haul permit for all streets within the radius of impact, except for arterial or collector streets. For the purpose of this Section, radius of impact is defined as the primary street system commencing at the access point of the excavation site and extending out along all streets in all directions to the closest arterial or plan collector street.

**c. Contents of Application**

A haul permit application shall include, but not be limited to, the following:

- 1) the name and address of the applicant and owners of the property;
- 2) the legal description of the property;
- 3) a map showing all haul routes from the excavation site to the nearest major non-residential streets; and

- 4) any other material as required by the Director of Land Development as deemed reasonable and necessary to evaluate the application.

**d. Guarantee Required**

A guarantee for road maintenance and repair shall be required and shall be released as set forth in Article 4.D.8.D, Performance Guarantee Requirements , for all affected streets as required herein.

**e. Street Condition Assessment**

The haul permit application shall include an executed agreement between the applicant and the County Engineer and other applicable road maintenance authorities documenting and assessing the existing conditions of the streets within the radius of impact. The assessment shall include a description of the hauling operations including but not limited to the number of trips (as approved in the original development order), duration of excavation and hauling activity, truck size and weights and the existing conditions of all possible streets designated as haul routes.

**f. Designation of Haul Routes**

Proposed haul routes shall have adequate structural strength to accommodate level of proposed trucking activity. Construction of turn lanes and improvements to the roadways may be required to accommodate the level of proposed truck activity. The proposed route and hours of travel shall be approved based on the size and nature of the excavation operation and the type of trucks involved.

**g. Issuance of a Haul Permit**

A haul permit with designated haul routes shall be obtained from the Land Development Division prior to issuance of written approval by ERM of the applicant's Notice of Intent to Construct.

**h. Periodic Inspections**

Every six months, for the duration of the project, commencing on the date that original agreement was executed, the applicant shall schedule an inspection with the County Engineer and/or all applicable road maintenance authorities to evaluate and document road deterioration and needed repairs. The County Engineer or applicable road maintenance authority may request a periodic inspection at any time, if deemed necessary to assess the condition of the street or if repairs are needed to ensure the safety of the public.

**i. Responsibility of Applicant**

It shall be the applicant's responsibility to maintain all minor non-residential streets in a safe, operable condition, as determined by the County Engineer, for the duration of the project. In addition, when the excavation activity is completed, the applicant shall restore the streets to its original condition or to a better condition, which existed at the time excavation activity commenced.

**11. Phasing**

In the event the excavation activity is conducted in phases, the phasing plan required by Article 4.D.8.A, Operational Standards and Requirements, shall be subject to Article 2.E, MONITORING, Table 2.E.3.B, Time Limitation of Development Order for Each Phase, and the requirements in Article 4.D.8.C, Reclamation Standards. All excavation types, except Type IIIA and Type IIIB shall comply with Article 2.E, MONITORING, which limits the project to two primary phases for the purposes of monitoring commencement of the development order. Additional sub-phases may be permitted for each primary phase for the purposes of conducting the excavation activity in accordance with this Section. For Type III A and Type III B excavations, the number of phases and the duration of each phase shall be established as a condition of approval. When establishing the condition of approval for the number and duration of each phase, the BCC shall consider the size of the proposed excavation project, existing and proposed surrounding land uses, surrounding FLU designations, and other pertinent information.

**12. Sound Insulation**

All machinery, heavy equipment and vehicles utilized for excavation and hauling purposes shall be equipped with double mufflers to reduce airborne noise caused by excavation operations.

**B. Construction Standards**

All excavation types shall comply with the following construction standards, unless exempt.

**1. Separation**

Separations shall be measured from the top of bank of the nearest excavated area to the property line or designated area in any given direction as defined below: Excavation shall not be constructed within:

- a. wellfield Zone 1 or 300 feet from a public water supply well, whichever is more restrictive;
- b. 200 feet from a wetland or in a wetland, unless approved by ERM;



- c. 300 feet from a Class I or Class II Landfill;
- d. 300 feet from a site with known contamination;
- e. 100 feet from a septic system or sanitary hazard;
- f. 100 feet from a potable water well, except for Type I A and Type I B excavations; or
- g. 200 feet from publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands, unless approved by ERM.

## 2. Slopes

### a. Slope Angle

Slopes for all excavation types with unplanted littoral zone areas shall be no steeper than four feet horizontal to one foot vertical to a minimum depth of minus two feet OWL. Slopes below the minus two feet depth shall not exceed two feet horizontal to one foot vertical or the natural angle of repose for the specific conditions encountered. Grades and slopes shall be constructed in such a manner as to minimize soil erosion and to make the land surface suitable for revegetation. The slopes shall be adequately vegetated with appropriate ground cover from top of bank to edge of water within 30 days of final grading and thereafter maintained to prevent wind and water erosion.

### b. Slope for Planted Littoral Zones

The slope for excavation with planted littoral zone areas shall be no steeper than ten feet horizontal to one foot vertical to a distance of five feet waterward of the designated planted littoral zone area. Shallower slopes are encouraged to promote greater success of the littoral zone plantings. A copy of the record drawings certified by a surveyor or engineer recognized and approved by FDPR shall be submitted to ERM within 30 days following completion of slope construction.

#### 1) Inspection

Within 48 hours prior to completion of construction of the required slopes for the planted littoral zones, notification to ERM is required in order to schedule a slope inspection.

### c. Drainage

Overland sheet flow directly into an excavated area shall be minimized. Those areas within a maximum of 50 feet of the excavated lake may discharge run-off to the lake. This restriction shall not apply to any catchment area discharging runoff to a lake designated as a water management tract and incorporated in an approved stormwater management plan for treatment and control of runoff from a development site, where the boundaries of said catchment are delineated on an approved plan.

## 3. Final Site Conditions

No sharp declivities, pits, depressions, or debris accumulation shall remain after reclamation. Final grading shall conform to the contour lines and grades on the approved reclamation plan.

## C. Reclamation Standards

### 1. General

#### a. Types of Reclamation

Four types of reclamation standards are defined below. Reclamation standards vary based on the type of excavation activity as set forth in Article 4.D, EXCAVATION.

##### 1) Excavated Area

This area includes the depth of a lake and all slopes waterward of the top of bank, excluding littoral plantings.

##### 2) Littoral Planting

This area includes all plantings waterward from edge of OWL or plus one (+1) OWLs.

##### 3) Upland

This area includes the land area landward of the top of bank and requires that a minimum area of land be maintained or created around the perimeter of an excavated area to preserve future use of the land.

##### 4) Upland Planting

This area includes all plantings landward of the top of bank and requires stabilization of soil and re-establishment of native upland vegetation.

### 2. Excavated Area Reclamation Standard

All slopes shall be reclaimed in accordance with Article 4.D.8.B, Construction Standards, and in Article 4.D.8.C, Reclamation Standards. Areas not required to be stabilized with littoral plantings shall be stabilized and planted with appropriate ground cover from top of bank to the edge of the water. If seeding is used, a minimum of 50 percent coverage shall be required. The depth of the lake and side slopes shall be comply with Article 4.D.8.B, Construction Standards.

### 3. Littoral Planting Reclamation Standard

All Agricultural (excluding WCAA), Type II and Type III Excavations, excluding ponds, shall comply with the following littoral zone standards. Exempted excavations within the WCAA shall provide a littoral zone if the land use ceases to be agricultural. [Ord. 2006-004]

**a. Planted Littoral Zones**

Planted littoral zones shall be provided which comprise, at a minimum, an area equivalent to eight square feet per linear foot of shoreline. Creativity in design in the placement of the planted littoral zone is strongly encouraged, such as extended areas in one portion of the lake or at the discharge point. For basins with multiple lakes that are interconnected, littoral zones may be concentrated within one or more lakes so long as the basin as a whole contains the total required littoral area. The planted littoral zone area shall be limited to the area between one foot above OWL and two feet below OWL. If the applicant demonstrates to ERM that the planted littoral area elevations should differ from this requirement based on site specific conditions and based on fluctuations around the OWL, ERM may approve planted littoral area elevations other than those elevations stated above. Requirements for littoral zone planting shall be in addition to any planting for wetland mitigation required by DEP, SFWMD, USACE, ERM or any other agency with wetland jurisdiction. [Ord. 2005 – 002] [Ord. 2006-004]

**b. Vertical Walls**

Vertical walls, bulkheads or other means of hardening the shoreline may be allowed, however, for each linear foot of vertical wall, an additional eight square feet of planted littoral zone shall be required. Thus every linear foot of vertical wall shall require 16 square feet of planted littoral zone to be planted.

**c. Planting Requirements**

The littoral zone shall be provided with a minimum of six inches of a sand topsoil mix to promote vegetative growth for those areas that do not have adequate soil conditions to ensure plant survivorship. The littoral zone shall be planted with at least five species of appropriate native wetland vegetation, with an average spacing of two feet on center or as approved by ERM. The design and species used shall be such that the plants have an anticipated minimal 80 percent coverage. This criterion shall be met from the 180-day monitoring period, and in perpetuity. The Director of ERM shall maintain a list of acceptable plant species for use in their appropriate elevations within the littoral zones. The list may be amended for general application as more information becomes available. The list shall be open for public inspection and distribution.

**d. Timing of Planting**

Planting of the excavated lake or pond shall occur no later than immediately prior to the issuance of the first certification of occupancy for any lot adjacent to or abutting the bank of that lake. ERM may approve in writing a phasing plan for planting large single lake systems or interconnected multi-lake systems that would allow lake planting to be phased. At all times, applicant is responsible for minimizing erosion of the littoral shelves until the planting is completed. ERM shall be notified within 48 hours prior to completion of the littoral zone planting.

**e. Littoral Planting Plans**

The plans shall detail the species and numbers of plants to be used, the location and dimensions of the littoral areas, including any compensatory littoral areas, if applicable; typical cross Section of planted littoral zones from lake maintenance easements to the maximum depth of the lake; the location and dimensions of any structure for which a compensatory littoral area is required; the methods for planting and ensuring survival of the plants; and other reasonable information required by the Director of ERM.

Projects which are proposed to be conducted in phases, shall include plans which delineate the phases of excavation and shall include guarantees for each phase.

The signatory of the plans and specifications shall have a personal familiarity with the site and soil conditions based upon a field review.

**4. Upland Reclamation Standards**

Upland reclamation standards apply to Type II and all Type III excavations only.

**a. Reclamation Plan**

**1) General**

A site reclamation plan shall be submitted as an integral part of the application for a Type II or Type III excavation and shall be approved by DRO prior to commencement of work. Reclamation is required to ensure a viable end use for the excavation site. The plan shall demonstrate compliance with the requirements in Article 4.D.8, Technical Standards, except for the littoral planting plan which has its own application submittal requirements. However, the reclamation plan submitted to DRO shall indicate the littoral planting areas.

**2) Type II Excavation**

The certified final site development plan shall function as the standards required for the final development plan.

**3) Type II Excavations Exceeding Off-Site Removal Limitations**

As set forth in Article 4.D.5.D, Type II Excavation, shall be classified as a Type III A Excavation when the applicant proposes to remove more than ten percent of the fill offsite. Notwithstanding final site plan certification, the final site development plan shall function as the reclamation plan and planting requirements shall be met in accordance with the landscape requirements for the final site development plan. In such cases, the BCC may waive all or modify a portion of the explicit upland reclamation planting requirements defined below based on the ultimate use of the site. The BCC may require that the upland reclamation plantings defined below be incorporated into the open space pedestrian system as defined on the final site development plan.

**4) Type III Excavations**

The reclamation plan for a Type III excavation shall comply with the upland reclamation standards in this Section.

**b. Perimeter Reclamation**

At a minimum, 75 percent of the perimeter of the excavated area shall have a width of 180 feet; and the remaining 25 percent shall have a width of 100 feet. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to provide adequate growing conditions for reclamation planting requirements and to prevent the establishment of prohibited plant species.

**c. Timing of Upland Reclamation**

Reclamation shall occur immediately following the end of excavation or immediately following each phase of excavation, whichever occurs first. Upon commencement of reclamation and rehabilitation of the initial phase of this excavation, the next phase of excavation may commence upon written authorization by DRO. The applicable guarantee must be on file prior to authorization for the commencement of excavation on any subsequent phase.

**1) Timing of Planting**

If excavation activity is phased, planting shall occur at the completion of each phase. Planting of the reclaimed upland area should occur during the rainy season (June-October), within six months after completion of the excavated area or phase thereof, as applicable. The property owner shall ensure that proper watering and maintenance occurs in order to ensure a successful survival rate. If planting does not occur during the rainy season, then the property owner shall provide irrigation to establish the new plantings. PZB shall be notified 48 hours prior to completion of the upland plantings.

**d. Calculating Planting Requirements**

In addition to the buffer requirements in Article 4.D.5.E, Type III Excavations, the following upland planting requirements shall apply.

**1) Sites Supporting Native Vegetation**

Calculations to determine the reclamation planting requirements for sites supporting native vegetation shall be based on the existing tree cover. Controlled or prohibited species shall be exempt from this calculation. In addition, any tree species located within the required perimeter buffer area shall also be exempt. If no vegetation exists, the applicant shall demonstrate that the site was cleared before 1986 or has been issued and has complied with a vegetation removal permit.

A certified tree survey shall be submitted by either a landscape architect, forester, land surveyor, or engineer who is registered in the State of Florida. This count shall include all existing on-site native trees with a trunk diameter three inches or greater to be measured at four and one-half feet above the ground. The number of existing trees meeting this criterion shall then be divided by the total number of acres to obtain a tree-per-acre figure. The number of replacement trees to be planted at the time of final site reclamation shall be determined by multiplying the trees-per-acre figure by the number of required reclaimed land acres remaining at the time of final site reclamation. Credit shall be given by PZB for existing trees greater than three inches in diameter which are relocated and/or adequately protected during excavation. Any trees relocated and/or protected shall be deducted from the replacement tree count requirement. The trees to be replanted shall be native and a minimum eight feet high. In addition, two understory 18 inch high seedlings shall be planted for each tree required to be planted.

**e. Upland Planting Reclamation Standards**

The upland reclamation plantings may be clustered in one area of the reclaimed upland area or dispersed throughout the reclaimed upland area. No minimum or maximum area is required, except as a condition of approval, as long as the vegetation is planted in accordance with standards set forth in Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, and Article 14.C, VEGETATION PRESERVATION AND PROTECTION. A minimum of five native plant species shall be used to fulfill the planting requirements. The design and species used shall be such that the plants have an anticipated minimal survival rate of at least 80 percent at the end of each monitoring period.

**f. Plan Requirements**

The upland reclamation planting plan shall be submitted to the DRO simultaneously with the application for the final site plan.

- 1) The signatory of the plans and specifications shall have personal familiarity with the site and soil conditions based upon a field review. The plans shall be signed and sealed by a professional Landscape Architect certified by the Florida Department of Professional Regulation.
- 2) At a minimum, the plans shall detail the location, species and numbers of plants to be used, and the methods for planting and ensuring survival of the plants, and other reasonable information required by ERM.

**g. Phased Projects**

In the event that upland reclamation is to be conducted in phases, the following additional requirements shall apply:

- 1) A phasing plan shall be submitted indicating:
  - a) exact acreage of each phase;
  - b) proposed duration of excavation and reclamation of each phase; and
  - c) number of trees to be planted.

**5. Area of Record**

All reclaimed littoral and upland planting areas shall be identified graphically and in writing on a separate restrictive covenant. The graphic shall be signed and sealed by a Certified engineer or surveyor as applicable, recognized and approved by the FDPR. If a plat is required, pursuant to Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, all planted littoral zones and upland reclamation planting areas shall be identified by reference to the restrictive covenant. The plat and restrictive covenant shall be reviewed and approved by the Zoning Division, ERM, and the County Attorney's office prior to recordation. A copy of the plat, if applicable, and recorded restrictive covenant shall be provided to ERM and PZB, prior to issuance of written approval of the Notice of Intent to Construct. Within 30 days following plat recordation, a copy of the recorded plat shall be provided to ERM and Zoning Division.

The littoral area and reclaimed upland planting area shall be specifically and separately reserved to the owner, or if applicable, to the property owners' association as its perpetual maintenance responsibility, without recourse to PBC or any other governmental entity or agency. The plat, if applicable, restrictive covenant and property owners' association documents, shall contain the following statement:

It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations and approvals to alter the approved slopes, contours, or cross Sections or to chemically, mechanically, or manually remove, damage or destroy any plants in the reclaimed areas and planted littoral zone except upon the written approval from the Director of ERM or Zoning, as applicable. It is the responsibility of the owner or property owners association, its successors or assigns, to maintain the required survivorship and coverage of the reclaimed upland and planted littoral areas and to ensure on-going removal of prohibited and invasive non-native plant species from these areas.

**D. Performance Guarantee Requirements**

**1. General**

ERM shall administer guarantee requirements for the excavated area and littoral plantings. The Zoning Division shall administer guarantee requirements for reclaimed upland area, and upland plantings. The Land Development Division shall administer guarantee requirements associated with road maintenance and repair of haul routes.

**2. Guarantees Required**

The guarantees for phased projects may be bonded separately with approval by the DRO.

**a. Agricultural and Type II Excavations**

Agricultural and Type II excavations shall be required to provide a guarantee for the littoral zones. If approved as a Class A conditional use, guarantees shall also be required for the excavated area, upland reclamation (excluding upland plantings) and roadway maintenance and repair.

**b. Type III**

Approval of at least five guarantees shall be required for Type III excavations:

- 1) excavated areas;
- 2) reclaimed upland areas;
- 3) upland planting areas;
- 4) littoral zones; and,
- 5) road maintenance and repair when a haul permit is required in accordance with Article 4.D.8.A, Operational Standards and Requirements.

**3. Execution**

The performance guarantee shall be executed by a person or entity with a legal or financial interest in the property. Transfer of title to the subject property shall not relieve the need for the performance guarantee. The seller shall maintain, in full force and effect, the original performance guarantee until it is replaced by the purchaser.

**4. Form of Guarantee**

The guarantee shall assure the project performs as approved by the BCC and in accordance with the standards of this Code. The guarantee shall take the form of:

- a. A cash deposit or certificate of deposit assigned to PBC;
- b. An escrow agreement for the benefit of PBC;
- c. A performance bond issued by a Florida registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations. Said bond may be canceled only upon a 60 day written advance notice and acceptance of cancellation by ERM, PZB or Land Development Division, as applicable;
- d. An unencumbered, clean, irrevocable letter of credit which must be executed on a form provided by PBC; or
- e. Unless otherwise approved in writing by ERM, PZB or Land Development Division, as applicable, performance bonds or letters of credit shall be on forms provided by PBC.

**5. Amount of Guarantee**

**a. General**

The amount of the guarantees shall be adjusted in accordance with the Consumer Price Index, as provided by the Congressional Budget Office and as approved by the County Attorney's Office.

**b. Excavated Area**

Guarantee shall be a minimum of 1,000 dollars per acre of permitted excavation area.

**c. Littoral Zones**

The guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for planting, maintaining, and monitoring the required littoral shelves. ERM retains the option for requesting a second cost estimate for which the performance guarantee is based.

**d. Reclaimed Upland and Upland Planting Areas**

Guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for reclaiming, planting, maintaining, and monitoring the upland area and required upland planting areas. PZB retains the option for requesting a second cost estimate for which the guarantee is based.

**e. Roadway Maintenance and Repair**

Streets which require a haul permit in order to be used as a haul route shall be required to post a minimum guarantee in the amount of 50,000 dollars per mile of affected streets within the radius of impact.

**6. Submittal and Approval of Guarantee**

Except in the case of an application by a political subdivision or agency of the State, all applicants shall submit the guarantee instruments and obtain approval of the guarantee as provided below.

**a. Reclaimed Upland Area and Upland Planting Areas**

Guarantees for the reclaimed upland area and upland planting areas shall be submitted with the DRO application and approved prior to DRO certification of the final excavation plan.

**b. Excavated Area and Littoral Zones**

Guarantees for the excavated area and littoral zones shall be approved by ERM prior to issuance of written approval of the Notice of Intent to Construct.

**c. Road Maintenance and Repair**

Guarantees for road maintenance and repair shall be approved by the Land Development Division prior to issuance by ERM of the applicants Notice of Intent to Construct.

**7. Duration and Release**

The guarantee for the excavated area and upland reclamation area of Type III excavations may be reduced once the "as-built" plan is approved. However, the guarantee shall continue to cover the upland planting and littoral planting areas until released in accordance with this subsection.

**a. Excavated Areas for Type III Excavations**

At the request of the applicant, the guarantees shall be released by ERM, after DRO certification of the final as-built reclamation plan, in accordance with Article 4.D.5.E.6, 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.D.8.C.5, Area of Record.

**c. Littoral and Upland Planting Reclamation Areas**

The guarantees shall remain in effect a minimum of 730 days (two years) after reclamation is completed in accordance with all requirements of this Section. Guarantees shall not be released until approved plats or separate instruments are recorded and proof of recordation is provided to ERM and PZB, pursuant to Article 4.D.8.D, Performance Guarantee Requirements . Following verification of successful completion of reclamation through approval of the submitted as-builts, area of record, monitoring reports, and site inspection(s) by ERM and PZB, as applicable, guarantees shall be released.

**d. Road Maintenance and Repair**

The guarantee shall be released by the County Engineer and any applicable road maintenance authority after certification of the final phase of the as-built plan and upon final inspection and acceptance of the repair, maintenance and condition of the streets within the radius of impact.

**8. PBC Use of Guarantee**

Should PBC find it necessary to use the performance guarantee for corrective work or to fulfill the applicant's reclamation, reconstruction or maintenance obligations as set forth herein, the applicant shall be financially responsible for all legal fees and associated costs incurred by PBC in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.

**E. Maintenance and Monitoring**

The following maintenance and monitoring program is required for all planted littoral zones and reclaimed planted upland areas.

**1. Excavation Activity**

The applicant shall submit an annual report to the DRO indicating the status of the excavation activity. The report shall include, but not be limited to, the status of:

- a. the current phase(s) of excavation;
- b. all phases of excavation and reclamation activities (including date(s) of completion and anticipated dates of completion);
- c. amount of material extracted and amount of material removed from the site;
- d. condition of perimeter buffers and landscaping; and
- e. status of compliance with conditions of approval and applicable requirements in this Section.

**2. Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas**

The planted littoral zones and planted upland areas shall be inspected and monitored for at least one year after planting. Equipment storage, maintenance and service areas shall be monitored until completion of the excavation activity for contamination by regulated substances. The maintenance and monitoring program shall comply with the following requirements:

**a. Maintenance**

Inspections, monitoring, exotic plant species removal and replanting during each monitoring period shall be required to maintain the minimum:

- 1) 80 percent coverage criterion for the planted littoral zone from the 180 day monitoring period; and,
- 2) 80 percent survivorship for the planted upland area from the 180 day monitoring period;

**b. Exotic Plant Species**

Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:

- 1) prohibited and invasive non-native plant species as defined by Article 14.C, VEGETATION PRESERVATION AND PROTECTION; and

- 2) invasive species, such as cattails, primrose willows and water hyacinth.
  - c. **Regulated Substances**  
Inspections and monitoring of all equipment storage, maintenance and service areas shall be required to ensure the site has not been contaminated by regulated substances. Construction areas shall be maintained in accordance with the "Regulated Substance Best Management Practices for the Construction Industry."
  - d. **Submittals for Monitoring Programs**  
Submittal of monitoring reports for each monitoring period shall be required. The planted littoral zone reports shall be submitted to ERM and the reclaimed upland planting reports shall be submitted to the Zoning Division. These monitoring reports shall represent the monitoring periods commencing with a time zero report, 90 day, 180 day and 360 day reports.  
The time zero monitoring report shall be submitted within 30 days of the initial planting. Each subsequent report shall be submitted within 30 days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, PBC finds the planted littoral or reclaimed planted upland areas to be in non-compliance with the provisions herein, the land owner or entity having maintenance responsibility may be required by PBC to extend their maintenance and monitoring period, until compliance with the maintenance and monitoring requirements is met.
  - e. **Content of Monitoring Reports**  
Each monitoring report, including the time zero report, shall assess the species, numbers, and locations of planted littoral zones and reclaimed upland planting areas. The report shall also depict the equipment maintenance, storage and service areas and assess the condition of the ground as a result of possible leakage or spillage of regulated substances. The report shall include multiple photographs (panoramas are preferred) of the site clearly showing these areas. Photographs must be taken at approximately the same location(s) each time.  
In addition, the report shall detail the species, numbers and locations of additional plantings that were made to attain the 80 percent survivorship/coverage criteria, if such plantings were necessary.
3. **Long-Term Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas**  
After the first year, the land owner or entity having maintenance responsibility for the planted littoral zone and planted upland reclamation area, shall maintain these areas in the following manner.
    - a. The reclaimed upland areas shall maintain a minimum survivorship of 80 percent, and the planted littoral zone shall maintain a minimum coverage of 80 percent.
    - b. Exotic and invasive non-native plant species as defined by Article 14.C, VEGETATION PRESERVATION AND PROTECTION, such as cattails, primrose willows and water hyacinth, shall be restricted to a coverage of less than ten percent of the required planted littoral zone. No exotic or invasive non-native plant species shall be permitted in the upland areas.
  4. **Repair, Reconstruction Modification**  
DRO approval shall be obtained prior to any reconfiguration of the approved lake or reclaimed upland area. Written approval from the Director of ERM shall be obtained prior to modification of the planted littoral zones.

## **Section 9 Administration and Enforcement**

### **A. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type II and Type III Excavations**

#### **1. Authority and Criteria**

Administrative waivers from the slope, depth, or littoral zone standards contained in Article 4.D.8, Technical Standards, for Agricultural, WCAA, Type II, and Type III Excavations may be granted by ERM in accordance with the standards of this Section. ERM may grant the waivers to an applicant upon demonstration by a preponderance of evidence, that such administrative waivers will not be injurious to the area involved or otherwise detrimental to the public welfare, and that special or unique circumstances exist to justify the administrative waivers based on one or more of the following conditions:

- a. That the literal application of these standards will create an unreasonable hardship and that the special and unique circumstances do not result from the actions of the applicant;
- b. That appropriate technology and methods will be used to ensure consistency with the intent of the Code; or

- c. The proposed administrative waiver will not be adverse to the general intent and purpose of this Section.

## **2. Limitations**

No administrative waiver shall be approved for those separation items in Article 4.D.8.B, Construction Standards, unless the item specifically allows approval by ERM; nor for any mining or excavation operation location which will reduce hydraulic recharge distances to a public water supply well in excess of two percent; nor within 200 feet of a publicly-owned conservation area, environmentally sensitive land area, or publicly-owned preservation area. An administrative waiver may be granted for littoral areas within a lake supporting bona-fide agricultural operations. If the land use changes from bona-fide agricultural use, the littoral requirements for the new land use shall be required.

## **3. Review Process**

The request shall be included with the Notice of Intent to Construct, unless a Notice of Intent to Construct has been previously approved. An appropriate fee and drawings of sufficient detail shall be required in order to provide the information needed to determine if granting approval of the waiver is appropriate. The application and drawings, excluding littoral planting plans, shall be signed and sealed by a professional recognized and approved by the Florida Department of Professional Regulation for this type of project.

- a. Upon receipt of a request to deviate from the Construction Criteria, ERM shall have 30 days to request any additional information.
- b. Within 30 days of receipt of the requested additional information, ERM may only request information needed to clarify the additional information supplied or to answer new questions raised by or directly related to the additional information.
- c. If ERM does not ask for additional information within thirty 30 days of receipt of the request, the request shall be deemed complete upon date of receipt.
- d. If an applicant fails to respond to a request for the fee or any additional information within 60 days, the request may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information. ERM action shall be approval or denial, and shall be included with the issued written approval of the Notice of Intent to Construct.

## **B. Violations, Enforcement, and Penalties**

### **1. Violations**

For each day or portion thereof, it shall be a violation of this Section to:

- a. fail to comply with a requirement of this Section, a condition of an approval or an authorized exemption granted hereunder;
- b. fail to comply with the design specifications or littoral planting plan submitted with the Notice of Intent to Construct for which a written approval was issued by ERM;
- c. alter or destroy the approved depths, slopes, contours, or cross-sections;
- d. chemically, mechanically, or manually remove, damage, destroy, cut, or trim any plants in the littoral zones, except upon written approval by the Director of ERM;
- e. dredge, excavate, or mine the lake or littoral zones without prior receipt of approval(s) from ERM and/or PZB;
- f. cause water quality violations in excess of the standards contained in F.A.C. Chapter 62-302; or
- g. dewater in Type 1(A) Type 1(B); and Agricultural excavations unless otherwise permitted by a State agency, Federal agency, the SFWMD, or the dewatering operation is in compliance with the conditions of F.A.C. 40E-20.302(3). **[Ord. 2005 – 002]**

### **C. Enforcement**

Violation of each subsection of this Section, any conditions of approval, or any of those violations listed in Art. 4.D.9.B, Violations, Enforcement and Penalties, above, shall be deemed a separate violation and may be subject to fines up to 1,000 dollars per day per violation. In order to enforce compliance with the provisions of this Section, ERM, PZB and the County Engineer may issue a cease and desist order or require that future DRO certifications be denied or a building permit or C.O. be withheld. Violations of the provisions of this Section shall be punishable by one or more of the following: **[Ord. 2005 – 002]**

- 1. Quadruple permit fees shall be assessed if permits were not obtained for violations involving activities which would otherwise have been permissible, as determined by ERM, PZB, or the Land Development Division.
- 2. This Section shall be enforced through the remedies as outlined in Article 10, ENFORCEMENT. However, PBC is not prevented from enforcing the provisions of this Section by any other measures allowable by law, including but not limited to, F.S. Chapters 125 and 162, as may be amended.



3. If the applicant has violated the provisions of this Section, or a condition of approval, staff may place the subject development order back on a BCC agenda for re-consideration in accordance with the provisions of Article 2.E, MONITORING, and Article 10, ENFORCEMENT.

**D. Restoration**

Damage to upland reclamation areas, planted littoral shelves, littoral plants and/or streets may result in an order to restore to the approved conditions. Excavation operations that have occurred without approval and receipt of written approval from ERM, PZB or the County Engineer, as applicable may result in an order to restore the site or streets in the radius of impact to preexisting conditions.

**E. Additional Remedies**

In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions, to enforce the provisions of this Section.

**F. Use of Collected Monies**

All monies collected by ERM as civil penalties for violations of this Section shall be deposited in the PBC Pollution Recovery Trust Fund.

**G. Appeals**

An applicant may appeal a final determination made by:

**1. Director of ERM**

Appeal shall be made to the Environmental Ordinance Appeals Board (EOAB) pursuant to this Section. The applicant shall comply with the following appeal procedures.

**a. Submittal**

An appeal must be made within 20 days of the applicant's receipt of the final action.

**b. Hearing**

Each hearing shall be held within 60 days of submittal of all documents which the EOAB deems necessary to evaluate the appeal. At the conclusion of the hearing, the EOAB shall orally render its decision (order), based on the evidence entered into record, the decision shall be stated in a written order and mailed to the applicant not later than ten days after the hearing. Written order of the EOAB shall be final.

**2. Director of Zoning or Director of Land Development**

Appeal shall be made to the appropriate appeals board as provided in Article 2.D.1, Development Review Officer or Article 2.B.3, Variances, as applicable.

**3. Judicial Relief**

An applicant or ERM may appeal a final written order of the EOAB within 30 days of the rendition of the written order by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida.

**Amendment History:**

[Ord. 2003-067; January 1, 2004] [Ord. 2004-051; November 24, 2004] [Ord. 2004-054; November 24, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2009-047; December 18, 2009] [Ord. 2010-005; February 2, 2010] [Ord. 2010-009; April 2, 2010]

# ARTICLE 5

## SUPPLEMENTARY STANDARDS

	Page
CHAPTER A GENERAL .....	7
Section 1 Purpose and Intent .....	7
Section 2 Definitions .....	7
Section 3 Deviations for the PO Zoning District .....	7
CHAPTER B ACCESSORY AND TEMPORARY USES .....	7
Section 1 Supplementary Regulations .....	7
A. Accessory Uses and Structures .....	7
1. General .....	7
2. Fences, Walls and Hedges .....	9
3. Outdoor Storage .....	12
4. Outdoor Display .....	13
5. Docks .....	13
6. Entry Features .....	14
7. Fuel, Gas, or Chemical Storage Tanks .....	14
8. Dumpsters .....	14
9. Recreation Facility .....	15
10. Swimming Pools and Spas .....	15
11. Screen Enclosures .....	18
12. Accessory Radio Tower .....	20
13. Amateur Radio and Television Antennas .....	20
14. Satellite Dish Antennas .....	21
15. Seaplanes .....	22
16. Neighborhood Commercial Development (NCD) .....	23
17. Bike Racks .....	23
18. Permanent Generators .....	24
19. Mechanical Equipment .....	25
B. Temporary Structures .....	26
1. Emergency Structures .....	26
2. Tents .....	26
3. Temporary Structures and Uses During Development Activity .....	26
C. Flex Space .....	32
1. Review Process .....	32
2. Development Standards .....	32
CHAPTER C DESIGN STANDARDS .....	33
Section 1 Architectural Guidelines .....	33
A. Purpose and Intent .....	33
B. Threshold .....	33
1. General .....	33
2. Mixed Use .....	33
C. Exemptions .....	34
D. Effect .....	34

1. Effect on Prior BCC and ZC Approvals.....	34
2. Effect on Prior DRO Approvals.....	34
3. Effect on Other Regulations .....	34
E. Review Process .....	34
1. Methods .....	34
2. Unique Structure .....	35
3. Green Architecture.....	35
4. Administrative Amendments by DRO .....	38
F. Application Requirements .....	38
G. Visual Impact Analysis.....	38
1. Environmental Assessment.....	38
2. Line of Sight Analysis.....	38
3. Prevalent Theme .....	38
4. Architectural Compliance Statement .....	38
H. Guidelines .....	38
1. Nonresidential Design Elements .....	38
2. Multi-Family Design Elements .....	41
I. Large Scale Commercial Development .....	41
1. Single Tenant Limit.....	41
2. Facade Orientation.....	42
3. Single Tenants 65,000 Gross Square Feet or More .....	42
J. Non-Judicial Remedies .....	44
K. Exhaustion of Non-Judicial Remedies .....	44
L. Appeals.....	44
 CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS.....	 44
Section 1 General .....	44
A. Purpose and Intent .....	44
B. Applicability .....	44
Section 2 Types of Parks .....	44
A. Countywide Parks and Preservation/Conservation Areas .....	45
1. Countywide Parks .....	45
2. Countywide Park Impact Fees .....	45
3. Reservations.....	45
B. Community and Neighborhood Park Recreation Standards .....	45
1. Required Recreational Areas.....	45
2. Calculation of Required Recreation .....	45
3. Approval.....	45
4. Reduction in Recreation Area Land Requirement.....	45
5. Cash-Out Option .....	45
6. Park and Recreation Trust Fund .....	46
7. Other.....	46
8. Open Space Credit .....	46
9. Other Credits .....	46
C. Passive Park.....	47
D. Public Park .....	47
E. Infill Neighborhood Park.....	47
F. Phasing.....	47
1. Single Phasing .....	47
2. Multiple Phasing.....	47
G. County Park Landscape Standards.....	47
1. General Standards .....	47
2. Perimeter Buffer Landscape Requirements .....	47
3. Off Street Parking Requirements .....	48

<b>CHAPTER E</b>	<b>PERFORMANCE STANDARDS.....</b>	<b>48</b>
<b>Section 1</b>	<b>Major Intersection Criteria.....</b>	<b>48</b>
A.	Four Lanes .....	48
B.	Five Year Road Plan .....	48
C.	Traffic Volume.....	48
D.	R-O-W .....	49
E.	Upgrade Agreement .....	49
<b>Section 2</b>	<b>Location Criteria .....</b>	<b>49</b>
A.	Purpose and Intent .....	49
B.	Intersection Criteria.....	49
C.	Separation Criteria .....	49
D.	Existing Uses .....	49
<b>Section 3</b>	<b>Drainage .....</b>	<b>49</b>
A.	Development That Meets Both of the Following Criteria.....	49
B.	Industrial Designations .....	49
C.	Security Trailers or Caretakers' Quarters Allowed In Conjunction with an Exempted Use .....	49
D.	Lands with Paola or St. Lucie Soil Types .....	49
<b>Section 4</b>	<b>Nuisances.....</b>	<b>50</b>
A.	General .....	50
1.	Purpose and Intent.....	50
2.	Applicability .....	50
3.	Conflicts .....	50
4.	Definitions.....	50
5.	Exemptions .....	50
B.	Noise Limitations and Prohibitions .....	50
1.	Prohibitions .....	50
2.	Maximum Sound Levels .....	51
3.	Public Nuisance .....	51
C.	Vibration .....	51
1.	Non-Industrial Districts .....	51
D.	Smoke, Emissions and Particulate Matter .....	52
1.	General Requirements.....	52
2.	Smoke.....	52
3.	Dust and Particulate .....	52
4.	Objectionable Odors.....	52
5.	Toxic or Noxious Matter .....	52
E.	Outdoor Lighting .....	52
1.	Purpose and Intent.....	52
2.	Applicability .....	52
3.	Submittal Requirements.....	53
4.	Standards.....	54
<b>CHAPTER F</b>	<b>LEGAL DOCUMENTS .....</b>	<b>56</b>
<b>Section 1</b>	<b>Maintenance and Use Documents .....</b>	<b>56</b>
A.	Purpose and Intent .....	56
B.	Applicability .....	57
C.	Exception.....	57
D.	General Requirements .....	57
E.	Documents Establishing Maintenance and Use.....	57

1. Developments Including a Subdivision of Five or More Lots .....	57
2. Subdivisions of a Maximum of Four lots .....	57
3. Rental Projects .....	57
F. Content Requirement for Documents .....	57
1. Property Owner's Association (POA) Documents .....	57
2. Declaration of Party Wall .....	59
3. Unity of Control .....	59
4. Unity of Title .....	60
<b>Section 2 Easements .....</b>	<b>60</b>
A. Easement Encroachment .....	60
1. Minor Encroachments .....	60
2. Major Encroachments .....	60
3. Incompatible Uses .....	60
4. Application Process .....	60
5. All Other Approvals Required .....	60
6. Accountability .....	60
7. Modifications .....	62
B. Drainage Easement Encroachments .....	62
<b>CHAPTER G DENSITY BONUS PROGRAMS .....</b>	<b>62</b>
<b>Section 1 Workforce Housing Program (WHP) .....</b>	<b>62</b>
A. Purpose and Intent .....	62
B. Applicability .....	62
1. Exemptions .....	63
2. Limitations .....	63
3. Income Ranges .....	63
4. When WHP and AHP Units are Proposed .....	63
C. Development Options .....	64
1. No Incentives .....	64
2. Limited Incentive .....	64
3. Full Incentive .....	64
D. Design Requirements .....	65
1. Design .....	65
E. WHP Incentives .....	65
1. Density Bonus .....	65
2. Traffic Performance Standards Mitigation .....	66
3. Expedited Review .....	66
4. Density Bonus Development Options .....	66
F. WHP On-site Construction .....	68
G. WHP Off-site Options .....	68
1. Option 1 – Off-site Construction .....	68
2. Option 2 – Purchase Market Rate Units .....	68
3. Option 3 – Donate Buildable Land .....	68
4. Option 4 – In-lieu Payment (Prior to Issuance of First Residential Unit Building Permit) .....	68
H. Additional Requirements for >30% Density Bonus .....	68
1. Sector Analysis .....	68
2. Pre-Application .....	69
I. Affordability Requirements .....	70
1. Sales and Rental Prices of WHP Units .....	70
2. Master Covenant .....	70
3. Monitoring and Compliance .....	70
4. Enforcement .....	70
5. Release of Obligation to Construct WHP For-Sale Units .....	71
6. Event of Default of for sale WHP unit following execution of binding contract: .....	72

7. Compatibility .....	72
J. Annual Report .....	72
<b>Section 2 Affordable Housing Program (AHP) .....</b>	<b>72</b>
A. Purpose and Intent .....	72
B. Applicability .....	72
1. Exemptions .....	72
2. Limitation on Restrictions .....	73
3. When WHP and AHP Units are Proposed (WHP and AHP Units Proposed by the Applicant) .....	73
C. Design Requirements .....	73
D. AHP Incentives .....	73
1. Density Bonus .....	73
2. Traffic Performance Standards Mitigation .....	73
3. Expedited Review .....	74
4. Density Bonus Development Options .....	74
E. Additional Requirements for Density Bonus .....	76
1. Sector Analysis .....	76
2. Pre-Application .....	76
F. Affordability Requirements .....	77
1. Sales and Rental Prices of AHP Units .....	77
2. Master Covenant .....	77
3. Monitoring and Compliance .....	77
4. Enforcement .....	78
5. Compatibility .....	78
G. Annual Report .....	78
<b>Section 3 Transfer of Development of Rights (TDRs) – Special Density Program .....</b>	<b>78</b>
A. Purpose and Intent .....	78
B. Authority .....	78
C. Applicability .....	78
D. Previous Approvals .....	79
E. Administration .....	79
1. General .....	79
2. Responsibilities .....	79
F. Sending Areas .....	79
1. General .....	79
2. Eligible Sending Areas .....	79
3. Overlap in Sending Areas .....	79
4. Transfer Rate .....	79
5. Computation of Development Rights .....	80
6. Restriction on Future Use .....	80
7. Existing Uses .....	80
8. Remaining Land Area .....	80
G. Transfer of Development Rights (TDRs) Bank .....	80
1. General .....	80
2. Establishment of Development Rights for the Bank .....	81
3. Transfer Rate From the Purchase of Environmentally Sensitive Lands .....	81
4. The Application, Sale, and Value of Development Rights .....	81
5. Revenue from the Sale of TDRs .....	81
H. TDR Receiving Areas .....	81
1. Eligible Receiving Areas .....	81
2. Qualify as a Receiving Area .....	81
3. Compatibility with Adjacent Environmentally Sensitive Lands .....	81
4. Applicability TDR Increased Buffer and Setbacks for LR-1, LR-2 and LR-3PDD .....	82
5. Prohibitions .....	82
I. TDR Density Bonus Limitations .....	82

1. WHP 50 Percent Requirement .....	82
2. AHP 100 Percent Requirement .....	82
3. WHP and AHP Units.....	83
4. Permitted Density Ranges.....	83
J. TDR: Sending Area Procedure .....	83
1. Sending Parcel Application .....	83
2. Review Process.....	84
3. Written Determination.....	84
4. Easement Agreement/Restriction .....	84
5. Re-Submittal of Application .....	84
6. Development Rights Certificates.....	84
7. Limitations .....	85
K. TDR: Receiving Area Procedure .....	85
1. General.....	85
2. Preapplication Conference .....	85
3. Review Process.....	85
4. Contents of Application.....	85
5. Standards.....	85
6. Contract for Sale and Purchase of Development Rights .....	86
L. Notification to Property Appraisers Office .....	86
M. County Initiated Land Use Amendment .....	86
N. Overall Accounting System for TDR Density .....	86
1. Density Reduction.....	86
2. PUD Unused Density .....	86
O. Moratorium .....	86
 Section 4      Property Development Regulations (PDRs) for Density Bonus Program Development.....	87
A. Purpose and Intent .....	87
B. Applicability .....	87
C. Threshold .....	87
1. Lot Dimensions .....	87
2. Building Intensity .....	87
3. Setbacks .....	87
 CHAPTER H    MASS TRANSIT STANDARDS .....	87
Section 1      General .....	87
A. Authority.....	87
B. Purpose and Intent .....	87
Section 2      Applicability and Standards .....	87
A. Modifications to Previous Approvals .....	87
B. Thresholds and Standards .....	87
1. All residential developments of at least 50-units and all non-residential of at least 5-acres or 50,000 square feet .....	88
2. Non-residential developments of 100,000 square feet or more .....	92
3. Development of Regional Impact (DRI).....	92
Section 3      Site Plan and Plat Dedication Language.....	92
A. Site Plan Language: .....	92
1. Bus Stop Boarding and Alighting Area(s):.....	92
2. Mass Transit Circulation Plan: .....	92
B. Plat Dedication Language: .....	93
C. Easement Language (if dedicating as a separate document): .....	93
D. Property Owned by Palm Beach County.....	93

## **ARTICLE 5**

### **SUPPLEMENTARY STANDARDS**

#### **CHAPTER A    GENERAL**

##### **Section 1        Purpose and Intent**

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

##### **Section 2        Definitions**

See Art. 1.I, Definitions and Acronyms

##### **Section 3        Deviations for the PO Zoning District**

Deviation(s) from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to an application established by the Executive Director of PZB and approval by the BCC utilizing the following standards: **[Ord. 2007-013]**

- A. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; **[Ord. 2007-013]**
- B. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions; **[Ord. 2007-013]**
- C. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; **[Ord. 2007-013]**
- D. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; **[Ord. 2007-013]**
- E. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, **[Ord.2007-013]**
- F. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. **[Ord. 2007-013]**

#### **CHAPTER B    ACCESSORY AND TEMPORARY USES**

##### **Section 1        Supplementary Regulations**

###### **A. Accessory Uses and Structures**

###### **1. General**

The following standards in this Section shall apply to all development in standard, PDD or TDD zoning districts, unless otherwise stated: **[2007-001]**

###### **a. Standards**

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

###### **b. Location**

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

###### **c. Floor Area**

###### **1) Nonresidential Districts**



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

**2) Residential Districts**

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

**d. Setbacks, Accessory Structure**

**1) Residential Districts, Except AR**

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

**a) Townhouse**

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

**b) ZLL**

Accessory structures shall meet the setback requirements of Table 3.D.2.B – ZLL Property Development Regulations. **[Ord. 2008-037]**

**c) Exceptions**

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

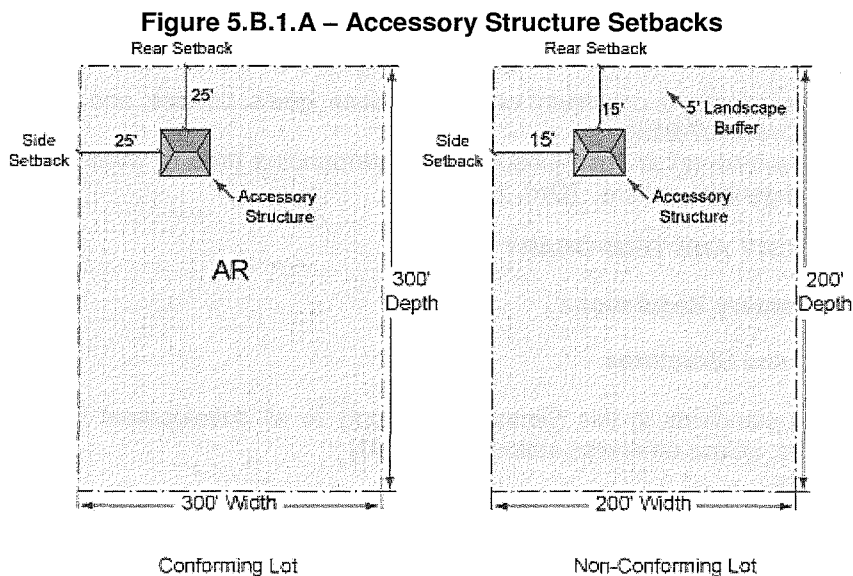
(2) All structures over ten feet in height shall meet the minimum setbacks in Table 3.D.1.A, Property Development Regulations.

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

**2) AR District**

**a) Conforming Lot Dimensions**

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



AR District

**b) Nonconforming Lot Dimensions**

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

**c) Accessory Structure**

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

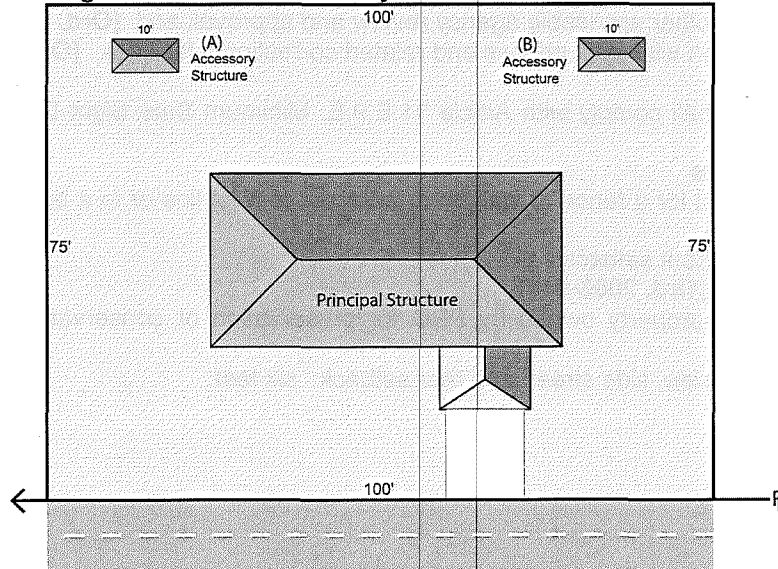
**3) Nonresidential Districts**

Accessory structures shall meet the setback requirements in Table 3.D.1.A, Property Development Regulations.

**4) Dimensions**

In the U/S Tier, all accessory structures located on a parcel in a residential district shall not occupy more than 25 percent of the distance between property lines. [Ord. 2008-037]

**Figure 5.B.1.A – Accessory Structure Dimensions**



In the U/S Tier, all accessory structures located on a parcel in a residential district shall not occupy more than 25 percent of the distance between property lines.

This Example:

Distance between property lines 100'

Total of A+B accessory structures 10'+10'=20'

100' X 25% = 25' maximum allowed by Code

**2. Fences, Walls and Hedges**

**a. Height**

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

**b. Appearance**

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

**c. Dangerous Materials**

1) Fences or walls in, or adjacent to, a residential district, shall not be electrified or contain any substance such as broken glass, spikes, nails, barbed wire, or razors designed to inflict discomfort, pain or injury to a person or animal, except as allowed below. [Ord. 2010-005]

**2) Barbed Wire Exceptions**

The use of barbed wire may be permitted as follows: [Ord. 2005-002] [Ord. 2010-005]

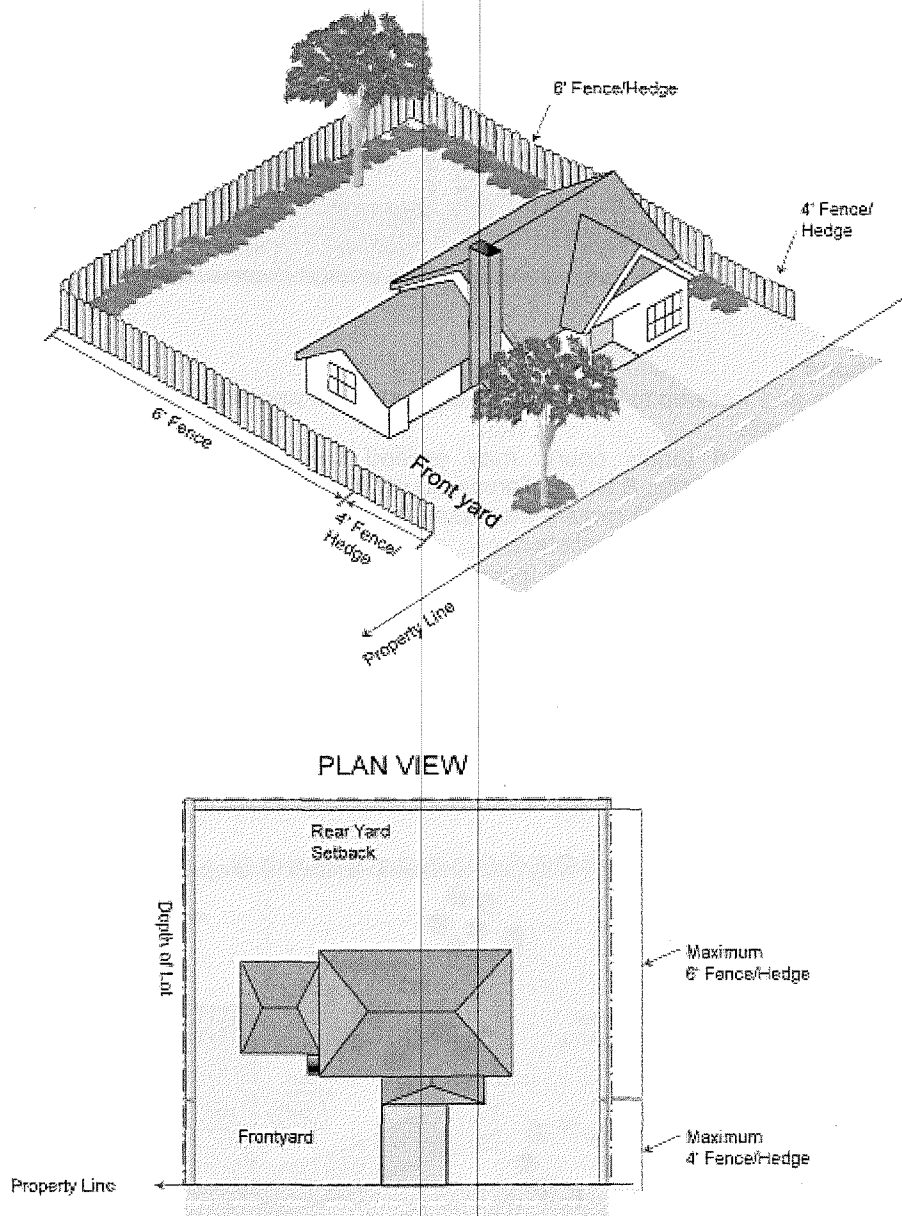
a) In the AP or AGR districts with any bona fide agricultural use; [Ord. 2005-002] [Ord. 2010-005]

b) In the AR district with any bona fide agricultural use, other than nurseries, provided it is setback a minimum of 25 feet from any property line; [Ord. 2005-002] [Ord. 2010-005]

- c) Properties with a Conservation FLU designation, for the purposes of protecting publicly owned natural areas, if limited to the top portion of a fence; and, **[Ord. 2005-002] [Ord. 2010-005]**
  - d) In conjunction with a wastewater or water treatment plant, if limited to the top portion of a fence, and located behind any required perimeter buffer hedges and shrubs. **[Ord. 2005-002]**
  - e) Properties where the owner can document a valid building permit was issued pursuant to Zoning and other applicable agency review and approval; and **[Ord. 2010-005]**
  - f) In conjunction with jails, prisons and related correctional facilities. **[Ord. 2010-005]**
- d. Sight Distance**  
Walls and fences shall comply with Article 11.E.9.E, Minimum Safe Sight Distance and Corner Clips at Intersection.
- e. Residential Districts**  
The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:
- 1) Within required front setback:
    - a) four feet, or **[Ord. 2005-041]**
    - b) six feet for property owned by PBC for preservation or conservation purposes. **[Ord. 2005-041]**
  - 2) Within required side, side street, and rear setback: six feet.

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**Figure 5.B.1.A – Fence & Wall Height**  
RESIDENTIAL DISTRICT



[Ord. 2005-041]

**f. Nonresidential Districts**

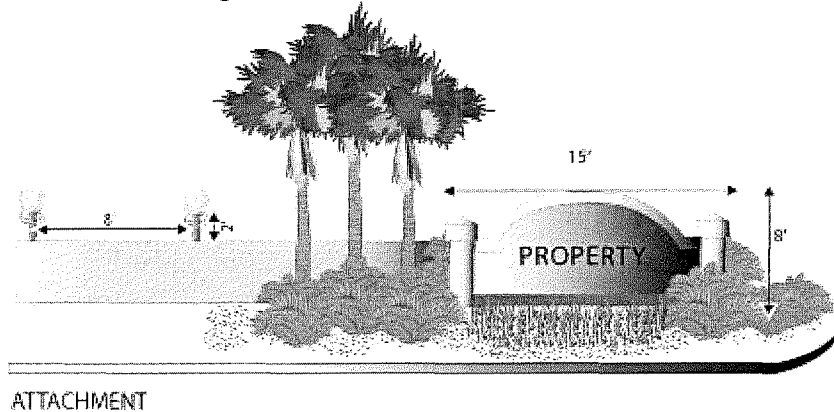
The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:

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

**g. Attachments**

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

**Figure 5.B.1.A – Attachments to Walls**



**h. Exceptions**

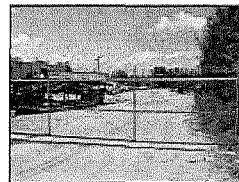
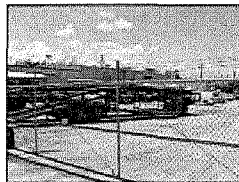
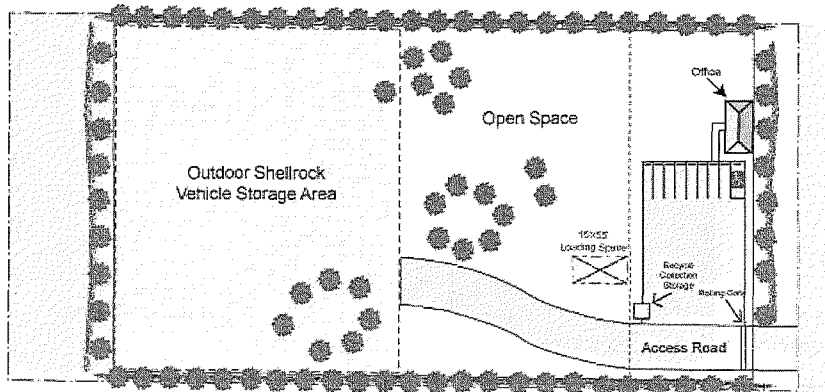
- 1) Fences and walls up to eight feet in height shall be permitted within a street buffer adjacent to a golf course.
- 2) Fences around tennis courts may exceed six feet in height, subject to the setback requirements in Table 5.B.1.A, Tennis Court Setbacks.
- 3) The ZC and BCC may require increased heights in order to ensure adequate screening and buffering between incompatible uses.
- 4) DRO may approve increased fence heights and modify allowable locations for fences with and without barbed wire for minor utilities, water and wastewater treatment plants. **[Ord. 2007-013]**

**3. Outdoor Storage**

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

**Figure 5.B.1.A – Outdoor Storage**

Outdoor Storage



**a. General**

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

**b. Location**

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

**c. Nonresidential Districts, Except Industrial**

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

**d. Industrial Districts**

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

**e. Exceptions**

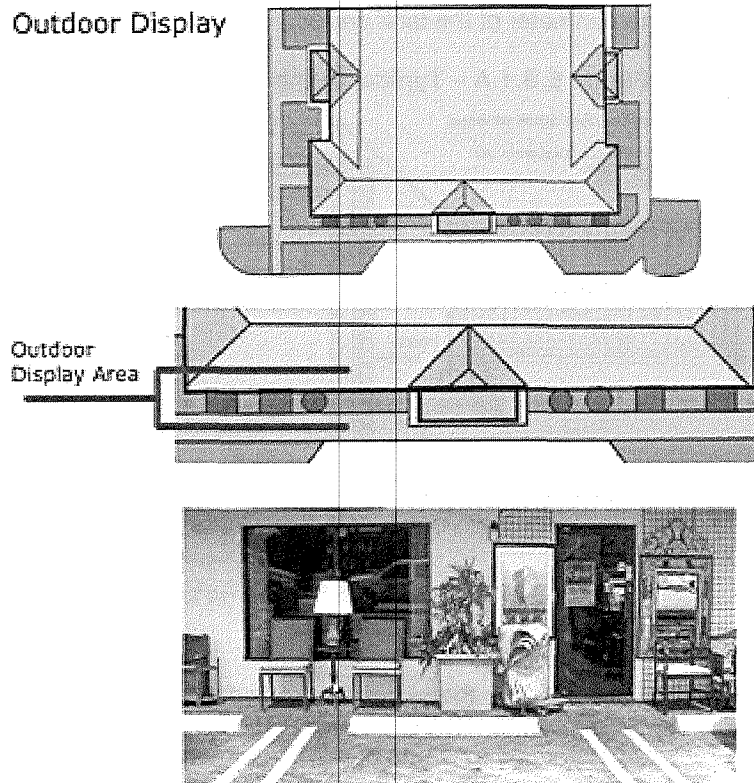
The following uses or material are exempt from this Section:

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

**4. Outdoor Display**

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

**Figure 5.B.1.A – Outdoor Display**



**5. Docks**

**a. Accessory Docks**

Applicants shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. This requirement does not apply to single family docks and only applies to expansion of existing marine facilities or development of new marine facilities with five or more slips. Accessory docks located on the same lot as a residence shall meet a five foot setback from the side property lines. Accessory docks not located on the same lot as a residence shall comply with the following setbacks: **[Ord. 2009-040]**

1) **Dock in Publicly Owned Waterway**

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

2) **Dock in Privately Owned Waterway**

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

6. **Entry Features**

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

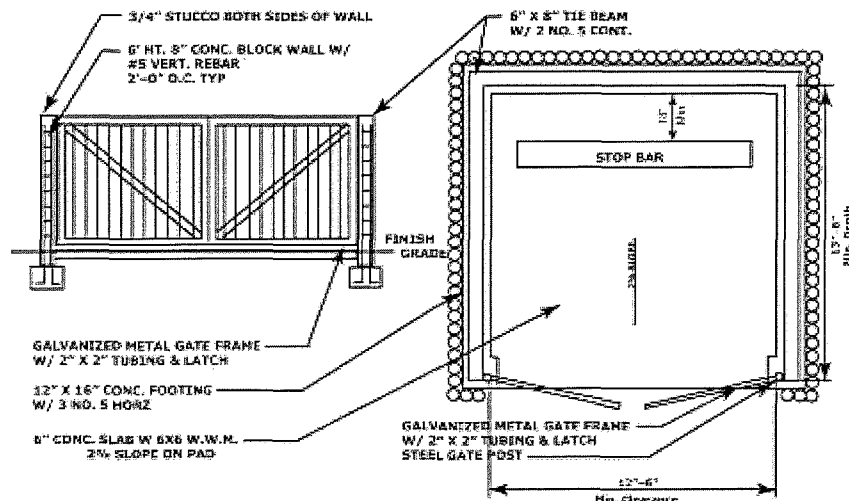
**Table 5.B.1.A – Entry Feature Setbacks**

Front	25 feet
Side, Street and Rear	15 feet

7. **Fuel, Gas, or Chemical Storage Tanks**

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

**Figure 5.B.1.A – Typical Dumpster Layout**



8. **Dumpsters**

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

a. **Storage Area**

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

b. **Location**

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

c. **Setback**

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

d. **Screening**

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

**e. Retrofitting of Existing Developments**

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

**9. Recreation Facility**

Recreation facilities shall be subject to the following standards:

**a. Common Area**

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

**b. Residential Lot**

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

**Table 5.B.1.A – Tennis Court Setbacks**

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

**10. Swimming Pools and Spas**

**a. Principal and Accessory Use**

**1) Principal Use**

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

**2) Accessory Use**

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

**b. Setbacks for Pools or Spas**

**1) Setbacks**

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

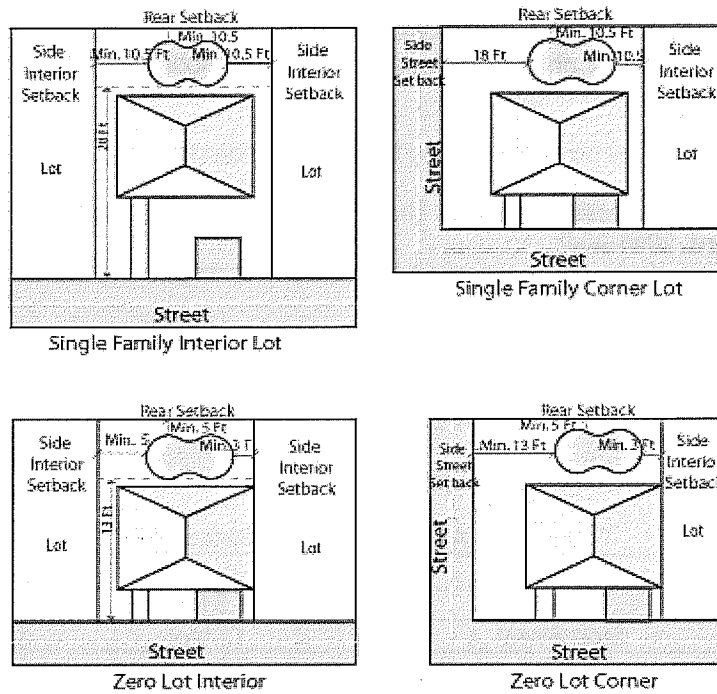
**Table 5.B.1.A – Pool/Spa Setbacks**

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



**Figure 5.B.1.A – Pool Setbacks**

**Examples of Pool Setbacks**



**2) Exceptions**

**a) Single Family Design Clusters**

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

**b) Single Family and ZLL Homes Adjacent to Open Space**

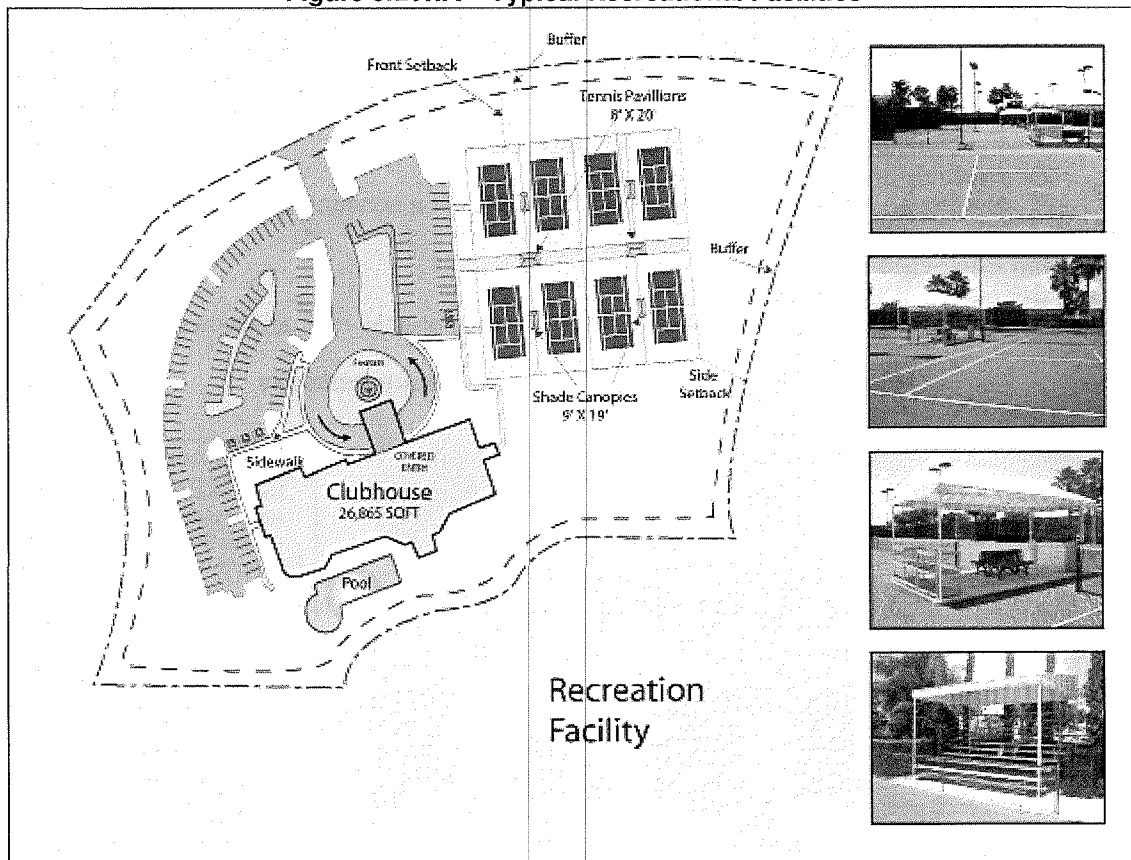
Swimming pools or spas may be constructed with a three-foot rear or side interior setback if adjacent to open space 50 feet in width or greater.

**c) Recreation Facilities**

Swimming pools or spas may be constructed with a ten-foot rear or side interior setback in accordance with Art. 3.D.1.D.4,a Open Space. **[Ord. 2008-037]**

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**Figure 5.B.1.A – Typical Recreational Facilities**



**c. Building Coverage**

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

**d. Fencing, Screening, and Access**

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

**e. Common Area**

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

**1) Legally Permitted**

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

**2) Joint Applicant**

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

**3) Setbacks**

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

**4) Perimeter Landscape Area**

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

**5) Open Space**

The entire development must continue to meet open space requirements;

**6) Documents**

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

**7) Prohibitions**

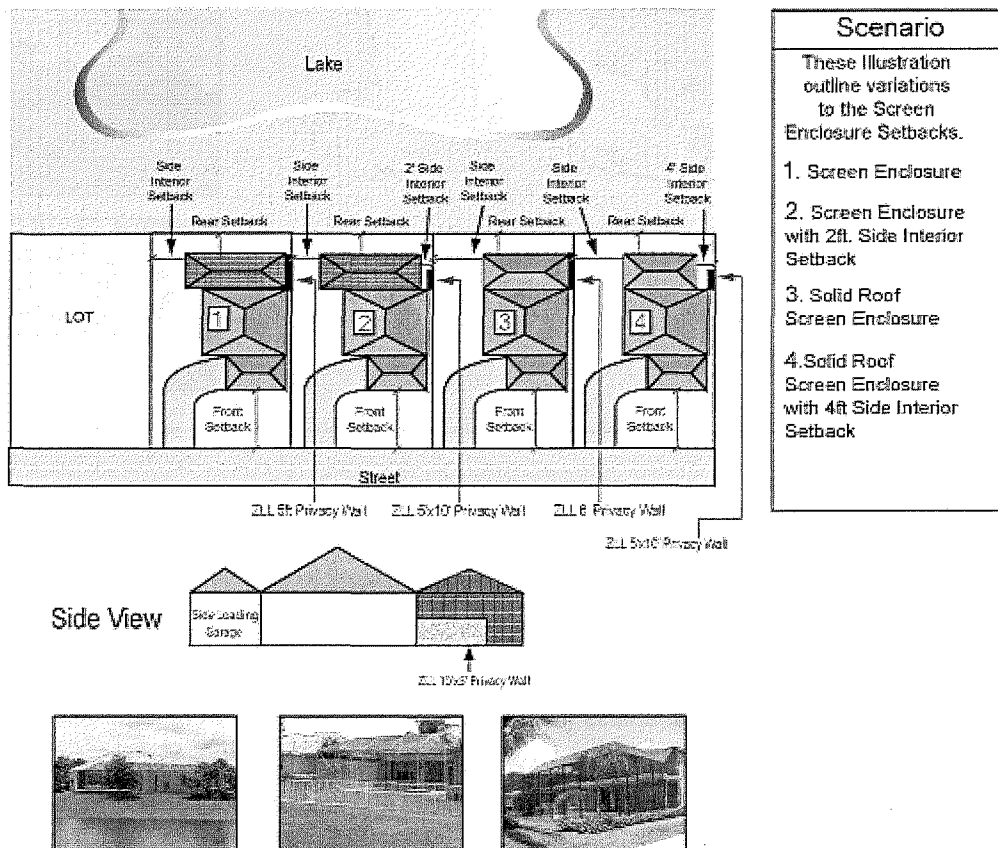
Swimming pools or spas shall not be permitted in a common area that is designed as a water management tract.

**11. Screen Enclosures**

**a. General**

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

**Figure 5.B.1.A – Typical Screen Enclosure Setbacks**  
PLAN VIEW



**b. Setbacks for Screen Enclosures with Screened Roofs**

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

(This space intentionally left blank.)

**Table 5.B.1.A – Screen Enclosure Setbacks**

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

**1) Exceptions**

**a) Single Family Design Clusters**

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

**b) Single Family and ZLL Homes Adjacent to Open Space**

Screen enclosures with a screen roof may be constructed with zero foot rear or side interior setbacks in accordance with Art. 3.D.1.D.4.a, Open Space. [Ord. 2008-037]

**c) Recreation Facilities**

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

**2) Townhouses**

- Setbacks are required to be in compliance with the townhouse standards of Article 3.D.2.A, Townhouse;
- Screen enclosure shall maintain a minimum separation between other screen enclosures or the principal structure of townhouse groups, as specified in Table 5.B.1.A, Screen Enclosure Setbacks;
- Separations between two townhouse groups shall be measured by drawing a centerline between the two adjacent groups and measuring a minimum distance of equal to one-half of the required separation from the centerline between structures to ensure an equidistant separation; and
- Screen enclosures for townhouses may cover 100 percent of the total lot area provided minimum separations between townhouse groups are met.

**3) ZLL Developments**

A minimum five-foot high opaque privacy fence or wall shall be provided on the zero side of ZLL extending from the rear of the structure to the rear corner of the screen enclosure. The screen enclosure may be attached to the fence or wall. The wall shall be constructed of materials consistent with Article 3.D.2.C.9.e, Privacy Walls or Fences. A screen enclosure which is not attached to the privacy wall shall be setback a minimum of two feet from the ZLL side.

**4) Building Coverage**

Screen enclosures with screen roofs shall not be included in the building coverage calculation.

**5) Maximum Allowable Size**

Screen enclosures shall be permitted to cover a maximum of 30 percent of the total lot area, except for townhouses.

**6) Height**

The height of the screen enclosure shall not exceed the height of the home to which it is attached.

**7) Screen Enclosures Within Common Areas of a Residential Development**

See procedures under Article 5.B.1.A.10.e, Common Area.

**c. Screen Enclosures with Solid Roofs**

**1) Setbacks**

Screen enclosures with a solid roof shall meet the minimum setbacks of the principal use of the lot.

**2) Special Townhouse Provisions**

If the roof of the enclosure is solid, there shall be a minimum eight-foot high wall on the shared lot line extending from the dwelling to the rear corner of the portion of the enclosure that is roofed. The wall shall be fire-rated in accordance with applicable Building Codes. The screen enclosure may be attached to the masonry wall.

**3) Height**

The height of the screen enclosure with a solid roof shall not exceed the height of the dwelling unit to which it is attached.

**4) Screen Enclosures with Solid Roofs Within Common Areas of Residential Developments**

See procedures under Article 5.B.1.A.10.e, Common Area.

**5) ZLL Setback**

A screen enclosure which is not attached to the privacy wall shall be setback a minimum of four feet from the ZLL side.

**12. Accessory Radio Tower**

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

**a. Height**

The radio tower shall not exceed 100 feet in height from ground level; and

**b. Setbacks**

An accessory radio tower shall be setback a distance equal to the height of the tower. The radio tower shall be located in such a manner that it will not fall on any power line.

**13. Amateur Radio and Television Antennas**

**a. Purpose and Intent**

The purpose and intent of this Section is to provide for the safe and effective installation and operation of amateur radio, citizens band radio, and television antenna support structures, and the beam, satellite, or other antennas installed on those support structures. It is also the purpose and intent of this Section to provide for a reasonable accommodation of amateur radio communications, in accordance with Parts 95 and 97 of Chapter 1 of Title 47 of the Code of Federal Regulations, while reflecting PBC's legitimate interest of protecting and promoting the health, safety, welfare, neighborhood aesthetics, and morals of its citizens.

**b. Applicability**

All amateur and citizens band radio and television transmission and receiving antennas, including satellite dish antennas, shall be governed by the standards of this Section.

**c. Antennas and Antenna Support Structures**

All antenna support structures and the beam, satellite, or other antenna installed on those antenna support structures, shall be considered accessory uses, allowed only in conjunction with a single family dwelling, and shall comply with this Section and Article 16, AIRPORT REGULATIONS.

**d. Use Approval**

**1) Existing Uses**

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

**2) New Uses**

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

**a) All Lots**

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

**b) Permits**

All applicable permits shall be obtained.

**e. Standards**

**1) Base Size**

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

**2) Setbacks**

**a) Antenna Support Structure**

**(1) Location**

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

**(2) Lots Less than One Acre**

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

**(3) Lots on One Acre or More**

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

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

**(4) All Lots**

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

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

**f. Antennas**

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

**g. Anchors**

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

**14. Satellite Dish Antennas**

**a. Applicability**

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

**1) Exemptions**

**a) Residential Uses**

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

**b) Non-Residential Uses**

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

**b. Standards**

**1) Residential Uses**

**a) Number**

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

**b) Location and Setbacks**

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

**(1) Setbacks**

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

**c) Screening**

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

**d) Height**

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

**2) Non-residential Uses**

**a) Number**

No limitation.

**b) Location and Setbacks**

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

**(1) Setbacks**

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

**c) Screening**

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

**15. Seaplanes**

**a. Location**

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

**b. Minimum Land Area**

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

**c. Water Area**

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

**Table 5.B.1.A – Seaplane Landing Area Standards**

Length	3,500 feet
Width	300 feet
Depth	4 feet

**d. Airport Approach**

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

**e. Setbacks**

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

**f. Landing operations**

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

**g. Parking**

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

**16. Neighborhood Commercial Development (NCD)**

**a. General**

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

**b. Procedure**

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

**c. Criteria**

**1) Property Owners Association (POA)**

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

**2) Minimum Threshold**

The HOA must contain a minimum of 500 units.

**3) Location**

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

**4) Number**

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

**5) Size**

A NCD shall not exceed three acres in area.

**6) Limitation**

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

**17. Bike Racks**

**a. Number of Bikes**

Each bike rack shall accommodate a minimum of five bikes.

**b. Multifamily Uses**

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

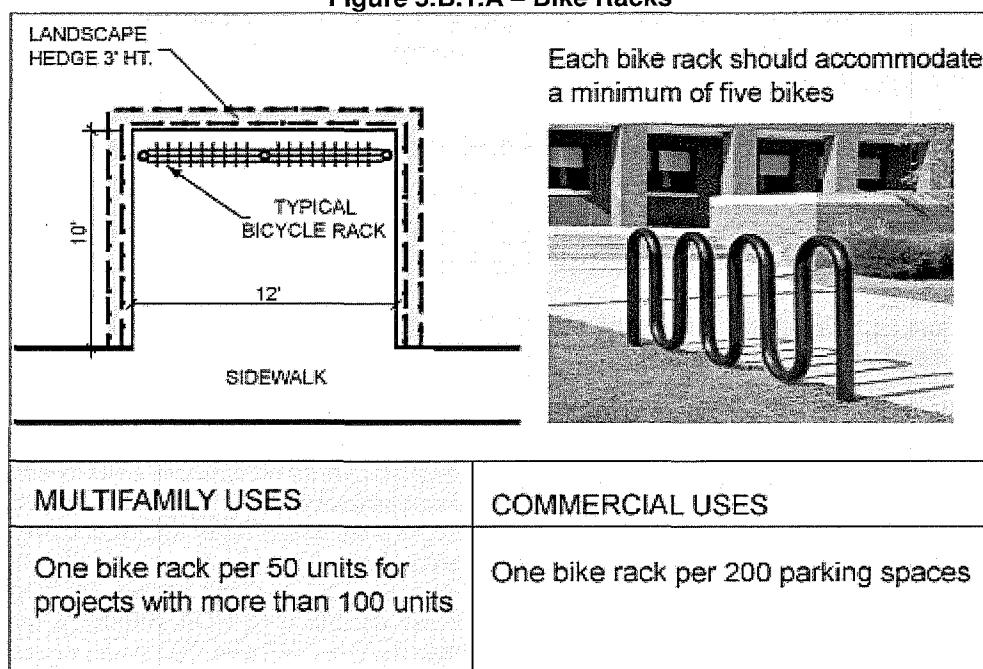
**c. Commercial Uses**

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

(This space intentionally left blank.)



**Figure 5.B.1.A – Bike Racks**



## 18. Permanent Generators

### a. Applicability

#### 1) Permitted Use

Use of permanent generators shall be permitted during periods of electrical power outages in utility systems maintained by the utility service provider or when the BCC declares a state of emergency. [Ord. 2006-004] [Ord. 2007-013]

#### 2) Type II and III CLF, Club Houses and Nursing or Convalescent Facility

A permanent emergency generator shall be required for all Type II and III CLFs, Nursing or Convalescent Facilities, and PDD or TDD clubhouses 20, 000 square feet, or greater. [Ord. 2006-004] [Ord. 2007-013]

##### a) Exceptions

- (1) Developments that have a BCC or DRO approved plan that graphically indicates a clubhouse(s) shall be exempt from the generator requirement except for projects that exceed 75 percent or more of the assessed value as stated below. [Ord. 2007-013]
- (2) Renovations or additions that do not exceed 75 percent or more of the current assessed value may be exempt in accordance with Art. 1.E.1.C.2, Structural Renovations and Additions. [Ord. 2007-013]
- (3) A PDD or TDD clubhouse located in the Coastal High Hazard Area as defined by the Plan, shall be exempt from this requirement. [Ord. 2007-013]
- (4) A PDD or TDD that has one or more clubhouses with a generator meeting the requirements of this Section, shall be exempt for any other remaining clubhouses within the development. [Ord. 2007-013]

### b. Standards

#### 1) General

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

##### a) Maximum Permissible Sound Level

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

##### b) Screening

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

##### c) Maintenance Cycle

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

**d) Location and Setbacks**

Generators shall meet the district setback requirements for principal structures, but shall not be located between the front or side street façade of a building and a R-O-W or in an easement, unless: [Ord. 2006-004] [Ord. 2007-001]

- (1) Encroachment is limited to ten percent of setback; [Ord. 2007-001]
- (2) Where applicable, the applicant indicates that a HOA has been notified of the application for building permit; [Ord. 2007-001]
- (3) The generator shall be screened from view from any public rights-of-way or adjacent property lines by an opaque fence/wall; and [Ord. 2007-001]
- (4) If this criteria cannot be met, the applicant may apply for a Type IB variance, pursuant to Article 2.D.3.G.2. [Ord. 2007-001]

**2) Residential**

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

**a) Number**

A maximum of one generator shall be allowed on a SFD, ZLL or TH lot. A maximum of one generator per structure shall be permitted for multi-family developments, with exception to condominiums, which shall be permitted one generator per unit. [Ord. 2006-004]

**b) Setback Exceptions**

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

**Table 5.B.1.A – Setbacks for Generators less than Four Feet in Height <sup>1</sup>**

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

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

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

**a) Essential Functions**

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

**b) General Lighting**

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

**c) Multipurpose Room**

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

**d) Fuel Storage**

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

**4) Non-Residential**

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

**19. Mechanical Equipment**

**a. Applicability**

This section shall apply to the installation of improvements associated with mechanical equipment. [Ord. 2008-037]

**1) Location and Setbacks**

**Setback Exceptions**

Setback exceptions shall be applied pursuant to Article 3.D.1.D.5, Setback Exceptions.  
[Ord. 2008-037]

#### **Height Exceptions**

Height exceptions shall be applied pursuant to Article 3.D.1.E.4, Height Exceptions.  
[Ord. 2008-037]

#### **2) Screening Requirements**

- a) New and replacement equipment, shall be screened on all sides by an opaque barrier constructed of materials, and color compatible with the building or structure, or equivalent landscaping, if ground mounted equipment, to a minimum height equal to the highest point of the equipment: [Ord. 2006-004] [Ord. 2008-037]

#### **b) Exemption**

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

- (1) equipment less than one foot in height, measured from the roof deck, provided it is painted to match the color of the structure it is attached to or servicing; and [Ord. 2006-004] [Ord. 2008-037]
- (2) equipment located on structures adjacent to:
- (a) non-industrial properties or use; or [Ord. 2006-004] [Ord. 2008-037]
  - (b) parcels with an Industrial FLU or Industrial use, or unless obstructed from view from a R-O-W by vegetation or structure. [Ord. 2008-037]
- (3) If an existing roof cannot structurally support additional weight associated with required screening materials, a certified letter from a structural engineer or architect registered in the State of Florida, shall be submitted with the applicable permit, substantiating that the roof cannot support the additional weight. [Ord. 2008-037]

### **B. Temporary Structures**

#### **1. Emergency Structures**

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

##### **a. Determination of Public Emergency**

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

##### **b. Duration**

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

#### **2. Tents**

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

##### **a. Frequency**

Three times per lot per year.

##### **b. Maximum Duration**

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

##### **c. Setbacks**

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

##### **d. Location**

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

##### **e. Access**

Access shall be from an arterial street.

##### **f. Lighting**

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

##### **g. Parking**

Parking shall be provided in accordance with Article 6, PARKING.

#### **3. Temporary Structures and Uses During Development Activity**

Temporary structures and uses may be allowed as follows: [Ord. 2008-003]

**a. Construction Trailer**

**1) Use**

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

**2) Number**

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

**3) Duration**

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

**4) Location**

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

**5) Removal**

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

**b. Watchman Trailer**

**1) Use**

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

**2) Number**

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

**3) Location**

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

**4) Parking**

A minimum of two parking spaces shall be provided.

**5) Duration**

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

**6) Removal**

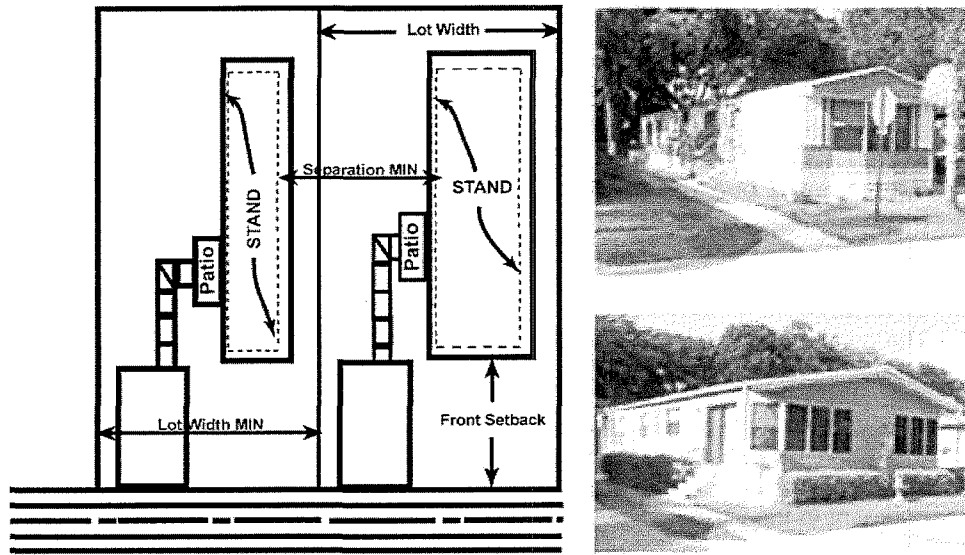
A watchman trailer shall be removed from the site no later than 30 days after the final CO has been issued. The trailer shall be removed if construction ceases for more than 180 consecutive days. An abandoned trailer shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement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

**7) Mobile Home**

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

(This space intentionally left blank.)

**Figure 5.B.1.B – Typical Mobile Home Lot Layout**



**a) Special Permit**

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

**b) Removal Agreement**

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

**c. Real Estate Sales And Management Office**

**1) Use**

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

**2) PDD**

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

**3) Number**

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

**4) Location**

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

**5) Parking**

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

**6) Banners, Streamers, and Pennants**

A maximum of two of any one of the following: banners, streamers or pennants may be permitted for every 200 feet of frontage along a public R-O-W. They shall be setback a minimum of five feet from the property line, not to exceed eight feet in height and 20 square feet in size, and may be clustered or dispersed along the R-O-W. **[Ord. 2008-037]**

**7) Duration**

(This space intentionally left blank.)

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

**8) Removal**

A sales office, and all accessory signs, banners, streamers and pennants shall be removed from the site no later than 30 days after the final CO has been issued for the last residential unit. The office shall be removed if construction ceases for more than 180 days. An abandoned office shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC. [Ord. 2008-037]

**9) Mobile Home**

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

**a) Special Permit**

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

**b) Removal Agreement**

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

**d. Mobile Home While Constructing SFD**

**1) Temporary Dwelling During Home Construction**

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

**a) Agency Approval**

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

**b) Building Permit**

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

**c) 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]

**2) Additions**

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

**3) Proof of Ownership**

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

**e. Right of Way (R-O-W) Construction Staging Areas**

This section shall only apply to staging areas located on or adjacent to residentially zoned parcels. [Ord. 2008-003]

**1) Use**

A R-O-W construction staging area shall be utilized for the temporary overnight storage of materials used during infrastructure improvement. [Ord. 2008-003]

**2) Special Permit**

A Special Permit shall be obtained from the Zoning Division prior to utilizing a site for staging. A site plan may be submitted in lieu of the survey. [Ord. 2008-003]

**3) Hours of Operation / Use**

Activity on the site shall not commence prior to 7:00 a.m. and must be completed prior to 10:00 p.m. A Type IB Administrative Variance may be applied for to request deviation from this provision. [Ord. 2008-003]

**4) Setbacks / Separations**

Stored materials shall not be located within the required minimum district setback. [Ord. 2008-003]

**5) Screening**

(This space intentionally left blank.)



Temporary screening material, a minimum of five feet in height and 85 percent opacity, shall be provided around the perimeter of the staging area, adjacent to residential uses, to mitigate visual impact. [Ord. 2008-003]

**6) Dust Control**

Appropriate measures shall be taken, pursuant to Health Department requirements, to control dust or other airborne particulate matter. [Ord. 2008-003]

**7) Exceptions**

Projects with a duration of 30 days or less shall be exempt from the requirements of this section. [Ord. 2008-003]

**f. Modular and Manufactured Structures**

**1) Use**

A modular or manufactured structure may be temporarily utilized for non-residential uses with an approved DRO site plan during the construction of the permanent facility. [Ord. 2008-003]

**2) Approval Process**

The approved site plan shall be administratively amended to indicate the location and square footage of the structure. The tie down permit shall be applied for in conjunction with the building permit for the permanent structure. The structure shall comply with all applicable sections of the ULDC and existing conditions of approval. [Ord. 2008-003]

**3) Time Limitations**

The temporary structure shall be removed prior to issuance of the CO for the permanent facility if it is located in required parking spaces or impacts the circulation or function of the site as originally approved. If the temporary structure is not located in required parking spaces and does not impact the circulation or function of the site the temporary structure shall be removed within fourteen working days of the issuance of the CO. [Ord. 2008-003]

**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**

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 – 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]

**c. Parking and Loading Requirements**

**1) CH-FLU**

Parking shall be calculated at the rate of 3 spaces per 1000 square feet of floor area. [Ord. 2010-005]

**2) IND-FLU**

Parking shall be calculated at the rate of 2.5 spaces per 1000 square feet of floor area. [Ord. 2010-005]

**3) Reserve Parking or Parking Covenant**

- a) Additional parking shall be reserved on site in the event that the flex space is converted back to regular commercial or industrial use, the minimum requirements based upon the proposed use as indicated in Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements; or, [Ord. 2010-005]
- b) A restrictive parking covenant informing current and future owners of the required parking requirements for the uses. If the flex space is converted at a future date the site must comply with the minimum parking requirements based upon the use as indicated in Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements prior to final DRO or Building Permit approval, whichever is applicable. In the event the onsite parking is not sufficient for the proposed use or parking spaces cannot be accommodated on the site, the owner shall be limited to uses that generate parking consistent with existing parking. The covenant shall be submitted to the Zoning Division for County Attorney review and approval at the time of final DRO or building permit application. The approved covenant shall be recorded in the Clerk of Circuit Courts of PBC, and a copy of the approved and recorded covenant shall be submitted to the Zoning Division prior to issuance of a building permit. [Ord. 2010-005]

**d. Thresholds**

Proposed flex space uses shall comply with the established review thresholds pursuant to Table 4.A.3.A – Thresholds for Projects Requiring DRO Approval, and Table 4.A.3.A – Thresholds for Projects Requiring Board of County Commissioner Approval. [Ord. 2010-005]

## **CHAPTER C DESIGN STANDARDS**

### **Section 1 Architectural Guidelines**

**A. Purpose and Intent**

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

**B. Threshold**

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

**1. General**

- a. All nonresidential projects or buildings requiring approval by the BCC or ZC; [Ord. 2006-036]
- b. All nonresidential projects or buildings requiring approval by the DRO in accordance with Table 4.A.3.A, Use Matrix, and Table 3.D.1.A, Property Development Regulations, or those exceeding the thresholds in Table 4.A.3.A, Thresholds for Projects Requiring DRO Approval; [Ord. 2006-036]
- c. Multi-family buildings with more than 16 units or three or more stories; [Ord. 2006-036] [Ord. 2009-040] [Ord. 2010-005]
- d. Substantial renovations of existing built projects or buildings meeting the threshold of this Chapter; and [Ord. 2006-036]
- e. The following uses, regardless of building size: [Ord. 2006-036]
  - 1) Automotive paint or body shop; [Ord. 2006-036]
  - 2) Repair and maintenance, general; and [Ord. 2006-036]
  - 3) Retail sales, automotive parts and accessories. [Ord. 2006-036]

**2. Mixed Use**

Mixed use development that includes a combination of residential and one or more non-residential uses that do not trip the thresholds listed above, shall comply with the following guidelines to ensure the project is vertically or functionally integrated: **[Ord. 2006-036]**

- a. Art. 5.C.1.H.1.a, General; **[Ord. 2006-036]**
  - b. Art. 5.C.1.H.1.d, Entries **[Ord. 2006-036]**
  - c. Art. 5.C.1.I.3.d, Pedestrian Amenities; and, **[Ord. 2006-036]**
  - d. Art. 5.C.1.I.3.b.4), Covered Walkways. **[Ord. 2006-036]**
3. Any mixed use project in the WCRAO. **[Ord. 2006-004]**

#### **C. Exemptions**

1. Agricultural or industrial buildings not visible from a public street or residential zoning district.
2. Buildings which are exempt from local building permits or government review pursuant to State of Florida or Federal Statutes.
3. Recreational buildings and accessory structures within a PUD or a standard zoning district. **[Ord. 2009-040]**.
4. Primary and secondary building frontages within a TMD, and buildings in the NRM, NG and NC Sub-areas of the WCRAO that have a side setback of less than 15 feet, shall be exempt from the requirements of Art. 5.C.1.H.1.c.1).a), Recesses/Projections. **[Ord. 2005-041]** **[Ord. 2006-004]**
5. Palm Beach County Water Utility Facilities which are not visible from a public street or residential zoning district or are limited access, high security facilities not open to the general public. **[Ord. 2007-013]**
6. All of the uses/features (except for parapet screening of mechanical equipment noted in the height exceptions in Article 3, Chapter D, Section 1.E.4.a are also exempt from architectural requirements. These uses/features include: **[Ord. 2007-013]**
  - a. Tanks; **[Ord. 2007-013]**
  - b. Water towers; **[Ord. 2007-013]**
  - c. Cooling towers; **[Ord. 2007-013]**
  - d. Miscellaneous, unoccupied utility support structures of 1,000 SF or less (proposed addition to list). **[Ord. 2007-013]**
7. All building frontages that are required to be located on a main street in an LCC shall be exempt from the requirements of Art. 5.C.1.H.1.c.1).a), Recesses and Projections. **[Ord. 2010-005]**

#### **D. Effect**

##### **1. Effect on Prior BCC and ZC Approvals**

These guidelines shall apply to all previously approved projects as a BCC or ZC condition of approval as part of a DOA or Status Report. Previously approved architectural conditions of approval shall remain in full effect unless amended by the BCC or ZC. Non-residential projects previously approved by the BCC or ZC shall comply with Art. 5.C.1.H.1.a, General. **[Ord.2006-004]**

##### **2. Effect on Prior DRO Approvals**

These guidelines shall not apply to projects or buildings which have a previously approved site plan by the DRO, unless within a PDD or for any use specifically identified within Article 4.B, SUPPLEMENTARY USE STANDARDS. Non-residential projects previously approved by the DRO or ZC shall comply with Art. 5.C.1.H.1.a, General. **[Ord. 2006-004]**

##### **3. Effect on Other Regulations**

These guidelines shall supplement architectural requirements of an Overlay District, Neighborhood Plan, or other applicable regulations. In case of a conflict, the more strict regulation shall apply.

#### **E. Review Process**

PZB shall review all applicable buildings for compliance with this Chapter during the building permit or zoning review process, and provide a written determination of compliance with the requirements of this Chapter. 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]**

##### **1. Methods**

An applicant or PBC may request review for compliance with this Chapter in accordance with any one of the following methods: **[Ord. 2005 – 002]**

##### **a. Type 1 - Projects Requiring BCC Approval**

A request for a determination of compliance with the requirements of this Chapter may be submitted with the application. A written determination of compliance with this Chapter shall be made in the staff report containing the recommendation for the development order. The request

for a determination shall be submitted no less than 30 days prior to the public hearing. [Ord. 2005-002] [Ord. 2009-040]

**b. Type II - Projects Requiring ZC Approval**

A request for a determination of compliance with the requirements of this Chapter may be submitted with the ZC application. A written determination of compliance with this Chapter shall be made in the staff report containing the recommendation for the development order. The request for a determination shall be submitted no less than 30 days prior to the ZC public hearing. [Ord. 2009-040]

**c. Type III - Projects Requiring DRO or Site Plan Approval**

A request for a determination of compliance with the requirements of this Chapter may be submitted with the original DRO or site plan approval application. A written determination of compliance with this Chapter shall be made in the comment letter regarding the development order for the project. The request for a determination shall be included in the initial DRO application. [Ord. 2009-040]

**d. Type IV - Projects Requiring Building Permit Approval**

Buildings requiring a building permit only shall be reviewed for compliance through the standard building permit review process. The request for a determination shall be submitted prior to or concurrent with the building permit application. [Ord. 2009-040]

**2. Unique Structure**

**a. Purpose and Intent**

To recognize structures that comply with the definition in Article 1.1.2.A, Unique Structure, that by the nature of their: scale, massing, proportion, rhythm, style, harmony, order, balance, etc, warrant a special designation. PBC has diverse architectural styles in the various Tiers that are reflective of the historical evolution of the community. The architecture guidelines were established to preserve and enhance those communities through common building design elements. The allowance for unique structures will continue to foster preservation of key design elements while recognizing new and creative design and materials. An applicant may apply for Unique Structure designation pursuant to Article 2.B.2, for any of the types of review outlined in Article 5.C.1.E. A Unique Structure designation will require the applicant to clearly demonstrate that by complying with the standard architectural guidelines in Section 5.C.1.H, Guidelines, the overall design would be compromised. A structure classified as unique does not have to apply for variances, but shall comply with the standards in Article 2.B.2.C. The Unique Structure process should not be requested if the applicant can seek variances for minor code deviations as provided for in Article 2.B.2. [Ord. 2009-040]

**b. Applicability**

An applicant seeking a Unique Structure designation shall submit the request on forms specified by the PBC official responsible for reviewing the application, pursuant to Article 5.C.1.F, Application Requirements. [Ord. 2009-040]

**c. Review Process**

The Unique Structure shall be reviewed pursuant to Section 5.C.1.E, Review Process and Article 2.B.2.C, Standards for Unique Structure. Staff shall review the request and prepare a Staff Report for approval, approval with conditions or denial to the Zoning Commission. The Zoning Commission will make a finding and recommendation to the BCC that the request is consistent with the required standards of Article 2.B.2.C. The BCC shall make the final decision to approve, approve with conditions or deny the designation of Unique Structure. [Ord. 2009-040]

**3. Green Architecture**

**a. Purpose and Intent**

To encourage and promote the design and construction of green architecture. This Section provides for waivers from the architecture design guidelines, provided the applicant can achieve the minimum points necessary to be classified as Green Architecture. In order to design sustainable architecture, certain allowances for waivers in Section 5.C.1.H, Guidelines, need to be recognized and allowed if minimum standards are met. The provisions in Table 5.C.1.E, Green Architecture Designation Rating Program, provide alternative design solutions to achieve green architecture while still complying with the general intent of the architecture guidelines. [Ord. 2009-040]

**b. Applicability**

An applicant proposing to utilize the Green Building Architecture waiver provisions for the construction of new or structurally renovated buildings shall be required to comply with the following: **[Ord. 2009-040]**

- 1) Submit an application as required in Section 5.C.1.F, Application Requirements, **[Ord. 2009-040]**
- 2) Comply with the review process outlined below in Section 5.C.1.E.3.c, **[Ord. 2009-040]**
- 3) Comply with the requirements outlined in Table 5.C.1.E, Green Architecture Designation Rating Program. **[Ord. 2009-040]**

**c. Review Process**

The Green Architecture designation application shall be reviewed and approved, approved with conditions, or denied in conjunction with one of the review processes outlined in Article 5.C.1.E, Review Process. If the application is denied the applicant can appeal the decision to the Zoning Commission with within 30 days of the decision date on a form prepared by the Zoning Director. The registered architect shall complete the required Zoning application, which will require compliance with the Green Architecture Designation Rating Program, Table 5.C.1.E. **[Ord. 2009-040]**

**1) Calculating Points**

The registered architect shall be responsible for calculating the total points obtained for requirements listed in Table 5.C.1.E. Any requirement that does not have specific qualitative and or quantitative measurements the registered architect shall refer to the USGBC Green Building Council rating system to determine acceptable national measurements. In order for the Zoning Director to grant the Green Architecture designation, the applicant shall obtain a minimum of 30 out of a total of 50 points from Table 5.C.1.E. The applicant may choose one or any combination of these categories to achieve the minimum 30 point requirement. If a minimum of 30 points cannot be achieved, then the architecture shall comply with Article 5.C.1.H. The registered architect of the building shall be required to monitor the building construction until final Certificate of Occupancy to ensure compliance with the Green Architecture approval. **[Ord. 2009-040]**

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**Table 5.C.1.E – Green Architecture Designation Rating Program**

Requirements	Allocated Points	Total Points
<b>Roof Configuration</b>		<b>12</b>
<ul style="list-style-type: none"> <li>Flat planted green roof for cooling and storm water management on a minimum of 50 percent of the roof area</li> </ul>	2	
<ul style="list-style-type: none"> <li>30 percent of the gross area of the roof surface is planted with vegetative plants</li> </ul>	2	
<ul style="list-style-type: none"> <li>Roof that incorporates clear story glazing, solar tubes and or light wells</li> </ul>	1	
<ul style="list-style-type: none"> <li>Roof that incorporates energy strategies (photovoltaic solar panels, solar thermal panels for hot water) and specific slopes related to the suns solar path thru the sky</li> </ul>	1	
<ul style="list-style-type: none"> <li>Roof that incorporates thermal chimneys as passive cooling devices</li> </ul>	1	
<ul style="list-style-type: none"> <li>Roof that is designed to harvest rain water for non potable uses</li> </ul>	1	
<ul style="list-style-type: none"> <li>Roof materials that are highly reflective (light colored standing seam metal; white single membrane for flat roofs and green planted roofs)</li> </ul>	2	
<ul style="list-style-type: none"> <li>Roof materials that have a Solar Reflectance Index of 78 for low-sloped roof and 29 for steep-sloped roof for a minimum of 75 percent of the roof surface (refer to the USGBC for roof type, slope and reflectance/emittance information)</li> </ul>	2	
<b>Facade, Exterior Treatment, Fenestration Details, Entries and Color</b>		<b>33</b>
<b>Facade</b>		
<ul style="list-style-type: none"> <li>The building exterior design treatments vary based on the orientation related to the sun (south facade might have an expanse of glazing and shading devices and light shelves; east and west facade have a limited surface area with a small amount of glazing area; north facade opens to allow the cool north daylight to enter the facility)</li> </ul>	5	
<ul style="list-style-type: none"> <li>Building form takes on natural shapes that relate to the solar system</li> </ul>	5	
<b>Exterior Treatment</b>		
<ul style="list-style-type: none"> <li>The building shape, form and orientation take advantage of the suns path across the sky (innovative building forms inspired by nature, building forms are shaped to harvest daylight, building forms are shaped to harvest solar energy from photovoltaic panels for the generation of electric and heat energy for solar water systems)</li> </ul>	5	
<ul style="list-style-type: none"> <li>The following typical architectural features or details such as: windows, awnings, covered arcades, sills, shutters, relief's trims, columns, pilasters, quoins, reveals, cornices, horizontal banding, arches, decorative vents, and/or accent tile, shall be integrated into the facade to avoid blank walls.</li> </ul>	N/A	
<b>Fenestration Details</b>		
<ul style="list-style-type: none"> <li>Achieve a minimum glazing factor of 2 percent in a minimum of 75 percent of all regularly occupied areas</li> </ul>	4	
<ul style="list-style-type: none"> <li>The building has an expanse of glazing and permanent shading devices and light shelves to harvest daylight</li> </ul>	4	
<ul style="list-style-type: none"> <li>The use of high performance glazing and/or automatic photocell-based controls</li> </ul>	4	
<b>Entries</b>		
<ul style="list-style-type: none"> <li>All public entries are easily identifiable and integrated into the building architecture</li> </ul>	N/A	
<ul style="list-style-type: none"> <li>Each freestanding principal structure does have a minimum of one clearly defined primary public entrance feature and does incorporate a minimum of one primary entry feature design element such as: canopies, porte-cochere, or porticos; wall recess or projection a minimum of 12 inches in depth; covered arcades, a minimum of eight feet clear in width; peaked roof forms; arches, columns or pilasters</li> </ul>	N/A	
<ul style="list-style-type: none"> <li>A minimum of one secondary decorative treatment has been provided such as: overhangs, cornices, and eaves; decorative moldings or trims around windows and doors; covered public outdoor patio or plaza incorporated with entry area which are not part of a tenant space; special pavers, bricks, decorative concrete, or other similar pavement treatment; architectural details, such as tile work or moldings.</li> </ul>	N/A	
<b>Color</b>		
<ul style="list-style-type: none"> <li>Specialty coatings such as: radiation control and anti-corrosive paint</li> </ul>	3	
<ul style="list-style-type: none"> <li>The use of light colored reflective paint</li> </ul>	3	
<b>Recycled Materials</b>		<b>5</b>
<ul style="list-style-type: none"> <li>Minimum of 50 percent of non-hazardous building construction materials, components and demolition debris is reused, recycled or salvaged</li> </ul>	2.5	
<ul style="list-style-type: none"> <li>Minimum of 5 percent of the sum, based on cost of the total value of building materials with recycled content are used and permanently installed. Mechanical, electrical and plumbing components and specialty items such as elevators and equipment shall not be included</li> </ul>	2.5	
<b>Key:</b> N/A No points are allocated for these requirements. If the registered architect can demonstrate these Code requirements, if applied would conflict with Green Architecture, waivers may be granted. <b>[Ord. 2009-040]</b>		

**4. Administrative Amendments by DRO**

Minor amendments to BCC or ZC approved architectural elevations pursuant to Review Types I and II may be approved by the Zoning Director provided the changes do not reduce compatibility with surrounding properties. Changes shall be limited to the following: **[Ord. 2009-040]**

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

**F. Application Requirements**

The application form and requirements for Architecture Review, including Unique Structure and Green Architecture shall be submitted on forms specified by the PBC official responsible for reviewing the application. All application documents shall be consistent with the Technical Manual. **[Ord. 2009-040]**

**G. Visual Impact Analysis**

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

**1. Environmental Assessment**

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

**2. Line of Sight Analysis**

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

**3. Prevalent Theme**

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

**4. Architectural Compliance Statement**

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

**H. Guidelines**

**1. Nonresidential Design Elements**

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

**a. General**

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

- 1) Similar architectural composition and treatment shall be provided on all sides of each building contiguous to or visible from a public street or residential zoning district. **[Ord. 2009-040]**
- 2) Out parcels and accessory buildings within a project shall be constructed of compatible materials, color, and character as the principal building.

**b. Roofline**

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

**Table 5.C.1.H – Primary Roof Design Element**

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

**Notes:**

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

**Table 5.C.1.H – Secondary Roof Treatment**

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

**c. Facade**

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

**1) Required Design Elements**

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

**a) Recesses/Projections**

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

**b) Walls**

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

**c) Storefronts**

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

**2) Additional Design Elements**

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

**a) Exterior Treatment**

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

**b) Fenestration Details**

Architectural features or details such as, windows, awnings, covered arcades, sills, shutters, reliefs, trims, columns, pilasters, quoins, reveals, cornices, horizontal banding, arches, decorative vents, and/or accent tile, shall be integrated into the facade to avoid the appearance of a blank wall and shall be provided along a minimum of 60 percent of



the facade length of the front, side and rear facades if contiguous to a public street or residential zoning district.

**d. Entries**

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

**Table 5.C.1.H – Primary Entry Feature Design Element**

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

**Table 5.C.1.H – Secondary Decorative Treatment**

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

**e. Color**

Color shall be considered to achieve architectural compatibility with architecture in the surrounding area and to complement structures within a development. [Ord. 2009-040]

**f. Design Elements Subject to ZC or BCC Approval**

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

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

**g. Rural Design Elements**

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

**1) Roof**

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

**Table 5.C.1.H – Roof Design Element**

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

**Table 5.C.1.H – Decorative Roof Treatment**

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

**a) Material**

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

**2) Exterior Building Finishes**

Exterior building and sign finishes shall be limited to:

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

**3) Facades**

**a) Single Story Buildings**

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

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

**b) Multi-Story Buildings**

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

**4) Porches and Entryways**

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

**a) Width**

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

**b) Railings and Posts**

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

**5) Windows and Doors**

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

**2. Multi-Family Design Elements**

In addition to the guidelines for non-residential projects, multi-family projects shall adhere to the following guidelines: **[Ord. 2010-005]**

**a. Master Elevations**

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

**b. Balconies and Patios**

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

**I. Large Scale Commercial Development**

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

**1. Single Tenant Limit**

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

**a. CL FLU**

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

**b. CH FLU**

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

**1) Exception**

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

- a) Perimeter landscaping buffer widths and plant material required by Art. 7.F.10.A, Perimeter Buffer Width Reductions, shall be increased by twenty percent. [Ord. 2005 – 002]
- b) One additional pedestrian amenity shall be required in addition to the requirements of Art. 5.C.1.1.3.d, Pedestrian Amenities. [Ord. 2005 – 002]
- c) A minimum of 50 percent of the walkways required by Art. 5.C.1.1.3.d.2), shall be covered, providing overhead shelter from the elements. Covered areas shall be evenly distributed between the furthest parking stalls and public entrances. [Ord. 2005 – 002]
- d) A maximum of two out-parcels shall be permitted, subject to the following: [Ord. 2005 – 002]
  - (1) Walkways consistent with those required by Art. 5.C.1.1.3.d.2, shall be provided to both outparcels from a public entrance for any single tenant having greater than 200,000 gross square feet. [Ord. 2005 – 002]
  - (2) Building square footage for convenience stores with gas sales and/or auto service stations shall be deducted from the additional 10,000 square feet permitted under this exception. [Ord. 2005 – 002]

If the project is to be phased, all of the above improvements shall be installed in the first phase. [Ord. 2005 – 002]

**2. Facade Orientation**

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

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

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

Developments with single tenants occupying 65,000 gross square feet or more shall be subject to the requirements of Table 5.C.1.1-13, Large Scale Commercial Development. [Ord. 2005 – 002]

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

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

**a. Roofline**

**1) Parapet Articulation**

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

**b. Facade**

**1) Recesses/Projections**

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

**2) Fenestration Details**

**a) Windows**

Windows shall be provided in accordance with Table 5.C.1.I-13, Large Scale Commercial Development. **[Ord. 2005 – 002]**

- (1) A minimum of 70 percent of windows on front and side A facades shall be transparent, or window box displaying only merchandise. The remaining 30 percent may be non-transparent. **[Ord. 2005 – 002]**
- (2) Windows shall be at pedestrian scale. **[Ord. 2005 – 002]**

**3) Exterior Treatment**

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

**4) Covered Walkways**

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

**c. Public Entrances**

- 1) A minimum of one public entrance shall be provided along the front façade. [Ord. 2005 – 002]
- 2) One additional secondary public entrance shall be provided on a side façade, subject to the following: [Ord. 2005 – 002]
  - a) The secondary entrance shall be accessible to the public during the same business hours as the primary entrance, or from 10 a.m. to 6 p.m., whichever is less. [Ord. 2005 – 002]
  - b) Secondary public entrances shall be located a minimum distance of 25 percent of the length of the side A façade, from the corner of the front facade. [Ord. 2005 – 002]

**d. Pedestrian Amenities**

- 1) One public amenity shall be provided for every 50,000 square feet, or fraction thereof, including but not limited to public art; (not depicting any advertising); fountains (of at least eight feet in height, 16 feet diameter; pergolas; bell or clock tower; and public seating areas (not in conjunction with a restaurant). Required pedestrian amenities shall be a minimum of 800 square feet and 25 feet in width. [Ord. 2005 – 002]
- 2) A minimum of two pedestrian pathways a minimum of ten feet in width leading from the furthest parking spaces to public entrances shall be required. These pathways shall incorporate the use of decorative pavement, trellises, seating, pergolas, arbors, gazebos and landscaping. [Ord. 2005 – 002]

**J. Non-Judicial Remedies**

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

**K. Exhaustion of Non-Judicial Remedies**

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

**L. Appeals**

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

## **CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS**

### **Section 1 General**

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

**A. Purpose and Intent**

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

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

**B. Applicability**

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

### **Section 2 Types of Parks**

**A. Countywide Parks and Preservation/Conservation Areas**

**1. Countywide Parks**

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

**2. Countywide Park Impact Fees**

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

**3. Reservations**

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

**B. Community and Neighborhood Park Recreation Standards**

**1. Required Recreational Areas**

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

**2. Calculation of Required Recreation**

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

**a. WCRAO**

The required recreation area shall be the equivalent of one and one quarter acres of developed land per 1,000 people population, based on 2.32 people per unit. **[Ord. 2008-037]**

**3. Approval**

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

**4. Reduction in Recreation Area Land Requirement**

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

**5. Cash-Out Option**

At the option of the Parks and Recreation Department, the developer may, in lieu of or in combination with Article 5.D.2.B.2, Calculation of Required Recreation, contribute the dollar value of the total

recreational area requirement of this Chapter including land and improvements of this Chapter for the entire development at the time the first plat is submitted for recording. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, or on a PBC approved certified MSA appraisal of the average value of the land in the development at the time of first plat. All such funds collected shall be held in a non-lapsing Park and Recreation Trust Fund for the acquisition and improvement of community or neighborhood parks according to the provisions of Article 5.D.2.B.6, Park and Recreation Trust Fund.

**a. WCRAO**

At the option of the Parks and Recreation Department, with a positive recommendation from the WCRA, the developer may, in lieu of or in combination with Article 5.D.2.B.2, Calculation of Required Recreation, contribute the dollar value of the total recreational area requirement, or convey land of equal value within the WCRA targeted area to the County, as identified by the Parks and Recreation Department or the WCRA Plan, including land and improvements for the entire development, or a portion thereof, at the time the first plat is submitted for recording or issuance of the first residential or mixed use building permit. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, issuance of the first residential or mixed use building permit or on a PBC approved certified MSA appraisal of the average value of the land in the development at the time of first plat or issuance of the first residential or mixed use building permit. All such funds collected shall be held in a non-lapsing Park and Recreation Trust Fund for the acquisition and improvement of the WCRA community or neighborhood parks according to the provisions of Article 5.D.2.B.6, Park and Recreation Trust Fund. [Ord. 2008-037]

**6. Park and Recreation Trust Fund**

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

**7. Other**

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

**8. Open Space Credit**

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

**9. Other Credits**

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

**a. Minimum Parcel Size**

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

**b. Minimum Parcel Width**

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

**c. Minimum Parcel Depth**

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

**d. Waiver of Minimum Parcel Dimensions**

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

**C. Passive Park**

See Art. 4.B.1.A.93, Park, Passive

**D. Public Park**

See Art. 4.B.1.A.94, Park, Public

**E. Infill Neighborhood Park**

See Art. 4.B.1. A.92, Park, Neighborhood Infill

**F. Phasing**

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

**1. Single Phasing**

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

**2. Multiple Phasing**

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

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

**G. County Park Landscape Standards**

This section recognizes that public parks require flexibility in landscape design to address unique natural and manmade resources that serve the public. County park landscape standards are applicable in all development Tiers and promote open views and vistas into natural landscapes, lakes, greenways, blueways, and open spaces for appreciation and benefit of the public. Deviations for PBC owned and operated public parks from the landscaping requirements of Art. 7, Landscaping, are as follows: **[Ord. 2006-004] [Ord. 2008-003]**

**1. General Standards**

**a. Minimum Tree Quantities**

A minimum of one tree is required per 1,200 sq. ft. overall area, excluding lakes, natural areas and recreation areas. **[Ord. 2006-004] [Ord. 2008-003]**

**b. Minimum Shrub Quantities**

A minimum of one shrub is required per 1,250 sq. ft. of impervious area, excluding lakes and wetlands. **[Ord. 2006-004] [Ord. 2008-003]**

**c. Interior and Perimeter Buffer Trees**

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

**d. Foundation Planting**

**1) Exemption**

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

**2) Dimensions**

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

**2. Perimeter Buffer Landscape Requirements**

**a. R-O-W Buffers**

**1) Applicability**



R-O-W buffers pursuant to Art. 7, Landscaping for public parks, open space, and golf courses, shall be exempt from the shrub and hedge planting requirements of Table 7.C.3, Minimum Tier Requirements and Art. 7.F.2.B, Shrubs. Required R-O-W buffer trees may be planted in a natural pattern within and adjacent to the designated landscape buffer. [Ord. 2006-004] [Ord. 2008-037]

**2) Required Plantings**

Where parking lots, maintenance buildings and/or loading areas are located immediately adjacent to R-O-W buffers, the standards in Art. 5.D.2.G.2.a.1, shall not apply. Where shrub and hedge plantings are required the minimum number of layers of shrubs indicated in Table 7.C.3, Minimum Tier Requirements may be reduced to two in all Tiers. [Ord. 2008-037]

**b. Compatibility Buffer**

Compatibility buffers shall be a minimum of five feet in width. Public park uses adjacent to other public park open space and civic uses or pods shall be exempt from compatibility buffer requirements. Required compatibility buffers shall be exempt from the shrub and hedge planting requirements of Table 7.C.3, Minimum Tier Requirements and Art. 7.F.8, Compatibility Buffer. Required trees may be planted in a natural pattern within or adjacent to the designated landscape buffer. [Ord. 2006-004] [Ord. 2008-037]

**c. Incompatibility Buffer**

Incompatibility buffers shall be a minimum of 15 feet in width. The minimum number of layers of shrubs indicated in Table 7.C.3, Minimum Tier Requirements may be reduced to two in all Tiers. [Ord. 2006-004] [Ord. 2008-037]

**d. Pathways in Buffers**

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

**e. Berms**

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

**f. Fences and Walls**

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

**g. WCRAO**

Landscape buffers shall not be required if the proposed park and recreation areas are internally integrated within the development. [Ord. 2008-037]

**3. Off Street Parking Requirements**

**a. Interior Islands**

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

## **CHAPTER E PERFORMANCE STANDARDS**

### **Section 1 Major Intersection Criteria**

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

**A. Four Lanes**

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

**B. Five Year Road Plan**

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

**C. Traffic Volume**

The current average traffic volume on the roadway is greater than ten thousand trips per day as shown on the Peak Season Traffic Volume Table published by the Palm Beach County Traffic Division; [Ord. 2009-040]

**D. R-O-W**

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

**E. Upgrade Agreement**

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

**Section 2 Location Criteria**

**A. Purpose and Intent**

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

**B. Intersection Criteria**

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

**C. Separation Criteria**

Any use within 1,000 feet of an intersection pursuant to the location criteria above shall be exempt from this requirement. A use shall meet the following separation criteria of any other same and existing or approved use, measured by drawing a straight line between the nearest point of the exterior wall or outdoor dining area of the proposed use to the same for an existing or approved use: [Ord. 2006-004]

1. 1000-feet; or
2. 500-feet.

**D. Existing Uses**

The locational and separation criteria in this Section shall have no effect on any existing uses that are conforming uses as of the effective date of this Code. Where applicable, any DOA to an existing use shall comply with Art. 4.B.1.A.109.a.3), Exception, to the greatest extent feasible. [Ord. 2006-004]

**Section 3 Drainage**

For all development in all districts, drainage shall be designed and constructed in accordance with the drainage and storm water management standards of Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, Platting and Required Improvements, except that the requirements for legal positive outfall, pursuant to Article 11.E.1.A.3, Stormwater Management System, shall not apply to:

**A. Development That Meets Both of the Following Criteria**

1. The primary use is a parking lot, open storage, open sided structure with no utilities, or similar use as determined by the County Engineer.
2. The property is not located adjacent or contiguous to a drainage facility which provides access to a point of legal positive outfall

**B. Industrial Designations**

Individual lots designated as Industrial on the FLUA which have a zoning designation of IL, IG, MUPD, PIPD, or SWPD are limited to industrial uses, are located 300 hundred feet or more away from connecting to legal positive outfall, and which provide either:

1. Adequate on-site lake area to store the 100 year, three day rainfall event within the limits of the lake; or
2. Store a 100 year, three day rainfall event on this site in a combination of lake and surface storage conditioned upon providing a hydrological study showing that inundation of the parking lot areas and driveways does not persist for more than 72 hours following cessation of the 100 year, three day rainfall event.

**C. Security Trailers or Caretakers' Quarters Allowed In Conjunction with an Exempted Use**

Any parcel meeting the above listed exemptions from the provisions of legal positive outfall shall connect to a central sewer system and shall not utilize a septic tank system.

**D. Lands with Paola or St. Lucie Soil Types**

Projects that are planned on lands located approximately along the I-95 corridor that consist of Paola or St. Lucie soil types which are excessively drained and have a depth to water table in excess of 8 feet, as measured from the average natural elevation of the property. In lieu of providing legal positive outfall for projects meeting the above criteria, projects shall be developed utilizing a water management system that contains the 100 year three-day storm event entirely within a designated retention area, after accounting

for soil storage. Calculations showing total on-site retention shall be provided utilizing the rainfall distribution as detailed in SFWMD's Vol. IV Manual, latest edition. [Ord. 2005 – 002]

## **Section 4        Nuisances**

### **A. General**

#### **1. Purpose and Intent**

The purpose and intent of this Chapter is to regulate possible nuisances, such as excessive noise, vibration, odors, and outdoor lighting which could interfere with the peaceful enjoyment of land.

#### **2. Applicability**

This Chapter shall apply to all land in the unincorporated area of PBC, unless exempt pursuant to Article 5.E.1.E, Upgrade Agreement.

#### **3. Conflicts**

Any conflict between this Chapter and any other provision in this Code or any other Ordinance adopted by the BCC, or provision, regulation, standard, or law adopted by Statute, the more stringent shall apply.

#### **4. Definitions**

(See Art. 1.I, Definitions and Acronyms)

#### **5. Exemptions**

The following are exempt from this Chapter:

##### **a. Transportation**

Sound generated from motor vehicles legally operating on any public R-O-W regulated by F.S. Chapter 316 (Uniform Traffic Control Law). Sound generated by interstate rail carriers operating on any railroad R-O-W. Sound generated by an airport, including all airport related operations. All other uses of land preempted by applicable State of Florida or Federal laws or regulations.

##### **b. Sanctioned Activities**

Sound generated by a government sanctioned activity conducted on public land or in a public R-O-W (e.g. parades).

##### **c. Crowd Noise**

Non-amplified sound generated by a crowd noises at sporting events.

##### **d. Research and Technology Overlay (RTO)**

Sound generated from a source located within the RTO.

##### **e. Farm Operation**

Bona fide agricultural operations conforming to generally accepted agricultural and best management practices.

##### **f. AGR District**

Noise, vibration, smoke, emissions, particulate matter, and odors by farm operations conforming to generally accepted agricultural and management practices in the AGR district. [Ord. 2005-041]

##### **g. Temporary, Portable Power Generators**

Sound generated by temporary, portable power generators used only during periods of electrical power outages in utility distribution systems maintained by the utility service provider. [Ord. 2005-041]

### **B. Noise Limitations and Prohibitions**

In addition to the maximum sound levels set forth in Table 5.E.4.B-14, Maximum Sound Levels, the following activities shall be limited or prohibited as follows:

#### **1. Prohibitions**

##### **a. Horns**

Sounding a horn or other audible signal device, except as required by law or as a warning of imminent danger. The sounding of any device for an unnecessary reason or unreasonable period of time is prohibited.

##### **b. Parks**

Operating or playing any radio, television, phonograph, musical instrument, or similar device on public land or in a public R-O-W at a distance of 100 feet from the source which generates excessive noise.

##### **c. Amplified Sound**

Operating, playing or using any loud speaker, loud speaker system, sound amplifier, radio, television, phonograph, musical instrument, or similar device which generates excessive noise at

the property line of inhabited residential land. This provision shall not apply to special events but shall apply to lounges, restaurants, or nightclubs.

**d. Advertising**

Operating, playing, or using any device which generates excessive noise at the property line that is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public.

**e. Machinery and Construction Work**

The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tool, equipment of semi-mechanical device, or undertaking construction work which generates excessive noise at the property line of inhabited residential land between the hours of 10:00 PM and 7:00 AM. Construction work other than minor repairs by a homeowner and work permitted to an owner builder shall be prohibited on Sunday. This restriction shall not prohibit the use of pumps or machinery which, because of their nature and purpose, are required to be in operation 24 hours a day.

**f. Lawn Equipment**

The operation of lawn or garden maintenance equipment or machinery which generates Excessive Noise at the property line of inhabited residential land between the hours of 10:00 PM and 7:00 AM.

**2. Maximum Sound Levels**

- a. No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table 5.E.4.B-14, Maximum Sound Levels, for more than ten percent of any measurement period, which period shall not be less than ten minutes. Sound Level Measurement Compliance shall be determined with a Type 2 or equivalent sound level meter using the A Weighting Scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at or within the boundary of the complaining landowner within the property lines of the receiving land.

**Table 5.E.4.B-14, Maximum Sound Levels**

Receiving Land Use Type	Sound Source	Time of Day	Maximum Sound Level	
			USA	RSA
Residential	Fixed mechanical equipment	Any time	60 dB	60 dB
Residential	Permanent Generator	See Art. 5.B.1.A.18	75 dB	75 dB
Residential	All other sources	7 AM to 8 PM	60 dB	55 dB
		8 PM to 10 PM	55 dB	50 dB
		10 PM to 7 AM	50 dB	50 dB
Commercial Nonresidential	All sources	Any time	70 dB	70 dB
Non-Residential	Permanent Generator	See Art. 5.B.1.A.18	75 dB	75 dB
Ord. 2006-004				

**3. Public Nuisance**

**a. Injunctive Relief**

Any emission of noise the generation of sound from any source in excess of the limitations established in, or pursuant to, this Chapter shall be deemed and is hereby declared to be a public nuisance. Upon receipt of written complaint of violation of this Chapter, the Code Enforcement Officer may investigate and request the County Attorney to file injunctive proceedings to abate the nuisance. Such proceedings shall be cumulative and in addition to the penalties provided herein.

**b. Civil Action**

The generation of sound from any source not limited by this Code shall be considered a civil issue and addressed accordingly by law.

**C. Vibration**

**1. Non-Industrial Districts**

In all districts, except with an Industrial (IND) FLU designation, no use shall operate so as to produce ground vibration noticeable by a person of reasonable sensitivity at the property line.

#### **D. Smoke, Emissions and Particulate Matter**

##### **1. General Requirements**

No use or activity shall be operated except in full compliance with the standards controlling air pollution as provided in the laws of the State of Florida and the ordinances. [Ord. 2006-004]

##### **2. Smoke**

In all districts, unless otherwise covered by a specific visible emission limiting standard by a FDEP Rule or County Ordinance, every use shall be operated so as to prevent the emission of smoke from any source whatever, the density of which is equal to or greater than that designated as Number 1 on the Ringlemann Chart, or the opacity of which is equal to or greater than twenty percent. For the purpose of grading the density of smoke, the Ringlemann Chart, as published and used by the United States Bureau of Mines, or Method 9, as published in Rule 62-296 F.A.C., is incorporated herein by reference. All measurements shall be at the point of emission. [Ord. 2006-004]

##### **3. Dust and Particulate**

Every use shall be operated to prevent the emission into the air of dust or other solid particulate matter which may cause danger to land and the health of persons or animals at or beyond the lot line of the premises on which the use is located, in accordance with Rule 62-296 F.A.C. [Ord. 2006-004]

##### **4. Objectionable Odors**

No person shall cause, suffer, allow or commit the discharge of air pollutants which contribute to an objectionable odor in accordance with Rule 62-296 .320 (2) F.A.C. [Ord. 2006-004]

##### **5. Toxic or Noxious Matter**

No use shall for any period of time, discharge across the boundaries of a lot on which it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, land, or the use of land, or render unclean the waters of the state to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial purposes, recreation, or other legitimate and necessary uses. [Ord. 2006-004]

#### **E. Outdoor Lighting**

##### **1. Purpose and Intent**

It is the intent of this Section to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures, luminaries and lighting systems are designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, eliminate the increase of lighting levels on competing sites, provide safe roadways for motorists, cyclists and pedestrians, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment. [Ord. 2005-041]

##### **2. Applicability**

All outdoor lighting shall be subject to the requirements of Table 5.E.4.D – 15, Illumination Levels, and Table 5.E.4.D – 16, Maximum Permitted Luminaire Height, unless exempted or permitted to deviate as described herein. Lighting not specifically listed may be classified by the Zoning Director of PZB pursuant to Art. 1.B, Interpretation of the Code. In Addition to the standards in this Section, outdoor lighting shall be consistent with Article 14, Environmental Standards. [Ord. 2005-041]

###### **a. Conflict**

In the case of a conflict between this Section other provisions of this Code, or other applicable codes, the more strict regulation shall apply. [Ord. 2005-041]

###### **b. Non-conforming Lighting**

All luminaries that do not comply with the standards of this Section shall be subject to the limitations on expansion, maintenance, relocation, damage repair and renovations pursuant to Art. 1.F, Non-conformities. [Ord. 2005-041]

###### **c. Exemptions**

The following uses shall be exempt to the extent listed below: [Ord. 2005-041]

###### **1) Residential**

Single-family, townhouses, multi-family dwellings up to two units shall not be subject to the requirements of this Section. [Ord. 2005-041]

###### **2) Street Lights**

Street lights in any public ROW that meet the requirements of the appropriate public utility. [Ord. 2005-041]

###### **3) Temporary Lighting**

The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. [Ord. 2005-041]

**4) Landscape and Accent Lighting**

Landscape and Accent Lighting fixtures that comply with the Florida Building Code, Chapter 13 Section 13-415.1ABC.2.1 efficacy requirements shall be exempt. All exempt Landscape and Accent Lighting fixtures must have a locking mechanism and a glare shield so that light is aimed, and remains aimed at the surface intended. [Ord. 2008-037]

**d. Prohibited Outdoor Lighting**

The following types of outdoor lighting are prohibited in unincorporated PBC: [Ord. 2005-041]

- 1) Any light that creates glare observable within the normal range of vision onto a street or creates a safety hazard; [Ord. 2005-041]
- 2) Any light that resembles an authorized traffic sign, signal, or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the Zoning Director or Traffic Director; [Ord. 2005-041]
- 3) Beacon or searchlights, except for temporary grand openings and special events, as limited by State of Florida or Federal law; [Ord. 2005-041]
- 4) Any drop lens fixture or fixture that does not meet the IESNA Full-Cutoff classification of 0% of lumens above 90 degrees from nadir. This includes, but is not limited to, parking lot fixtures, building façade fixtures, and other non-landscape lighting fixtures. [Ord. 2008-037]
- 5) Animated lighting, unless authorized under Art. 8, Signage. [Ord. 2005-041]

**e. Deviations**

Lighting may vary from this Section to the extent necessary to comply with the following: [Ord. 2005-041]

- 1) F.S. 655.962, related to ATM lighting; [Ord. 2005-041]
- 2) F.S.812.173, related to Parking lots for Convenience Businesses; [Ord. 2005-041]
- 3) Lighting on schools required by FBC Chapter 423 and 424, and the SDPBC Electrical Design Criteria; [Ord. 2005-041]
- 4) Airport Lighting regulated by State or Federal law; [Ord. 2005-041]
- 5) Lighting for obstructions to air navigation as provide U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K; [Ord. 2005-041]
- 6) Lights required on vehicles under state uniform traffic control statutes or for vessels under vessel safety statutes under F.S. 316 and 327; [Ord. 2005-041]
- 7) Lighting for public health required by F.S. 381; [Ord. 2005-041]
- 8) Electrical code statute requirements under state building code; [Ord. 2005-041]
- 9) F.S. 553.963 and F.S. 553.904, Efficiency and Energy Conservation Statutes under Building Code Standards; [Ord. 2005-041]
- 10) Lighting for outdoor theaters under F.S. 555.07; [Ord. 2005-041]
- 11) Lighting for communication towers under Art. 4.C.4.Q.2 of the ULDC; and [Ord. 2005-041]
- 12) Other federal, state and local laws and regulations that may apply. [Ord. 2005-041]

**3. Submittal Requirements**

**a. Photometric Plan**

All building permit applications that include the use of external luminaries, or luminaries visible from the exterior of a structure shall include an outdoor lighting plan and an outdoor security lighting plan showing location, type, and height of all luminaries, and photometrics in foot-candle output of all proposed and existing luminaries on-site. On-site lighting to be included in the calculations shall include, but is not limited to, lighting for parking lot, canopies, recessed lighting along the building and/or overhang. Each plan shall include any calculations or modifications required to comply with items listed in Art. 5.E.3.D.2.e, Deviations. The photometric plans shall include the following: [Ord. 2005-041]

- 1) A table showing the average, minimum, and maximum foot-candles, average to minimum ratio, and maximum to minimum ratio on the site, and maximum luminaire heights. Maximum photometric calculation grid shall not exceed ten feet. [Ord. 2005-041]
- 2) Manufacturer's catalog cuts that provide a description of the luminaries, including wattage, lumen output, glare reduction/control devices, lamps, on-off cycle control devices and mounting devices. [Ord. 2005-041]
- 3) All photometric plans must be signed and sealed by a licensed engineer, architect or Landscape Architect. [Ord. 2005-041] [Ord. 2008-037]

- 4) A Certificate of Compliance signed and sealed by a licensed engineer, architect or Landscape Architect, must be submitted prior to the issuance of a Certificate of Occupancy. **[Ord. 2005-041] [Ord. 2008-037]**
  - 5) The photometric plan shall not include time averaging or other alternative methods of measurement. A Light Loss Factor (LLF) shall be used for the calculations in a photometric plan. The values of the LLF shall be a maximum value of 0.72 for Metal Halide, 0.81 for High Pressure Sodium and 0.95 for LED, based on manufacturers' initial lamp lumens. **[Ord. 2005-041] [Ord. 2008-037]**
- 4. Standards**
- a. Confinement**  
All outdoor lighting shall utilize full cutoff luminaires per the Illuminating Engineering Society of North America (IESNA) definition of full cutoff which allows for 0% of lumens above 90 degrees from nadir. No luminaires other than landscape lighting exempted per E.2.c.4, shall be directed upwards to avoid urban sky glow. In the U/S Tier, accent and landscape luminaires not exceeding 100 watts. **[Ord. 2005-041] [Ord. 2008-037]**
  - b. Light Trespass**  
The maximum illumination at the property line of an adjoining residential parcel or public ROW is 0.33 horizontal and vertical foot-candles measured at six feet above grade level. Said illumination likewise measured at the property line of an adjoining non-residential parcel, shall not exceed 3.0 horizontal and vertical foot-candles measured at six feet above grade level. **[Ord. 2005-041]**
  - c. Security Lighting and Time Restrictions**
    - 1) Full cutoff luminaires shall be used for all security lighting and dusk-to-dawn area lighting. **[Ord. 2005-041]**
    - 2) Outdoor illumination, including but not limited to, areas used for outdoor sales and display, eating, parking, assembly, service, storage of equipment and freight, loading and unloading, repair, maintenance, commercial activities, and industrial activities shall not continue after 11:00 P.M., or no more than one hour after active use of the area ceases, whichever is later, except for security lighting. **[Ord. 2005-041]**
    - 3) Security lighting shall be required for all active entrances to buildings, parking lots and access to buildings or parking lots. All security lighting shall maintain an average of 0.75fc, a minimum of 0.3fc and a maximum of 3fc from dusk until dawn. **[Ord. 2005-041] [Ord. 2008-037]**
    - 4) No outdoor recreational facility shall be illuminated after 11:00 P.M. except to conclude a scheduled and sanctioned recreational or sporting event by PBC or other authorized agency in progress prior to 11:00 P.M. The luminaires shall be extinguished after outdoor recreational events are completed and the site has been vacated. **[Ord. 2005-041]**
      - a) Exceptions**  
Public recreational facilities such as boat ramps, fishing piers, or other similar facilities that operate or are open to the public on a 24 hour basis. **[Ord. 2005-041]**
    - 5) Automatic timing devices with a photosensor or an astronomical timeclock, which control the hours of illumination shall be required for all parking lots, car dealerships/outdoor display lots and parking garages. These devices may remain on Eastern Standard Time throughout the year. **[Ord. 2005-041] [Ord. 2008-037]**
  - d. Illumination Levels**  
Table 5.E.4.D, Illumination Levels, indicates the minimum and maximum illumination levels for specific site elements, as well as the maximum to minimum, and average to minimum ratios. **[Ord. 2005-041]**

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**Table 5.E.4.D - Illumination Levels**

Outdoor Lighting	Maximum Illumination (1)	Minimum Illumination (1)	Max to Min Ratio	Average to Min Ratio
Buildings and Accessory Structures				
a. Pathway Lighting (2)	5.0 (5)	-	-	-
b. Canopies, Drive-thru and Overhangs	30.0	3.0	10:1	2.5:1
Parking Lots				
a. Multi-family Residential	3.0	0.3	10:1	-
b. All Others	12.0	1.0	12:1	3:1
Parking Structures				
a. Parking Area	10.0	1.0	10:1	4:1
b. Ramps – Day	20.0	2.0	10:1	-
c. Ramps – Night	10.0	1.0	10:1	-
d. Entrance Area – Day	50.0	5.0	10:1	-
e. Entrance Area – Night	10.0	1.0	10:1	-
f. Stairways	-	10.0	-	-
Property Boundary	Refer to Light Trespass			
Specialty Lighting (4)				
a. Golf Courses	Per IESNA Lighting Handbook			
b. Outdoor Entertainment				
c. Parks				
Other Lighting Types				
a. Outdoor Display and Storage for vehicle sales and rental.	15 (3)	1.0	15:1	4:1
b. Other Outdoor Display and Storage Areas.	20	1.0	15:1	4:1
c. Outdoor Work Areas	20	1.0	15:1	4:1
[Ord. 2005-041] [Ord. 2008-037] [Ord. 2010-005]				
Notes:				
1. Measured in foot-candles.				
2. Building or accessory mounted luminaires used to light parking lots shall comply with Parking Lot illumination levels.				
3. May be increased to 20 foot-candles for the first row of display parking located adjacent, but not more than 100' from a ROW.				
4. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.				
5. Fully shielded bollards not greater than 42 inches in height may be permitted up to 20 foot-candles.				

**e. Luminaire Heights**

Table 5.E.4.D, Maximum Permitted Luminaire Height, identifies the maximum height for any freestanding or structure mounted luminaires.

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**Table 5.E.4.D - Maximum Permitted Luminaire Height**

Location		Maximum Height	
		U/S Tier	Rural, Exurban and AGR Tiers
Buildings and Accessory Structures			
a.	Buildings	25 feet or eave overhang, whichever is lower (unless required by the Florida Building Code)	
b.	Accessory Structures	10 feet	8 feet
Parking Lot			
a.	Residential	20 feet	15 feet
b.	Industrial	40 feet	-
c.	Commercial, Civic and Institutional	30 feet, or equal to the height of the building up to a maximum of 40 feet	25 feet
Parking Structures			
a.	Luminaires on top parking level.	20 feet or 25 feet (4)	15 feet
Property Boundary			
a.	Luminaires within 100 feet of residential (2)	20 feet	15 feet
Specialty Lighting (3)			
a.	Golf Courses	Per IESNA Lighting Handbook	
b.	Outdoor Entertainment		
c.	Parks		
[Ord. 2005-041]			
Notes:			
1. For the purposes of this table, residential parcel shall include any residential use, or any vacant parcel with a residential FLU designation.			
2. The height of any lighting luminaire within 100 feet of a parcel with a residential use or FLU designation shall be limited in accordance with the height limitations for Property Boundary, Residential.			
3. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.			
4. Minimum setback shall be 45 feet from exterior edge of wall for all luminaries, except luminaries mounted to interior face of perimeter wall, which do not exceed the height of the perimeter wall.			

**f. Measurement**

- 1) Illumination levels shall be measured in foot-candles with a direct-reading, calibrated, portable light meter. The light meter shall be placed not more than six inches above grade level. **[Ord. 2005-041]**
- 2) For the purpose of measuring light trespass, the light meter shall be placed at the property line of the subject parcel six feet above the grade level. **[Ord. 2005-041]**

**CHAPTER F LEGAL DOCUMENTS**

Any legal documents requiring PBC approval shall be reviewed prior to submission by a licensed attorney. This shall include documents required by Code or as a condition of any land use approval. For the purposes of the provisions, "legal documents" shall include, but not be limited to, the following types of documents: restrictive covenants, easements, agreements, access agreements, removal agreements, unity of control, and unity of title. Any document that follows exactly the language of a PBC-approved form is exempt from this requirement.

**Section 1 Maintenance and Use Documents**

**A. Purpose and Intent**

This Chapter is established to ensure that adequate ownership and maintenance measures will be provided in residential and other developments to protect and perpetually maintain all common areas or other required areas (including improvements located upon or within the common areas) required pursuant to this Code or other applicable PBC ordinances or regulations. This Chapter is also established to ensure the continued availability and utility of the common areas for the residents or occupants of the development and to prevent such facilities or the need for such facilities from becoming an unnecessary burden or nuisance to the PBC or surrounding property. Nothing in this Chapter shall be construed as creating any obligation upon the PBC to maintain such common areas or their improvements or to otherwise ensure their availability and condition.

**B. Applicability**

This Chapter shall apply to all developments subject to review by the DRO as delineated elsewhere in this Code. Developments for which waivers of platting are administratively obtained shall also comply with the requirements of this Chapter.

**C. Exception**

Generally, the maintenance and use documents requirement shall not apply to lands or improvements to be owned and maintained under a condominium or cooperative. The developer of any lands to be owned and maintained under a condominium or cooperative shall establish and regulate those in accordance with the requirements set forth by The State of Florida. If the condominium or cooperative is located within a PUD, though, additional PBC document requirements may apply.

**D. General Requirements**

A developer shall submit documents establishing maintenance and use of the common areas of a proposed development and other required areas at the point in the development process set forth in Article 11.D, PLATTING, or as required as a condition of approval by any decision making or administrative body of PBC. All documents shall be reviewed and approved by the County Attorney's office prior to recording in the public records. The recording of the documents and all associated fees shall be the responsibility of the developer. All documents shall be recorded as approved by the County Attorney's office, and copies of the recorded documents shall be submitted to the PBC when requested.

**E. Documents Establishing Maintenance and Use**

The type of document required to establish use rights and responsibility for maintenance of the common areas and private preserve areas of a development depends upon the nature of the development.

**1. Developments Including a Subdivision of Five or More Lots**

A POA shall be required. Developer shall submit a Declaration of Covenants and Restrictions, Articles of Incorporation, and By-Laws. If there are to be party walls within the development, the Declaration of Covenants and Restrictions shall include a Declaration of Party Wall. This requirement applies to both residential and non-residential developments.

**2. Subdivisions of a Maximum of Four lots**

A POA may or may not be required depending upon the individual subdivision. The determination shall be made by the County Attorney's Office. If a POA is required, then the submittal requirement shall be as listed above. If a POA is not required, then the developer shall submit a Unity of Control. If there are to be party walls within the development, a Declaration of Party Wall shall be included in the submission.

**3. Rental Projects**

A Unity of Title shall be submitted for a development that will be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on a Lot or Parcel.

**F. Content Requirement for Documents**

The following shall be the minimal content requirements for documents. Provisions which do not conflict with any PBC requirements may also be included.

**1. Property Owner's Association (POA) Documents**

**a. Declaration of Covenants and Restrictions**

**1) Legal Description**

**a) For Master Associations**

All property included within the Master Plan for a development (no matter how many phases in which it shall be developed) shall be subjected to the terms of the declaration at the time the first plat of the development is recorded. Property shall not be withdrawn from the terms of the declaration unless it is also withdrawn from the Master Plan.

**b) For Sub-Associations**

All property included within a plat in which a sub-association is named in a dedication/reservation shall be subjected to the terms of the declaration for that sub-association at the time the plat is recorded.

**2) Definition**

There shall be a declaration in which, minimally, the following terms (or similar terms) are defined: association, common areas, member, properties, declarant/developer, unit/lot/parcel. The definition of association shall include the name of the POA responsible for maintaining the common areas of the development. The association named here must be the same association that accepts the dedications/reservations on any plat of the development. The association shall be a State of Florida corporation not for profit. The definition of common

areas shall include the phrase "any area dedicated to or reserved for the association on any recorded plat or replat of the Properties".

The definition of member shall reflect the requirement that all persons or entities holding title to any portion of the properties shall be voting members of the association. In the case of a master association, this may be accomplished either by direct membership by all owners or by the owners' sub-association membership with the sub-association(s) being the voting member(s) of the master association. The definition must specifically allow direct membership for any owner who is not a member of a represented sub-association.

The definition of properties shall include all the property subject to the terms of the declaration including any added by amendment to the declaration. The definition of declarant/developer shall include successors and assigns. The definition of unit/lot/parcel shall identify the division of property by which membership in the association is defined and shall be consistent with the terms used to define member in the declaration.

### **3) Association Structure and Responsibilities**

There shall be provisions for the following:

- a) All persons or entities owning any portion of the development shall automatically become members of the association;
- b) All members of the association shall be entitled to vote on association matters;
- c) The association shall have the authority to assess all members for association expenses including, but not limited to, the cost of maintaining the common areas;
- d) All members of the association, except any governmental entity, which may own property in the development, shall be subject to assessments by the association. The developer shall either pay assessments or fund the deficit in the association's operating budget until he has turned over control of the association. After he has turned over control of the association, he shall pay assessments for any lot(s) he may still own;
- e) The association shall have the authority to place a lien on a member's property for any unpaid assessment;
- f) The developer may control the association while development is ongoing. He must, however, establish in the declaration a definite time by which he will turn over control of the association to the owners; and
- g) The declaration shall provide that the association shall be responsible for the maintenance of the common areas and private preserve areas. Maintenance responsibility may be delegated to a sub-association or to an individual lot owner (in the case of certain limited use areas), but the delegating association shall be responsible in the event the sub-association or the lot owner fails to maintain any portion of the common area or other required areas.

### **4) Common Areas**

The common areas shall be defined to include any area dedicated to or reserved for the association on any recorded plat of the properties. The developer shall state at what point he will deed the common areas to the association.

### **5) Easements**

The following easements shall be granted or confirmed if already established by recorded plat or grant of easement:

- a) Ingress/egress easements for members, their guests, and licensees;
- b) Utility easements for installation, maintenance, and repair by any utility company, including cable, servicing the development;
- c) Drainage easements;
- d) Maintenance easements for maintenance of the common areas. If the association will need access to an owner's property to fulfill its maintenance obligation, the easement should be granted here;
- e) Encroachment easements for accidental encroachment onto the common area;
- f) Common area easement for use by all members of the association and their guests;
- g) Developer's easement to allow developer access as needed to complete construction of development;
- h) Public service for police protection, fire protection, emergency services, postal service, and meter reading;

- i) Zero-lot line (ZLL) easement, if applicable. A three-foot easement contiguous to the ZLL boundary shall be established for the purpose of incidental encroachment, access and maintenance; or
- j) All easements, with the exception of the developer's easement, shall be perpetual.

**6) Architectural Control**

Any provisions included in the declaration regarding architectural control should be consistent with PBC regulations. It should be noted in the declaration that nothing in the declaration should be interpreted as an exemption from compliance with PBC regulations.

**7) General Provisions**

There shall be provisions for the following:

**a) Duration**

The declaration shall run with the land for a minimum of 20 years with provision for automatic renewal;

**b) Enforcement**

The association, the individual members, and the developer shall all have the ability to enforce the terms of the declaration;

**c) Amendment**

The method by which the declaration may be amended shall be established. If the developer is given a separate right for amending the declaration, his right shall not survive the turnover of control. No amendment that withdraws property from the terms of the declaration shall be recorded unless approved in writing by the County Attorney's office. No amendment inconsistent with the requirements of this Chapter shall be recorded unless approved in writing by the County Attorney's office. Nothing contained herein shall create an obligation on the part of the County Attorney's office to approve any amendment.

**d) Dissolution**

Any owner may petition the Circuit Court for the appointment of a receiver to manage the affairs of the association in the event of dissolution of the association.

**b. Articles of Incorporation**

- 1) All terms shall be consistent with the terms of the Declaration and By-Laws.
- 2) The POA shall be a State of Florida corporation not-for-profit with, minimally, the authority to maintain common areas or other required areas, assess members for operating costs, place liens on members' property for failure to pay assessments, and enter into agreements with governmental entities.

**c. By-Laws**

All terms shall be consistent with the terms of the declaration and articles of incorporation.

**2. Declaration of Party Wall**

A declaration of party wall shall be recorded whenever there are shared walls in a development. The declaration may be a part of a declaration of covenants and restrictions or it may be recorded as a separate instrument. It should address the following:

- a. Repair of the wall is a joint obligation and expense unless damage is caused by the negligence of one party. In that case the cost of repair is the obligation of that party alone;
- b. Repair or replacement of the wall shall be to its original construction;
- c. Each party shall have the right to file a lien for the cost of repairs;
- d. The mortgagee shall have the same rights as the mortgagor;
- e. Structural changes in the wall are prohibited;
- f. If there is a common roof, the same provisions shall apply;
- g. If access and/or parking are to be shared, there should be an easement granted to accommodate that; and
- h. This shall be a covenant running with the land.

**3. Unity of Control**

A unity of control shall be recorded against a subdivision of a maximum of four lots if the County Attorney's Office has exempted the subdivision from the requirements for a POA. The unity of control shall contain the following:

- a. Legal description of the property subject to the terms of the unity of control. This shall include all property included in the master plan for the development;
- b. Creation of perpetual cross-access, parking, drainage, and utility easements for the benefit of all owners of the development;

- c. Maintenance responsibilities for all common areas of the development and method by which maintenance costs shall be shared; and
  - d. Establishment of these provisions as covenants running with the land.
- 4. Unity of Title**
- The owner of a rental project shall record against his property a unity of title. The unity of title, which shall be a covenant running with the land, shall provide that the property shall be considered one plot and parcel and that no portion of the property may be conveyed to another owner. The County Attorney's office, after consulting with the Zoning and Land Development Divisions, may agree to release the unity of title provided that covenants establishing maintenance and use are recorded in its place. The cost of recording the unity of title and/or a release shall be the responsibility of the owner.

## **Section 2      Easements**

### **A. Easement Encroachment**

#### **1. Minor Encroachments**

Minor encroachments of buildings and structures may be allowed within an easement in accordance with this Chapter.

#### **2. Major Encroachments**

Buildings or structures designed for human occupancy, screen enclosures, pools, or spas shall not be permitted within any easement unless otherwise provided for in this Section. **[Ord. 2010-005]**

#### **3. Incompatible Uses**

No construction shall be permitted within any easement where such construction is incompatible with the use for which the easement was established. If the terms of the easement, statute, law, ordinance, rule, regulation, or approval pursuant to which the easement was established prohibits or excludes the use, such use shall be considered incompatible. The burden shall be on the applicant to demonstrate that the proposed construction is or will not become incompatible with the purpose for which the easement was established, or impair the rights of the easement holders and beneficiaries. The determination of whether a use is incompatible with the purpose for which an easement was established shall be made by the appropriate regulating agency(s) in accordance with this Chapter.

#### **4. Application Process**

Buildings and structures, which are not prohibited pursuant to Article 5.F.2.A.2, Prohibition, shall be subject to the following:

- a. If an application for a building permit includes construction in an easement, the application shall include consent from all easement holders and beneficiaries. The consent shall be specific to the proposed construction and in a form acceptable to PZB; and
- b. Prior to the issuance of the building permit, the applicant shall record an executed removal and indemnification declaration. The removal and indemnification declaration shall inure to the benefit of the easement holders and beneficiaries.

#### **5. All Other Approvals Required**

- a. All other government permits, approvals, or consents necessary for the construction shall be obtained prior to commencement of the construction.
- b. Compliance with this Chapter shall not be construed to relieve the applicant from obtaining any required approvals, if applicable, for encroaching into the affected easement.
- c. Nothing herein shall be construed as affecting any right to construct except to the limited and strict extent of any approval granted hereunder. An approval granted in accordance with this Chapter is for the limited purpose of complying with this Chapter only.

#### **6. Accountability**

The applicant is responsible for providing and representing true, accurate and correct information. Except as specifically set forth herein, no PBC official, employee, or agent shall have the duty of

- a. searching the Official Records of the Clerk of the Circuit Court, or
- b. conducting any other investigation to determine whether a permit application or request for PBC approval is inconsistent with the use for which an easement was established; whether an easement exists in the area within which a permit for construction/development is sought; or **[Ord. 2005 – 002]**
- c. whether any other government or private approvals are required for construction or development for which the permit is sought. However, PZB, DEPW or any other department, official employee,

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or agent may undertake an investigation, search, or inquiry to determine the aforesated. [Ord. 2005 – 002]

**7. Modifications**

- a. If, upon inspection, the construction is found to be materially different than that which was approved by PBC, then the approval shall be of no force and effect and the construction shall be removed immediately, unless the modification is approved by the department having jurisdiction pursuant to this Chapter.

**B. Drainage Easement Encroachments**

1. All construction in a drainage easement shall be subject to approval by the Land Development Division (LDD). [Ord. 2010-005]
2. If a building permit is required, the applicant shall obtain approval from the LDD prior to submitting the building permit application to PZB. [Ord. 2010-005]
3. The applicant shall submit a request to encroach a drainage easement in or on a form established by the LDD and include a copy of the recorded deed to the parcel on which the easement is located; the document creating the easement; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction in relation to the location of existing drainage improvements in the easement; and such other documentation as the LDD reasonably deems appropriate [Ord. 2010-005]
4. The LDD may deny, approve, or approve with conditions the construction. [Ord. 2010-005]
5. No approval shall be given before the LDD has received specific written consent from all easement holders, easement beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement. The LDD is hereby authorized to effect consent on behalf of PBC when PBC is the easement holder or beneficiary of a drainage easement. The LDD may require that consent be in or on a form established by the LDD. [Ord. 2010-005]
6. The LDD shall also have executed in proper form, and shall cause to be recorded against the applicant's land involved, a removal and indemnification declaration (with the necessary consents) on a form approved by County Attorney's Office. Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforesated person(s) shall indemnify and hold PBC, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as the LDD or the County Attorney deems appropriate. Proof of the recording of the document shall be furnished to PZB with the application for a building permit. [Ord. 2010-005]
7. Construction in or overlapping a drainage easement approved by the LDD shall comply with the provisions of Sections: 2.A.5, 2.A.6, and 2.A.7 of this Chapter. [Ord. 2010-005]

## **CHAPTER G DENSITY BONUS PROGRAMS**

The WHP, AHP or the TDR Program are the required methods for increasing density above the maximum density permitted by a property's FLUA designation within unincorporated PBC, unless an applicant can both justify and demonstrate a need for a Site Specific FLUA Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in Article 2.C, FLU Amendments. [Ord. 2008-003] [Ord. 2010-005]

### **Section 1 Workforce Housing Program (WHP)**

**A. Purpose and Intent**

The WHP implements HE Policies 1.1-o and 1.5-g of the Plan, among others, by establishing an Inclusionary WHP. The program mandates or encourages the development and equitable geographic distribution of workforce housing units for low, moderate 1 and Moderate 2, and middle-income households, ensures a minimum affordability period, and provides for a density bonus and other incentives. The program is intended to increase the supply of housing opportunities for persons employed in PBC in jobs that residents rely upon to make the community viable. [Ord. 2006-055]

**B. Applicability**

In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Chapter shall apply. The WHP shall apply to all new developments with a residential component of 10 or more

dwelling units. For existing projects proposing 10 or more dwelling units, the program shall apply to those units being added. Requirements and limitations are further defined in Table 5.G.1.B, Workforce Housing Program. [Ord. 2006-055] [Ord. 2010-005]

**Table 5.G.1.B – Workforce Housing Program**

<b>Applicability</b>		
Location:	Threshold	Required > or = to 10 residential dwelling units
	Tier or Overlay	U/S
	FLU (1)	LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
<b>Density Bonus Incentive</b>		
LR-1 thru LR-3		up to 30%
MR-5 thru HR-18 (2)		up to 100% (Pre-App required for > 30%)
<b>Required % of WHP Units (3)</b>		
Standard Density		5%
Maximum Density		16%
WHP Density Bonus		34%
<b>Required WHP Ranges (4)</b>		
Low (60-80%)		25%
Moderate 1 (> 80-100%)		25%
Moderate 2 (> 100-120%)		25%
Middle (> 120 or ≤ 140%)		25%
<b>Provision of Units</b>		
	Option 1	Construct units off site. (Art. 5.G.1.G.1)
	Option 2	Purchase existing market rate units and deed to the County or sell to eligible households and deed restrict. (Art. 5.G.1.G.2)
	Option 3	Donate build-able land acceptable to the County in an amount = or > than the buyout cost. (Art. 5.G.1.G.3)
	Option 4	In-lieu Payment. (Art. 5.G.1.G.4)
<b>[Ord. 2006-055] [Ord. 2007-013] [Ord. 2010-005]</b>		
<b>Notes:</b>		
1 Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development. [Ord. 2006-055]		
2 A density bonus of > 30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.H, Additional Requirements for > 30% Density Bonus. [Ord. 2006-055]		
3 Percentages shall be rounded up to the nearest whole number. [Ord. 2006-055]		
4 Based on County Median Income. Where assigning units to a category, priority may be given to middle income first, proceeding downward to low income (i.e. where 3 units are required, the first shall be middle [> 120 or ≤ 140%]; the 2 <sup>nd</sup> Moderate 2 [> 100-120%]; and, the 3 <sup>rd</sup> Moderate 1 [> 80-100%]). This does not prohibit allowing higher numbers of lower income units. [Ord. 2006-055] [Ord. 2007-013] [Ord. 2010-005]		
5 All units not located on site shall comply with requirements of onsite units. [Ord. 2006-055] [Ord. 2010-005]		

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**1. Exemptions**

- a. Projects utilizing the AHP shall not be subject to the requirements of the WHP. [Ord. 2010-005]
- b. All congregate living facilities (CLFs); and, nursing or convalescent facilities. [Ord. 2006-055]

**2. Limitations**

WHP units shall not be subject to restrictions beyond income qualifications. [Ord. 2010-005]

**3. Income Ranges**

There are four targeted income range categories in the WHP pursuant to Table 5.G.1.B, Workforce Housing Program. Applicants shall not be required to provide units in a category when the category price is greater than the median sales price for the County. These units would be eligible for the In-Lieu payment pursuant to Article 5.G.1.G.4, Option 4 – In Lieu Payment, or distributed equally among the remaining targeted income ranges. [Ord. 2010-005]

**4. When WHP and AHP Units are Proposed**

The Planning Director shall make a determination as to which program shall be followed when projects include units targeting both income groups. [Ord. 2010-005]

**C. Development Options**

**1. No Incentives**

A proposal requesting no additional WHP density bonus; TDR units; WHP - TPS special methodology mitigation; WHP expedited review; WHP site plan regulation options; or any additional WHP incentive shall comply with the following: [Ord. 2010-005]

- a. All dwelling units proposed shall be required to target households with incomes from 60 percent to 140 percent of AMI. [Ord. 2010-005]
- b. To be eligible no more than 90 percent of the total project units can be built within any one of the four targeted income categories; all other units must be built in any one, or any combination thereof, of the remaining three income categories. [Ord. 2010-005]
- c. All for sale units which includes attached and detached housing types shall be required to be income restricted for a period of 7 years (non-recurring). [Ord. 2010-005]
- d. All units within a rental development utilizing this development option will be required to be income restricted for a period of 30 years (non-recurring). [Ord. 2010-005]
- e. Projects developed under this option shall not be permitted to utilize the payment in lieu of construction provisions as outlined in Article 5.G.1.B.3, Income Ranges or Article 5.G.1.I.5, Release of Obligation to Construct WHP For Sale Units. [Ord. 2010-005]

**2. Limited Incentive**

A proposal requesting a density bonus of less than 15 percent for projects with LR-1 thru LR-3 FLU designations or less than 50 percent for projects with MR-5 thru HR-18 FLU designations. [Ord. 2010-005]

- a. The required percentage of WHP units will also be limited to: 2.5 percent of Standard Density; 8 percent of PUD Density and 17 percent of the WHP density bonus. [Ord. 2010-005]
- b. 50% of the required WHP units shall be set aside for low income households (households that earn between 60 percent and 80 percent of the County's median income) and 50 percent of the required WHP units shall be set aside for moderate 1 income households (households that earn between 80 percent and 100 percent of the County's median income). [Ord. 2010-005]
- c. The WHP - TPS special methodology mitigation, the WHP expedited review, the WHP site plan regulation options and any additional WHP incentives will be available if requested. [Ord. 2010-005]
- d. All for sale units shall be income restricted for a period of 15 years (recurring). Each WHP unit shall be sold, resold, or rented only to Low or Moderate 1 income qualified households and the WHP restrictions remain in effect for 15 years from the date each unit is first purchased or rented. In the event a unit is resold before the 15 year period concludes, a new 15 year period shall take effect on the date of resale. [Ord. 2010-005]
- e. All units within a rental development utilizing this development option will be required to be income restricted for a period of 30 years (non-recurring). [Ord. 2010-005]

**3. Full Incentive**

A proposal requesting consideration for all available WHP incentives, as indicated in the following Table 5.G.1.B, Workforce Housing Program, and following text. [Ord. 2010-005]

## D. Design Requirements

### 1. Design

WHP units shall be designed to be compatible with the overall project, as follows: [Ord. 2006-055]

- a. All WHP units shall be constructed on site, unless approved otherwise in accordance with Article 5.G.1.G, WHP Off Site Options; [Ord. 2006-055] [Ord. 2010-055]
- b. All affordable units shall be designed to a compatible exterior standard as other units within the development or pod/phase and shall be comparable with the surrounding land uses; and [Ord. 2006-055] [Ord. 2010-005]
- c. Required WHP units may be clustered or dispersed throughout the project. [Ord. 2006-055]

## E. WHP Incentives

All projects with 10 or more residential units shall be eligible for WHP Incentives. [Ord. 2006-055]

### 1. Density Bonus

Table 5.G.1.B, Workforce Housing Program, delineates the ranges of density bonus allowed for the WHP. For the purposes of this Section, permitted density shall be the number of units allowed by the standard density allowed by the Plan; or, the maximum density allowed by the Plan, where developed as a PDD, TDD or other density provision of the Plan. TDR units or any other density bonus shall not be included as part of the permitted density for purposes of calculating the WHP density bonus. To ensure compliance with the compatibility requirement of HE Objective 1.5 of the Plan, projects requesting a density bonus greater than 30 percent shall be subject to the requirements of Table 5.G.1.D, Review Process, and Art. 5.G.1.F, Additional Requirements for > 30% Density Bonus. [Ord. 2006-055]

Table 5.G.1.D – 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
[Ord. 2006-055]			

### 2. Traffic Performance Standards Mitigation

#### a. WHP Special Methodologies

TPS mitigation shall be permitted for WHP projects in accordance with Art. 12.G.6, Workforce Housing. [Ord. 2006-055]

#### b. WHP Traffic Concurrency Hall Pass

TPS mitigation shall also include the option of applying for a WHP Traffic Concurrency Hall Pass separate from a development order application. The WHP Traffic Concurrency Hall Pass serves as a provisional traffic concurrency approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrency Reservation approval. The WHP Traffic Concurrency Hall Pass is described further in Art. 2.F. [Ord. 2006-055]

### 3. Expedited Review

The following expedited review processes may apply to a proposed WHP development: [Ord. 2006-055]

#### a. Design Review

Review of multifamily or townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with final DRO review, prior to permit application. [Ord. 2006-055]

#### b. Platting

- 1) If only a boundary plat is required for an existing single lot, building permits may be issued after submittal of the final plat for recordation. [Ord. 2006-055]
- 2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat. [Ord. 2006-055]
- 3) Pursuant to Article 3.E.1.G.1.a, Permits, Building permits may be issued for sales offices, sales models, gate houses, entry features, and utilities may be issued prior to the recording of a final plat. [Ord. 2006-055]

### 4. Density Bonus Development Options

#### a. Purpose and Intent

To provide flexibility from property development and other related regulations in order to provide

greater opportunity for cost effective development of WHP units. These provisions are not intended to supersede deviations that are normally addressed through the variance process. These options shall only be granted at the time of approval for the entire project, and shall not be granted on a lot-by-lot basis. [Ord. 2006-055]

**b. Applicability**

Projects with ten or more units that utilize a density bonus incentive and are subject to the requirements of the WHP may utilize the Development Options listed herein. [Ord. 2006-055]

**c. Justification Report**

Use of Density Bonus Development Options shall not be granted by right, and shall require submittal of a justification report that demonstrates that deviations are the minimum needed to allow for the use of density bonus incentives. The report shall include the following: [Ord. 2006-055]

- 1) The regulations that are proposed to be modified. [Ord. 2006-055]
- 2) The amounts and specifics of the requested deviation(s). [Ord. 2006-055]
- 3) The areas within the development that the deviation(s) will be applied to. [Ord. 2006-055]
- 4) Graphic representations such as, but not limited to, site plans, elevations, perspectives, and typical examples, showing how the deviations will meet the intent of the district and WHP with emphasis on open space, privacy, maintenance, and public health, safety and welfare. [Ord. 2006-055]

**d. Site Plan Approval**

All projects requesting Density Bonus Development Options, shall submit an application and site plan to the DRO for certification where applicable, and for final site plan approval for all others. The site plan shall indicate in the tabular data all Development Options requested and where feasible, a regulating plan shall be included to provide typical examples. Approval shall be granted only for the minimum deviations needed to allow for the use of density bonus incentives and where the requirements of all applicable reviewing agencies have been met. [Ord. 2006-055]

**e. Drainage**

Any reduction in lot size or open space area, or increase in building coverage shall be subject to approval of a drainage study demonstrating that reduced pervious surface area will not create adverse drainage issues. [Ord. 2006-055]

**f. Option 1 - RT District**

The zoning for parcels electing to use this option must be in compliance with Table 3.C.1.A, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. [Ord. 2008-037]

**1) RT PDR Deviations**

Deviations from the minimum PDRs for the RT district with a LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.1.E, RT Deviations for WHP, only for those projects that qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and utilize a minimum density bonus of 20 percent. [Ord. 2006-055]

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**Table 5.G.1.E – RT Deviations for WHP <sup>(1)</sup>**

Zoning District	Applicability	FLU	Lot Dimensions				Setbacks	
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	Infill, TDR	LR-1	14,000 sf	ND	ND	ND	ND	ND
RT	Infill, TDR, WHP	LR-2	12,000 sf	85'	35%	100'	ND	ND
RT	Infill, TDR, WHP	LR-3	9,000 sf	65'	40%	80'	1 <sup>st</sup> Floor 10'	1 <sup>st</sup> floor – 15'
[Ord. 2006-055]								
<b>Notes:</b>								
ND No deviation.								
1. Eligible projects must qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and use. [Ord. 2006-055]								

**g. Option 2 - TND Regulations**

Projects eligible for this option shall be permitted to utilize the PDRs of Table 3.F.3.E, TND Residential Lot Size and Setback Regulations, subject to meeting the requirements of Art. 3.F.3.E.5, Residential Uses and the following limitations: [Ord. 2006-055]

- 1) U/S Tier Only; [Ord. 2006-055]
- 2) Project does not qualify to be a TND or use Option 1 or 3; [Ord. 2006-055]
- 3) If the subject site has a LR-1, LR-2, LR-3 or MR-5 FLU designation, the project shall meet all requirements for and be approved as a PDD; [Ord. 2006-055]

**h. Option 3 - Flexible Regulations**

Projects with MR-5, HR-8, HR-12, HR-18 FLU designations, or if approved as a PDD or TDD, may deviate from the residential requirements of Table 3.D.1.A, Property Development Regulations, or Table 3.D.2.B, ZLL Property Development Regulations, as follows: [Ord. 2006-055]

- 1) SFD units may be permitted up to a maximum ten percent deviation for the following PDRs: lot size; width and frontage; building coverage; and, side, and rear setbacks. [Ord. 2006-055]
- 2) SFD units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following PDR's: building coverage; and front and side street setbacks. [Ord. 2006-055]
- 3) ZLL lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages. [Ord. 2006-055]

**i. Option 4 - PDD Open Space Reduction**

Projects which elect to utilize a density bonus of not less than 15 percent, may reduce the 40 percent open space requirement of Table 3.E.2.C, PUD Land Use Mix, to not less than 30 percent open space, provided the project incorporates common usable open space areas as defined in Article 1.1.2.U.18, Usable Open Space for WHP. [Ord. 2006-055]

**j. Option 5 – Internal Incompatibility Buffers**

Required incompatibility buffers between SFD and MF units within a WHP development shall not be required. [Ord. 2006-055]

**k. Option 6 – Relocation of Units to Civic Tracts**

Residential units may be permitted in a civic pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall project: [Ord. 2006-055]

- 1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; or, [Ord. 2006-055] [Ord. 2010-005]
- 2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted. [Ord. 2006-055]

**F. WHP On-site Construction**

WHP units may be located on-site in accordance with the provisions of Article 5.G.1.C, Workforce Development Alternatives; however, under no circumstances shall any site be permitted to develop at a

density greater than that permitted by the Plan. Prior to final DRO approval, the applicant shall identify on the plan the total number of WHP units proposed for development within each pod or phase, as applicable. The plan shall also indicate the number of units in each applicable WHP income category. In no instance shall all of the WHP units be constructed in the last stage of development (pod/phase, where applicable). [Ord. 2010-005]

**G. WHP Off-site Options**

WHP units may be located off-site using the options listed below and in accordance with the provisions of Table 5.G.1.B, Workforce Housing Program; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. Prior to issuance of a building permit, or final DRO approval if applicable, all contracts or related agreements for any off-site option evidencing site control and necessary approvals shall be approved by the County Administrator, or designee. Prior to final DRO approval, the applicant shall identify the total number of WHP units proposed for development off-site including the number in each applicable WHP income category. Off-site options may be accommodated in municipalities located within Palm Beach County. [Ord. 2006-055] [Ord. 2010-005]

**1. Option 1 – Off-site Construction**

Building permits shall be issued for a minimum of 25-percent of the required WHP units to be constructed off-site prior to the issuance of no more than 25-percent of the building permits in the subject development. All off-site WHP units must receive CO prior to issuance of no more than 85-percent of the CO's in the subject development. [Ord. 2006-0455] [Ord. 2010-005]

a. **WCRAO** – Off-site construction of the required WHP units within the low income range shall be limited to ten percent. [Ord. 2008-037]

**2. Option 2 – Purchase Market Rate Units**

Purchase of an equivalent number of existing market rate units to be deeded to the County or sold to eligible households and deed restricted. The developer may retain the title to off site units subject to recordation of a deed restriction that meets the intent of this provision. A minimum of 50-percent of the units must be purchased and deeded to the County or deed restricted prior to the issuance of no more than 25-percent of the building permits in the subject development. All market rate units shall be purchased and deeded to the County or deed restricted prior to issuance of no more than 85-percent of the CO's in the subject development. [Ord. 2006-055] [Ord. 2010-005]

**3. Option 3 – Donate Buildable Land**

Donation of developable land acceptable to the County in an amount equal to the buyout costs of the affected units. Donated land must be deeded to the County prior to issuance of the first building permit in the subject development. [Ord. 2006-055]

**4. Option 4 – In-lieu Payment (Prior to Issuance of First Residential Unit Building Permit)**

The in-lieu payment for all WHP units shall be \$81,500 per for sale unit and \$50,000 per rental unit. The payment shall be deposited in the WHP Trust Fund maintained by the PBC Department of HCD at the time of issuance of the first residential unit building permit for the subject development. [Ord. 2006-055] [Ord. 2010-005]

**H. Additional Requirements for >30% Density Bonus**

Projects requesting a density bonus greater than 30 percent shall comply with the following: [Ord. 2006-055]

**1. Sector Analysis**

WHP projects, including relocated WHP units, shall be equitably distributed so that there is no undue concentration of very-low and low income households. Table 5.G.1.H, WHP Density Bonus Guide

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indicates the maximum density bonus permitted and the concentration of very-low and low income housing within a sector will be one factor taken into consideration when determining the maximum density bonus permitted. Other factors to be considered include: the location of the proposed development and its relationship to the study area; the housing type(s) proposed; if the development site is located within ¼ mile radius of a public park (neighborhood or regional park, not a golf course); civic uses (schools/libraries); a mass transit facility/route; child care facilities; medical facilities; a super market; a community commercial facility; employment opportunities; and within ½ mile radius of social services; a regional commercial facility; an industrial facility; additional civic uses and employment opportunities. Prior to submittal of a WHP pre-application, the applicant shall meet with the Planning Director or designee to establish the sector within which the distribution analysis shall be conducted. The boundaries of the sector shall be approved by the Planning Director or designee. The maximum density bonus permitted or a bonus in excess of the maximum shall be recommended by the Planning Director or designee. **[Ord. 2010-005]**

**Table 5.G.1.H – WHP Density Bonus Guide**

% of Very Low & Low Income Households in Sector	> 50%	40-50%	20-40%	0-20%
<b>Maximum Density Bonus <sup>(1)</sup></b>	up to 40%	up to 60%	up to 80%	up to 100%
<b>[Ord. 2009-01] [Ord. 2010-005]</b>				
<b>Notes:</b>				
1. The Planning Director may recommend a density bonus in excess of the Maximum Density Bonus where the project serves to mitigate existing very low and low income concentrations by including a mix of higher income market rate units or Medium 1, Medium 2 and Middle Income WHP units. <b>[Ord. 2006-055]</b>				

- a. The sector shall be proportional to the size and character of the proposed development. At a minimum, the sector shall consist of one or more neighborhoods that include features such as schools, shopping areas, an integrated network of residential and collector streets bounded by arterial roads, civic uses, localized shopping, and employment opportunities. For data and analysis purposes, the sector shall be adjusted to accommodate census tracts or census block groups but shall not extend beyond important physical boundaries that may include a major arterial roadway or a wildlife refuge. **[Ord. 2006-055]**
  - b. Household income characteristics for the sector shall be derived from the most current available census data. The income level of a "family of four" shall be used for the determination of households within the low, moderate and middle income household categories. The analysis of housing and demographic data within the sector shall be in a manner and form approved by the Planning Director. **[Ord. 2006-055]**
- 2. Pre-Application**
- An application for density bonus greater than 30 percent shall require the submittal of a pre-application prior to submittal of a Zoning or Building permit application for purposes of establishing a density bonus determination. **[Ord. 2006-055]**
- a. **Contents**  
The pre-application shall be in a form established by the Planning Director, and made available to the public. **[Ord. 2006-055]**
  - b. **Sufficiency Review**  
The pre-application shall be subject to the provisions of Art. 2.A.1.G.3, Sufficiency Review. **[Ord. 2006-055]**
  - c. **Compliance**  
The density bonus shall not be granted until the project is found in compliance with HE 1.5.h. in the Plan. **[Ord. 2006-055]**
  - d. **Density Determination**  
The Planning Director shall provide a written density determination letter within ten days of determining the pre-application is sufficient. The determination shall be based on the sector analysis, size, location and development characteristics of the project with consideration given towards affordability, accessibility, proximity to mass transit or employment centers, compatibility, quality of design, pedestrian and vehicular circulation, open space, and resource protection. The Planning Director shall prepare a report for the applicant, DRO, ZC, or BCC, whichever is appropriate, making a determination of compliance with this chapter, consistency with the Plan and recommend approval, approval with conditions, or denial of the request. **[Ord. 2006-055]**

## **I. Affordability Requirements**

Where applicable, the required percentage, affordability ranges and provision of units, shall be in accordance with Table 5.G.1.B, Workforce Housing Program. [Ord. 2006-055]

### **1. Sales and Rental Prices of WHP Units**

All required WHP units shall be offered for sale or rent at an attainable housing cost for each of the targeted income ranges. The sale and rent prices shall be updated annually by the Planning Director, or designee, with the sale prices based on the Area Median Income (AMI), and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) for a family of four, which pricing shall not be adjusted based on the number of occupants, as published annually by HUD (sale price: household income figure multiplied by three and priced at the middle of each of the four WHP income categories), and rental prices based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures as adjusted for number of bedrooms in WHP rental units. Any utility allowances applied against gross maximum WHP unit rents shall also be adjusted based on a number of bedrooms in WHP rental units. A chart with the sales and rent prices will be maintained and updated annually by the County. [Ord. 2006-055] [Ord. 2010-005]

### **2. Master Covenant**

Prior to issuance of the first building permit, the applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided for by the County, which identifies each required WHP unit. [Ord. 2006-055] [Ord. 2010-005]

#### **a. For Sale Units**

The Covenant shall include but not be limited to restrictions requiring: that all identified WHP units shall be sold, resold or rented only to low, moderate 1, moderate 2, or middle-income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each unit; and that in the event a unit is resold before the 15 year period concludes, a new 15 year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited those set forth below to ensure compliance with the WHP. Every deed for sale of a WHP housing unit shall incorporate by reference the controlling Covenant. [Ord. 2006-055] [Ord. 2010-005]

#### **b. Rental Units**

The Covenant shall include but not be limited to restrictions requiring: that all identified WHP units shall be rented only to low, moderate 1, moderate 2, or middle-income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for a period of 30 years (non-recurring) from the date of occupancy of the first WHP unit; and that in the event a rental complex is resold before the 30 year period concludes, the new owner assumes the requirement for the number of remaining years; and the number of years remaining shall be determined by the Planning Director or his designee; and shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with the WHP. Every deed for a rental development with WHP housing units and every rental agreement for each WHP unit shall incorporate by reference the controlling Covenant. [Ord. 2010-005]

### **3. Monitoring and Compliance**

Prior to the sale, resale, or at the time of the rental of any WHP unit established pursuant to this program, the seller of a for-sale unit or the owner of a rental development shall provide the Planning Director, or designee, documentation sufficient to demonstrate compliance with the WHP. Such documentation shall include but not be limited to information regarding the identity and income of all occupants of the WHP unit. The owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. The County may conduct site visits at reasonable times, or perform other independent investigation to verify continued compliance with the WHP. [Ord. 2006-055] [Ord. 2010-005]

### **4. Enforcement**

The County may enforce the requirements of the WHP through any cause of action available at law or equity, including but not limited to seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease, reclassification of a lesser unit to another income category, and tolling of the 15-year recurring term of for sale units or the 30 year non-recurring term for rental units of the WHP. [Ord. 2006-055] [Ord. 2010-005]

## **5. Release of Obligation to Construct WHP For-Sale Units**

It is not the intent of the WHP provisions to require a developer to commence construction on any WHP for sale unit for which a valid and binding contract for purchase between developer and buyer has not been executed. It is intended that all WHP units will be marketed in the same manner as the market-rate units within a development. In the event a WHP unit eligible for contract has been available for purchase for a period not less than 180 days and no contract has been executed during the 180 day period; or, is located within a development pod/phase in which not less than 80 percent of the for sale market rate units (i.e. non WHP units) have binding purchase contracts; then upon the later of the two aforementioned requirements having been met, that specific WHP unit is eligible to be released from the WHP obligations inclusive of release from the Covenant. **[Ord. 2006-055] [Ord. 2010-005]**

### **a. For Sale Units**

When a WHP unit is not purchased in accordance with the provisions above, an In-Lieu cash payment shall be permitted as follows: **[Ord. 2010-005]**

- 1) if the price differential between the required WHP unit and the contract price for the market rate unit is less than or equal to \$20,000, then the In-Lieu cash payment shall be \$10,000; **[Ord. 2010-005]**
- 2) if the price differential between the required WHP unit and the contract price for the market rate unit is greater than \$20,000 and less than \$81,250, then the In-Lieu cash payment shall be one half (50 percent) of the difference; and, **[Ord. 2010-005]**
- 3) if the price differential between the required WHP unit and the contract price for the market rate unit is greater than or equal to \$81,250, then the In-Lieu cash payment shall be \$40,750. **[Ord. 2010-005]**

The contract price of any for sale market rate unit shall be the base price of the unit and shall not include any lot premium and/or buyer purchased upgrades that are in addition to the base price of the unit. The Developer shall provide written notice to the Department of Planning, Zoning and Building requesting confirmation of the In-Lieu cash payment amount, which request shall include: a copy of the executed purchase contract between seller and purchaser denoting the purchase price of the unit, but shall not be required to submit any information relative to any lot premium and upgrades that are in addition to the base price of the unit; the project name, zoning control number, PCN, and address of the lot; and, the calculation as to the amount of the In-Lieu cash payment amount being requested. **[Ord. 2010-005]**

The County shall provide written confirmation to the Developer, within ten 10 business days of receipt, as to the County's agreement/disagreement with the In-Lieu cash payment amount requested by the Developer. **[Ord. 2010-005]**

Upon payment of the required In-Lieu cash payment, the WHP unit/lot shall thereafter be released from any and all obligations of the WHP requirements of the ULDC and the County shall provide written confirmation that the unit/lot has been released, inclusive of release from the Covenant. Units which are not required to be constructed pursuant to Art. 5.G.1.B.3, Income Ranges are not eligible for this reduced in-lieu payment. These units must provide in-lieu payment consistent with Art. 5.G.1.G.4, Option 4 – In Lieu Cash Payment. The County shall utilize cash payments for the express purpose of providing down payment assistance to eligible households seeking to purchase WHP units. To the greatest extent possible, the down payment assistance provided by the County shall be utilized for the purchase of WHP units from the project from which the cash payment was provided. The payment shall be deposited in a WHP Trust Fund maintained by the PBC Department of HCD, and designated for the above referenced purpose. **[Ord. 2010-005]**

### **b. "Available for purchase" shall be defined as:**

- 1) written notice is provided to the Planning Director and the Department of Housing and Community Development and to a list of interested parties provided to the developer by the County that developer has a project approved which requires the construction of WHP units and the developer is ready to commence sales of the required WHP unit within the development. The written notice shall include the location of the subject property, the location of the sales office, the hours of the sales office, the floor plan and construction specifications for the WHP unit available for contract; and the pricing of the WHP unit available for contract; **[Ord. 2010-005]**
- 2) developer shall include in the sales office displays and WHP unit promotional brochures produced as of and during the entire duration of the effective period as defined in Art. 5.G.1.I.5 Release of Obligation to Construct WHP For Sale Units, (i) and (ii) above, that



certain units within the project are subject to the WHP provisions of Palm Beach County and are available for purchase for qualified households; [Ord. 2010-005]

- 3) the inclusion of informational packets in the sales center for those interested in purchasing a WHP unit which provides the qualification standards, terms of the Covenant, where to go to get qualified, and other relevant information regarding the WHP units (note this packet to be provided by or approved by Palm Beach County prior to placement on the sales floor); [Ord. 2010-005]
  - 4) at the time WHP units become available for purchase the developer shall provide to the Palm Beach County Department of Planning, Zoning and Building proof of out-reach to local housing advocacy groups and others on the interested parties list. [Ord. 2010-005]
  - 5) the developer acts in good faith to market and sell the unit during the effective period as defined in Art. 5.G.1.I.5 Release of Obligation to Construct WHP For Sale Units, above. [Ord. 2010-005]
- 6. Event of Default of for sale WHP unit following execution of binding contract:**  
In the event of default by the purchaser of a for sale WHP unit after execution of a binding contract and prior to closing, the developer shall be permitted to provide the In-Lieu cash payment (in the amount as determined using for formula outlined in Section 5.G.1.I.6. above) and shall be permitted to be released from the WHP obligations for the defaulted unit, inclusive of the release from the Covenant, upon the later of either of the two events having occurred: [Ord. 2010-005]
- a. the first inspection of the WHP unit subject to the default occurred not less than one hundred and eighty (180) days prior to the request to provide the In-Lieu cash payment; or [Ord. 2010-005]
  - b. the WHP unit subject to the default is located within a development pod/phase in which not less than 80% of the for sale market rate units (i.e. non WHP units) have binding purchase contracts. The Developer shall provide written notice upon the event of default on a required WHP unit to the Palm Beach County Department of Planning, Zoning and Building, the Department of Housing and Community Development and to the list of interested parties indicating that: [Ord. 2010-005]
    - 1) a default occurred on a required WHP unit; [Ord. 2010-005]
    - 2) the specifics of the defaulted lot (WHP income category, location of the project, PCN for the WHP unit, WHP price of the unit, square footage of the unit, and floor plan of the unit); and, [Ord. 2010-005]
    - 3) that the unit remains available for purchase to an eligible WHP household until such time as an In-Lieu cash payment is made pursuant to the later of the two timing mechanism having been met. [Ord. 2010-005]

**7. Compatibility**

The resulting development shall be compatible with surrounding residential land uses, as described herein. [Ord. 2005 – 002]

**J. Annual Report**

The Executive Director of PZB shall submit an annual report to the BCC indicating the status of the WHP. [Ord. 2006-055]

**Section 2 Affordable Housing Program (AHP)**

**A. Purpose and Intent**

The AHP implements HE Policies 1.1-o and 1.5-g of the Plan, among others, by establishing an AHP. The AHP is a voluntary program used by an applicant seeking additional density for an affordable housing development. An AHP applicant elects to provide at a minimum 65 percent of the total number of dwelling units targeted to households at incomes of 60 percent of Area Median Income (AMI) and below. In any proposal a maximum of 20 percent of all units will target incomes of 30 percent and below AMI. The program ensures a minimum affordability period, and provides for a density bonus and other incentives. The program is intended to increase the supply of housing opportunities for persons employed in PBC in jobs that residents rely upon to make the community viable. [Ord. 2009-040]

**B. Applicability**

In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Chapter shall apply. The AHP shall apply to developments with a residential component of 10 or more dwelling units with all units being built on site. This shall include the expansion of existing projects that add 10 or more dwelling units, where the program shall apply to those units being added. Requirements and limitations are further defined in Table 5.G.2.B, Affordable Housing Program. [Ord. 2009-040]

**1. Exemptions**

- Congregate living facilities (CLFs); and, nursing or convalescent facilities. [Ord. 2009-040]
- 2. Limitation on Restrictions**  
AHP units shall not be subject to restrictions beyond income qualifications except those restrictions imposed by a governmental agency providing affordable housing financing. [Ord. 2009-040]
- 3. When WHP and AHP Units are Proposed (WHP and AHP Units Proposed by the Applicant)**  
Consideration may be given to developments requesting both WHP and AHP units within their proposal with the final determination to be made by the Planning Director or designee based on the programmatic requirements imposed by a governmental agency providing affordable housing funding or another entity with programmatic requirements (e.g., Habitat for Humanity or a Community Land Trust). [Ord. 2009-040]

**Table 5.G.2.B - Affordable Housing Program**

Applicability		
	Tier or Overlay	U/S
Location:	FLU (1)	LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
Density Bonus Incentive		
LR-1 thru LR-3		0 – 30% <sup>3</sup>
MR-5 thru HR-18 (2)		0 – 100% <sup>3</sup>
[Ord. 2009-040]		
Notes:		
1. Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development. [Ord. 2009-040]		
2. A density bonus of >30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.H, Additional Requirements for >30% Density Bonus. [Ord. 2009-040]		
3. Percentages shall be rounded up to the nearest whole number. [Ord. 2009-040]		
<b>Affordability:</b> A minimum of 65% of all units at 60% of AMI or below and a 20% maximum of all units at 30% and below AMI. [Ord. 2009-040]		

**C. Design Requirements**

AHP units shall be designed to be compatible with the overall project, as follows: [Ord. 2009-040]

1. All AHP units shall be constructed on site; [Ord. 2009-040]
2. All units shall be designed to a compatible exterior standard as other units within the development or pod; and [Ord. 2009-040]
3. AHP units may be clustered or dispersed throughout the project. [Ord. 2009-040]

**D. AHP Incentives**

All projects with 10 or more residential units shall be eligible for AHP Incentives. [Ord. 2009-040]

**1. Density Bonus**

Table 5.G.2.B, Affordable Housing Program, delineates the ranges of density bonus allowed for the AHP by land use category. For the purposes of this Section, permitted density shall be the number of units allowed by the standard density allowed by the Plan; or, the maximum density allowed by the Plan, where developed as a PDD, TDD or other density provision of the Plan. TDR units or any other density bonus shall not be included as part of the permitted density for purposes of calculating the AHP density bonus. To ensure compliance with the compatibility requirement of HE Objective 1.5 of the Plan, projects requesting a density bonus shall be subject to the requirements of Table 5.G.2.D, Review Process, and Article 5.G.2.E, Additional Requirements for Density Bonus. [Ord. 2009-040]

**Table 5.G.2.D - 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
[Ord. 2009-040]			

**2. Traffic Performance Standards Mitigation**

**a. AHP Special Methodologies**

TPS mitigation shall be permitted for AHP projects in accordance with Article 12.G.6, Affordable Housing. [Ord. 2009-040]

**b. AHP Traffic Concurrency Hall Pass**

TPS mitigation shall also include the option of applying for an AHP Traffic Concurrency Hall Pass separate from a development order application. The AHP Traffic Concurrency Hall Pass serves

as a provisional traffic concurrency approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrency Reservation approval. The AHP Traffic Concurrency Hall Pass is described further in Article 2.F. [Ord. 2009-040]

**3. Expedited Review**

The following expedited review processes may apply to a proposed AHP development: [Ord. 2009-040]

**a. Design Review**

Review of multifamily or townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with final DRO review, prior to permit application. [Ord. 2009-040]

**b. Platting**

- 1) If only a boundary plat is required for an existing single lot, building permits may be issued after submittal of the final plat for recordation. [Ord. 2009-040]
- 2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat. [Ord. 2009-040]
- 3) Pursuant to Article 3.E.1.G.1.a, Permits, Building permits for sales offices, sales models, gate houses, entry features, and utilities may be issued prior to the recording of a final plat. [Ord. 2009-040]

**4. Density Bonus Development Options**

**a. Purpose and Intent**

To provide flexibility from property development and other related regulations in order to provide greater opportunity for cost effective development of AHP units. These provisions are not intended to supersede deviations that are normally addressed through the variance process. These options shall only be granted at the time of approval for the entire project, and shall not be granted on a lot-by-lot basis. [Ord. 2009-040]

**b. Applicability**

Projects with ten or more units that utilize a density bonus incentive and are subject to the requirements of the AHP may utilize the Development Options listed herein. [Ord. 2009-040]

**c. Justification Report**

Use of Density Bonus Development Options shall not be granted by right, and shall require submittal of a justification report that demonstrates that deviations are the minimum needed to allow for the use of density bonus incentives. The report shall include the following: [Ord. 2009-040]

- 1) The regulations that are proposed to be modified. [Ord. 2009-040]
- 2) The amounts and specifics of the requested deviation(s). [Ord. 2009-040]
- 3) The areas within the development that the deviation(s) will be applied to. [Ord. 2009-040]
- 4) Graphic representations such as, but not limited to, site plans, elevations, perspectives, and typical examples, showing how the deviations will meet the intent of the district and AHP with emphasis on open space, privacy, maintenance, and public health, safety and welfare. [Ord. 2009-040]

**d. Site Plan Approval**

All projects requesting Density Bonus Development Options shall submit an application and site plan to the DRO for certification where applicable, and for final site plan approval for all others. The site plan shall indicate in the tabular data all Development Options requested and where feasible, a regulating plan shall be included to provide typical examples. Approval shall be granted only for the minimum deviations needed to allow for the use of density bonus incentives and where the requirements of all applicable reviewing agencies have been met. [Ord. 2009-040]

**e. Drainage**

Any reduction in lot size or open space area, or increase in building coverage shall be subject to approval of a drainage study demonstrating that reduced pervious surface area will not create adverse drainage issues. [Ord. 2009-040]

**f. Option 1 - AR, and RT Districts**

The zoning for parcels electing to use this option must be in compliance with Table 3.C.1.A, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. [Ord. 2009-040]

**1) AR FAR Calculations**

New SFD lots in the AR district shall be permitted to calculate FAR based on the acreage of the FLU designation. [Ord. 2009-040]

## 2) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with a LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.1.D, RT Deviations for WHP, only for those projects that qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and utilize a minimum density bonus of 20 percent. **[Ord. 2009-040]**

**Table 5.G.2.D - RT Deviations for AHP <sup>(1)</sup>**

Zoning District	Applicability	FLU	Lot Dimensions				Setbacks	
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	Infill, TDR	LR-1	14,000 sf	ND	ND	ND	ND	ND
RT	Infill, TDR, WHP AHP	LR 2	12,000 sf	85'	35%	100'	ND	ND
RT	Infill, TDR, WHP AHP	LR 3	9,000 sf	65'	40%	80'	1 <sup>st</sup> Floor 10'	1 <sup>st</sup> floor – 15'
<b>[Ord. 2009-040]</b>								
<b>Notes:</b>								
ND No deviation.								
1. Eligible projects must qualify for maximum density in accordance with Table 2.-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and use.								

### g. Option 2 - TND Regulations

Projects eligible for this option shall be permitted to utilize the PDRs of Table 3.F.3.E, TND Residential Lot Size and Setback Regulations, subject to meeting the requirements of Article 3.F.3.E.5, Residential Uses and the following limitations: **[Ord. 2009-040]**

- 1) U/S Tier Only; **[Ord. 2009-040]**
- 2) Project does not qualify to be a TND or use Option 1 or 3; **[Ord. 2009-040]**
- 3) If the subject site has a LR-1, LR-2, LR-3 or MR-5 FLU designation, the project shall meet all requirements for and be approved as a PDD; **[Ord. 2009-040]**

### h. Option 3 - Flexible Regulations

Projects with MR-5, HR-8, HR-12, HR-18 FLU designations, or if approved as a PDD or TDD, may deviate from the residential requirements of Table 3.D.1.A, Property Development Regulations, or Table 3.D.2.B, ZLL Property Development Regulations, as follows: **[Ord. 2009-040]**

- 1) SFD units may be permitted up to a maximum ten percent deviation for the following PDRs: lot size; width and frontage; building coverage; and, side, and rear setbacks. **[Ord. 2009-040]**
- 2) SFD units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following PDR's: building coverage; and front and side street setbacks. **[Ord. 2009-040]**
- 3) ZLL lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages. **[Ord. 2009-040]**

### i. Option 4 - PDD Open Space Reduction

Projects which elect to utilize a density bonus of not less than 15 percent, may reduce the 40 percent open space requirement of Table 3.E.2.C, PUD Land Use Mix, to not less than 30 percent open space, provided the project incorporates common usable open space areas as defined in Article 1.1.2.U, Usable Open Space for AHP. **[Ord. 2009-040]**

### j. Option 5 – Internal Incompatibility Buffers

Required incompatibility buffers between SFD and MF units within an AHP development shall not be required. **[Ord. 2009-040]**

### k. Option 6 – Relocation of Units to Civic Tracts

Residential units may be permitted in a civic pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall project: **[Ord. 2009-040]**

- 1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; or, **[Ord. 2009-040]**
- 2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted. **[Ord. 2009-040]**

## E. Additional Requirements for Density Bonus

Projects requesting a density bonus shall comply with the following: **[Ord. 2009-040]**

### 1. Sector Analysis

AHP projects shall be equitably distributed so that there is no undue concentration of very-low and low income housing throughout the County. Table 5.G.2.F, AHP Density Bonus Guide indicates the Step 1 density bonus permitted. The concentration of very-low and low income housing within a sector will be taken into consideration when determining the Step 1 density bonus permitted. Additional density may be added in accordance with Table 5.G.2.F, AHP Density Bonus Multipliers (Step 2). This Step 2 analysis considers the proposed development and its location to neighborhood amenities; a public transit option; employment and shopping opportunities; grocery store (excluding convenience store); public school; medical facilities; social services; and, public recreation facilities. Prior to submittal of an AHP pre-application, the applicant shall meet with the Planning Director or designee to establish the sector within which the distribution analysis shall be conducted. The boundaries of the sector shall be approved by the Planning Director or designee. The maximum AHP density bonus, total Step 1 plus Step 2, not to exceed a 100% bonus as recommended by the Planning Director or designee. **[Ord. 2009-040]**

**Table 5.G.2.F - AHP Density Bonus Guide (Step 1)**

% of Very Low & Low Income Housing (60% of AMI & below) in Sector	> 40%	40-30%	30-20%	20-0%
<b>Step 1 Density Bonus</b>	up to 30%	up to 50%	up to 80%	up to 100%
<b>[Ord. 2009-040]</b>				

**Table 5.G.2.F - AHP Density Bonus Multipliers (Step 2)**

Proximity to Proposed Development	Public Transit Option	Employment & Shopping Opportunities 150,000 sf, guide  (Office, Industrial, Business, Govt., Community/ Regional Commercial, Retail Center)	Grocery Store  (excluding Convenience Store)	Public School  (Elementary, Middle, High School or Community College)	Medical Facilities  (Hospital, Health Care, Urgent Care, Medical Offices)	Social Services  (Daycare, Full-Service Community Centers, Public Library)	Public Recreation Facilities Off-Site  (Public Parks, Ballfields, etc.)	Maximum AHP Density Bonus
> 0 up to ¼ Mile *	20%	20%	20%	20%	20%	10%	10%	100%
> ¼ up to ½ Mile *	15%	15%	15%	15%	15%	5%	5%	
> ½ up to 1 Mile *	0	10%	10%	10%	10%	2.5%	2.5%	
> 1 up to 2 Miles *	0	5%	5%	5%	5%	0%	0%	
[Ord. 2009-040]								
Notes:								
* For each multiplier column, only one of the four options (the closest amenity) may apply.								

- The sector shall be proportional to the size and character of the proposed development. At a minimum, the sector shall consist of one or more neighborhoods that include features such as schools, shopping areas, an integrated network of residential and collector streets bounded by arterial roads, civic uses, localized shopping, and employment opportunities. For data and analysis purposes, the sector shall be adjusted to accommodate census tracts or census block groups but shall not extend beyond important physical boundaries that may include a major arterial roadway or a wildlife refuge. **[Ord. 2009-040]**
- Housing characteristics, (such as household family incomes and affordable housing stock data) for the sector shall be derived from the most current available census data. The analysis of housing and demographic data within the sector shall be in a manner and form approved by the Planning Director. **[Ord. 2009-040]**

### 2. Pre-Application

An application for density bonus shall require the submittal of a pre-application prior to submittal of a Zoning or Building permit application for purposes of establishing a density bonus determination. **[Ord. 2009-040]**

**a. Contents**

The pre-application shall be in a form established by the Planning Director, and made available to the public. **[Ord. 2009-040]**

**b. Sufficiency Review**

The pre-application shall be subject to the provisions of Article 2.A.1.G.4, Sufficiency Review. **[Ord. 2009-040]**

**c. Compliance**

The density bonus shall not be granted until the project is found in compliance with Policy HE 1.5.h. in the Plan. **[Ord. 2009-040]**

**d. Density Determination**

The Planning Director or designee shall provide a written density determination letter within ten working days of determining the pre-application is sufficient. The determination shall be based on the sector analysis, size, location and development characteristics of the project with consideration given towards affordability, accessibility, proximity to mass transit or employment centers, compatibility, quality of design, pedestrian and vehicular circulation, open space, and resource protection. The Planning Director shall prepare a report for the applicant, DRO, ZC, or BCC, whichever is appropriate, making a determination of compliance with this chapter, consistency with the Plan and recommend approval, approval with conditions, or denial of the request. **[Ord. 2009-040]**

**F. Affordability Requirements**

**1. Sales and Rental Prices of AHP Units**

All AHP units shall be offered for sale or rent at an attainable housing cost for the targeted AHP income range (60% of AMI or below). The sale and rent prices will be based on the (AMI), and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) as published annually by HUD and based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures. **[Ord. 2009-040]**

**2. Master Covenant**

Prior to final DRO approval, the applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided for by the County, which identifies each AHP unit. An extension of up to 6 additional months to record the Covenant may be requested only in order to secure government funding for the proposed development. **[Ord. 2009-040]**

**a. For Sale Units**

The Covenant shall include but not be limited to restrictions requiring: that all identified AHP units shall be sold, resold or rented only to low, moderate 1, moderate 2, or middle-income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each unit; and that in the event a unit is resold before the 15 year period concludes, a new 15 year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with the AHP. Every deed for each AHP for sale housing unit shall incorporate by reference the controlling Covenant. **[Ord. 2009-040]**

**b. Rental Units**

The Covenant shall include but not be limited to restrictions requiring: that all identified AHP units shall be rented only to low, moderate 1, moderate 2, or middle-income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for a period of 30 years (non-recurring) from the date of occupancy of the first AHP unit; and that in the event a rental complex is resold before the 30 year period concludes, the new owner assumes the requirement for the number of remaining years; and the number of years remaining shall be determined by the Planning Director or his designee; and shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with the AHP. Every deed for a rental development with AHP housing units and every rental agreement for each AHP unit shall incorporate by reference the controlling Covenant. **[Ord. 2009-040]**

**3. Monitoring and Compliance**

At the time of sale, resale, or rent of any AHP unit established pursuant to this program, the seller shall provide the County Administrator, or designee, documentation sufficient to demonstrate compliance with the AHP. Such documentation shall include but not be limited to information regarding the identity and income of all occupants of the AHP unit. The owner or lessee of the AHP unit shall submit to the County Administrator, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the AHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. The County may conduct site visits at reasonable times, or perform other independent investigation to verify continued compliance with the AHP. [Ord. 2009-040]

**4. Enforcement**

The County may enforce the requirements of the AHP through any cause of action available at law or equity, including but not limited to seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease, and tolling of the 15-year term (for-sale units) or the 30-year term (rental units) of the AHP, or the term required by the funding agency/source if more restrictive. [Ord. 2009-040]

**5. Compatibility**

The resulting development shall be compatible with surrounding residential land uses, as described herein. [Ord. 2009-040]

**G. Annual Report**

The Executive Director of PZB shall submit an annual report to the BCC indicating the status of the AHP. [Ord. 2009-040]

**Section 3 Transfer of Development of Rights (TDRs) – Special Density Program**

**A. Purpose and Intent**

The purpose of this Chapter is to provide for a TDR Program, including the establishment of a TDR Bank, to facilitate both the protection of environmentally sensitive lands, the preservation of agriculture on lands designated as AGR on the FLUA, and to promote orderly growth in PBC. This is accomplished by allowing development rights to be severed from environmentally sensitive lands and lands designated as AGR and transferred to sites where additional development can be accommodated. The TDR program is designed to redistribute population densities, or development potential, to encourage the most appropriate and efficient use of resources, services and facilities.

Further, it is the purpose and intent of this Chapter to provide an alternative to the development of environmentally sensitive lands and lands designated as AGR on the FLUA by establishing a mechanism to seek economic relief from the limitation of development imposed on these lands. TDR can mitigate inequities in the valuation of land by providing a means of compensating landowners whose property is restricted, by permitting the sale of development rights, and making landowners in more intensively developed areas pay for the right to develop beyond the existing density, by purchasing development rights.

The TDR Program allows a property owner to achieve a density bonus by purchasing the increase in density from the PBC TDR Bank, or from a property owner with land in a designated sending area, without going through the land use amendment process. In order to increase density, the site must meet the requirements to become a designated receiving area and follow the procedures as described in this Chapter. After development rights have been transferred from the sending area to the receiving area, an appropriate conservation easement or an agricultural conservation easement shall be attached to the sending area and recorded in the public records of PBC, restricting future development potential. [Ord. 2005 – 002] [Ord. 2008-003]

**B. Authority**

The BCC has the authority to adopt this pursuant to Article VIII, Sec. 1, Fla. Const., the PBC Charter, F.S. §125.01, et seq. and F.S. §163.3161, et seq.

**C. Applicability**

This Chapter shall apply to property in unincorporated PBC which is located within designated sending areas, as defined in Article 5.G.2.F, Sending Areas. Development rights may be transferred from sending areas pursuant to the procedures contained in this Chapter, to property which meets the qualifications to receive such density according to Article 5.G, Density Bonus Programs, and the standards contained herein.

The use of TDR shall be allowed in all residential zoning districts within the U/S Tier and shall be approved pursuant to this Chapter. TDR units may be utilized for all housing types. Additionally, TDR

units may be converted to CLF beds subject to the provisions of Article 4.B.1.A.34, Congregate Living Facility, whereby the total approved density, including TDR units, is utilized when calculating permissible CLF occupants per Table 4.B.1.A-4, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities.

**D. Previous Approvals**

All previously approved transfers of development rights, as long as they remain in force, shall remain valid and shall not be affected nor changed by subsequent revisions to the TDR Program.

**E. Administration**

**1. General**

Except as otherwise specified, the TDR Program shall be administered by the Executive Director of PZB or designee. [Ord. 2010-005]

**2. Responsibilities**

The Executive Director of PZB shall be responsible for:

- a. Establishing, administering and promoting PBCs TDR Program;
- b. Establishing and administering the TDR Bank;
- c. Ensuring the orderly and expeditious processing of TDR applications under this Chapter;
- d. Executing contracts for sale and purchase of TDR units being purchased from the County's TDR Bank, including related escrow or similar bonding agreements, and TDR deeds as part of the DRO approval process; [Ord. 2010-005]
- e. Ensuring the contracts for sale and purchase of development rights are executed and all deeds and conservation easements are filed in the public records of PBC;
- f. Ensuring that the Property Appraisers Office is notified of all TDRs;
- g. Ensuring that the densities approved through the TDR Program are placed on the FLUA as notations following approval of the TDR receiving area; and, [Ord. 2008-003]
- h. Ensuring that the FLUA is amended by a staff initiated Site Specific Plan amendment to reflect an appropriate land use designation for land acquired by PBC whose units are placed in the TDR bank. [Ord. 2008-003]

**F. Sending Areas**

**1. General**

Sending areas represent those areas of PBC that are designated by the BCC to warrant protection. The owner of property in a designated sending area may transfer the development rights to a parcel of land in a designated receiving area, subject to the provisions of this Chapter.

**2. Eligible Sending Areas**

- a. Lands designated RR-20 on the FLUA;
- b. Lands designated as priority acquisition sites by the Environmentally Sensitive Lands Acquisition Selection Committee (ESLASC) or the Conservation Land Acquisition Selection Committee (CLASC) that meet the criteria listed below:
  - 1) Rarity in PBC of native ecosystems present on the environmentally sensitive lands site;
  - 2) Diversity of the native ecosystems present on the environmentally sensitive lands site; or
  - 3) Presence of species listed as endangered, threatened, rare or of special concern by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals, or the Florida Department of Agriculture.
- c. Lands designated AGR on the FLUA;
- d. Privately owned lands designated CON on the FLUA; and
- e. Other sites determined by the BCC to be worthy of protection, provided that the sites:
  - 1) Further the purpose of the TDR Program in keeping with the criteria listed above; or
  - 2) Further other PBC Goals, Objectives, and Policies. At such a time that the BCC determines that a parcel of land is environmentally sensitive, or preservation of the site is in the public interest, the parcel is eligible to become a sending area. The site shall be designated by resolution of the BCC.

**3. Overlap in Sending Areas**

In such cases where a parcel of land is both a priority acquisition site and designated RR-20 or AGR on the FLUA, all provisions in this Chapter pertaining to the priority acquisition sites shall prevail.

**4. Transfer Rate**

The owner of land which is designated as a sending area may elect to transfer development rights as provided in this Chapter. Development rights may be transferred from sending areas according to the following schedule. For the purposes of this Subsection, acres means gross acreage.



- a. Development rights may be transferred from property designated RR-20 on the FLUA at the rate of one development right per five acres. The minimum land area eligible for the TDR as a sending area shall be ten acres.
- b. Development rights may be transferred from property designated AGR on the FLUA at the rate of one development right per one acre. The minimum land area eligible for the transfer of development rights as a sending area shall be 20 acres unless the sending area parcel is located adjacent to other preserved properties, in which case the minimum land area shall be five acres.
- c. Development rights may be transferred from priority acquisitions sites (both residential and non-residential) located outside of the U/S Tier at a transfer rate of one development right per five acres. The minimum land area eligible for the TDR as a sending area shall be five acres.
- d. Development rights may be transferred from privately owned lands designated CON on the FLUA at a rate of one development right per ten acres. The minimum land area eligible for the transfer of development rights as a sending area shall be ten acres.
- e. Development rights may be transferred from all environmentally sensitive sites described in Article 5.G.3.F.2, Eligible Sending Areas, at a rate which equals the maximum density permitted by the future land use designation for the property. The minimum land area eligible for the transfer of development rights as a sending area shall be determined by the BCC, upon a recommendation from PZB and ERM.

**5. Computation of Development Rights**

The number of development rights assigned to a sending area parcel of land shall be determined by the Executive Director of PZB pursuant to Article 5.G.2.F.2, Eligible Sending Areas, and Article 5.G.2.I, TDR: Sending Area Procedure, as calculated below:

- a. All development rights shall be in whole numbers, no fractions shall be permitted. Any fractional residential unit that may occur during calculations shall be converted upward, if one-half or more of a whole unit, or downward, if less than one-half of a whole unit, to the nearest whole unit.
- b. The amount of development rights assigned to a sending area parcel shall be reduced by one dwelling unit for every conforming residential structure situated on the property at the time of approval.

**6. Restriction on Future Use**

Upon BCC or DRO approval of the TDR transfer, a conservation easement or agricultural conservation easement shall be recorded in the public records of PBC. The BCC or DRO shall determine which easement is appropriate for the sending area as part of the approval of the TDR transfer. Prior to recordation of the easement, a legally enforceable maintenance plan providing for perpetual maintenance of the sending area shall be established by the property owner and approved by ERM. No further development permit or development order for the designated receiving area shall be issued by PBC until the applicable easement is recorded in the public records of PBC. The easement shall restrict the use of the sending area in perpetuity. In particular, a conservation easement shall require that the sending area be maintained in its natural state while an agricultural conservation easement shall restrict the use of the sending area to bona fide agriculture, fallow land, or uses permitted in the Conservation Water Resources Area (WRA) future land use category; all other development rights of the subject property shall be considered transferred in perpetuity.

**7. Existing Uses**

Conforming residential dwelling units which existed prior to making application to transfer development rights shall be permitted to remain as legal conforming uses. All other existing uses on the sending area shall cease.

**8. Remaining Land Area**

If all of the development rights assigned to a sending area are not transferred off the site, the remaining land, if proposed for development, shall be developed in accordance with this Code and in a manner which is compatible with the surrounding area. This provision shall not apply to sending areas designated AGR on the FLUA; these parcels are required to transfer all development rights off the site.

If the owner of land in a sending area only transfers a portion of the development rights available for the property, PBC, upon a recommendation from PZB and ERM, reserves the right to determine which portion of the land is subject to the applicable conservation easement. The intent is to link environmentally sensitive land, to link agricultural land, and to link open space areas, when feasible, and allow compatible development to occur on the remainder of such sites.

**G. Transfer of Development Rights (TDRs) Bank**

**1. General**

The purpose of this Chapter is to authorize the establishment of a TDR Bank. The TDR Bank is hereby created in order to, among other things, facilitate the purchase and transfer of development rights as hereinafter provided and maintain an inventory of those development rights purchased by PBC.

**2. Establishment of Development Rights for the Bank**

Development rights for the TDR Bank shall be generated from environmentally sensitive lands purchased by PBC, including the priority acquisition sites meeting the criteria in Article 5.G.2.F.2, Eligible Sending Areas, through August 30, 1999. Priority acquisition sites in the unincorporated area of PBC which are not purchased as part of the acquisition program shall maintain the opportunity to transfer development rights on the private market. The TDR Bank shall be maintained by the Executive Director of PZB and shall be reviewed in accordance with the FLUE of the Plan to determine the need for additional units.

Development rights in the TDR Bank generated under the TDR Program shall remain in the TDR Bank until sold by PBC, the TDR Bank is dissolved, or the units are otherwise disposed of.

**3. Transfer Rate From the Purchase of Environmentally Sensitive Lands**

**a. Land Purchased Inside the U/S Tier**

The number of development rights within the bank shall equal the maximum density allowed by the FLU designation as established by the applicable PBC or municipal Comprehensive Plan.

**b. Land Purchased Outside the US Tier**

The number of development rights severed, or generated for the bank, shall equal the TDR transfer rate established in Article 5.G.2.F, Sending Areas.

**4. The Application, Sale, and Value of Development Rights**

PBC may sell development rights to property owners who meet the receiving area criteria pursuant to this Chapter.

a. A property owner seeking an increase in density must apply to become a receiving area and submit a draft Contract for Sale and Purchase of Development Rights as part of the application described in Article 5.G.2.J, TDR: Receiving Area Procedure.

b. The value and price of a development right shall be set by the BCC. The BCC may utilize the following to set the price:

1) The current market value; or

2) A recommendation from the LUAB and the Planning Division. The BCC may discount the price of development right as provided in the Plan; or

3) TDR applications not subject to approval by the BCC requesting TDR units from PBC's TDR Bank shall utilize the price set by the BCC.

**5. Revenue from the Sale of TDRs**

The revenue generated from the sale of development rights from the TDR Bank shall be allocated to the Natural Areas Fund administered by ERM for acquisition and management of environmentally sensitive lands and wetlands.

**H. TDR Receiving Areas**

Development rights shall only be transferred to those parcels which meet the qualifications for designation as receiving areas.

**1. Eligible Receiving Areas**

a. PDDs and TDDs. The total density of the project, including the TDR units, shall be utilized for calculating the minimum PDD or TDD acreage threshold; and

b. Residential Subdivisions which are not within a PDD or TDD.

**2. Qualify as a Receiving Area**

a. Be located within the U/S Tier; [Ord. 2004-040] [Ord. 2008-003]

b. Be compatible with surrounding land uses and consistent with the Plan;

c. Meet all concurrency requirements;

d. Meet all requirements as outlined in this Code; and

e. Be compatible with adjacent Environmentally Sensitive Lands.

**3. Compatibility with Adjacent Environmentally Sensitive Lands**

A receiving area shall not degrade adjacent environmentally sensitive lands. Receiving areas, therefore, shall reduce the intensity/density of that portion of the development which is contiguous to any regionally significant natural resource as defined by the Treasure Coast Regional Planning Council, environmentally sensitive land as defined by the ESLASC or CLASC, or sites designated as preserve areas according to Article 14.C, Vegetation Preservation and Protection, so that the

development is compatible with, and does not negatively impact the environmentally sensitive area, by providing a buffer zone of native vegetation according to the following table.

**Table 5.G.2.H-21 - Required Buffer Zone**

Density of Adjacent Pod/ Development Area	Required Buffer Zone of Native Vegetation
Net density less than or equal to three units per acre	50 foot buffer
Net density greater than three and less than or equal to five units per acre	100 foot buffer
Net density greater than five units per acre	200 foot buffer

**4. Applicability TDR Increased Buffer and Setbacks for LR-1, LR-2 and LR-3PDD**

The perimeter buffer and building setbacks for a TDR receiving area in a PDD with a LR-1, LR-2 or LR-3 FLU designation shall be upgraded where ZLL, TH, MFD or SFD using RS PDRs are located within 125 feet of any SFD with a lot size of 14,000 feet or greater, or any vacant parcels with a LR-1, LR-2 or LR-3 FLU designation. **[Ord. 2008-037]**

**a. Increased Buffer Widths**

Where applicable, the perimeter buffer shall be increased by 15 feet for projects having ZLL or SFD units, and 20 feet for TH and MFD units. **[Ord. 2008-037]**

**b. Upgraded Landscaping**

Where an increased buffer width is required, an additional native palm or tree shall be provided for each 30 linear feet, with a maximum spacing of 90 feet between clusters. **[Ord. 2005 – 002]**  
**[Ord. 2008-037]**

**c. Increased Setbacks**

Where applicable, when a development has a more intense housing classification, an additional ten-foot rear setback shall be required. For the purposes of this Section, housing classification shall be ordered from least intense to most intense, as indicated in Table 5.G.2.H-23, Housing Classification. **[Ord. 2005 – 002]** **[Ord. 2008-037]**

**Table 5.G.2.H-23 – Housing Classification**

Intensity by Group	Housing Type
1 - Low	Single-family residential (RT PDRs); or Zero lot line homes.
2 - Medium	Single family residential (RS PDRs): Mobile homes; Townhouses; or Multi-family.
3 - High	Type II or III Congregate Living Facilities.
<b>[Ord. 2005 – 002]</b> <b>[Ord. 2008-037]</b>	

**5. Prohibitions**

Under no circumstances shall a receiving area contain a sending area as defined in Article 5.G.2.F.2, Eligible Sending Areas. This shall not apply if the project is providing all of the units at prices attainable by persons making between 30%-120% of AMI. The County shall establish the actual prices for each unit and each unit shall be deed restricted consistent with Art. 5.G.1.G, Affordability Requirements. **[Ord. 2008-003]**

**I. TDR Density Bonus Limitations**

**1. WHP 50 Percent Requirement**

In accordance with FLUE Policy 2.6-a.5 of the Plan, 50 percent of all TDR density bonus units shall be provided as WHP units. These units shall be constructed on site; comply with the affordability range requirements of Table 5.G.1.B, Workforce Housing Program and Art. 5.G.1.G, Affordability Requirements; and, Art. 5.G.1.C, Design Requirements. The project shall only be eligible to apply for the following WHP incentives: Art. 5.G.1.D.2, TPS Mitigation; Art. 5.G.1.D.3, Expedited Review; and, Art. 5.G.1.D.4, Density Bonus Development Options. **[Ord. 2008-003]**

**2. AHP 100 Percent Requirement**

When using the voluntary AHP, all TDR density bonus units shall be provided as AHP units. These AHP units shall be constructed on site; comply with the affordability range requirements of Table 5.G.2.B, Affordable Housing Program and Article 5.G.2.F, Affordability Requirements; and, Article 5.G.2.C, Design Requirements. The project shall only be eligible to apply for the following AHP

incentives: Article 5.G.2.D.2, TPS Mitigation; Article 5.G.2.D.3, Expedited Review; and, Article 5.G.2.D.4, Density Bonus Development Options. [Ord. 2009-040]

**3. WHP and AHP Units**

Consideration may be given to developments requesting both WHP and AHP units within the proposal. In this instance, the Planning Director or designee will determine which program's (WHP or AHP) density bonus criteria will be utilized based on the programmatic requirements imposed by a governmental agency providing affordable housing funding or another entity with programmatic requirements (e.g., Habitat for Humanity or a Community Land Trust). [Ord. 2009-040]

**4. Permitted Density Ranges**

The maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with Article 5.G.2.H, Receiving Areas, Article 5.G.2.J, TDR: Receiving Area Procedure, and the following: [Ord. 2008-003]

**a. Standard Density Bonus**

Approved receiving areas may receive a bonus density as follows: [Ord. 2008-003] [Ord. 2008-037]

- 1) Receiving areas in the U/S Tier west of Florida's Turnpike: up to two du/acre; or, [Ord. 2008-003]
- 2) Receiving areas in the U/S Tier east of the Florida Turnpike, but not in a Revitalization and Redevelopment and Infill Overlay: up to three du/acre; or, [Ord. 2008-003] [Ord. 2009-040]
- 3) Receiving areas in a Revitalization Redevelopment and Infill Overlay: up to four du/acre. [Ord. 2008-003] [Ord. 2009-040]
- 4) The bonus density may be less than the total bonus density indicated in 1, 2 and 3 above when an additional WHP or AHP density bonus has also been utilized. (See item d. below). [Ord. 2009-040]

**b. Additional Density Bonus**

Receiving areas meeting one or both of the following criteria shall be eligible for an additional one du/acre density bonus above the aforementioned density bonus ranges. [Ord. 2008-003] [Ord. 2008-037]

- 1) Receiving areas within ¼ mile radius of a public park, (excluding golf courses), community commercial facility or mass transit facility within the U/S Tier; and [Ord. 2008-003] [Ord. 2009-040]
- 2) Receiving areas within ¼ mile radius of a regional commercial facility or a major industrial facility within the U/S Tier. [Ord. 2008-003]

In order to be eligible for the additional one du/acre density bonus, at least 25 percent of the receiving area must be located within the required radius. The density bonus shall apply to the entire receiving area. [Ord. 2008-003]

**c. LR-1, 2 and 3 FLU Density Limitation**

To mitigate any potential adverse impacts in low-density residential neighborhoods (as determined by residential FLU designation), the maximum TDR density bonus in the LR-1, LR-2 and LR-3 FLU designations shall not exceed 100 percent of the standard or maximum density, exclusive of any other density bonus allowed on the subject site. Exceptions shall be permitted for any project that is located in the URA or entirely surrounded by one or more of the following: [Ord. 2008-037]

- 1) Parcels with an MR-5 or higher FLU designation; or [Ord. 2008-037]
- 2) Parcels with a non-residential FLU designation or use; or [Ord. 2008-037]
- 3) Open space 100 feet in width or greater; or [Ord. 2008-037]
- 4) A major street. [Ord. 2008-037]

- d. A development's WHP or AHP density bonus increase will be given consideration when assigning the number of TDR units recommended to the development. Other factors to be considered include: the location of the proposed development and it's relationship to the study area; the housing type(s) proposed; if the development site is located within ¼ mile radius of a public park (neighborhood or regional park, not a golf course); civic uses (schools/libraries); a mass transit facility; child care facilities; medical facilities; a super market; a community commercial facility; employment opportunities; and within ½ mile radius of social services; a regional commercial facility; an industrial facility; additional civic uses and employment opportunities. [Ord. 2009-040]

**J. TDR: Sending Area Procedure**

**1. Sending Parcel Application**

The property owner of lands which are designated sending areas as defined under Article 5.G.2.F.2, Eligible Sending Areas, must make application to PZB for an administrative determination in order to be formally designated as a sending area. The purpose of this administrative determination is to ascertain the exact number of development rights the property owner is entitled to. The application shall include, at a minimum:

- a. Proof of ownership;
- b. A legal description of the property; and,
- c. Contract, or option, for the purchase and sale of development rights (unless requesting a TDR Certificate, as outlined in Article 5.G.2.I.6, Development Rights Certificates. The application shall be submitted to the Executive Director of PZB. Applications for a sending area designation may be accepted for review and processing at any time.

## **2. Review Process**

### **a. Environmentally Sensitive Lands and Lands Designated RR-20 or CON on the FLUA**

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall notify ERM of the application and request that a site check be conducted.

ERM shall complete a site check to ensure that the site has not been altered and the site meets the criteria provided in Article 5.G.2.F.2, Eligible Sending Areas, ERM shall complete a written recommendation to the Executive Director of PZB regarding the site.

### **b. Land Designated AGR on the FLUA**

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall complete a site check to ensure that the site is suitable for bona fide agricultural or other open space purposes consistent with the AGR provisions in the Plan.

Sending area applications which are not submitted in conjunction with a receiving area application shall be reviewed and acted upon within 25 days.

## **3. Written Determination**

The property owner shall receive a written determination from the Executive Director of PZB indicating how many development rights can be transferred from the property. The number of development rights for the site shall be documented and be kept on file in the PZB Department.

The written document shall be valid for a period of 12 months. If any modifications or alterations are made to the property during the 12 month period, the property owner shall not be permitted to participate in the TDR Program.

## **4. Easement Agreement/Restriction**

Prior to site plan certification, the applicable conservation easement, in a form and content acceptable to the County Attorney shall be recorded in the public records of PBC. The easement shall restrict future use of the land consistent with the requirements in Article 5.G.2.F.6, Restriction on Future Use. Prior to recordation of the easement, a legally enforceable Maintenance Plan providing for perpetual maintenance of the sending area shall be established by the property owner and approved by ERM.

## **5. Re-Submittal of Application**

The owner of a sending parcel may re-apply until all development rights have been severed from the property.

## **6. Development Rights Certificates**

Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA must be deeded to, and accepted by PBC, subject to the discretion of the BCC, before the Certificate can be issued. Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA deeded to, and accepted by PBC, shall be managed by PBC or its designee. AGR lands shall be managed by the property owner in perpetuity as provided in the Maintenance Plan.

### **a. Eligibility**

Development Rights Certificates shall only be issued to property owners of ESL or RR-20 land that deed without compensation environmentally sensitive land to PBC or property owners of AGR land that record an agricultural conservation easement, and follow the procedures in this Chapter. The development rights certificate shall require that restrictions be placed on the sending area prior to the sale of those development rights. A minimum transfer of five acres is required.

### **b. Issuance of the Certificate**

Upon completion of the application process, and recordation of the deed transferring ownership of the property to PBC, or recordation of the agricultural conservation easement and approval by ERM of a legally enforceable maintenance plan providing for perpetual maintenance of the sending area, the property owner shall be issued a Development Rights Certificate. The Certificate shall indicate the exact number of development rights which can be sold, transferred, or traded, by the holder of such Certificate. The Certificate shall remain in effect until applied to a TDR receiving area in accordance with provisions of this Chapter.

**c. Unused Certificates**

A property owner of AGR land, with an agricultural conservation easement recorded, may reassociate development rights to the original sending parcel provided that no development rights have been sold. A written request to reassociate the development rights shall be submitted to the Executive Director of PZB along with proof of ownership and a legal description of the property. Prior to approval of a request to the reassociate development rights, the applicant must petition and receive BCC approval to release the easement recorded against the sending area parcel.

**7. Limitations**

The amount of development rights assigned to a sending area parcel, or indicated on a certificate, shall be reduced by one for every conforming residential structure situated on the property at the time of application.

**K. TDR: Receiving Area Procedure**

**1. General**

Receiving areas shall be approved concurrent with issuance of a Development Order for a PDD, TDD or a residential subdivision. The following procedures shall be followed in order to become a receiving area to obtain the density bonus. [Ord. 2005-002] [Ord. 2010-005]

**2. Preapplication Conference**

Prior to submittal of an application requesting a receiving area density bonus, the applicant must attend a preapplication conference with the appropriate PZB staff, pursuant to Article 2.A, General, to review the proposed development, and the requirements and procedures of the TDR Program.

**3. Review Process**

The review process for TDR applications is based upon the density and type of residential development proposed.

- a. The transfer of two units per acre or less to a residential subdivision is reviewed by the DRO and shall be subject to the provisions of Article 2.D.1.C, Review Procedures, except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD shall not utilize this Chapter option;
- b. The transfer of more than two units per acre to a residential subdivision is reviewed as a Class A conditional use and shall be subject to the provisions of Article 2.B, Public Hearing Procedures, except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD are allowed to utilize the option contained in this paragraph, provided the parcel meets the PDDs PDRs contained in Article 3.E, Planned Development Districts (PDDs), or contained in Article 3.F, Traditional Development Districts (TDDs);
- c. The transfer of any density to a planned development is reviewed as a requested use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs). 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]
- d. BCC approval is required for any project that is requesting a combined density increase/transfer through the WHP and TDR programs that exceeds two units per acre. [Ord. 2005-041]

**4. Contents of Application**

In conjunction with the general application for a residential subdivision, a rezoning to a PDD or TDD, or an amendment to a previously approved PDD, TDD or residential subdivision submitted to the Zoning Division pursuant to Article 2, Development Review Process, or Article 2.D.1, Development Review Officer, as applicable, an applicant for receiving area status and a density bonus must submit a supplemental TDR Application.

The application shall be submitted in a form established by the Executive Director of PZB and made available to the public. A site plan which shows the location of roadways, parking areas, buffer areas, recreation and open space areas, and building areas shall be a part of the application. Additionally, the applicant shall include typical building footprints and elevations as a part of the application.

**5. Standards**

In addition to fulfilling the requirements of Article 5.G.2.H, Receiving Areas, to qualify as a receiving area and be eligible for an increase in density, all applications requesting receiving area designation shall comply with these standards:

- a. The transfer of development rights is by deed, and the deed shall be recorded before final site plan approval;
- b. The transfer is to a parcel of land which meets all the requirements of this Code and within which the transferred densities have been included and amended;
- c. The proposed development meets all concurrency requirements at the level of impact calculated to include the TDR density;
- d. If the transfer is between two private parties, at the time the transfer is approved, the sending area from which the transfer will occur shall be subject to a conservation easement and shall be identified on the Zoning Map. Pending recording of the conservation easement, no development approvals or development permits will be issued for the sending area or receiving area;
- e. If the transfer of rights is from the PBC TDR Bank, all rights have been accounted for and there are enough development rights in the bank to cover the project;
- f. The proposed development and density are compatible with the surrounding area and land use; and
- g. The proposed development and density do not negatively impact adjacent environmentally sensitive lands.

**6. Contract for Sale and Purchase of Development Rights**

A contract for sale and purchase of development rights, and an escrow agreement or performance or surety bond in a manner consistent with Article 11.B.4.A.6.c, Performance or Surety Bond are required. A deed of TDR shall also be required as part of the approval of a TDR transfer. The contract shall be executed prior to DRO approval of a TDR receiving area. The funds from the escrow, or performance or surety bond if used, must be received by PBC, or evidence of payment to a private party, before PBC releases the deed. The deed must be recorded before issuance of the first building permit for a project or a pod designated as a receiving area. This paragraph shall not apply to building permits for sales models or temporary real estate sales and management offices permitted pursuant to this code. [Ord. 2009-040]

**L. Notification to Property Appraisers Office**

Upon recordation of the deed of transfer, the Executive Director of PZB shall notify, within 20 days, the Property Appraiser's Office in writing that development rights have been transferred from the sending area or TDR Bank to the receiving area in perpetuity.

**M. County Initiated Land Use Amendment**

Following recording of the deed, the Planning Division, upon direction from the BCC, shall initiate a Site Specific Plan Amendment to designate the property with a CON designation or place a notation which reflects the use of the property as an Agricultural Reserve Preservation Area (AGR/P). Densities obtained through the TDR Program shall be placed on the FLUA as notations following approval of the TDR receiving area.

**N. Overall Accounting System for TDR Density**

PZB shall maintain an overall accounting system for monitoring density availability and density transfers in the TDR Program. The accounting system shall include both private development rights and development rights in PBC's TDR Bank.

Density needed for the TDR Program may be derived from different sources including, but not limited to:

**1. Density Reduction**

Approved Site Specific Plan Amendments since 1990 which resulted in a density reduction; and,

**2. PUD Unused Density**

At such a time that the TDR Program, any subsequent density bonus programs, or amendments to the Plan requesting an increase in density, deplete the number of units available from previous amendments, PZB shall begin to monitor the PUD units which have been approved through the zoning process, but which have remained unused. The later units may at that time be considered as a source for density for the TDR Program.

**O. Moratorium**

1. The Board of County Commissioners of Palm Beach County does hereby impose a moratorium beginning on the effective date of this ordinance, upon the acceptance of applications for transfer of development rights (TDR) approvals. [Ord. 2009-047]

2. This Ordinance shall expire upon the earlier of the following: one year from the effective date of this ordinance or upon the effective date of comprehensive plan amendments related to TDRs to be considered by the Board of County Commissioners in amendment round 10-1. [Ord. 2009-047]

#### **Section 4      Property Development Regulations (PDRs) for Density Bonus Program Development**

##### **A. Purpose and Intent**

The purpose and intent of this Chapter is to provide flexibility from traditional PDRs in order to provide greater opportunity for cost effective development for housing approved in conjunction with a density bonus program. The regulations represent the minimum regulations acceptable without compromising minimum health and safety standards.

##### **B. Applicability**

The provisions of this Chapter may be applied to all residential development which receives a density bonus for workforce housing, as defined in the Plan.

##### **C. Threshold**

100 percent of the units subject to the density bonus, or a minimum of 50 percent of the total number of units in the project, whichever is greater, shall be set aside for workforce housing in accordance with the applicable density bonus program in the Plan.

###### **1. Lot Dimensions**

The lot dimensions in all residential districts for all housing types may be reduced by 20 percent.

###### **2. Building Intensity**

The maximum building coverage and floor area ratio for all residential districts for all housing types may be increased by 20 percent.

###### **3. Setbacks**

The minimum building setbacks/separations for all residential districts for all housing types may be reduced by 20 percent, except for the front setback in the RS and RM districts, which may be reduced by 40 percent.

### **CHAPTER H      MASS TRANSIT STANDARDS**

#### **Section 1      General**

##### **A. Authority**

The Executive Director of Palm Tran shall be responsible for implementing, applying, interpreting, and modifying the standards of this Chapter. [Ord. 2008-003]

##### **B. Purpose and Intent**

The purpose and intent of this Chapter is to ensure adequate, and consistent mass transit infrastructure/facilities are available to accommodate development concurrent with their associated impacts. The specific objectives of this Chapter are as follows: [Ord. 2008-003]

1. Establish Mass Transit infrastructure/facilities standards for unincorporated PBC. [Ord. 2008-003]
2. Provide Mass Transit infrastructure/facilities in accordance with the objectives of the Mass Transit element of the Plan. [Ord. 2008-003]
3. Ensure that necessary Mass Transit infrastructure/facilities will be provided concurrently with development. [Ord. 2008-003]

#### **Section 2      Applicability and Standards**

The standards of this Chapter shall apply to all residential and non-residential development or redevelopment in unincorporated PBC, as follows: [Ord. 2008-003]

##### **A. Modifications to Previous Approvals**

Modifications to previous approvals shall comply with this Chapter for un-built projects without an approved DRO plan, or to the greatest extent possible in the affected area without the loss of density, intensity or parking, for un-built projects with a DRO approved plan, built projects that have constructed less than eighty percent of approved density or intensity, structural renovations in excess of 75 percent or more of the current assessed value of the structure, and parking lot alternations or additions. [Ord. 2008-003]

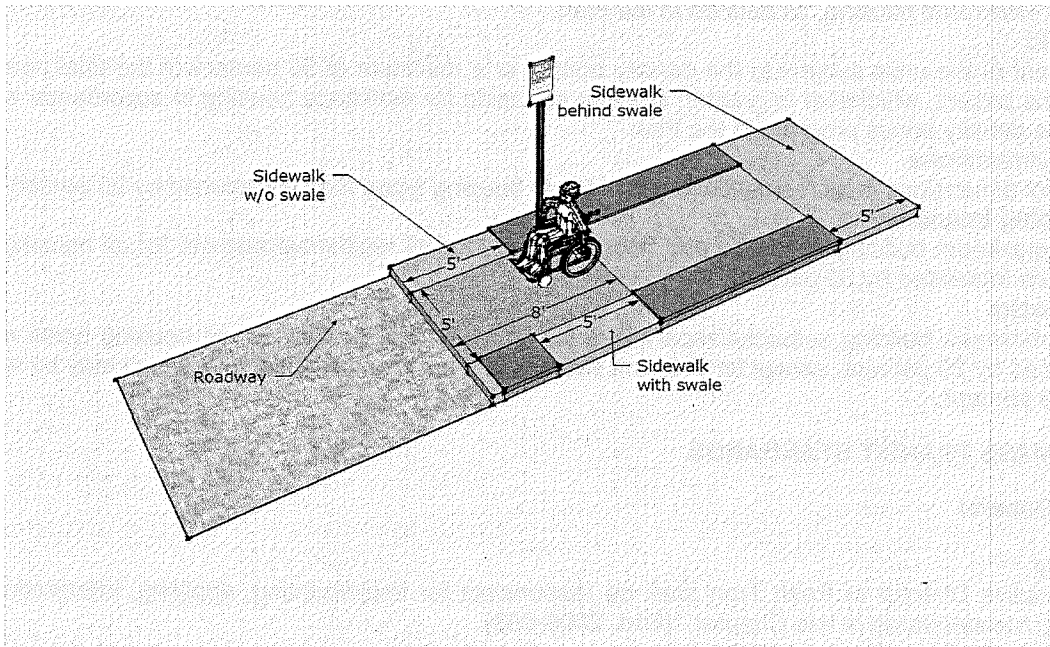
##### **B. Thresholds and Standards**

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 commercial communication towers or electrical transmission facilities, 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](http://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](http://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](http://www.dot.state.fl.us/transit/Pages/TRANSIT%20Facilities%20GUIDELINES.PDF)). **[Ord. 2008-003]**

**Figure 5.H.2.B – Minimum Typical ADA Bus Stop Requirements**



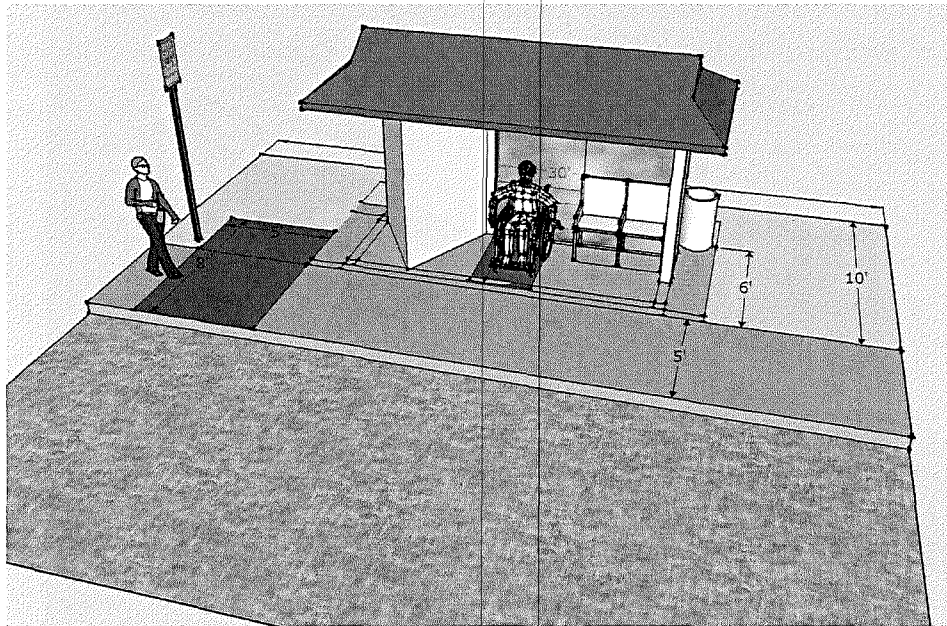
**[Ord. 2008-003]**

- 1. All residential developments of at least 50-units and all non-residential of at least 5-acres or 50,000 square feet**

All development exceeding this threshold shall provide a minimum 10-foot by 30-foot easement for Bus Stop Boarding and Alighting Area(s) spaced no less than 0.1 miles along all public R-O-W, or at intersections or recognizable landmarks. Easements shall be dedicated by plat in accordance with Art. 5.H.2. **[Ord. 2008-003]**

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**Figure 5.H.2.B – 10-foot by 30-foot Bus Stop Boarding and Alighting Area with Typical Bus Shelter Alignment**



[Ord. 2008-003]

**a. Standards**

The following types of bus stop and alighting areas may be used to meet the requirements of this section. [Ord. 2008-003]

**1) Near Side**

Near Side Bus Stops are located immediately before an intersection. Associated Bus Stop Boarding and Alighting Areas are located before the intersection, no closer than 5-feet from the corner clip. The bus stop zone requires a minimum 100-foot no parking zone. The length of the Bus Stop Zone shall be increased by 50-feet in length for each additional bus expected to stop simultaneously. [Ord. 2008-003]

**2) Far Side**

Far Side Bus Stops are located immediately after an intersection. Associated Bus Stop Boarding and Alighting Areas are located after the intersection, no closer than 15-feet from the corner clip. The bus stop zone requires a minimum 90-foot no parking zone for a single bus. This is also applicable to far side bus stops after a turn. The length of the Bus Stop Zone shall be increased by 50-feet in length for each additional bus expected to stop simultaneously. [Ord. 2008-003]

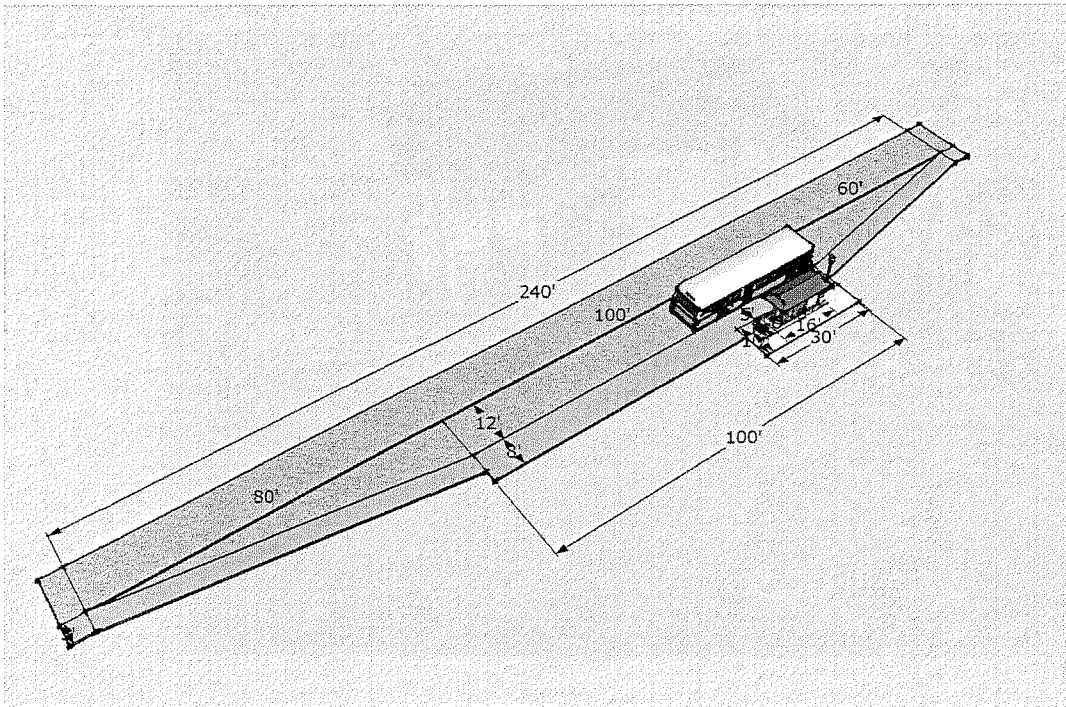
**3) Mid-Block/Landmark**

Mid-Block/Landmark Bus Stops are located between intersections where distance or other restrictions limit intersection placement. Associated Bus Stop Boarding and Alighting Areas are located at landmarks that take advantage of perpendicular Wheel Chair Accessible Routes into the development. The bus stop zone requires a minimum 150-foot no parking zone. The length of the Bus Stop Zone shall be increased by 50-feet in length for each additional bus expected to stop simultaneously. [Ord. 2008-003]

**b. Additional site specific requirements**

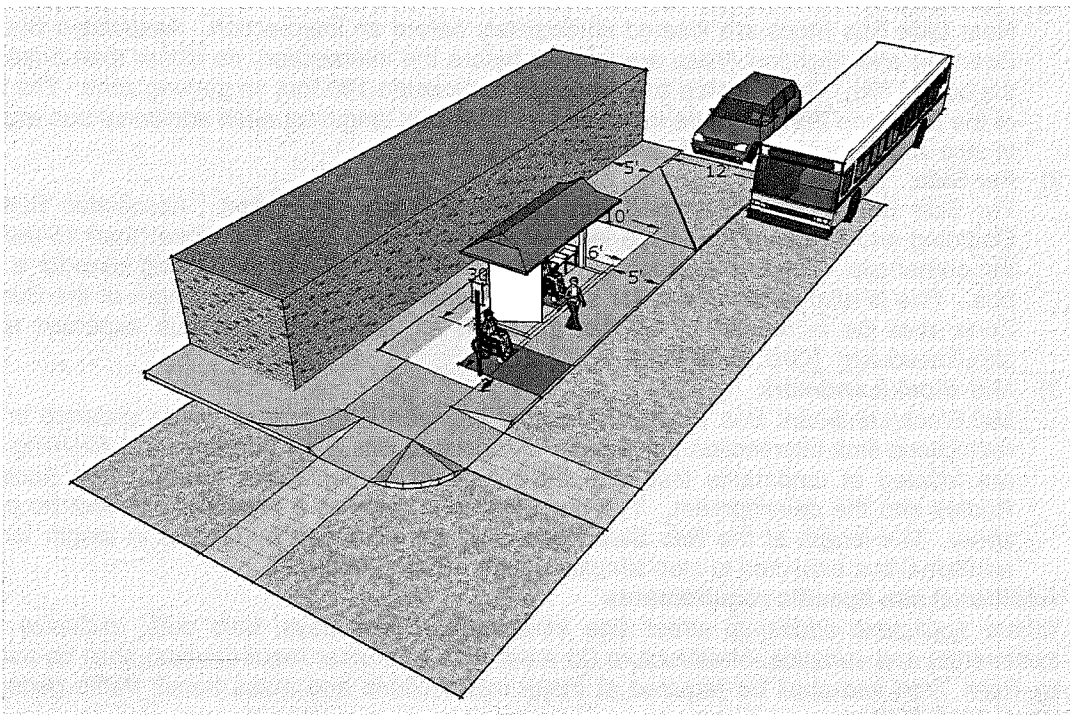
Where applicable additional street side infrastructure (bus bays, bulb outs, exclusive transit treatments) and curbside infrastructure (to meet ADA and other requirements) shall be specified by Palm Tran and shall be required at major intersections and mass transit traffic generators. [Ord. 2008-003]

**Figure 5.H.2.B. – Bus Bay with Typical Bus Shelter Alignment**



[Ord. 2008-003]

**Figure 5.H.2.B - Bulb Out with Typical Bus Shelter Alignment**



[Ord. 2008-003]

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**2. Non-residential developments of 100,000 square feet or more**

In addition to the above requirements, all non-residential development of 100,000 square feet or more shall provide a Mass Transit Circulation Plan prior to final DRO approval. Mass Transit Circulation Plans apply to an area inside a development designated for internal Mass Transit circulation, bus stop(s), bus access, bus recovery and any or all of the above Mass Transit Infrastructure/Facilities on or adjacent to the development. Bus access or bus stops should include, at a minimum, provisions for a covered or sheltered bus boarding and alighting, continuous paved pedestrian and bicycle access from the bus stop to the use(s) it is intended to serve, and bicycle rack. Bus recovery area should accommodate all bus routes within a six to eight mile radius including a 25 percent growth ratio factor. [Ord. 2008-003]

**3. Development of Regional Impact (DRI)**

In addition to the above requirements, an Inter-modal Transfer Center requirement to promote public transportation shall be applicable to DRI projects. Prior to final DRO approval, the property owner shall consult with Palm Tran to ensure a suitable Inter-modal Transfer Center is provided on the Master Site Plan. In addition, provisions shall be made to fund any necessary improvements to accommodate Palm Tran specifications for the following: [Ord. 2008-003]

- a. When Design Guidelines are provided, the property owner shall describe the optimal characteristics of a fixed route transit (Palm Tran) and community based (shuttle/trolley) circulator system to include: [Ord. 2008-003]
  - 1) Bus stops with unrestricted pedestrian access within ¼ mile of all structures. [Ord. 2008-003]
  - 2) Community circulator service for movement within the site and interconnected with the fixed-route service and the inter-modal transfer center. [Ord. 2008-003]
  - 3) The location (spacing every 1/10 mile), timing, size, and appearance of bus stops and stations as well as details facilitating integration of bus stops with adjacent development. [Ord. 2008-003]
- b. Construction of an inter-modal transfer center (typically 2-3 acres) shall commence with the first building permit and shall include, at a minimum, the following: [Ord. 2008-003]
  - 1) Park-N-Ride (typically 100-car capacity, convenient and adjacent commuter parking). [Ord. 2008-003]
  - 2) Accommodation for fixed route transit and community based circulator service for intermodal connections to include bus bays and access to major roadway(s) [Ord. 2008-003]
  - 3) Convenient and adjacent public restrooms (in accordance with Florida Building Code-Plumbing paragraphs 403.1 and 403.6, and Table 403.1.A-3) [Ord. 2008-003]
  - 4) Transit shelters (minimum 50 commuter accommodation). [Ord. 2008-003]
  - 5) Kiosks for mass transit schedule information [Ord. 2008-003]
  - 6) Trash receptacles [Ord. 2008-003]
  - 7) Lighting [Ord. 2008-003]
  - 8) Bicycle storage [Ord. 2008-003]
  - 9) Other seating and related infrastructure [Ord. 2008-003]
  - 10) Adjacent newspaper and other vending facilities that do not impede commuter movements and connections. [Ord. 2008-003]

**Section 3 Site Plan and Plat Dedication Language**

**A. Site Plan Language:**

All site plans meeting or exceeding the minimum thresholds identified in Section 2.C. above shall include the following language: [Ord. 2008-003]

**1. Bus Stop Boarding and Alighting Area(s):**

"Proposed 10'x30' Palm Tran Bus Stop Boarding & Alighting Area Easement" with arrow to designated area measuring 10-feet inside and perpendicular to the property line and 30-foot parallel and along the property line. [Ord. 2008-003]

**2. Mass Transit Circulation Plan:**

"Proposed Mass Transit Circulation Route" with arrow to the designated route identified by a dashed line "Palm Tran may exercise the right of Mass Transit Circulation, Bus Access, and or Bus Stops on or adjacent to major ingress/egress and building entrances" should also appear on the site plan. [Ord. 2008-003]

**B. Plat Dedication Language:**

Prior to Plat Recordation or issuance of the first Building Permit, whichever occurs first, the property owner shall convey and/or dedicate to Palm Beach County an easement for Bus Stop Boarding and Alighting Area(s) in a form with terms and conditions approved by Palm Tran. Supporting documentation, shall include but not be limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. All recorded plats meeting or exceeding the minimum thresholds identified in Section 1.C. above shall include the following language: The Mass Transit Easement as shown hereon is dedicated in perpetuity, by Owner, to the Board of County Commissioners of Palm Beach County, its successors and assigns (hereafter "County"), for the construction, installation, maintenance and use of a public transit boarding and alighting area, which use includes but is not limited to a public transit bus shelter, transfer station, and advertising. The Owner, its successors and assigns (hereafter "Owner"), shall maintain the easement area until such time as the County constructs improvements in the easement area for its intended use and purposes, at which time the County will assume maintenance of the easement area so long as the improvements are located thereon and County uses the easement area for its intended purposes. The maintenance obligation shall automatically revert to the Owner upon County's temporary or permanent cessation of use of the improvements or removal of the improvements. **[Ord. 2008-003]**

**C. Easement Language (if dedicating as a separate document):**

Standard Easement document language has been developed by PBC Attorney's Office. Required supporting documentation includes an original signed and sealed legal description of the Bus Stop Boarding and Alighting Area consistent with the State of Florida Technical Standards for surveys and legal descriptions; an Opinion of Counsel letter from the Grantor's legal counsel certifying title and authority; and an Affidavit of Managing Member of Limited Liability Company. Other supporting documentation may be required. **[Ord. 2008-003]**

**D. Property Owned by Palm Beach County**

All mass transit infrastructure/facilities shall be located, referenced and established in a form and manner that is mutually agreeable to Palm Tran and the applicable Palm Beach County department(s). **[Ord. 2008-037]**

**Amendment History:**

[Ord. 2005-002; February 2, 2005] [Ord 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2006-055; December 1, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037, September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2009-047; December 18, 2009] [Ord. 2010-005; February 2, 2010]

# ARTICLE 6

## PARKING

	Page
CHAPTER A PARKING .....	3
Section 1 General .....	3
A. Purpose and Intent .....	3
B. Applicability .....	3
1. New Buildings and Uses .....	3
2. Additions, Enlargements and Changes of Occupancy .....	3
3. Off-Street Parking and Loading Requirements .....	3
4. Deviations for the PO Zoning District .....	3
C. Definitions .....	11
D. Off-Street Parking .....	12
1. Computing Parking Standards .....	12
2. Location of Required Parking .....	12
3. Use of Required Off-Street Parking .....	13
4. Parking Fees .....	14
5. Motorcycle Parking .....	14
6. Parking Spaces for Persons Who Have Disabilities .....	14
7. Golf Cart Parking .....	14
8. Guest Parking .....	15
9. PDD Parking Increase .....	15
10. Shared Parking .....	15
11. Off-Site Parking .....	16
12. Grass Parking .....	17
13. Valet Parking .....	18
14. Design and Construction Standards .....	18
15. Access .....	26
16. Queuing Standards .....	26
17. Commercial Parking Lot .....	28
18. Parking Structure Standards .....	28
19. Parking of Equipment, Vehicles, Boats or Vessels and Trailers in Residential Districts .....	29
20. Parking Limitations for Residential Lots .....	30
21. CRALLS Reductions .....	30
CHAPTER B LOADING STANDARDS .....	30
Section 1 Loading .....	30
A. Purpose and Intent .....	30
B. Applicability .....	30
C. Computing Loading Standards .....	30
1. Multiple Uses .....	30
2. Fractions .....	30
3. Floor Area .....	30
4. Unlisted Land Uses .....	30
D. Loading Space Ratios .....	32
1. Standard "A" .....	32
2. Standard "B" .....	32
3. Standard "C" .....	32
4. Standard "D" .....	32
5. Standard "E" .....	32
E. Location .....	33

F. Screening .....	33
1. Bay Doors .....	33
2. Loading Areas .....	33
3. Single Tenant.....	33
4. Exemptions.....	33
G. Prohibitions.....	33
H. Dimensional Standards and Design Requirements.....	34
1. Width .....	35
2. Length .....	35
3. Maneuver Area .....	35
4. Vertical Clearance .....	36
5. Distance from Intersection.....	36
6. Access Marking.....	36
7. Loading Space Reduction.....	36
8. Repair Activities .....	37
CHAPTER C DRIVEWAYS AND ACCESS.....	37
Section 1 Standards and Access .....	37
A. Access Connections .....	37
1. Spacing .....	37
2. Construction.....	37
3. Number of Access Connections.....	37
B. Double Frontage Lots and Corner Lots .....	37
1. Double Frontage Lots .....	37
2. Corner Lots.....	38
C. Exceptions.....	38

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# ARTICLE 6

## PARKING

### CHAPTER A PARKING

#### Section 1 General

##### A. Purpose and Intent

The purpose of this Article is to ensure the provision of off-street parking, loading, queuing, on-site circulation, driveways, and access are in proportion to the demand created by each use. By requiring such facilities, it is the intent of this Article to ensure the provision of functionally adequate, aesthetically pleasing and safe off-street parking, loading, queuing, on-site circulation, driveways and access.

##### B. Applicability

The standards of this Article shall apply to all development in unincorporated PBC, or existing development that is modified to the extent that it includes uses or site design features that were not specifically shown on previously approved plans. All off-street parking areas established by this Section shall be continuously maintained in accordance with this Article.

##### 1. New Buildings and Uses

Off-street parking and loading shall be provided for any new building constructed and for any new use established.

##### 2. Additions, Enlargements and Changes of Occupancy

Off-street parking and loading shall be provided for any addition to or enlargement of an existing building or use, or any change of occupancy or manner of operation that would result in additional parking and loading spaces being required. The additional parking and loading spaces shall be required only in proportionate amount to the extent of the addition, enlargement, or change, not for the entire building or use.

##### 3. Off-Street Parking and Loading Requirements

Off-street parking and loading spaces shall be provided in accordance with Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements.

##### 4. Deviations for the PO Zoning District

Deviation(s) from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to approval by the BCC utilizing the following standards: [Ord. 2007-013]

- a. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; [Ord. 2007-013]
- b. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions; [Ord. 2007-013]
- c. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; [Ord. 2007-013]
- d. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; [Ord. 2007-013]
- e. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, [Ord. 2007-013]
- f. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. [Ord. 2007-013]

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**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements**

Use Type: Residential	Parking <sup>1</sup>	Loading <sup>2</sup>
Single-family, Zero lot line home, Townhouse, or Mobile home dwelling	2 spaces per unit	N/A
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	1 space per unit	N/A
Congregate living facility, Type 1, Type 2, Type 3	1 space per unit or 2 beds whichever is greater; plus 1 space per 200 sq. ft. of office space	D
Farm residence	2 spaces per unit	N/A
Farm worker quarters	1 space per 4 units or	N/A
Garage sale	N/A	N/A
Guest cottage	1 space per cottage	N/A
Home occupation	N/A	N/A
Nursing or convalescent facility	1 space per 3 beds; plus 1 space per 200 sq. ft. of office space	D
Security or caretaker quarters	1 space per unit	N/A
<b>[Ord. 2005-002]</b>		
<b>Loading Key:</b>		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA.		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd**

Use Type: Commercial	Parking <sup>1</sup>	Loading <sup>2</sup>
Adult entertainment	1 space per 200 sq. ft.	N/A
Auction, enclosed	1 space per 200 sq. ft.	C
Auction, outdoor	1 space per 250 ft. of enclosed or indoor space	N/A
Auto paint or body shop	1 space per 200 sq. ft.	E
Auto service station	1 space per 250 sq. ft., excluding bays; plus 2 spaces per repair bay	E
Bed and breakfast	1 additional space for each guest room	N/A
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
Car wash Automatic self service	1 space per 200 sq. ft. of office, retail, or indoor seating area	N/A
Catering service	1 space per 200 sq. ft.	E
Contractor storage yard	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	A
Convenience store, w/ or w/o gas	1 space per 200 sq. ft.	C
Day labor employment service	1 space per 250 sq. ft.	C
Dispatching office	1 space per 250 sq. ft.	N/A
Dog day-care	3 - 12' x 20' transient spaces for 50 dogs; 1 space per 500 sq. ft. of cage and retail area	E
Financial institution	1 space per 200 sq. ft.	E
Flea market, enclosed	2 spaces per 200 sq. ft.	C
Flea market, open	1 space per 250 sq. ft. of affected land area	N/A
Funeral home	1 space per 4 seats	C
Green market	N/A	N/A
Hotel, motel, SRO, rooming and boarding	1.25 spaces per room; (convention areas, restaurants, etc. over 2,000 sq. ft. to be calculated separately)	C
Kiosk	N/A	N/A
<b>[Ord. 2005-002] [Ord. 2009-040]</b>		
<b>Loading Key:</b>		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA.		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd**

<b>Use Type: Commercial</b>	<b>Parking<sup>1</sup></b>	<b>Loading<sup>2</sup></b>
Landscape service	1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area	A
Laundry services	1 space per 200 sq. ft.	N/A
Lounge, cocktail	1 space per 3 seats	C
Medical or dental office	1 space per 200 sq. ft.	C
Monument sales, retail	1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area	E
Office, business or professional	1 space per 200 sq. ft.	C
Pain Management Clinic	1 space per 200 sq. ft.	C
Pawn shop	1 space per 200 sq. ft.	C
Personal services	1 space per 200 sq. ft.	N/A
Printing and copying services	1 space per 250 sq. ft.	B
Repair and maintenance, general	1 space per 250 sq. ft.	B
Repair services, limited	1 space per 250 sq. ft.	N/A
Restaurant, Type I	1 space per 3 seats including outdoor seating area	C
Restaurant, Type II		C
Retail sales, auto parts	1 space per 200 sq. ft.	C
Retail sales, general	1 space per 200 sq. ft.	C
Retail sales, mobile or temporary	Enclosed: 1 space per 200 sq. ft. Open: 50 spaces total or 10 spaces per acre, whichever is greater	N/A
Self-service storage	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	e
Shopping centers	5 spaces per 1,000 sq. ft. GFA (centers up to 500,000 sq. ft.); 5 spaces per 1,000 sq. ft. of GLA (centers over 500,000 sq. ft.)	B
Theater, drive-in	1 space per 250 sq. ft.	N/A
Theater, indoor	1 space per 3 seats	B
Theater, indoor, in-line	1 space per 3 seats; plus 1 space per employee	B
Theater, indoor, stand alone	1 space per 4 seats; plus 1 space per employee	B
<b>[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2008-037] [Ord. 2010-009]</b>		
<b>Loading Key:</b>		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA.		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd**

Use Type: Public/Civic	Parking <sup>1</sup>	Loading <sup>2</sup>
Airport, landing strip or helipad	1 space per tie-down and hangar space, minimum of 5 spaces	C
Assembly, nonprofit institutional or membership	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, calculated separately.	
Cemetery	1 space per 200 sq. ft. of office space; plus 1 space per 500 sq. ft. of maintenance area; plus a minimum of 5 public spaces.	N/A
Place of worship	1 space per 3 seats or 200 sq. ft. for the principal place of worship, 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, calculated separately.	
	Uses such as retreats, rectories, convents or seminaries shall use CLF parking and loading.	
College or university	1 space per 2 students; plus 1 space per 4 seats in gymnasiums and auditoriums; plus 1 space per 200 sq. ft. of administrative and educational office space	C
Day camp	<100 licensed capacity: 1 space per 5 persons; plus 1 drop off stall per 20 persons	E
	>100 licensed capacity: 1 space per 10 persons; plus 1 drop off stall per 20 persons	
Day care, general	<100 licensed capacity: 1 space per 5 persons; plus 1 drop off stall per 20 persons	E
	>100 licensed capacity: 1 space per 10 persons; plus 1 drop off stall per 20 persons	
Day care, limited	1 space per 250 sq. ft.; plus drop off stall	E
Government services <sup>3</sup>	1 space per 500 sq. ft.; or 1 space per 3 seats, whichever is greater	N/A
Homeless Resource Centers	1 space per 200 sq. ft. of accessory service delivery areas	E
Hospital or medical center	1 space per 2 beds; plus 1 space per 200 sq. ft. of outpatient treatment area	D
School, private 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, public	In accordance with the State Department of Education requirements for educational facilities	C
Towing service and storage	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	A
Vehicle sales and rental	1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area; plus 2 spaces per service bay	A
Veterinary clinic	1 space per 200 sq. ft., excluding animal exercise areas	N/A
Vocational school	1 space per classroom; plus 1 space per 4 students; plus 1 space per 200 sq. ft. of administration, and assembly areas	N/A
<b>[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2009-040]</b>		
<b>Loading Key:</b>		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA.		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd**

<b>Use Type: Recreational</b>	<b>Parking <sup>1</sup></b>	<b>Loading<sup>2</sup></b>
Arena, auditorium or stadium	1 space per 3 seats	B
Bowling alley	3 spaces per lane	N/A
Campground	1 space per campsite	N/A
Clubhouse (Recreational Pod) <sup>7</sup>	1 space per 300 sq.ft. of air conditioned area (includes all interior uses); and 1 bicycle parking rack shall be provided	N/A
Entertainment, indoor (except bowling alley)	1 space per 200 sq. ft. or 1/3 seats, whichever is greater	N/A
Entertainment, outdoor	1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater	N/A
Fitness center	1 space per 200 sq. ft.	N/A
Golf course	4 spaces per hole; plus 1 space per 250 sq. ft. of clubhouse	N/A
Gun club, enclosed and open, or gun range, private	1 space per target area	N/A
Marine facility	1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips	A
Park, passive	2 spaces for the first acre; plus 1 space for each additional 2 acres; additional parking shall be provided for each additional facility or land use constructed in the park as herein provided	N/A
Special event	1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater	N/A
Swimming pool	1 space per 200 sq. ft. of pool area; and 1 bicycle parking rack shall be provided	N/A
Tennis Courts <sup>6</sup> And Basketball Courts <sup>7</sup>	1.5 spaces per court; and 1 bicycle parking rack shall be provided	N/A
Zoo	1 space per 2,000 sq. ft. of land area	N/A
<b>[Ord. 2005-002] [Ord. 2007-001]</b>		
<b>Loading Key:</b>		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA.		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd**

Use Type: Agriculture	Parking <sup>1</sup>	Loading <sup>2</sup>
Agriculture, bona fide	1 space per 1,000 sq. ft.	B
Agriculture, light manufacturing	1 space per 1,000 sq. ft.	B
Agriculture, Renewable Fuels Production	1 space per 1,000 sq. ft.	B
Agriculture, research/development	1 space per 1,000 sq. ft.	B
Agriculture, sales and service	1 space per 250 sq. ft.	A
Agriculture, storage	1 space per 1,000 sq. ft.	A
Agriculture use, accessory	5 spaces or 1 space per employee, whichever is greater	N/A
Agriculture, transshipment	1 space per 2,000 sq. ft.	A
Aviculture	1 space per 200 sq. ft.	E
Community vegetable garden	4 spaces per garden	N/A
Equestrian arena, commercial	1 space per 3 seats	N/A
Grooms quarters	1 space per unit	N/A
Farrier	1 space per 1,000 sq. ft.	N/A
Kennel, Type I (Private)	1 space per 500 sq. ft. of cage or kennel area.	N/A
Kennel, Type II or III (Commercial)	1 space per employee; and, 1 space for each 200 sq. ft. of sale, grooming or office area.	E <sup>8</sup>
Nursery, retail	1 space per 500 sq. ft. of indoor or covered retail and office areas plus 1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres.	B
Nursery, wholesale	1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres. <sup>4,5</sup>	B
Packing plant	1 space per 2,000 sq. ft.	A
Potting soil manufacturing	2 spaces per acre; minimum of 5 spaces	A
Produce stand, permanent	1 space per 200 sq. ft. including outdoor sales display area	N/A
Produce stand, temporary	2 spaces per 200 sq. ft. including outdoor sales display area	N/A
Shadehouse	N/A	N/A
Commercial Greenhouse	1 space per acre of greenhouse	C
Stable, commercial or private	1 space per 500 sq. ft.; plus 1 space per 4 animal stalls	N/A
Sugar mill or refinery	1 space per 2,000 sq. ft.; plus 1 space per 200 sq. ft. of office space	N/A
<b>[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036]</b>		
<b>Loading Key:</b>		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd**

<b>Use Type: Utilities and Excavation</b>	<b>Parking<sup>1</sup></b>	<b>Loading<sup>2</sup></b>
Air curtain incinerator	2 spaces per acre; minimum of 5 spaces	N/A
Air stripper, remedial	N/A	N/A
Chipping and mulching	2 spaces per acre; minimum of 5 spaces	N/A
Cell site on wheels (COW) mobile	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
Communication panels, or antennas, commercial	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
Communication tower, commercial	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
Composting facility	2 spaces per acre; minimum of 5 spaces	N/A
Electric power facility	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Excavation, agriculture	N/A	N/A
Excavation	N/A	N/A
Incinerator	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Recycling center	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 collection station	2 spaces per station	N/A
Recycling drop off bin	1 space per bin	N/A
Recycling plant	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
Renewable Energy Facility, Solar	1 space per site; and 1 space per 200 sq. ft. of office space	N/A
Renewable Energy Facility, Wind	1 space per site; and 1 space per 200 sq. ft. of office space	N/A
Sanitary landfill	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
Solid waste transfer station	1 space per 1,000 sq. ft.	N/A
Utility, minor	1 space per minor utility	N/A
Water or wastewater treatment plant	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
<b>[Ord. 2005-002] [Ord. 2009-040] [Ord. 2010-005]</b>		
<b>Loading Key:</b>		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd**

Use Type: Industrial	Parking <sup>1</sup>	Loading <sup>2</sup>
Asphalt or concrete plant	1 space per 1,000 sq. ft.	N/A
Data information processing	1 space per 100 sq. ft.	A
Gas and fuel, wholesale	1 space per 250 sq. ft.	N/A
Heavy industry	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
Laboratory, industrial research	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
Machine or welding shop	1 space per 200 sq. ft.	C
Manufacturing and processing	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
Medical or dental laboratory	1 space per 200 sq. ft.	C
Motion picture 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
Salvage or junk yard	1 space per 200 sq. ft. of office space; plus 1 space per employee	A
Transportation facility	1 space per 200 sq. ft. of office space	N/A
Truck stop	1 truck space per 80 sq. ft.	N/A
Warehouse	1 space per 1,000 sq. ft.; plus 1 space per 200 sq. ft. of office space	A
Wholesaling, general	1 space per 1,000 sq. ft.	A
<b>[Ord. 2005-002]</b>		
<b>Loading Key:</b>		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		
<b>Notes:</b>		
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. <b>[2007-010]</b>		
5. Assembly, nonprofit, institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee. <b>[Ord. 2005-002]</b>		
6. Limited access facilities must provide off-street loading spaces as indicated in Art. 4.B.1.A.120.d.2), Loading. <b>[Ord. 2005-041]</b>		
7. Golf cart parking may be used to satisfy a portion of the required parking for residential PDD rec. pods, pursuant to Art. 6.A.1.D.7, Golf Cart Parking <b>[Ord. 2007-001]</b>		
8. The loading zone may be waived for a Type II or III Commercial Kennel operated as an accessory use to general retail sales. <b>[Ord. 2006-036]</b>		

**C. Definitions**

See Art. 1.I, Definitions and Acronyms

## **D. Off-Street Parking**

### **1. Computing Parking Standards**

#### **a. Multiple Uses**

On lots containing more than one use, the total number of required off-street parking spaces shall be equal to the sum of the required parking for each use as if provided separately, unless a shared parking is approved pursuant to Article 6.A.1.D.10, Shared Parking.

#### **b. Fractions**

When calculation of the number of required off-street parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number.

#### **c. Floor Area**

Off-street parking requirements that are based on square footage shall be computed using gross floor area (GFA), unless another measurement is specifically called for in this Section.

#### **d. Occupants**

When the calculation of required parking spaces is based on the number of occupants, the calculation shall be based on the maximum number of persons legally residing on the premises at any one time.

#### **e. Bench Seating**

When the calculation of required parking spaces is based on the number of seats, each 22 linear inches of bench, pew, or similar bench seating facility shall be considered one seat.

#### **f. Gross Lot Area**

When the calculation of required parking spaces is based on gross lot area (GLA), the amount of lot area dedicated to off-street parking shall not be included in the calculation.

#### **g. Unlisted Land Uses**

In the event that off-street parking requirements for a particular use are not listed in this Section, the requirements for the most similar use shall be applied. In making the determination, any evidence of actual parking demand for similar uses shall be considered as well as other reliable traffic engineering and planning information that is available.

#### **h. Government Services**

Government services may request alternative calculations based on evidence of actual parking demand for similar uses or reliable traffic engineering and planning information.

#### **i. Landscaping**

The landscape requirements for off-street parking and interior vehicular use areas shall be calculated in accordance with Article 7, LANDSCAPING.

### **2. Location of Required Parking**

All required off-street parking, shall be provided on the same lot as the principal use, except fee simple developments with common parking lots and as provided in Article 6.A.1.D.10, Shared Parking and Article 6.A.1.D.12, Grass Parking. The location of required off-street parking spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas. Loading areas shall not obstruct pedestrian pathways.

#### **a. Distance from Building or Use**

Unless otherwise provided in this Section, all required off-street parking spaces shall not be located more than 600 linear feet from the nearest building or use it is intended to serve. This standard shall not apply to parking spaces provided for auditoriums, stadiums, assembly halls, gymnasiums, and other places of assembly, nor shall it apply to hospitals, large-scale retail, wholesale, and consumer services uses over 500,000 square feet or industrial, wholesaling or manufacturing establishments.

#### **b. Buffers and R-O-W**

Parking vehicles in a landscape buffer or the existing/ultimate R-O-W of an abutting street is prohibited.

#### **c. Location of Front, Side, and Rear Parking**

A minimum of ten percent of the required parking spaces shall be located at the side or rear of each building it is intended to serve; however, development requiring 50 or less parking spaces shall be exempt. A public pedestrian walk shall connect the parking areas to a store entrance. Such pedestrian access way shall be a minimum of four feet in width, clearly marked, well lighted and unobstructed. [Ord. 2005-041]

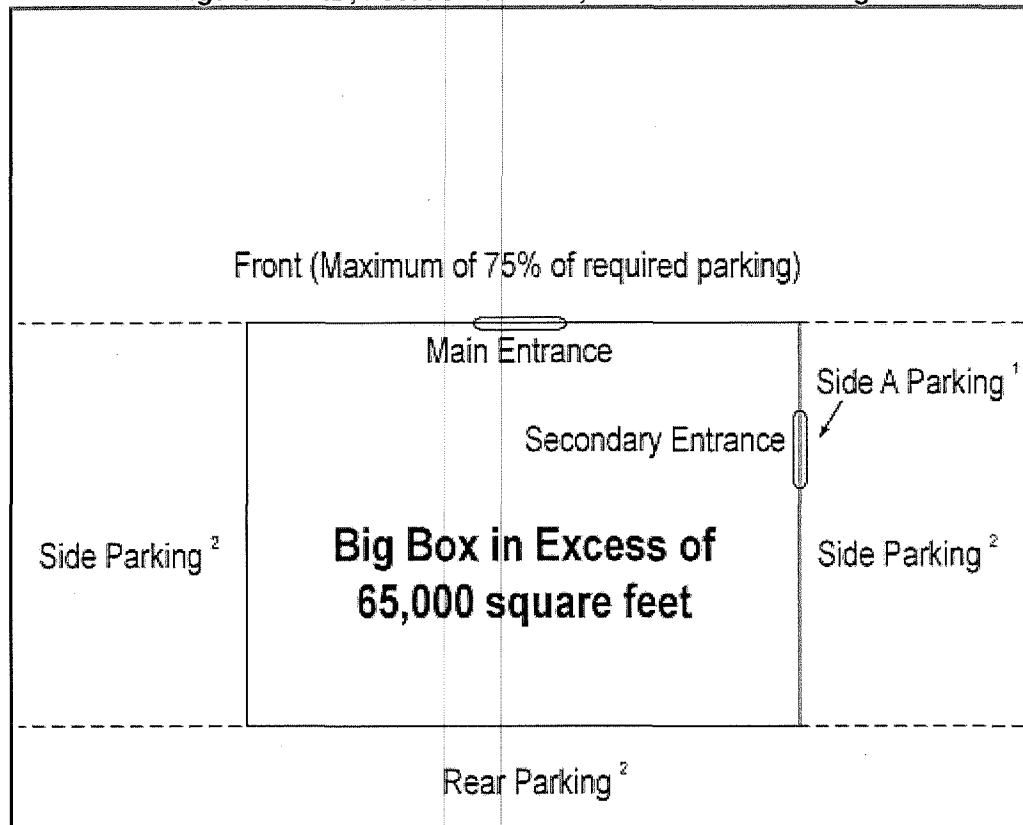
##### **1) Large Scale Commercial Development**

Developments with single tenants occupying 65,000 gross square feet or more shall locate parking in accordance with Figure 6.A.1.D-3, Location of Front, Side, and Rear Parking, as follows:

- a) A maximum of 75 percent of required parking shall be located at the front.
- b) A minimum of 15 percent of required parking shall be located immediately fronting a side A entrance.
- c) A minimum of 25 percent of the required parking spaces at the side or rear, as indicated in Figure 6.A.1.D, Location of Front, Side and Rear Parking.

The BCC may waive this requirement if the applicant demonstrates there is an unusual site configuration and/or unique circumstances, and the alternative site design clearly meets the intent of this provision, by increasing the proximity of parking spaces to public entrances, reducing the visual blight of large expanses of surface parking areas, and improving pedestrian connectivity. [Ord. 2005- 002]

**Figure 6.A.1.D, Location of Front, Side and Rear Parking**



[Ord. 2005 – 002]

(1) A minimum of 15 percent of required parking shall be located immediately fronting a side A entrance.

(2) A minimum of 25 percent of required parking shall be located on the side or rear. [Ord. 2005 – 002]

#### **d. Garages and Carports**

Space within a carport or garage may be used to satisfy residential off-street parking requirements, provided that no building permit shall be issued to convert a carport or garage to a living area without a provision to provide the required off-street parking spaces in the driveway or in a common parking lot.

### **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**

Required off-street parking areas may be used on a temporary basis pursuant to a Special Permit issued by the Zoning Director for a temporary event.

**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.

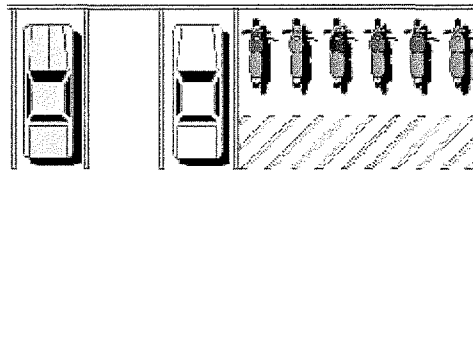
**4. Parking Fees**

Except as provided in Article 6.A.1.D.13, Valet Parking, a fee or other form of compensation shall not be charged for the use of required off-street parking spaces. Fees may be charged for the use of parking spaces that have been provided in excess of minimum standards.

**5. Motorcycle Parking**

For any nonresidential use providing 50 or more spaces, a maximum of three required off-street parking spaces per 50 spaces, may be reduced in size and redesigned to accommodate parking of motorcycles. When provided, motorcycle parking shall be identified by a sign.

**Figure 6.A.1.D- Motorcycle Parking**



**6. Parking Spaces for Persons Who Have Disabilities**

The provision of parking spaces and passenger loading areas for persons who have disabilities shall be governed by F.S. §316.1955, F.S. §316.1957, and F.S. §553.5041. These Sections shall govern the signage, identification and reservation of spaces for persons who have disabilities. The minimum number of parking spaces for persons who have disabilities shall comply with the following table:  
[Ord. 2005 – 002]

**Table 6.A.1.D - Parking Spaces for Persons Who Have Disabilities**

Total Spaces	Required Number of Spaces to be Reserved for Persons Who Have Disabilities
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 250	7
251 to 300	8
301 to 400	9
401 to 500	10
501 to 1000	2.2 % of total
over 1000	22 plus 1 for each 100 over 1000

[Ord. 2005-002]

**7. Golf Cart Parking**

A maximum of 25 percent of the required parking in a recreation pods of a residential PDD may be reduced in size and redesigned to accommodate golf carts.

## 8. Guest Parking

Guest parking spaces shall be located within 300 feet of the use they are intended to serve. Guest parking may be grassed, as provided in Article 6.A.1.D.12, Grass Parking. All guest parking shall be prominently identified with an above-grade sign or marking on the wheelstop or curb.

## 9. PDD Parking Increase

The Development Review Officer (DRO) may authorize an increase in the maximum allowed number of parking spaces in a PDD.

### a. Supplemental Application Requirements

The applicant shall submit a parking study and any additional documentation justifying the need for additional parking. The parking study shall include, the following:

- 1) the location of the use(s) on the site requiring the additional parking;
- 2) the size and type of use(s) and/or activity(s) requiring the additional parking; and
- 3) the rate of turnover and the anticipated peak parking demands.

### b. Maximum Increase

#### 1) Lots Less than Ten Acres

Lots less than ten acres in size may apply for a 20 percent increase.

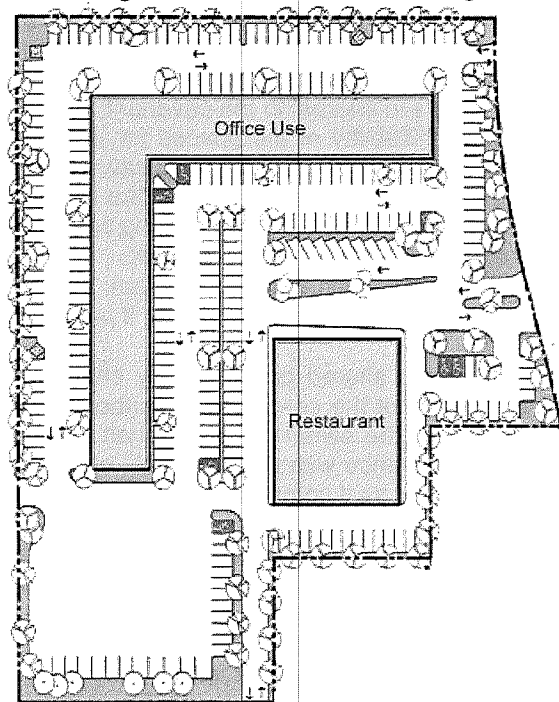
#### 2) Lots Ten Acres or Greater

Lots ten acres or greater in size may apply for a ten percent increase.

## 10. Shared Parking

The DRO may authorize a reduction in the number of required parking spaces for multiple and mixed use projects and for uses that are in close proximity to one another and which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:

Figure 6.A.1.D- Shared Parking



### a. Application

A shared parking study shall be submitted in a form established by the Zoning Director.

### b. Location

All uses which participate in a shared parking plan shall be located on the same lot or on contiguous lots. The shared parking lot shall have access as though the uses were a single project.

### c. Shared Parking Study

The shared parking study, shall clearly establish the uses that will use the shared spaces at different times of the day, week, month or year. The study shall:

- 1) be based on the Urban Land Institute's (ULI) methodology for determining shared parking, or other generally accepted methodology;
- 2) address the size and type of activities, the composition of tenants, the rate of turnover for proposed shared spaces, and the anticipated peak parking and traffic demands;
- 3) provide for no reduction in the number of required handicapped spaces;
- 4) provide a plan to convert reserved space to required parking spaces; and
- 5) be approved by the County Engineer prior to submittal, based on the feasibility of the uses to share parking due to their particular peak parking and trip generation characteristics.

**d. Reserved Space**

The applicant shall account for 100 percent of the reduction granted through one of the following alternatives: reserved open space; a future parking garage; future rooftop parking; off-site parking; limitation of uses to adhere to parking regulations; or shared parking.

**e. Shared Parking Agreement**

A shared parking plan shall be enforced through written agreement or through a unity of control. A copy of the agreement between the property owner and PBC shall be submitted to the DRO and reviewed and approved by the County Attorney. The agreement shall be recorded with the Clerk of the Circuit Courts of PBC by the owner prior to issuance of a certificate of occupancy. Proof of recordation of the agreement shall be submitted prior to approval by the DRO. The agreement shall:

- 1) list the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
- 2) provide a legal description of the land;
- 3) include a site plan showing the area of the parking parcel and open space reserved area which would provide for future parking;
- 4) describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
- 5) agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
- 6) assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;
- 7) describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;
- 8) incorporate the shared parking study by reference;
- 9) be made part of the Site Plan/Final Subdivision Plan; and
- 10) describe the method by which the covenant shall, if necessary, be revised.

**f. Change in Use**

Should any of the uses in the shared parking study change, or should the Zoning Director or County Engineer find that any of the conditions described in the approved shared parking study or agreement no longer exist, the owner of record shall have the option of submitting a revised shared parking study in accordance with the standards of this Section or of providing the number of spaces required for each use as if computed separately.

**11. Off-Site Parking**

The DRO may permit all or a portion of the required parking spaces to be located on a lot separate from the lot on which the principal use is located. Off-site parking shall be subject to the following standards:

**a. Necessity**

The applicant shall demonstrate that it is not feasible to locate all of the required parking on the same lot as the principal use.

**b. Ineligible Activities**

Off-site parking shall not be used to satisfy the off-street parking requirements for restaurants, lounges, convenience stores and other high turnover-oriented uses. Required handicap parking spaces shall not be located off-site.

**c. Location**

Off-site parking shall not be located more than 600 linear feet from the building or use it is intended to serve. Off-site parking shall not be separated from the principal use by a street with a width of more than 80 feet. **[Ord. 2005-002]**

**d. Zoning**

Off-site parking areas shall require the same or a more intensive zoning classification than that required for the building or use served.

**e. Signs**

One sign shall be located at the off-site parking lot indicating the use that it serves, and one sign shall be located on the site of the use served, indicating the location of the off-site parking lot.

**f. Agreement for Off-Site Parking**

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement or unity of control shall be required. Copy of the agreement among the owners of record shall be submitted to the DRO and review and approved by the County Attorney. The agreement shall be filed in the deed records of PBC by the owner of record. Proof of recordation of the agreement shall be presented to the DRO prior to approval. The agreement shall:

- 1) list the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
- 2) provide a legal description of the land;
- 3) include a site plan showing the area of the use and parking parcel;
- 4) expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
- 5) assure the continued availability of the spaces and provide assurance that all spaces will be usable without charge;
- 6) describe the obligations of each party, including the maintenance responsibility;
- 7) require that the Zoning Director be notified prior to the expiration or termination of an off-site parking area lease agreement;
- 8) be made part of the Site Plan/Final Subdivision Plan; and
- 9) describe the method by which the covenant shall, if necessary, be revised.

**12. Grass Parking**

Grass parking is permitted, subject to approval by the DRO, pursuant to the following procedures and standards:

**a. Application**

In addition to the application requirements for a site plan/final subdivision plan, the applicant shall submit the following:

- 1) a site plan showing the area proposed for grass parking; [Ord. 2007-013]
- 2) the proposed method of traffic control to direct vehicular flow and parking;
- 3) description of the method to ensure that the grass parking surface will be maintained in its entirety with a viable turf cover; [Ord. 2007-013]
- 4) a conceptual drainage plan for the entire parking area; and [Ord. 2007-013]
- 5) a written statement that the area proposed for grass parking shall be used for parking on an average of no more than (3) days or nights each week. [Ord. 2007-013]

**b. Standards**

The following standards shall apply to grass parking:

- 1) only parking spaces provided for peak demand may be allowed as grass parking. [Ord. 2007-013]
- 2) paved parking shall be provided for average daily traffic, including weekday employees and visitors;
- 3) a grass parking area shall not include any existing or proposed landscaped area, surface water management area or easement, other than a utility easement;
- 4) handicap parking shall not be located in a grass parking area;
- 5) grass parking areas shall meet the landscape requirements in Article 7, LANDSCAPING. Grass parking areas shall not be counted toward meeting minimum landscape or open space standards; and [Ord. 2007-013]
- 6) all access aisles or lanes shall either: [Ord. 2007-013]
  - a) be paved and meet the same substructural and surface standards required for paved parking surfaces; or
  - b) be surfaced with paver block or other semi-pervious coverage approved by the DRO and County Engineer.; or [Ord. 2007-013]
  - c) be stabilized with sub-base underlayment subject to approval by Land Development. [Ord. 2007-013]
- 7) Grass parking shall be located a minimum of 100 feet from the overland flow prior to entering into a body of water or water systems. [Ord. 2007-013]
- 8) Materials utilized in the construction of grass parking shall be drought tolerant and subject to approval by Land Development. [Ord. 2007-013]

**c. Permit**

If at any time it is determined that a grass parking area does not meet the standards established in this Section, the Zoning Director shall require the restoration of the grass surface or the paving of the grass for parking.

**13. Valet Parking**

Valet parking may be used to satisfy off-street parking. Valet parking shall not cause customers or patrons who do not use the valet service to park off site or in the R-O-W or cause queuing in a street, driveway, or drive aisle. The following additional standards shall apply to valet parking:

**a. Maximum Number**

The maximum number of spaces reserved for valet parking shall not exceed 25 percent of the minimum number of required off-street parking spaces for commercial uses over 20,000 square feet and 50 percent for all other uses.

**b. Location**

Valet parking for commercial uses shall not be located within 200 feet of a public entrance to a building. Areas designated for valet parking shall not interfere with vehicular circulation or emergency access

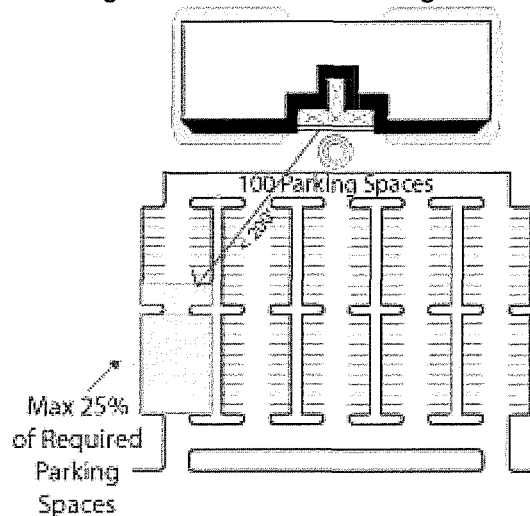
**c. Off-site**

Off-site parking areas may be utilized for valet parking.

**d. Approval**

Valet parking for commercial uses over 20,000 square feet shall be subject to approval of a Special Permit.

**Figure 6.A.1.D- Valet Parking Illustration**



**14. Design and Construction Standards**

**a. Dimensions**

The dimensions and geometrics of off-street parking areas shall conform to the following minimum standards.

**1) Residential**

**a) Individual Parking Space**

Each parking space for dwelling units that do not share a common parking lot shall be a minimum of eight feet wide and 20 feet long. Parking spaces may be side to side, end to end or not contiguous to each other.

**b) Common Parking Lots**

For dwelling units that share a common parking lot, parking spaces and aisles shall be subject to Table 6.A.1.D, Minimum Parking Dimensions.

**2) Nonresidential**

All nonresidential uses and residential uses with shared parking lots shall provide parking spaces that comply with Table 6.A.1.D, Minimum Parking Dimensions, and Figure 6.A.1.D, General Parking Schematic. Parking angles that are not illustrated in Table 6.A.1.D, Minimum Parking Dimensions, or Figure 6.A.1.D, General Parking Schematic shall be interpolated from



the tables and approved by the DRO. For the purpose of applying the "Use" column in Table 6.A.1.D, Minimum Parking Dimensions, the following rules shall apply:

**a) General**

The term "general" applies to parking spaces designated to serve all commercial uses except retail and residential uses with shared parking lots. Spaces reserved for use by disabled persons shall be governed by the rows labeled "handicap";

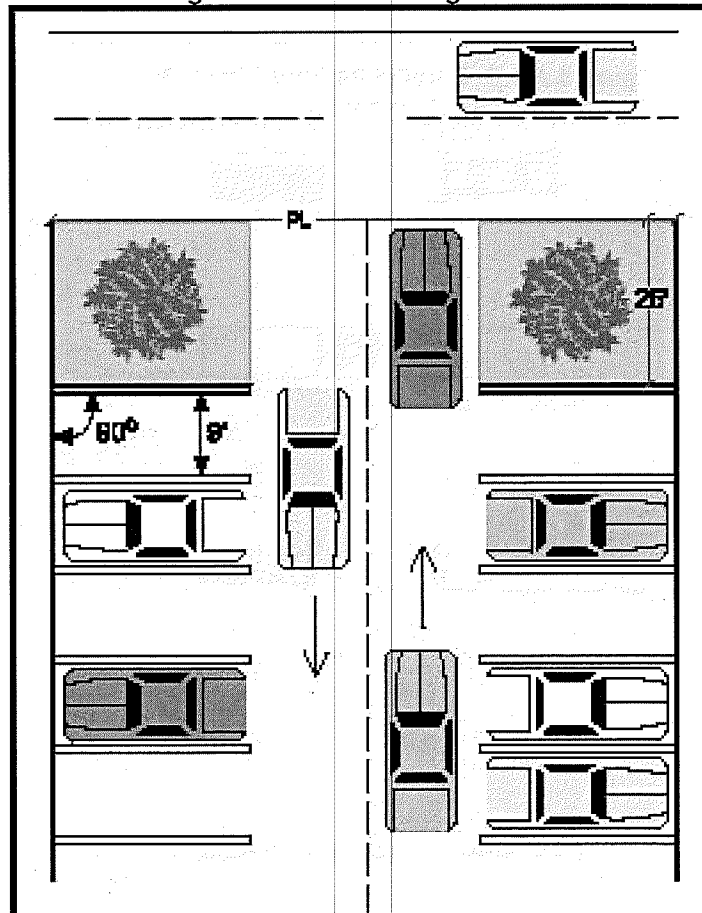
**b) Queuing Distance**

In a parking lot a minimum queuing distance of 25 feet is required between the property line and the first parking space.

**c) Exception for Low Speed Electric Vehicles (LSEV)**

Where drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles. [Ord. 2005 – 002]

**Figure 6.A.1.D- Queuing Distance**



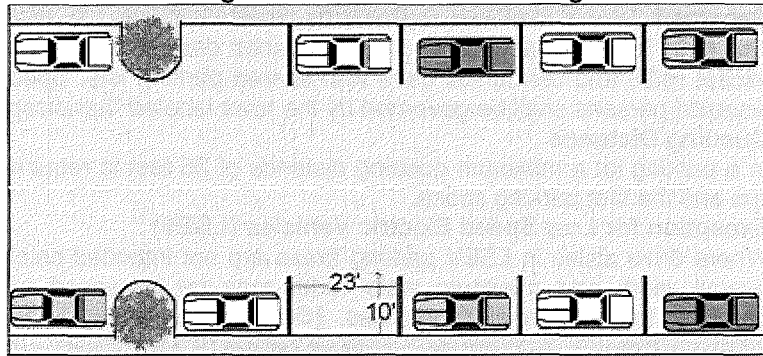
[Ord. 2005-002]

**3) Parallel Parking**

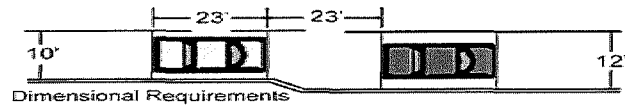
Parallel parking spaces shall have a minimum length of 23 feet and a minimum width of ten feet (see Figure 6.A.1.D - Parallel Parking).

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**Figure 6.A.1.D- Parallel Parking**



**Figure 6.A.1.D- Parallel Parking Dimensional Standard**



**Marking Option - 1**



**Marking Option - 2**



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**Table 6.A.1.D- Minimum Parking Dimensions  
For Nonresidential Uses and Residential Uses with Shared Parking Lots**

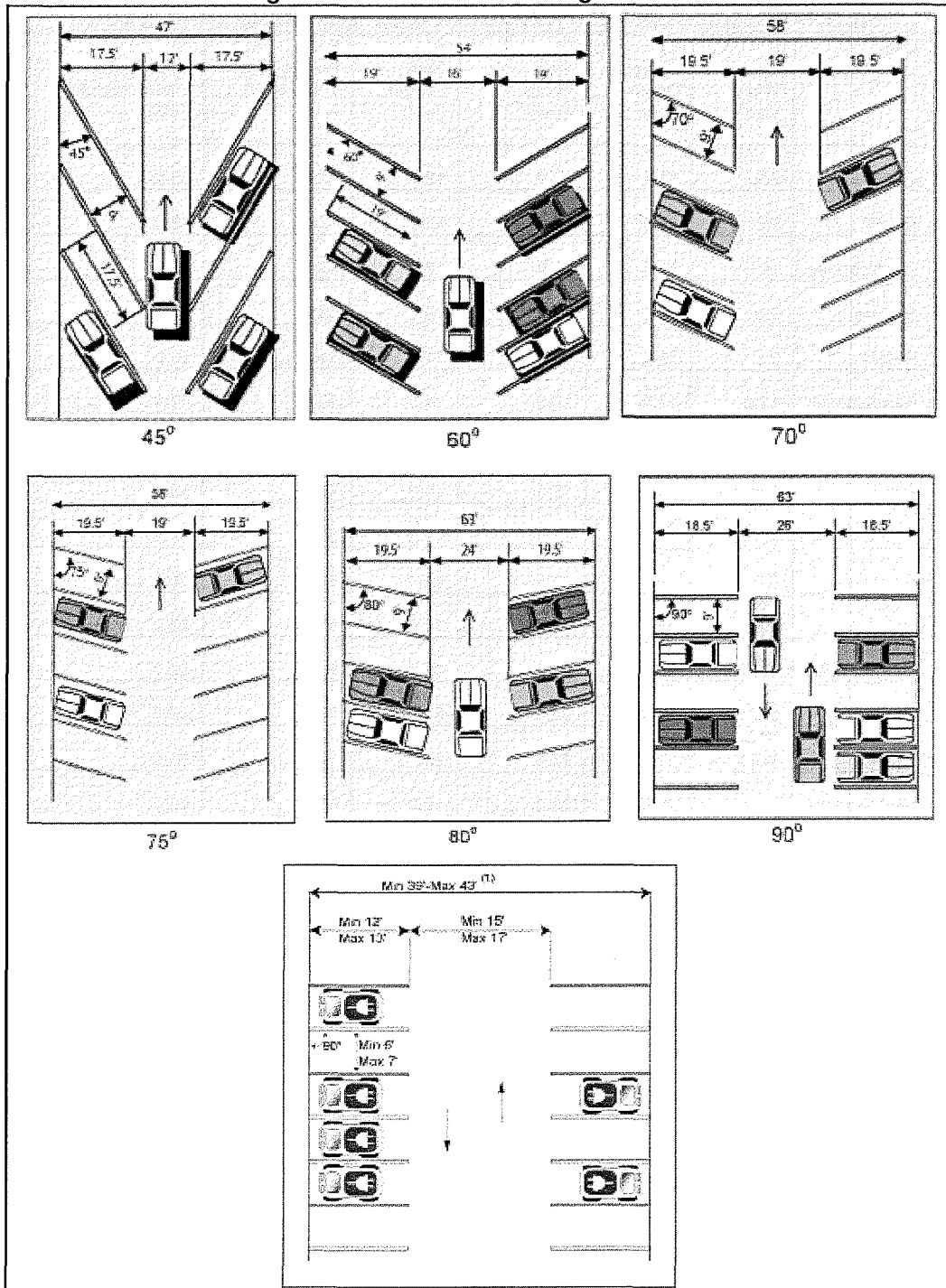
A Angle	Use <sup>(1)</sup>	B Space Width (feet)	C Space Depth (feet)	D Aisle Width (feet)	E Curb Length (feet)	F Wall-to-Wall Width (feet)	G Interlock-to- InterlockWidth (feet)	H Space Depth to Interlock (feet)
45	General	9.0	17.5	12.0	12.5	47.0	43.0	15.5
	Retail	9.5	17.5	12.0	13.5	47.0	43.0	15.5
	Handicapped	12.0	17.5	12.0	17.0	47.0	43.0	15.5
60	General	9.0	19.0	16.0	10.5	55.0	51.0	17.5
	Retail	9.5	19.0	15.0	11.0	54.0	50.0	17.5
	Handicapped	12.0	19.0	14.0	14.0	53.0	49.0	17.5
70	General	9.0	19.5	19.0	9.5	58.0	56.0	18.5
	Retail	9.5	19.5	18.0	10.0	57.0	55.0	18.5
	Handicapped	12.0	19.5	17.0	12.5	56.0	54.0	18.5
75	General	9.0	19.5	23.0	9.5	62.0	60.0	18.5
	Retail	9.5	19.5	22.0	10.0	61.0	59.0	18.5
	Handicapped	12.0	19.5	21.0	12.5	60.0	58.0	18.5
80	General	9.0	19.5	24.0	9.0	63.0	62.0	19.0
	Retail	9.5	19.5	23.0	9.5	62.0	61.0	19.0
	Handicapped	12.0	19.5	22.0	12.0	61.0	60.0	19.0
90	General	9.0	18.5	26.0	9.0	63.0	63.0	18.5
	Retail	9.5	18.5	25.0	9.5	62.0	62.0	18.5
	Handicapped	12.0	18.5	24.0	12.0	61.0	61.0	18.5

**Note**

1. Use – See Art. 6.A.1.D.14, Design and Construction Standards

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Figure 6.A.1.D-General Parking Schematic



<sup>(1)</sup> Where drive aisles in LSEV parking areas are not intended solely for use by LSSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles. [Ord. 2005 - 002]

## b. Construction

### 1) Circulation Standards

- a) There shall be safe, adequate, and convenient arrangement of pedestrian pathways, bikeways, roads, driveways, and off-street parking and loading spaces within parking areas.

- b) Streets, pedestrian walks, parking areas, and open space shall be designed as integral parts of an overall site design which shall be properly related to existing and proposed buildings, adjacent uses and landscaped areas.
- c) The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be constructed from durable materials that are easily maintained.
- d) Parking lots shall be maintained in accordance with the paving and drainage permit issued authorizing construction.

**2) Pedestrian Circulation**

- a) Structures, vehicular circulation lanes, parking spaces, driveways, and open spaces shall be designed to provide logical, impediment free pedestrian movement. The site shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- b) Paved, landscaped or comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings.
- c) Where off-street parking spaces directly face a structure, and are not separated by an access aisle from the structure, a paved pedestrian walkway shall be provided between the front of the parking space and the structure. The walkway shall be a minimum of four feet wide, exclusive of vehicle overhang, and shall be separated from the parking space by concrete wheel stops or continuous curbing. Single family residential uses are exempt from this requirement.
- d) A continuous internal pedestrian walkway shall be provided from each adjacent perimeter public sidewalk to all customer entrances. The design of the walkway shall include all of the following: **[Ord. 2009-040]**
  - (1) one native canopy tree for each 25 linear feet with a maximum spacing of 50 feet between trees; **[Ord. 2009-040]**
  - (2) one bench every 200 feet between the public sidewalk and building; and **[Ord. 2009-040]**
  - (3) walkways traversing vehicular use areas shall be accented with special pavers, bricks, decorative concrete, stamped concrete, or similar decorative pavement treatment. **[Ord. 2009-040]**

**3) Paving and Drainage**

**a) Review and Approval by County Engineer**

The drainage design for all parking areas shall be reviewed and approved by the County Engineer pursuant to Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, prior to the issue of a development permit.

**b) Materials**

Unless otherwise provided in this Article, all parking lots shall be improved with either: (a) a minimum of a six inch shellrock or limerock base with a one inch hotplant mix asphaltic concrete surface; or (b) a base and surface material of equivalent durability, as certified by an engineer.

**c) Impervious Surface**

All surface parking areas, grassed or otherwise, shall be considered an impervious paved surface for the purpose of determining tertiary drainage system flow capacity and secondary stormwater management system runoff treatment/control requirements.

**d) Runoff**

Runoff from vehicular use areas shall be controlled and treated in accordance with all applicable agency standards in effect at the time an application is submitted.

**4) Maintenance**

All parking lots shall be maintained in good condition to prevent any hazards, such as cracked asphalt or potholes.

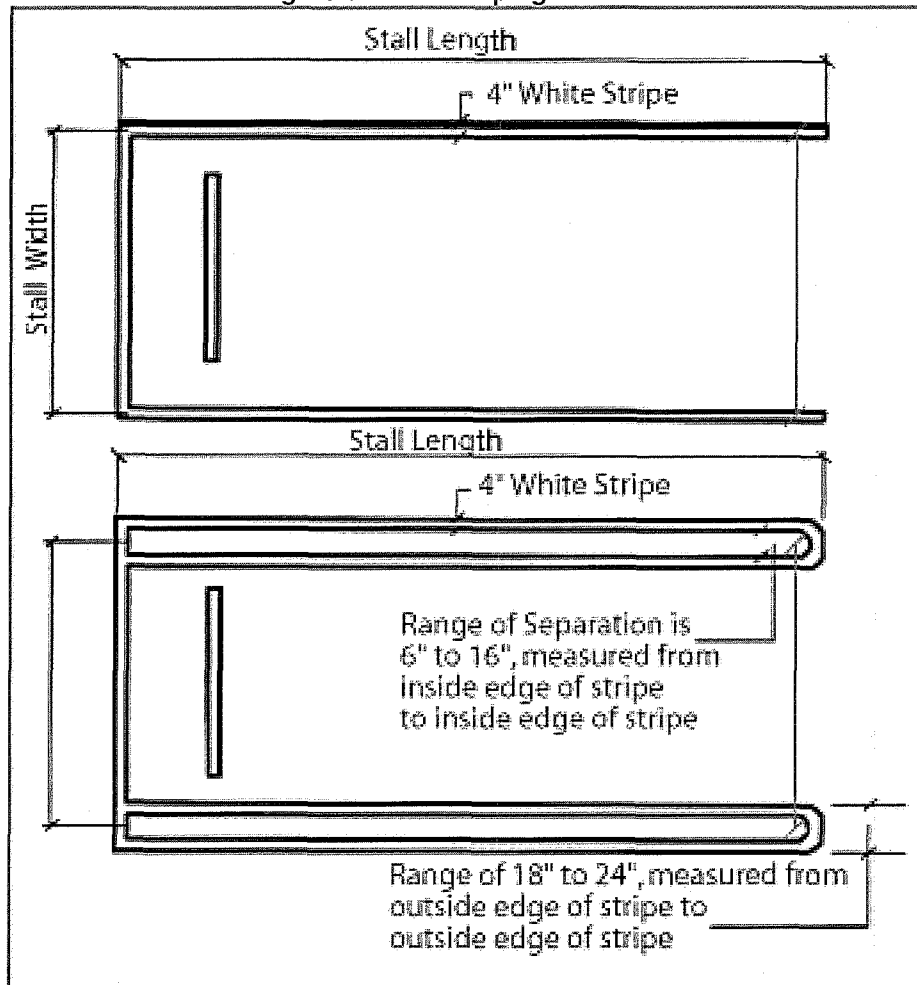
**a) Shell Rock**

The uses listed below may construct surface parking lots with shellrock or similar material approved by the County Engineer. Parking areas connected to a public street, shall be paved.

- (1) Agricultural uses requiring less than 20 spaces.
- (2) Communication towers.
- (3) Accessory uses to a bona fide agricultural use, such as farm workers quarters.
- (4) Nurseries

- (5) Driveways in the RSA serving residential uses on unpaved roads.
- (6) Uses in the C-51 Catch Basin when approved by the DRO.
- b) **Wheelstops and Curbing**  
Wheel stops or continuous curbing shall be placed two and one half feet back from walls, poles, structures, pedestrian walkways and landscaped areas.
- 5) **Stripes**  
Except for parallel parking spaces, parking lots containing spaces for three or more vehicles shall delineate each space by single or double stripes on each side of the space. All stripes shall be painted in white paint except for handicapped spaces which shall have blue stripes. The width of the painted stripe shall be four inches. Double striping separation from inside edge of stripe to inside edge of stripe shall be no less than eight inches and no more than 16 inches. The effective width of the double stripes shall range from 16 inches to 24 inches, measured from outside edge of stripe to outside edge of stripe.
- 6) **Parking Space Width**  
Striping shall be measured as follows:
  - a) **Single Striping**  
Parking space width shall be measured from the centerline of the strip.
  - b) **Double Striping**  
Parking space width shall be measured from the centerline of the set of stripes.

**Figure 6.A.1.D- Striping Standards**



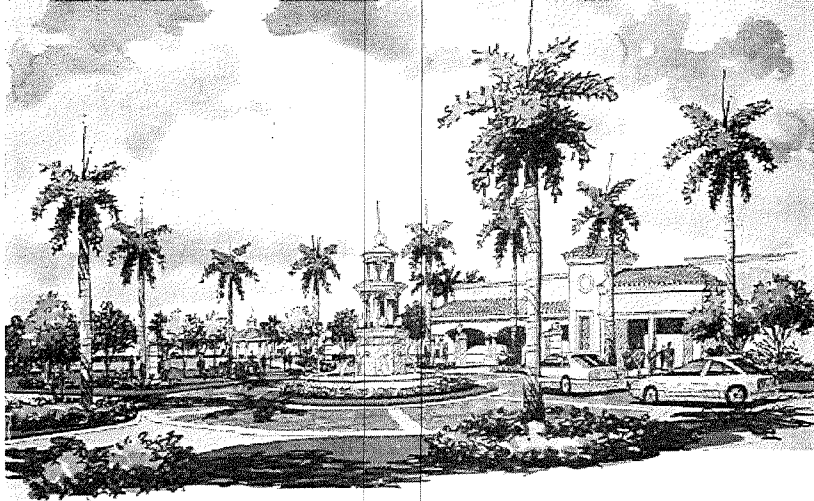
- 7) **Signs**  
Traffic control signs and other pavement markings shall be installed and maintained as necessary to insure safe and efficient traffic operation in all vehicular use areas. Such signage and markings shall conform with the Manual on Uniform Traffic Control Devices,

Federal Highway Administration, U.S. Department of Transportation, as adopted by the FDOT.

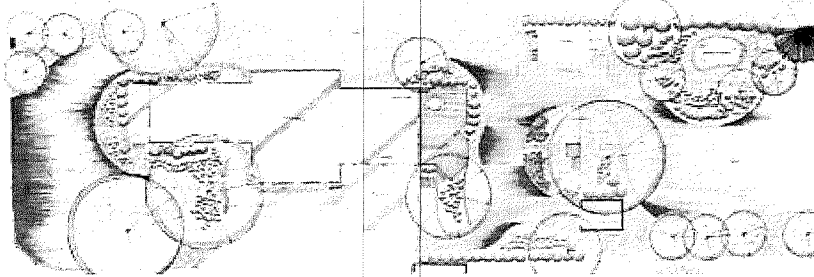
**8) Landscaping**

- a) All new parking lots shall be landscaped in accordance with Article 7, LANDSCAPING.

**Figure 6.A.1.D- Landscaping**



**Landscape Elevation**



**Landscape Plan**

- b) Renovations to existing parking lots shall be landscaped in accordance with Article 7, LANDSCAPING.
- (1) Exception. Normal maintenance and repair, such as resurfacing, restriping, or the addition of curbing and wheel stops, to existing parking lots shall require landscaping in accordance with the original permit.

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**Figure 6.A.1.D - Preservation**



## 15. Access

### a. Ingress and Egress

Each parking space shall have appropriate access to a street or alley. Legally platted lots that accommodate one or two units shall be allowed backward egress from a driveway onto a street. In all other cases, maneuvering and access aisle area shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion. [Ord. 2007-001]

### b. Access Dimensions

Access ways, except those associated with a single-family residential use, shall be subject to the following dimensional standards.

**Table 6.A.1.D-4- Dimensions of Access Ways**

Minimum Width at Street	Feet <sup>1</sup>
One-Way	15
Two-Way	25
Two-way with median	40 <sup>2</sup>
Two-way without median	35
<b>Right Turn Radius<sup>3</sup></b>	
Minimum	25
Maximum	30

**Notes:**

1. Widths exceeding these standards may be approved by the Zoning Director or the County Engineer, depending on the use.
2. Width excludes median. 20 foot unobstructed pavement required on both sides of median, excluding guard houses and landscape islands.
3. Measured on side of driveway exposed to entry or exit by right turning vehicles.

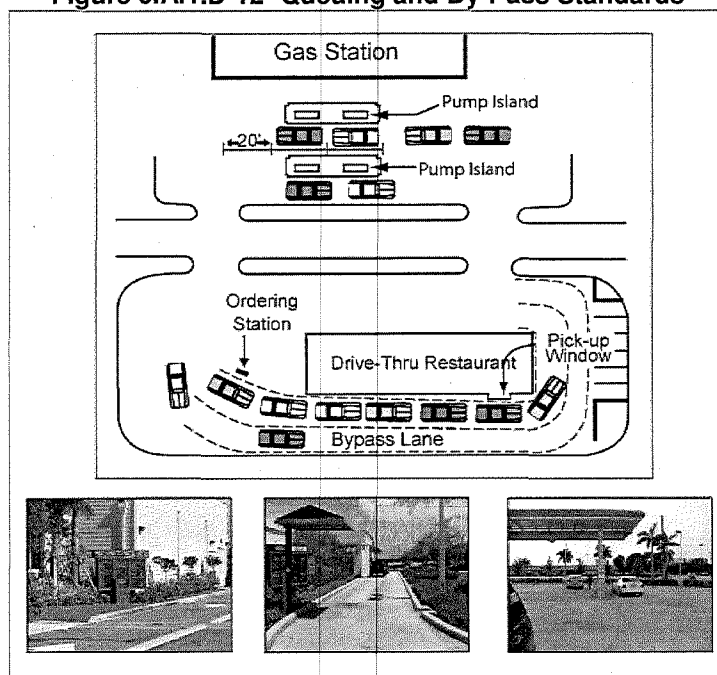
## 16. Queuing Standards

In addition to meeting the minimum off-street parking and loading standards of this Article, all drive thru establishments shall meet the following standards.

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**Figure 6.A.1.D-12- Queuing and By-Pass Standards**



- a. Queuing shall be provided for all drive-thru establishments. Each queuing space shall be a minimum of ten feet by 20 feet, clearly defined and designed so as not to conflict or interfere with other traffic using the site. The dimensions for the point of service space may be reduced to nine by 20 feet. Unless otherwise indicated below, queuing shall be measured from the front of the stopped vehicle located at the point of service to the rear of the queuing lane. One additional queuing space shall also be provided after the point of service for all uses. **[Ord. 2005-041]**
- b. A by pass lane a minimum of ten feet wide shall be provided before or around the point of service. Subject to the Zoning Director's approval, a by-pass lane may not be required if the queuing lane is adjacent to a vehicular use area which functions as a by-pass lane. The by-pass lane shall be clearly designated and distinct from the queuing area.

**Table 6.A.1.D- Minimum Queuing Standards**

Use	Number of Spaces	Required By-pass <sup>1</sup>
Drive-Thru Financial Institution		
Teller Lanes	5	Y
Automatic Teller Lanes	3	N
Drive-Thru Restaurant	7	Y
Minimum before Menu Board	4	
Drive-Thru Car Wash		
Automatic	5	N
Self-Service	3	Y
Drive-Thru Oil Change	4	Y
Gasoline Pump Island	20 feet of queuing at each end of pump island	N
Drive-Thru Dry Cleaning or Laundry	3	Y
Drive-Thru General Retail	4	Y
Commercial Parking Lot	3	N

**Notes:**

1. All Uses: a by-pass lane shall be required if more than 5 queuing spaces are provided.

- c. A maximum of 20 percent of the required queuing spaces, pursuant to Table 6.A.1.D – Minimum Queuing Standards, may count toward the off-street parking requirements pursuant to Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements. This provision shall only apply to uses that require a minimum of 25 parking spaces. [Ord. 2010-005]

## 17. Commercial Parking Lot

### a. General

A commercial parking lot shall not be contiguous to lands used or zoned for residential purposes. Parking spaces may be rented for parking. No other business of any kind shall be conducted on the lot, including repair, service, washing, display or storage of vehicles or other goods. Review of parking lots and structures shall consider the proposed operation of the lot. The standards of this Article, including signage, maneuvering, and backup distances may be varied, based on the proposed operation.

### b. Design

The site plans for a commercial parking lot shall be drawn to a scale no smaller than one inch equals 50 feet and show the layout of the street connection and access ways, drainage provisions, signs, surfacing, curbs or barriers, street connections and access ways of lands located contiguous and directly across the street, and the location and type of landscaping.

### c. Access

Ingress and egress shall be located to present the least interference with traffic and the least nuisance on any adjacent street. The location, size and number of entrances and exits shall be subject to approval by the DRO.

## 18. Parking Structure Standards

### a. General

Parking garages may be used to meet off-street parking requirements for any use or combination of uses. Such structures shall be considered accessory to the principal use. Garages shall be designed to meet or exceed the following standards. All parking garages shall comply with the standards for surface parking lots with regard to marking, signage striping and minimum number of spaces to be provided.

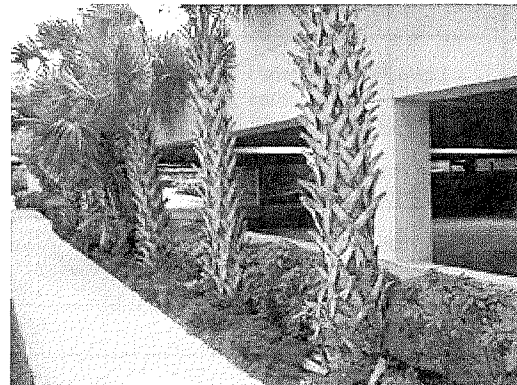
### b. Site Plan

When parking spaces are provided in an underground garage, a multi storied structure or on the roof of a building, a site plan shall be submitted to the DRO for approval of interior traffic circulation, access use of ramps, parking space and aisle dimensions, traffic control signs and pavement marking, safe and efficient vehicular and pedestrian operation, location of entrances and exits, approval of sight distances at entrances and exits, and for approval of the effective screening of the cars located in or on the parking structure from adjoining lands and from public streets.

Figure 6.A.1.D- Site Plans



Parking Garage Foundation Planting



Parking Garage Landscaping

### c. Design Standards

#### 1) Floor Width

The unobstructed distance between columns or walls measured at any point between the ends of the parking aisle shall be as indicated in Table 6.A.1.D- Minimum Floor Width.

**Table 6.A.1.D- Minimum Floor Width**

Angle	Parking on Both Sides of Aisle	Parking on One Side of Aisle
90	60 feet one- or two-way aisle	43 feet one- or two way aisle
75	59 feet one-way aisle	40 feet one-way aisle
60	53 feet one-way aisle	34 feet one-way aisle

**Notes:**

1. Requests for reductions of unobstructed distances will be considered if aisle and sight parking dimensions are met, and the columns are not located at the rear of the parking spaces, or interfere with the opening of doors.

**2) Minimum Space Width**

The minimum parking space width shall be nine feet.

**19. Parking of Equipment, Vehicles, Boats or Vessels and Trailers in Residential Districts**

The following standards shall apply to the parking of equipment, (including construction equipment), vehicles, recreational vehicles, sports vehicles, boats or vessels and trailers on residential parcels or adjacent streets in residential districts. For the purposes of this Section, the AR district in lands designated Rural Residential in the Plan shall not be considered a residential district. **[Ord. 2007-013]**

**a. General Prohibition**

**1) On-Street**

No person shall park, store, or keep equipment a commercial vehicle, recreational vehicle, boat, vessel, trailer, sports vehicle such as dune buggy, jet skis, racing vehicle, off-road vehicle, air boat, canoe or paddleboat, on any public street, or other thoroughfare or any R-O-W within a residential district for a period exceeding one hour in any 24 hour period, each such period commencing at the time of first stopping or parking. **[Ord. 2007-013]**

**2) Off-Street**

It shall be unlawful for any owner of land in any residential district to park on, cause to be parked on, or allow to be parked on residentially zoned land any unlicensed or unregistered vehicle, or equipment commercial vehicle, sports vehicle, recreational vehicle, boat vessel or trailer for a period exceeding one hour in any 24 hour period, each such period commencing at the time of first stopping or parking. **[Ord. 2007-013]**

**3) Vacant Lot Prohibitions**

Parking shall be prohibited on all vacant properties in residential districts. **[Ord. 2007-013]**

**b. Exemptions**

The following exemptions shall apply to parcels in residential districts, unless the parcel is vacant. **[Ord. 2007-013]**

**1) Commercial Vehicle**

One commercial vehicle of not over one ton rated capacity may be parked per dwelling unit, providing all of the following conditions are met: vehicle is registered or licensed; used by a resident of the premises; gross vehicle weight rating (gvwr) does not exceed 12,500 pounds; height does not exceed nine feet, including any load, bed, or box; and total vehicle length does not exceed 26 feet. **[Ord. 2005-041]**

**2) Construction Vehicles**

The general prohibitions above shall not apply to the temporary parking of construction vehicles or equipment engaged in work on private land in residential districts where construction is underway, for which a current and valid building permit has been issued by the Building Director and the building permit is displayed on the premises. **[Ord. 2007-013]**

**3) Delivery and Service Vehicles**

The general prohibitions above shall not apply to routine deliveries by tradesmen, or the use of trucks in making service calls, provided that time in excess of one hour is due to business deliveries or servicing. **[Ord. 2007-013]**

**4) Emergency Repairs**

The general prohibitions above shall not apply to a situation where a motor vehicle becomes disabled and, as a result of such emergency, is required to be parked in a residential district longer than two hours. Any prohibited motor vehicle shall be removed from the residential district within 24 hours, regardless of the nature of the emergency.

**5) Outdoor Storage**

A maximum of one recreational vehicle and any two of the following, or a maximum of three of any of the following, may be parked outdoors on a residential parcel with a residential unit:

sports vehicle, boat or vessel with accompanying trailers, and trailers may be parked outdoors in a residential district provided that the vehicles are: **[Ord. 2007-013]**

- a) owned and used by a resident of the premises;
- b) not parked in a required front setback or other area between the structure and the street, or on street except for the purpose of loading or unloading during a period not to exceed two hours in any 24 hour period; **[Ord. 2007-013]**
- c) located in the side or rear yard and are screened from surrounding property and streets with an opaque wall, fence or hedge a minimum of six feet in height;
- d) not used for living, sleeping or housekeeping purposes; and
- e) operative and currently registered or licensed, as required by state or federal law.
- f) vehicles, boats or vessels on navigable waterways are exempt; and **[Ord. 2007-013]**
- g) one vehicle which does not meet the requirements above may be approved by Special Permit upon demonstration that:
  - (1) The property owner, family member or legal tenant has a physical disability which requires a vehicle which cannot meet these requirements.

**6) Indoor Storage**

Vehicles, boats, vessels and related trailers used for non-commercial purposes, whether licensed and operational or not, located in a fully enclosed garage or permitted roofed structure. **[Ord. 2007-013]**

**7) Unregistered or Unlicensed Vehicles**

In addition to the indoor storage exception above, one vehicle which is unregistered or unlicensed may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots. **[Ord. 2007-013]**

**20. Parking Limitations for Residential Lots**

The provisions of this section shall apply retroactively. The following standards shall apply to the parking of vehicles on residential parcels. For the purposes of this section, the term vehicle shall include: cars, commercial vehicles, sports utility vehicles and trucks. In addition, for the purposes of this section, the AR district shall be considered a residential district. **[Ord. 2008-037]**

**a. Parking for Seven Vehicles**

A maximum of seven vehicles may be parked outdoors on a lot supporting a single-family residential use. **[Ord. 2008-037]**

**21. CRALLS Reductions**

A ten percent reduction in the minimum number of required parking spaces may be approved by the DRO if required to comply with Art. 12.P.4.D, Strategy 4 Parking Management. The reduction may only be implemented if the mitigation strategy is approved by the County Engineer. **[Ord. 2006-036]**

**CHAPTER B LOADING STANDARDS**

**Section 1 Loading**

**A. Purpose and Intent**

Refer to Art. 6.A.1.A, Purpose and Intent.

**B. Applicability**

Refer to Art. 6.A.1.B, Applicability.

**C. Computing Loading Standards**

**1. Multiple Uses**

On lots containing more than one use, the total floor area shall be used to determine the number of spaces which are required.

**2. Fractions**

When calculation of the number of required off-street loading spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest full number.

**3. Floor Area**

Loading standards that are based on square footage shall be computed using GFA.

**4. Unlisted Land Uses**

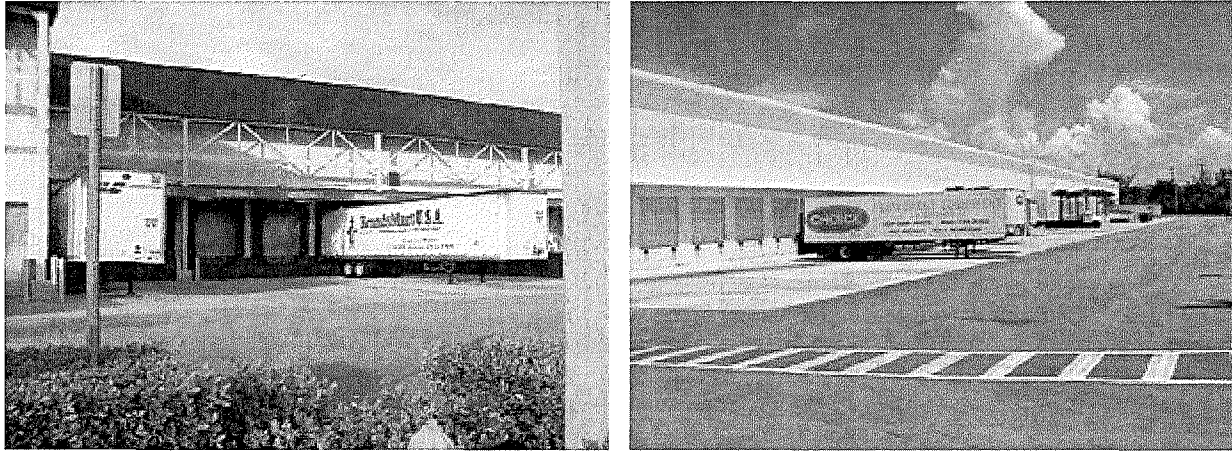
In the event that loading requirements for a particular use are not listed in this Article, the requirements for the most similar use shall be applied, in making the determination, any evidence of actual parking demand for similar uses shall be considered as well as other reliable traffic engineering and planning information that is available.

(This space intentionally left blank.)

#### D. Loading Space Ratios

Off street loading spaces shall be provided in accordance with Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements. The letters shown in the "loading" column shall correspond to the following ratios:

**Figure 6.B.1.B - Standard Loading**

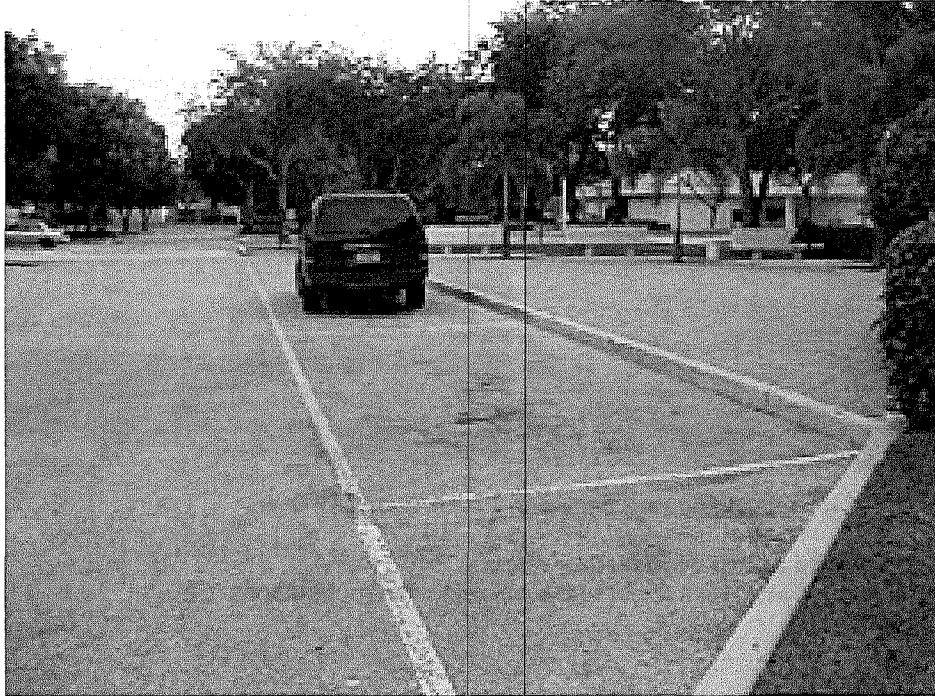


**Loading Bays**

1. **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.
2. **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.
3. **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.
4. **Standard "D"**  
One space for each 50 beds for all facilities containing 20 or more beds.
5. **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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**Figure 6.B.1.B- Standard "E" Loading**



**E. Location**

Loading spaces shall be located adjacent to the building which it serves, and where required by Table 6.A.1.B, Minimum Off Street Parking and Loading Requirements. Loading spaces shall be proportionately distributed throughout the site. **[Ord. 2008-037]**

**F. Screening**

**1. Bay Doors**

Bay doors shall be located and oriented away from residential property lines or setback a minimum of 50 feet and screened from view.

**2. Loading Areas**

Loading areas, which may include loading spaces, docks and associated maneuvering areas that are: **[Ord. 2008-037]**

- a. within 100 feet of a parcel with a residential FLU, zoning district or use; or **[Ord. 2008-037]**
- b. visible from a street R-O-W; shall be screened by an opaque wall architecturally compatible with the adjacent structure, unless exempted pursuant to Art. 6.B.1.F.4 below. The wall shall be of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall. **[Ord. 2008-037]**

**3. Single Tenant**

Single tenant users over 50,000 square feet in a PDD or TDD shall provide a roof over loading areas in addition to the requirements pursuant to Art. 6.B.1.F.2. **[Ord. 2008-037]**

**4. Exemptions**

The BCC, ZC or DRO may exempt loading areas from screening requirements as listed below, provided the applicant demonstrates compliance with Art. 6.A.1.A, Purpose and Intent: **[Ord. 2008-037]**

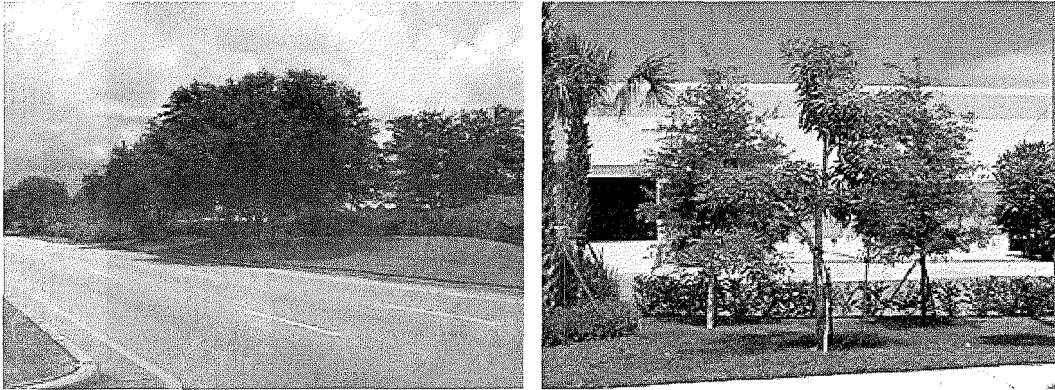
- a. the loading area is obstructed from view by an existing landscape buffer; a preserve or a structure; **[Ord. 2008-037]**
- b. a structure or tenant consisting of 10,000 square feet or less; **[Ord. 2008-037]**
- c. a single loading space; or **[Ord. 2008-037]**
- d. the WCRAO Executive Director may exempt a loading space from screening requirements for parcels located in the WCRAO, pursuant to Art. 3.B.15.I.2. **[Ord. 2008-037]**

**G. Prohibitions**

1. A street or driveway shall not be used for loading or unloading.
2. A loading space shall not be used to satisfy off-street parking requirements,

3. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking lot.

**Figure 6.B.1.B- Off-Street Loading Buffering**



**Landscaping Between Loading and R-O-W**

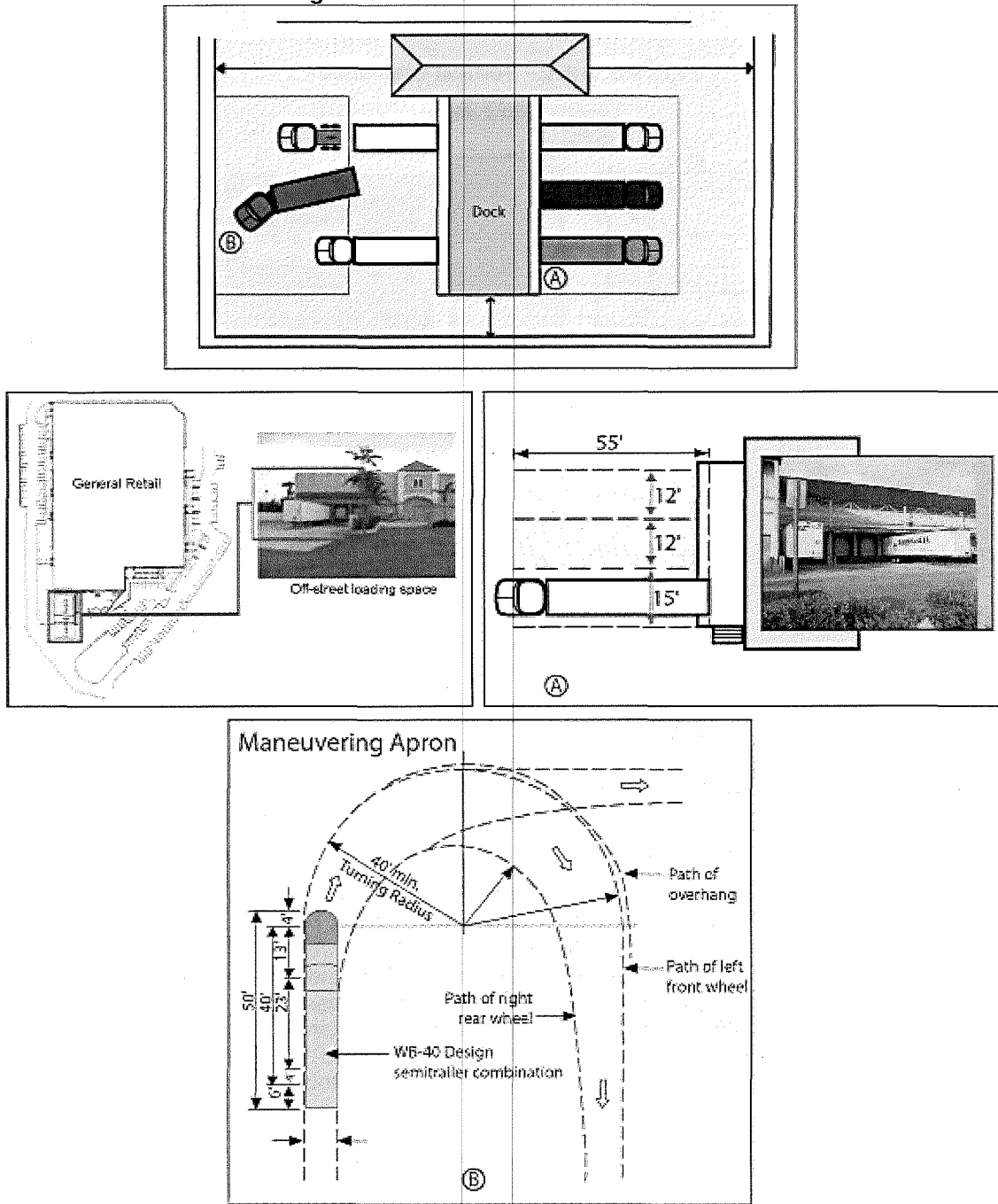
#### **H. Dimensional Standards and Design Requirements**

Required loading spaces shall be subject to the following minimum standards:

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Figure 6. B.1.E- Dimensional Standards



1. **Width**

A loading space shall have a minimum width of 15 feet. Additional loading spaces adjacent to, and not separated from the first loading space may be reduced to a minimum of 12 feet in width. [Ord. 2005-041]

2. **Length**

Loading spaces shall be a minimum of 55 feet in length. [Ord. 2007-001]

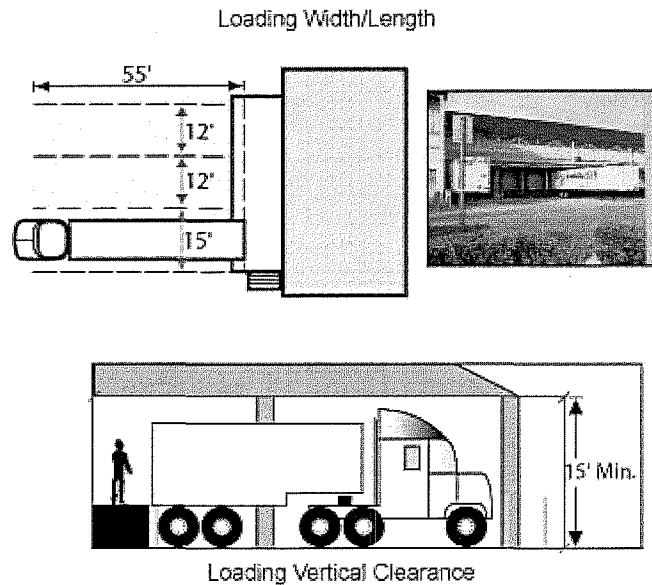
3. **Maneuver Area**

An area equal to the width and length of the berth shall be provided for vehicle maneuvering directly behind the loading space it is intended to serve.

#### 4. Vertical Clearance

A vertical clearance of at least 15 feet shall be provided over the space and maneuvering apron, unless reduced by the DRO.

**Figure 6. B.1.E - Vertical Clearance**



#### 5. Distance from Intersection

##### a. Distance

No loading space shall be located within forty feet of the nearest point of the edge of pavement or curb of any two intersecting streets.

##### b. Setback

Loading spaces shall be setback at least 20 feet from all front or side street property lines. When located at the rear of a building, a minimum five foot setback from the property line shall be required.

#### 6. Access Marking

Each off-street loading space shall be provided with safe and convenient access to a street, without it being necessary to cross or enter any other required loading space. If any loading space is located contiguous to a street, ingress and egress to the street side shall be provided only through driveway openings. The dimension, location and construction of these driveways shall be designed in accordance with this Article. In addition, off-street loading spaces which have three or more berths shall have individual spaces marked, and spaces shall be so arranged that maneuvering to and from a loading space shall be on the same lot unless approved by the DRO. Maneuvering shall be permitted in an alley upon the approval of the DRO if surrounding uses are compatible with the subject use.

#### 7. Loading Space Reduction

All required off-street loading spaces and their appurtenant aisles and driveways shall be deemed to be required space and shall not be encroached upon or reduced in any manner except upon approval by the DRO in the following circumstances:

##### a. Reduction in Number of Spaces

###### 1) Change in Use

The number of loading spaces may be proportionately reduced if the space is not needed as a result of a reduction in size or change in use.

###### 2) Administrative Reduction

For uses that contain less than 10,000 square feet of total GFA, the Zoning Director may waive or reduce the loading standards. [Ord. 2007-001]

##### b. Reduction in Width and Length

The minimum required width and length may be reduced to not less than 12 feet and 18.5 feet, respectively, subject to submittal and approval of documentation including but not limited to:

evidence of actual loading demand for the proposed use(s), as well as other available technical data, traffic engineering and planning information. [Ord. 2007-001]

#### **8. Repair Activities**

Only emergency repair service shall be permitted in a loading space.

### **CHAPTER C DRIVEWAYS AND ACCESS**

#### **Section 1 Standards and Access**

##### **A. Access Connections**

For the purposes of this section, an access connection means the point or points at which a proposed development's traffic meets the existing right-of-way system. Access connections shall be subject to the following standards: [Ord. 2007-013]

##### **1. Spacing**

###### **a. Local or Residential Access Streets**

Access connections for lots located on local or residential access streets shall maintain a minimum set back from a side or rear lot line as follows: [Ord. 2007-013]

- |                                  |        |
|----------------------------------|--------|
| 1) Single-family or Multi-family | 2 feet |
| 2) Zero Lot Line                 | 1 foot |
| 3) Townhouse                     | 1 foot |

###### **b. Arterial and Collector Streets**

Access connection locations and spacing shall be in accordance with the PBC Access Management Standards. Provided, however, that access connections to any street which is part of the State Highway System, as defined in F.S. §334.03, shall meet the permit requirements of FDOT for street connections, pursuant to F.S. Chapter 335. [Ord. 2007-013]

##### **2. Construction**

Access connections to streets under the jurisdiction of PBC shall be constructed in accordance with the standards established by the DEP.W. [Ord. 2007-013]

##### **3. Number of Access Connections**

###### **a. Local or Residential Access Streets**

Lots located on local or residential access streets shall have a maximum of two access connections. [Ord. 2007-013]

###### **b. Arterial and Collector Streets**

The number of access connections to serve a site shall be kept to a minimum. The County Engineer may restrict the number of access points or require construction of an additional access point(s) based upon the following criteria: [Ord. 2007-013]

- 1) Proposed development frontage on roadways shown on the Thoroughfare Right of Way Identification Map; [Ord. 2007-013]
- 2) The projected daily and peak hour traffic impacts of the development; [Ord. 2007-013]
- 3) Proposed land use; [Ord. 2007-013]
- 4) Traffic operations and safety on the major roadway network; [Ord. 2007-013]
- 5) Existing or anticipated traffic volume along adjoining R-O-W; [Ord. 2007-013]
- 6) Access connections on contiguous land or land on the opposite side of the street; [Ord. 2007-013]
- 7) Median opening locations; and [Ord. 2007-013]
- 8) Safe sight distance. [Ord. 2007-013]

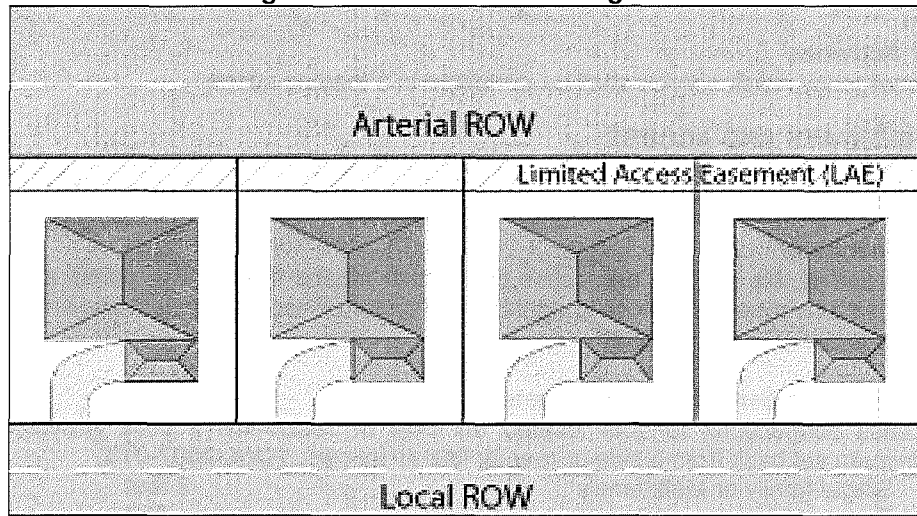
##### **B. Double Frontage Lots and Corner Lots**

###### **1. Double Frontage Lots**

The number of access connections serving a double frontage lot shall be governed by provisions of Article 11.E.2.A.4 and the following. When a double frontage residential lot is located adjacent to a collector or an arterial road, it shall also be required to front and have access on a local or residential access street. A limited access easement shall be placed along the property line that abuts either the collector or arterial road. [Ord. 2007-013]

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**Figure 6.C.1.B- Double Frontage Lots**



## 2. Corner Lots

The number of access connections serving a corner lot shall be governed by the provisions of this Article and Section 300 of the Land Development Design Standards Manual. **[Ord. 2007-013]**

## C. Exceptions

The County Engineer shall have the authority to grant a permit for driveway and access plans with lesser or greater dimensions than designated in this section, giving consideration to the following factors:

1. Lot size;
2. Lot configurations;
3. Proposed land use;
4. Traffic generation or anticipated traffic volume along adjoining R-O-W;
5. Driveway locations on contiguous land or land on the opposite side of the street;
6. median opening locations; and
7. Safe sight distance.

## Amendment History:

**[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-013; June 27, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2007-013, September 4, 2007] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-005; February 2, 2010] [Ord. 2010-009; April 2, 2010]**

# ARTICLE 7

## LANDSCAPING

	Page
CHAPTER A GENERAL .....	6
Section 1 Landscape and Buffering .....	6
A. Purpose and Intent .....	6
1. Appearance.....	6
2. Environment .....	6
3. Water Conservation .....	6
4. Preservation .....	6
5. Compatibility .....	6
6. Land Values .....	6
7. Human Values .....	6
8. Removal of Prohibited Plant Species .....	6
B. Landscape Design Principles.....	6
1. Natural Landscapes .....	6
2. Composition .....	6
3. Buffering and Screening .....	7
4. Responsive to Local Context and Character .....	8
5. Sensitivity to Tiers .....	8
6. Use of Native and Drought Resistant Plants.....	9
7. Continuity and Connection .....	9
8. Enhancing Architecture.....	9
9. Energy Conservation and Sustainable Design .....	10
10. Quality Pedestrian Environment .....	10
C. Applicability .....	10
D. Relation to Article 14, Vegetation Preservation and Protection .....	10
E. Exemptions .....	10
F. Deviations.....	11
Section 2 Definitions .....	11
CHAPTER B TYPES OF PLANS.....	11
Section 1 Planting Plan .....	11
Section 2 Landscape Plan .....	11
Section 3 Alternative Landscape Plan (ALP).....	11
A. Purpose and Intent .....	11
B. Applicability .....	11
1. Design Principles .....	11
2. Allowable Modifications to Standards .....	12
C. Application Requirements .....	12
1. Design Principles .....	12
2. Required Findings.....	12
D. Approval .....	12
1. Required Findings.....	12
2. Optional Preliminary Meeting .....	13
3. Approval Process.....	13
4. Appeals .....	13
Section 4 Street Planting Plan.....	13

<b>CHAPTER C</b>	<b>MGTS TIER COMPLIANCE.....</b>	<b>13</b>
Section 1	U/S Tier .....	13
Section 2	AGR and Glades Tiers.....	13
Section 3	Exurban and Rural Tiers .....	14
<b>CHAPTER D</b>	<b>GENERAL STANDARDS .....</b>	<b>16</b>
Section 1	Plant Species .....	16
Section 2	Trees .....	16
A.	Canopy Trees .....	16
1.	Minimum Height .....	16
2.	Minimum Canopy Spread .....	16
3.	Minimum Caliper .....	16
B.	Palms .....	17
C.	Tree Species Mix.....	17
	Table 7.D.2.C - Tree Species Mix.....	17
D.	Tree Credit.....	17
1.	Tree Survey.....	17
2.	Trees Excluded from Credit .....	18
3.	Tree Credit Formula .....	18
Section 3	Shrubs and Hedges .....	18
A.	Shrubs .....	18
B.	Hedges .....	18
1.	Residential Hedge Height.....	18
2.	PDD and Non-residential Perimeter Buffer Hedge Height .....	18
3.	Shrub Replacement .....	18
Section 4	Ground Treatment .....	19
A.	Ground Cover.....	19
B.	Mulch .....	19
C.	Pebble, Egg Rock and Decorative Sand .....	19
D.	Lawn and Turf Grass .....	19
Section 5	Existing Native Trees and Vegetation .....	20
Section 6	Prohibited Plant Species .....	20
Section 7	Controlled Plant Species .....	21
A.	Black Olives .....	21
B.	Ficus Species.....	21
C.	Silk Oak, Rosewood .....	21
D.	Citrus Trees.....	21
Section 8	Artificial Plants .....	21
Section 9	Berms.....	21
A.	Tier Restrictions .....	21
B.	Maximum Slope .....	21
C.	Height Measurement .....	22
Section 10	R-O-W Landscaping .....	22

<b>Section 11</b>	<b>Foundation Plantings</b>	<b>22</b>
A.	Exemptions	22
B.	WCRAO Exemptions	22
1.	Build to Line	22
2.	Foundation Planting Deviations	23
C.	Minimum Length	23
D.	Planting Around Signs	23
E.	Large Scale Commercial Development	23
1.	Dimensional Requirements	23
2.	Easements	23
3.	Planting Requirements	23
<b>Section 12</b>	<b>Landscape in Easements</b>	<b>24</b>
A.	Infill Development	24
B.	Overhead Utilities	24
C.	Detention/Retention Areas, Swales, and Drainage Easements	25
<b>Section 13</b>	<b>Corner Clips</b>	<b>25</b>
<b>Section 14</b>	<b>Grade Changes</b>	<b>26</b>
A.	Grade Changes Equal to or Greater than Four Feet	26
B.	Grade Changes Less than Four Feet	26
<b>CHAPTER E</b>	<b>REVIEW, INSTALLATION AND MAINTENANCE</b>	<b>27</b>
<b>Section 1</b>	<b>General</b>	<b>27</b>
<b>Section 2</b>	<b>Landscape Permit</b>	<b>27</b>
<b>Section 3</b>	<b>Plant Quality</b>	<b>27</b>
<b>Section 4</b>	<b>Installation</b>	<b>28</b>
A.	Planting Specifications	28
B.	Phasing	28
1.	Planned Developments	28
2.	Other Developments	28
3.	Suspended Phasing	28
<b>Section 5</b>	<b>Maintenance</b>	<b>28</b>
G.	Vacant Lots	28
1.	Affected Parties	28
2.	Applicability	29
3.	Vacant Lot Exemptions	29
4.	Vacant Lot Variance	29
5.	Vacant Lot Maintenance and Planting Requirements	29
<b>Section 6</b>	<b>Pruning After Installation</b>	<b>30</b>
A.	General Pruning Requirements	30
B.	Palm Pruning Requirements	32
C.	Pruning Exemptions	32
<b>Section 7</b>	<b>Irrigation</b>	<b>33</b>
<b>Section 8</b>	<b>Restoration and Maintenance</b>	<b>33</b>

<b>CHAPTER F</b>	<b>PERIMETER BUFFER LANDSCAPE REQUIREMENTS .....</b>	<b>33</b>
<b>Section 1</b>	<b>Buffer Types.....</b>	<b>33</b>
A.	R-O-W .....	33
1.	Exceptions .....	33
B.	Compatibility .....	33
C.	Incompatibility .....	34
<b>Section 2</b>	<b>Trees, Shrubs, and Hedges .....</b>	<b>34</b>
A.	Trees .....	34
1.	Minimum Tree Quantities .....	34
2.	Palms.....	34
3.	Slash Pines .....	34
B.	Shrubs .....	34
C.	Hedges.....	34
<b>Section 3</b>	<b>Walls and Fences .....</b>	<b>34</b>
A.	Location of Wall or Fence.....	35
B.	Location of Planting .....	35
C.	Conflict with Easements .....	35
D.	Architectural Treatment .....	35
E.	Chain Link Fences .....	35
<b>Section 4</b>	<b>Dedications .....</b>	<b>35</b>
<b>Section 5</b>	<b>Area Measurement .....</b>	<b>35</b>
<b>Section 6</b>	<b>Buffer Width Reduction .....</b>	<b>35</b>
<b>Section 7</b>	<b>R-O-W Buffer .....</b>	<b>35</b>
A.	Width .....	35
B.	Shrub Hierarchy.....	36
C.	Planting Pattern for a Perimeter R-O-W Buffer.....	36
D.	Clustering.....	36
E.	Walls and Fences.....	37
<b>Section 8</b>	<b>Compatibility Buffer .....</b>	<b>37</b>
A.	Walls .....	37
<b>Section 9</b>	<b>Incompatibility Buffer.....</b>	<b>37</b>
A.	Type .....	37
1.	Landscape Requirements .....	37
2.	Required Shrub Mix .....	37
B.	Determining Incompatibility Buffer Type .....	38
C.	Walls and Fences.....	38
1.	Existing Walls or Fences.....	38
D.	Berms .....	38
E.	Special Standards .....	38
<b>Section 10</b>	<b>WCRAO Exceptions .....</b>	<b>38</b>
A.	Perimeter Buffer Width Reductions.....	39
B.	R-O-W Planting Reductions.....	39
C.	Parking Lots .....	39



Section 11	Large Scale Commercial Development .....	39
A.	Perimeter Buffer.....	39
1.	R-O-W Buffers .....	39
2.	Compatibility Buffers.....	39
3.	Incompatibility Buffers .....	39
4.	Encroachment .....	39
5.	Perimeter Sidewalk .....	40
6.	Berm .....	40
CHAPTER G	OFF-STREET PARKING REQUIREMENTS .....	40
Section 1	Trees .....	40
Section 2	Landscape Islands .....	40
A.	Terminal Islands .....	40
B.	Interior Islands .....	41
1.	Maximum Spacing.....	41
C.	Divider Median .....	41
D.	Landscape Diamonds .....	43
E.	Landscape Protection Measures .....	44
1.	Curbing.....	44
2.	Wheel Stops.....	44
F.	Parking Structures .....	44
G.	Alternative Parking Lot Landscaping .....	45
CHAPTER H	ENFORCEMENT .....	45
Section 1	Temporary Suspension of Landscape Standards.....	45
A.	Performance Surety .....	45
B.	Application Requirements .....	45
Section 2	Administration .....	45
A.	Landscape Permit.....	45
B.	Field Inspections .....	45
1.	Types of Landscape Inspection .....	45
C.	Certification of Compliance.....	46
1.	Field Verification of Certification.....	46
2.	Acceptance of Certification .....	46
Section 3	Enforcement.....	46
A.	Fines .....	46
B.	Violations.....	46
C.	Additional Sanctions.....	46
APPENDIX A – PBCs PREFERRED SPECIES LIST .....		47
APPENDIX B – EXAMPLES OF FLORIDA NUMBER 1 QUALITY PLANTS .....		47
APPENDIX C – CERTIFICATION OF COMPLIANCE .....		48

# ARTICLE 7

## LANDSCAPING

### CHAPTER A GENERAL

#### Section 1 Landscape and Buffering

##### A. Purpose and Intent

The purpose and intent of this Article is to establish minimum standards for the design, layout, installation and continued maintenance of landscaping. The specific objectives of this Article are as follows:

##### 1. Appearance

To improve the aesthetic appearance of development through creative landscaping that helps to enhance the natural and built environment.

##### 2. Environment

To improve the environment by maintaining permeable land area essential to surface water management and aquifer recharge; reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation; promoting energy conservation through the creation of shade; reducing heat gain in or on buildings or paved areas; reducing the temperature of the microclimate through the process of evapotranspiration; and encouraging the limited use of fresh water resources through the use of native and drought tolerant plants.

##### 3. Water Conservation

To promote water conservation by encouraging xeriscaping in appropriate areas, such as medians; requiring the use of native and drought tolerant landscape material; encouraging the use of water conserving irrigation practices; requiring adherence to landscape installation standards and maintenance procedures that promote water conservation; and encouraging the ecologically sound placement of landscape material and incorporation of natural areas and vegetation into landscape plans.

##### 4. Preservation

To encourage the preservation and planting of native trees and vegetation as part of landscape design.

##### 5. Compatibility

To promote efficiency in the development of limited land resources by improving the compatibility of otherwise incompatible land uses in close proximity, particularly residential development that is adjacent to commercial and industrial development, through the use of landscaped buffers.

##### 6. Land Values

To maintain and increase the value of land by requiring minimum landscaping which, when installed and maintained properly, becomes a capital asset.

##### 7. Human Values

To provide physical and psychological benefits to persons and to reduce noise and glare by softening the harsher visual aspects of urban development.

##### 8. Removal of Prohibited Plant Species

To require the initial eradication of and control the ongoing removal of prohibited plant species that have become nuisances because of their tendency to disrupt or destroy native ecosystems.

##### B. Landscape Design Principles

This Section establishes standards for landscape design. It is the intent of this Article to encourage creativity in landscape design while providing general direction and criteria for the evaluation of a specific type of plan: planting, landscape or ALP in order to issue a landscape permit. The following design principles are general standards to be used by County staff and DRO in evaluating whether landscape plans conform to the requirements of this Article: **[Ord. 2009-040]**

##### 1. Natural Landscapes

Landscape designs should incorporate and enhance existing natural landscapes and existing specimen trees and native vegetation (including canopy, understory, and ground cover). Particular care should be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs should seek to re-establish natural landscape patterns and plantings.

##### 2. Composition

The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials should be arranged in a manner as to provide the following qualities and characteristics:

**a. Texture**

Landscape designs should provide a textured appearance through the use of a variety of plant material rather than a single species, by contrasting large leaf textures with medium and small leaf textures, and with a variety of plant heights. Spacing of key landscaping components, such as trees and shrubs, should be consistent with the overall design approach of the landscape plan. Formal landscape designs benefit from a uniform spacing of plants, whereas varied spacing and clustering of trees is more compatible with a naturalistic design.

**b. Color**

Landscape designs shall include a variety of plants to provide contrasting color to other plants in the design. Designs are encouraged to include flowering plants and especially a mix of plants that display colorful flowers throughout the year.

**c. Form**

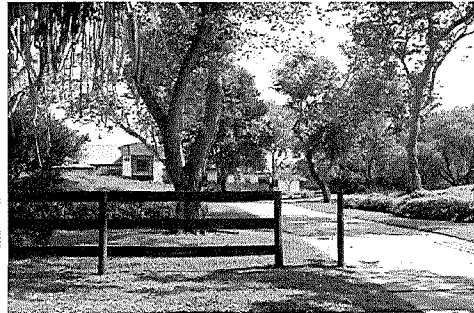
Landscape designs should consider the complete three-dimensional form of the landscaping, not simply the form of individual elements. The interrelationship of all landscape elements should be considered so that the final design presents a coherent whole. Trees, shrubs, and hedges, especially those used for screening and buffering, should display a fullness at maturity that is typical of the species.

**Photo 7.A.1.B- Composed Buffer Material**



Well Composed Landscape Buffer: planting is tiered and consists of plant materials that display the elements of texture, color, and form.

**Photo 7.A.1.B- Rural Tier Landscape**



Well Composed Rural Tier Landscaping: good use of tree spacing, hierarchy of plant materials and use of plants of texture, color and form.

**3. Buffering and Screening**

The placement of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent properties, and for screening the view of any parking or storage area, refuse collection, utility enclosures, or other service area visible from a public street, alley, or pedestrian area. Plants may be used with fences or berms to achieve the desired screening or buffering effect. Plant material should be mature enough at the time of planting to provide an effective buffer or screen, and should be planted in an appropriate location to allow for desired growth within a reasonable period of time.

When used to screen an activity area such as a parking lot, landscaping shall not obstruct the visibility of motorists or pedestrians or interfere with public safety.

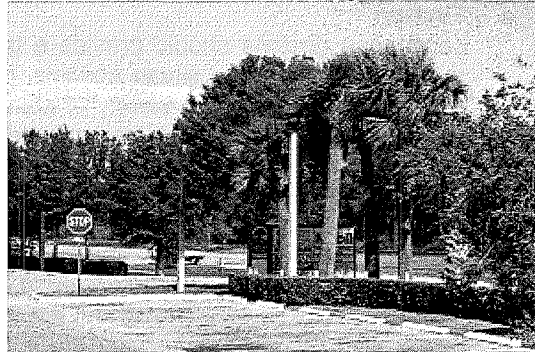
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**Photo 7.A.1.B - Opaque Landscape Buffer**



Effective Use of Landscaping as a Buffer: Opaque vertical screen lessens visual impact of commercial and industrial uses.

**Photo 7.A.1.B- Landscape Buffer Visual Screening**

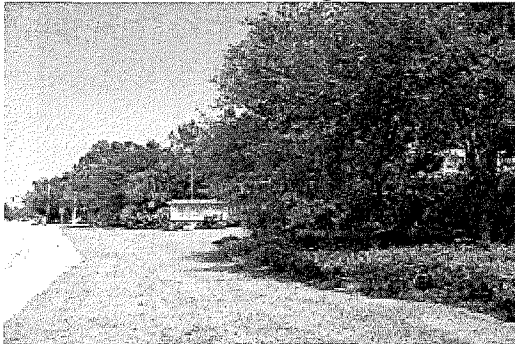


Effective Use of Landscaping as a Buffer: Use of trees and shrubs lessens visual impact of parking lots while maintaining visibility for safety.

#### **4. Responsive to Local Context and Character**

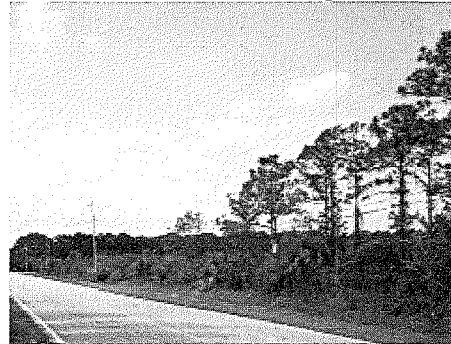
Landscape designs should build on the site's and area's unique physical characteristics, conserving and complementing existing natural features. Naturalistic design elements such as irregular plant spacing, undulating berm contours, and mixed proportions of plant species should be used to ensure that new landscaping blends in and contributes to the quality of the surrounding area. Selection and spacing of plant material should be reflective of the surrounding area's character.

**Photo 7.A.1.B – Naturalistic Design in U/S Setting**



Naturalistic Design in U/S Setting: Meandering buffer and clustering of trees creates a naturalistic effect appropriate to the area.

**Photo 7.A.1.B – Naturalistic Design in a Rural Setting**



Naturalistic Design in a Rural Setting: Landscaping is less formal, using shrubs and trees appropriate to the area.

**Photo 7.A.1.B – Formal Buffer**



Uniform spacing and well-maintained grass create a formal aesthetic appropriate for the U/S Tier.

**Photo 7.A.1.B – Naturalistic Buffer**



Non-uniform spacing, a variety of plant materials, and a less formal grass area appropriate for the Exurban, Rural, AGR, and Glades Tiers.

#### **5. Sensitivity to Tiers**

Landscape designs should consider the intent of the MGTS and designs should be compatible with the relevant tier. While all landscaping should incorporate naturalistic design features, landscaping in the U/S Tier is expected to display a more structured aesthetic with clear design intent, with landscape elements used to accent buildings, shade pedestrian areas, and define the edges of properties and land uses. Informal landscaping with increased buffer widths and a higher percentage of native vegetation is required in the Exurban, Rural, AGR, and Glades Tiers, as well as a greater protection of existing vegetation, especially the mature tree canopy on undeveloped portions of the site. Hedges are not appropriate for the Exurban, Rural, AGR, and Glades Tiers, unless they consist of native plants incorporated into a naturalistic landscape design.

**6. Use of Native and Drought Resistant Plants**

Landscape designs should feature native and/or related plant species, especially in areas adjacent to existing native vegetation, to take advantage of the unique natural character and diversity of the region and the adaptability of native plants to local environmental conditions. Where feasible, the re-establishment of native habitats should be incorporated into the landscape design.

In the same manner, landscape designs should utilize drought tolerant plant materials to the maximum extent feasible. The use of drought tolerant plants should enrich the existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water.

**7. Continuity and Connection**

Landscaping should be designed within the context of the surrounding area, provided that the landscaping is also consistent with these design principles. Where the design intent and the surrounding landscape is naturalistic, plant materials should blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Where the design intent and the surrounding landscape is formal, consistent or similar plant material and spacing should be utilized. Exceptions should be made when seeking to create a transition between uses, districts, and tiers.

**Photo 7.A.1.B - Landscaping Continuity and Connection**



Similar landscaping elements used on each lot give a sense of continuity and connection to this suburban residential street

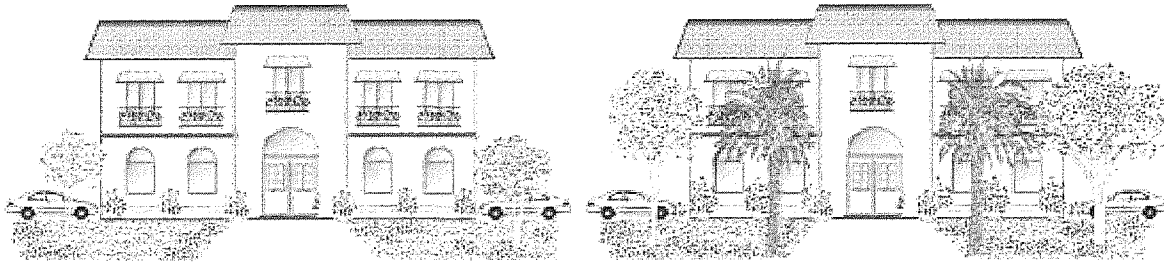
**8. Enhancing Architecture**

Landscape designs should be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements should be designed to complement architectural elevations and rooflines through color, texture, density, and form on both vertical and horizontal planes. Landscaping should be in scale with on-site and adjacent buildings. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals.

When foundation planting is required, plantings and window boxes should incorporate artistic elements and be compatible with a building's architectural character.

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**Figure 7.A.1.B – Enhancing Architecture**



Landscaping is small at maturity and out of scale with the building not enhancing the architectural design.

Mature landscaping is in scale with the building enhancing the architectural design.

**9. Energy Conservation and Sustainable Design**

Attention should be given to locating landscape elements in a manner that provides energy conservation benefits. Large trees, for example, can provide daytime shading for buildings, reducing energy needed for interior air conditioning. Landscape designs should also consider natural drainage features and the use of pervious surfaces and areas to minimize runoff.

**10. Quality Pedestrian Environment**

In the U/S Tier, as well as pedestrian-oriented development types such as TDD's, landscape designs should give special attention to ensuring a safe and attractive pedestrian environment. In high activity areas, such as commercial and workplace areas, benches, kiosks, artwork, and other streetscape elements should be incorporated into landscape designs. Pedestrian access to sidewalks or buildings should be considered in all landscape designs. Landscaping shall not obstruct pedestrian sightlines, especially at crosswalks.

**Photo 7.A.1.B - Visual Interest for Pedestrian and Automobile Traffic**



Meandering sidewalks flanked by well composed curvilinear landscaping can add visual interest for pedestrian and automobile traffic.

**Photo 7.A.1.B - Streetscape Elements**



Effective use of landscaping to frame the sidewalk and buffer the pedestrians from the street. Streetscape elements such as benches and potted plants enhance the pedestrian experience.

**C. Applicability**

The provisions of this Article shall be considered minimum standards and shall apply to all new development except development exempted in Art. 7.A.1.E, Exemptions, and deviations allowed by Art. 7.A.1.F, Deviations. For previously approved development orders, refer to Art. 1.F, NONCONFORMITIES.

**D. Relation to Article 14, Vegetation Preservation and Protection**

Landscape plans required by this Article shall conform to the standards of Article 14, ENVIRONMENTAL STANDARDS. Nothing in this Article shall be applied to contradict the requirements of Article 14, ENVIRONMENTAL STANDARDS. Within 500 feet of a preserve area required by Article 14, ENVIRONMENTAL STANDARDS, new landscaping shall not include invasive non-native species as outlined in Article 14.C, VEGETATION PRESERVATION AND PROTECTION, Appendix F.

**E. Exemptions**

The following developments are exempt from the standards and requirements of this Article:

1. Enlargement or repair of a single-family dwelling unit, two-unit townhouse, or two-unit multi-family structure on a single lot.
2. Parking areas located within an enclosed parking structure.
3. Bona fide agriculture uses. Except as specified in Article 4.B, SUPPLEMENTARY USE STANDARDS, Agriculture, bona fide, agricultural activities and accessory agricultural uses shall require a six foot high perimeter buffer along a public road R-O-W.
4. Development that does not entail a substantial change in land use as defined in Art. 1.I, Definitions and Acronyms.
5. Uses such as airports, major utilities, and stockades which have planting requirements regulated by Federal or State law. Off-site planting of required landscaping may be approved in areas where there is a direct public benefit, such as in schools, parks, libraries, streets, and medians.
6. Projects in the Glades Area Economic Development Overlay (GA-O) that have provided in-lieu funds to the Glades Thoroughfare Beautification Fund.

#### **F. Deviations**

Deviations to the minimum standards of this Article may be permitted for:

1. PBC parks, as specified in Art. 5.D.2.G., County Park Landscape Standards; and, **[Ord. 2006-004]** **[Ord. 2007-013]**
2. Development supporting government facilities within the PO Zoning District, subject to approval by the BCC. **[Ord. 2006-004]** **[Ord. 2007-013]**

### **Section 2 Definitions**

See Art. 1.I, Definitions and Acronyms

## **CHAPTER B TYPES OF PLANS**

A development that requires the review and approval of a building or paving permit may also require the review and approval of a Zoning Division Landscape Permit. When landscape review and approval is required, the applicant shall submit the appropriate application to the Zoning Division. Plans and applications shall be submitted in a manner and form established by the Zoning Division, and shall be reviewed for compliance with all applicable provisions of this Code. If approved, a Landscape Permit shall be issued. **[Ord. 2009-040]**

### **Section 1 Planting Plan**

For all single-family and two-unit dwellings on an individual lot, and uses requiring landscaping that would otherwise be exempt, a planting plan shall be submitted and approved prior to the issuance of a building permit. The planting plan shall, at a minimum, indicate the number, location, height, and species of required trees and shrubs.

### **Section 2 Landscape Plan**

For non-residential development, multi-family development greater than two units, and common areas of a PUD, a landscape plan shall be submitted and approved prior to the issuance of a building permit.

### **Section 3 Alternative Landscape Plan (ALP)**

#### **A. Purpose and Intent**

An ALP is intended to promote the preservation and incorporation of existing native vegetation or specimen palms or trees, or for the innovative use of plant material and improved site design. **[Ord. 2007-001]**

#### **B. Applicability**

Any application for a Development Order may be eligible to apply for an ALP. **[Ord. 2007-001]**

##### **1. Design Principles**

To qualify for consideration an application for an ALP shall demonstrate compliance with the following principles. **[Ord. 2007-001]**

- a. Innovative use of plant materials and design techniques in response to unique characteristics of the specific Tier and site. **[Ord. 2007-001]**
- b. Preservation or incorporation of existing native vegetation. **[Ord. 2007-001]**
- c. Use of a variety of plant material, including plants of color, form, and texture, in excess of minimum requirements. **[Ord. 2007-001]**

- d. Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials (trees, large shrubs) in a manner consistent with existing native vegetation. **[Ord. 2007-001]**
  - e. Integration of landscaping and pedestrian facilities in a manner consistent with the Tier in which the development is located. In U/S Tiers and in TDD's, this may include reduced ground-level planting within the R-O-W buffer if canopy shade trees along sidewalks are provided. **[Ord. 2007-001]**
  - f. Use of additional shade trees to create a greater canopy effect. **[Ord. 2007-001]**
  - g. A greater degree of compatibility with surrounding uses than a standard landscape plan would offer, provided the resulting landscape conforms with the design principles and guidelines of this Article. **[Ord. 2007-001]**
  - h. Use of water-efficient irrigation systems and xeriscaping at appropriate locations. **[Ord. 2007-001]**
  - i. Incorporation of specific environmental attributes such as soil, hydrology, and vegetative communities unique to the site, and which are compatible with environmental features on adjacent properties. **[Ord. 2007-001]**
- 2. Allowable Modifications to Standards**
- The standards that can be modified through the use of an ALP are listed below in Table 7.B.3.A, Standards That Can Be Altered with an ALP. Any standard not listed herein shall not be eligible to be modified through an ALP. **[Ord. 2007-001]**

**Table 7.B.3.A - Standards That Can Be Altered With An ALP**

Specific Regulation	
Art. 7.F.2.A.1	<b>Minimum Tree Quantities</b>
Art. 7.F.7.B	Shrub Hierarchy
Art. 7.F.7.C	Planting Pattern
Art. 7.F.7.D	Clustering
Art. 7.F.8	Compatibility Buffer
Art. 7.F.9	Incompatibility Buffer
Art. 7.F.10.A.	Perimeter Buffer
Art. 7.F.10.A.1	R-O-W Buffer
Art. 7.F.10.A.2	Compatibility Buffers
Art. 7.F.10.A.3	Incompatibility Buffers
Art. 7.G.2.A	Terminal Islands
Art. 7.G.2.B	Interior Islands
Art. 7.G.2.C	Divider Median
Art. 7.G.2.D	Landscape Diamonds
Art. 7.G.2.E..1	Curbing
Art. 7.G.2.F	Parking Structures
Table 7.C.3-1	Minimum Tier Requirements (Only the following items listed in the table)
	<b>Minimum Tree Height Perimeter</b>
	<b>Minimum Tree Height Interior</b>
	<b>Facades To Be Planted</b>
	<b>Percentage of Facade</b>

**[Ord. 2007-001]**

**C. Application Requirements**

An application for a ALP shall be in a form established by the Zoning Director, to include the following: **[Ord. 2007-001]**

**1. Design Principles**

The ALP shall include a narrative and any necessary supporting documentation that clearly details compliance with Art. 7.B.3.B.1, Design Principles. **[Ord. 2007-001]**

**2. Required Findings**

The applicant must provide documentation to demonstrate compliance with Art. 7.B.3.D.1, Required Findings. **[Ord. 2007-001]**

**D. Approval**

ALPs must be submitted in conjunction with a Zoning application, in accordance with Article 2, DEVELOPMENT REVIEW PROCESS, or a building permit application, subject to the following requirements. **[Ord. 2007-001]**

**1. Required Findings**

An ALP shall only be approved upon finding that: **[Ord. 2007-001]**



- a. There are unique characteristics of the property, site design or use that warrant special consideration to modify or deviate from the requirements of this section and that these characteristics are not self-created. **[Ord. 2007-001]**
  - b. The ALP meets or exceeds the minimum requirements of this Section, while recognizing the unusual site design or use restraints on the property. **[Ord. 2007-001]**
  - c. Approval of the ALP will provide for both increased consistency and compatibility with adjacent projects located in the Tier. **[Ord. 2007-001]**
  - d. The ALP conforms to the requirements of Table 7.B.3.A, Standards That Can Be Altered with an ALP and no exceptions to the limitations on the standards that may be modified are requested. **[Ord. 2007-001]**
- 2. Optional Preliminary Meeting**  
Applicants may schedule a preliminary meeting with Zoning staff to identify issues and discuss possible design alternatives. **[Ord. 2007-001]**
- 3. Approval Process**  
Application for an ALP shall be approved in accordance with the following: **[Ord. 2007-001]**
- a. **Building Permit**  
An application for an ALP for projects only requiring building permits shall be submitted concurrently at time of building permit application. The Zoning Division must approve the ALP prior to issuance of a building permit. **[Ord. 2007-001]**
  - b. **DRO Approval**  
An application for an ALP for projects requiring DRO approval, including projects approved by the ZC or BCC, shall be submitted concurrently at time of application for DRO approval. The Zoning Division must approve the ALP prior to DRO approval, unless approved by the ZC or BCC. **[Ord. 2007-001]**
  - c. **Optional Submittal with a Zoning Application**  
If submitted with an application for a rezoning, conditional use, requested use, variance, or development order amendment, an applicant may opt to request that the ZC or BCC, whichever is applicable, approve the ALP. **[Ord. 2007-001]**
- 4. Appeals**  
If an application for an ALP is denied by the DRO or Zoning Division, an applicant may appeal the decision through a Peer Review, as follows: The applicant may select a landscape architect licensed in the State of Florida to certify to the Zoning Division, that the proposed ALP is in compliance with this Article. The Zoning Division shall provide a Peer Review Certification Form for this purpose. Certification shall substitute for a staff determination of consistency with this Article. **[Ord. 2007-001]**

#### **Section 4 Street Planting Plan**

Plans for landscaping within streets shall be provided for new subdivisions in accordance with Article 11.B.3.B.3, Construction Plans and Supplemental Engineering Reports.

### **CHAPTER C MGTS TIER COMPLIANCE**

Landscape design shall comply with the relevant MGTS characteristics in both plant material selection and overall landscape composition.

#### **Section 1 U/S Tier**

Landscaping in the U/S Tier should have a higher level of detail and more structure, such as pedestrian accents, formal arrangements in perimeter landscape and buffers, street tree plantings, and inter-connections between pedestrian and vehicular areas. The Revitalization and Redevelopment Overlay is located with the U/S Tier and recognizes the unique opportunities and restrictions often encountered in development of infill parcels. Greater flexibility and alternative landscape solutions are available to promote development within the boundaries of these areas. However, it also recognizes the unique opportunities and restrictions that may be encountered for parcels developing consistent with Art. 3.B.16, Infill Redevelopment Overlay, and recommends allowing greater flexibility and alternative landscape solutions to be made available to these types of projects. **[Ord. 2010-005]**

#### **Section 2 AGR and Glades Tiers**

The AGR Tiers should promote reduced impervious areas, maintain large green/open spaces, incorporate equestrian and agricultural elements into the design, include an increased percentage of native plant species, and the use of natural stone and/or wood materials in the landscape design.

### **Section 3      Exurban and Rural Tiers**

The Exurban and Rural Tiers primarily consist of larger residential lots and require the use of more informal design patterns that incorporate reduced impervious areas; preservation of native vegetation, lakes and other similar open space areas; and, more naturalistic landscaped areas. Non-residential uses shall also provide for the increased use of landscape materials in perimeter buffers, parking areas and building foundation plantings; dispersed parking with additional screening from adjacent roadways and residential uses; and, compliance with rural architectural design guidelines where applicable. **[Ord. 2009-040]**

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**Table 7.C.3 – Minimum Tier Requirements**

Code Requirements	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
<b>Landscape Buffers<sup>7</sup></b>			
Design	Linear design, formal arrangement of elements, traversing sidewalks	Meandering, more naturalistic with shrub cluster and varying heights	Increased depth, buffers often adjacent to interior open space, unimproved pathway surfaces
Berms	Optional	Optional	No <sup>1</sup>
Fences/Walls	Optional <sup>2</sup>	Optional <sup>2</sup>	Optional <sup>2,3</sup>
Layers of Shrubs and Ground Cover <sup>4</sup>	3	4	3
<b>Interior Landscaping<sup>7</sup></b>			
Minimum Tree Quantities – Residential Lot	1 per 1,250 sq. ft. (max. 15)	1 per 1,000 sq. ft. (max. 30)	1 per 800 sq. ft. (max. 30)
Minimum Tree Quantities – Non-Residential Lot	1 per 2,000 sq. ft.	1 per 1,500 sq. ft.	1 per 1,200 sq. ft.
Minimum Shrub Quantities – Residential Lot <sup>5</sup>	3 per 1,250 sq. ft. (max. 45)	3 per 1,000 sq. ft. (max. 90)	3 per 800 sq. ft. (max. 90)
Minimum Shrub Quantities – Non-Residential Lot <sup>5</sup>	3 per 2,000 sq. ft.	3 per 1,500 sq. ft.	3 per 1,200 sq. ft.
Interior Islands	1 per 10 spaces	1 per 8 spaces	1 per 6 spaces
Interior Islands Landscape Width	8 ft.	10 ft.	12 ft.
Protective Curbing	Yes	Yes	Optional
<b>Plant Standards<sup>7</sup></b>			
Minimum Tree Height (Perimeter)	12 ft.	12 ft.	12 ft.
Minimum Tree Height (Interior)	12 ft.	12 ft. (average)	12 ft. (average)
Palms Substitute (3 palms for 1)	Yes	Yes – Native clusters only	Yes – Native clusters only
<b>Foundation Planting<sup>6,7</sup></b>			
Foundation Planting Width	5 ft. along front façades 8 ft. along side façades	10 ft. all sides	12 ft. all sides
Facades to be Planted	Front & Sides	Front, Sides & Rear	Front, Sides & Rear
Percentage of Facade	40 percent	50 percent	60 percent
<b>[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040]</b>			
<b>Notes</b> 1. May be allowed with an approved ALP. 2. Landscape requirements (including walls and fences) for Incompatibility buffers, refer to Table 7.F.9.A, Incompatibility Buffer Standards. <b>[Ord. 2009-040]</b> 3. Walls and fences shall be built from natural materials, including but not limited to: wood, stone, etc. <b>[Ord. 2009-040]</b> 4. This requirement is only for Perimeter R-O-W Buffers. Applicants shall also reference Table 7.F.7.B, Shrub Planting Requirements for installation size, quantity, spacing and maturity height for perimeter and interior shrub planting. <b>[Ord. 2009-040]</b> 5. Interior quantities for shrub planting shall be calculated based on gross lot area, excluding preservation areas and lake tracts. <b>[Ord. 2009-040]</b> 6. TDDs are exempt from foundation planting requirements for primary and secondary building frontages, buildings along an alleyway or accessway to a parking area, or where buildings front on a plaza or square. <b>[Ord. 2005-002] [Ord. 2006-004]</b> 7. Deviations shall be permitted for PBC owned and operated public parks in accordance with Art. 5.D.2.G, County Park Landscape Standards. <b>[Ord. 2006-004]</b>			

## CHAPTER D GENERAL STANDARDS

The following standards are required for all trees, shrubs, hedges, groundcover and other landscape material.

### Section 1 Plant Species

A minimum of 60 percent of required plant material shall be selected from Appendix A, PBC's Preferred Species List, published by the Zoning Division, or the list of native and drought-tolerant species in the most recent edition of the SFWMD's "Xeriscape Plant Guide". A minimum of 60 percent of required plant materials shall be native species.

### Section 2 Trees

#### A. Canopy Trees

Canopy trees are subject to the following standards. All canopy trees shall be container grown or root pruned in accordance with acceptable horticultural practices.

##### 1. Minimum Height

Canopy trees shall meet the height standards in Figure 7.D.2.A-2, Canopy Tree Measurement Standards, at installation. Up to 25 percent of the total number of required interior trees may be reduced in height by 25 percent, provided that an additional tree, at least eight feet in height, is planted for each tree with reduced height.

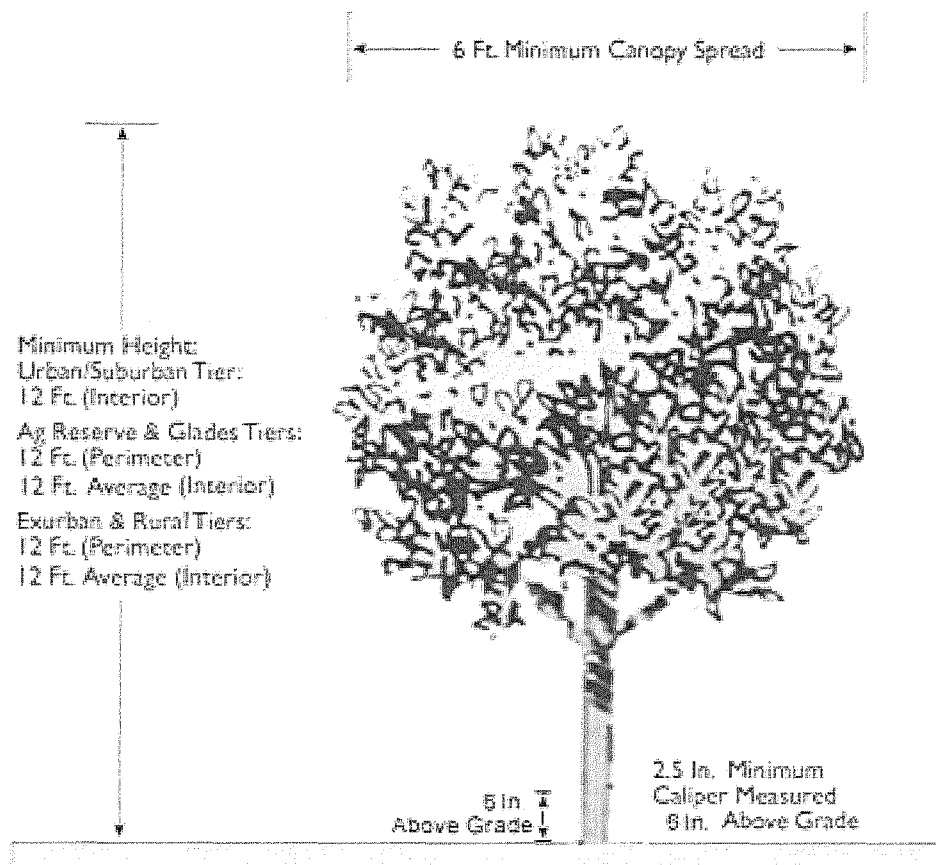
##### 2. Minimum Canopy Spread

Six feet.

##### 3. Minimum Caliper

Two-and-a-half inches.

Figure 7.D.2.A-2 – Canopy Tree Measurement Standards



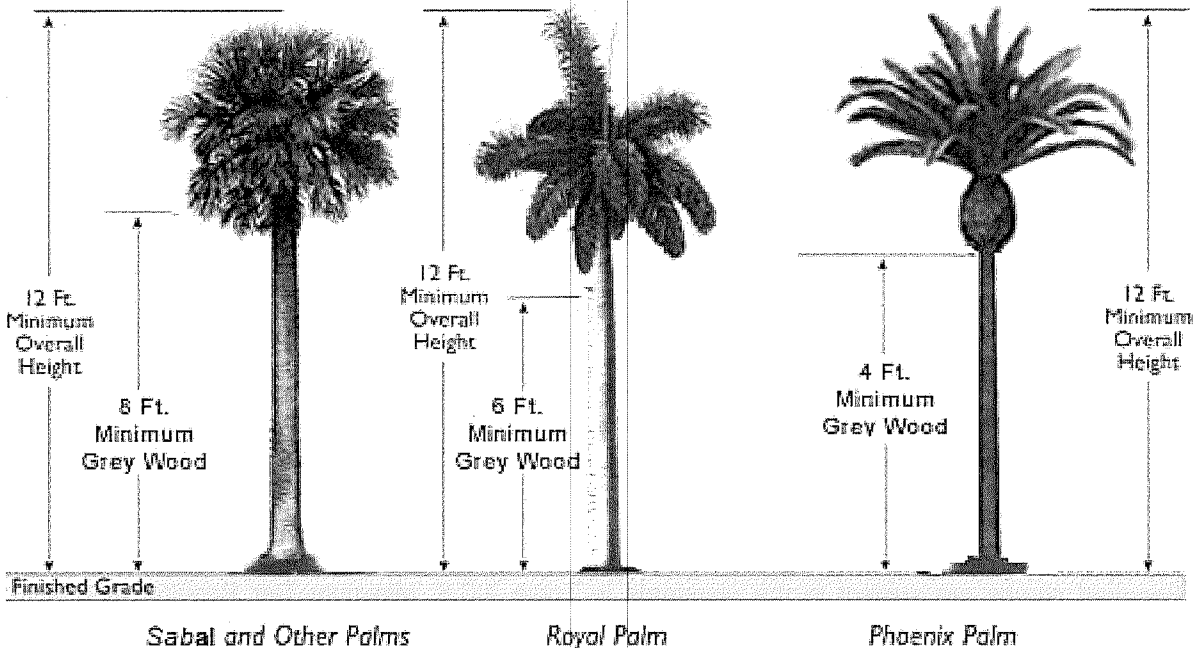
## B. Palms

Palms, in clusters of same species, may be used in place of required canopy trees, subject to the standards in Table 7.D.2.B, Palm Height Standards, and Figure 7.D.2.B, Palm Measurement Standards. Palms may not be used in excess of 25 percent of the total number of required trees. When using palms in a perimeter buffer, refer to Article 7.F.2.A, Palms.

**Table 7.D.2.B – Palm Height Standards**

Minimum Height	12 feet overall height as noted below; 8 feet clear trunk 6 feet Grey wood for Royals and similar species 4 feet Grey wood for Phoenixes and similar species 4 feet clear trunk for preserved native palms
Minimum Diameter	See Florida Standards for specific species

**Figure 7.D.2.B – Palm Measurement Standards**



## C. Tree Species Mix

When more than 15 trees are required to be planted to meet the standards of this Article, a mix of species is required. The number of species to be planted shall vary according to the overall number of trees that are required to be planted pursuant to Table 7.D.2.C, Tree Species Mix. Vegetation preserved in accordance with Article 14.C, VEGETATION PRESERVATION AND PROTECTION, is exempt from the tree species mix requirement.

**Table 7.D.2.C - Tree Species Mix**

Required Number of Trees	Minimum Number of Species
16-30	2
31-45	3
46-60	4
61-75	5
76-90	6
91 +	7

## D. Tree Credit

A preserved upland or drought-tolerant tree or palm meeting the standards in this Article may be substituted for required trees, subject to the following:

### 1. Tree Survey

Credit shall be granted for on-site preservation of existing trees or palms when accompanied by a tree inventory or tree survey.

## 2. Trees Excluded from Credit

Credits shall not be permitted for trees that are:

- Required for preservation by Article 14.C, VEGETATION PRESERVATION AND PROTECTION (i.e. located in required preservation areas, heritage or champion trees).
- Not properly protected from damage during the construction process, as required in Article 14.C, VEGETATION PRESERVATION AND PROTECTION.
- Classified as prohibited or invasive non-native species as defined in Article 14.C, VEGETATION PRESERVATION AND PROTECTION.
- Dead, dying, diseased, or infested with harmful insects.
- Located on a subarea of a planned development that is not intended to be developed for residential, commercial, or industrial use, such as a golf course on an adjacent open space parcel.

## 3. Tree Credit Formula

Existing trees shall be credited according to the formula in Table 7.D.2.D, Tree Credit and Replacement.

**Table 7.D.2.D– Tree Credit and Replacement**

Crown Spread of Tree	Or	Diameter at 4.5 Feet Above Grade	=	Credits or Replacements
Less than 5 Ft.	or	Less than 2 in.	=	0
5-9 Ft.	or	2-6 in.	=	1
10-19 Ft.	or	7-11 in.	=	2
20-29 Ft.	or	12-16 in.	=	3
30-39 Ft.	or	17-21 in.	=	4
40-49 Ft.	or	22-26 in.	=	5
50-59 Ft.	or	27-31 in.	=	6
60-89 Ft.	or	32-36 in.	=	7
90 Ft. or Greater	or	37 in. or more	=	8

### Notes:

- Preserved or relocated slash pines a minimum of 14 feet in height may count as one required tree.
- Fractional measurements shall be rounded down.

## Section 3 Shrubs and Hedges

### A. Shrubs

Required shrubs are subject to the standards in Table 7.C.3, Minimum Tier Requirements, and the dimension standards in Table 7.F.7.B, Shrub Planting Requirements.

### B. Hedges

#### 1. Residential Hedge Height

Hedges may be planted and maintained along or adjacent to a lot line. [Ord. 2005 – 002]

- Within required front setback: four feet. [Ord. 2005 – 002]
- Within required side, side street (to the required front setback) and rear setback: eight feet. [Ord. 2005 – 002]
- The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge. [Ord. 2005 – 002]

#### 2. PDD and Non-residential Perimeter Buffer Hedge Height

- Maximum height: 12 feet. [Ord. 2005 – 002]
- The hedge height in a landscape barrier shall be measured in accordance with Art. 7.D.14, Grade Changes. [Ord. 2005 – 002]

#### 3. Shrub Replacement

Hedges may be used in place of required shrubs, subject to the following standards and the hedge height provisions above. [Ord. 2005 – 002]

- Minimum Height at Installation**  
24 inches.
- Minimum Height Within Two Years of Planting**  
Three feet.
- Minimum Spacing**  
24 inches on center. [Ord. 2005 – 002]

## **Section 4      Ground Treatment**

The ground within required landscaped areas shall receive appropriate landscaping such as grass, groundcover, mulch or shrubs and present a finished appearance upon planting. Ground cover is not required in preservation areas shown on approved landscape plans. Sand, gravel, shellrock, or pavement are not considered appropriate landscape treatment. The following standards shall apply to the installation of ground treatment:

### **A. Ground Cover**

Live material used as ground cover shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within six months.

### **B. Mulch**

Mulch shall be installed and maintained at a minimum compacted depth of three inches at all times in all planted areas not containing ground cover. All mulch material shall be free of seeds and weeds to prevent tree sprouting and regrowth.

### **C. Pebble, Egg Rock and Decorative Sand**

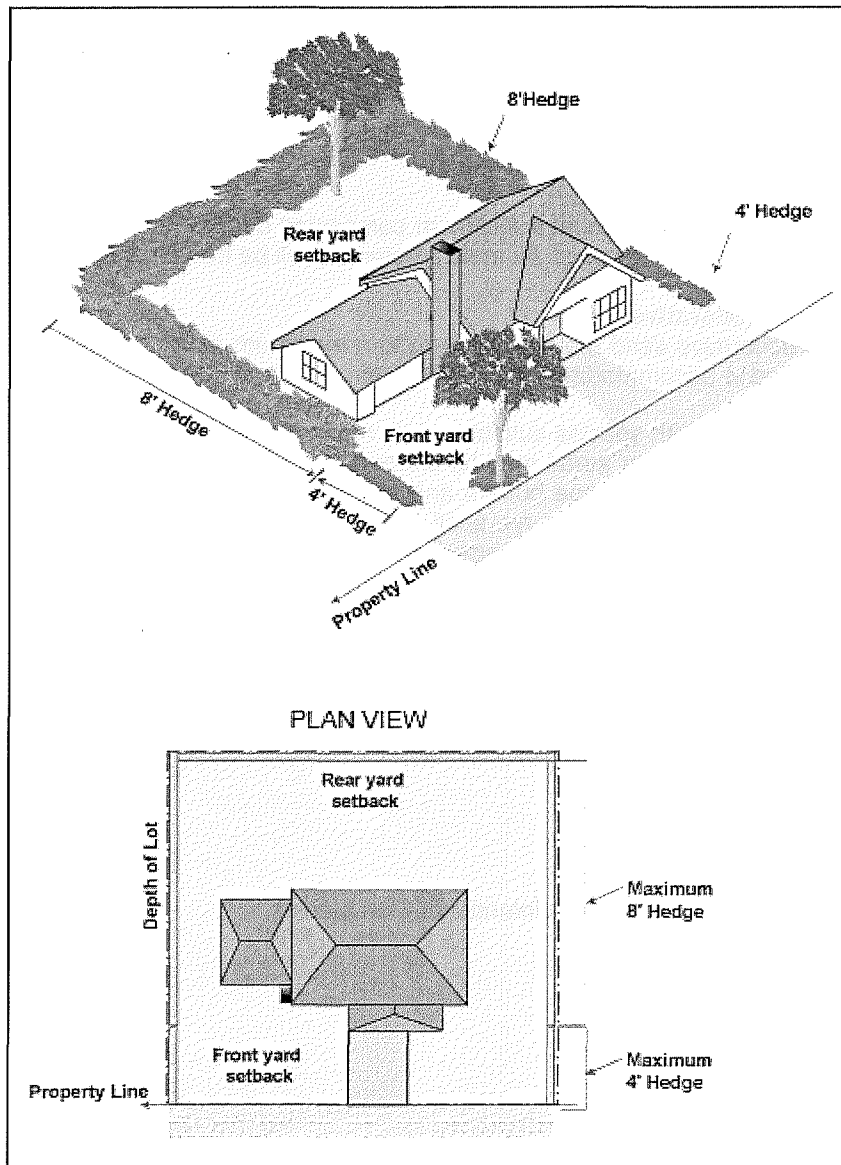
Pebble, egg rock, or decorative sand may be used up to a maximum of ten percent of ground coverage and only in areas needed to accommodate limited roof water runoff.

### **D. Lawn and Turf Grass**

Grass areas shall be planted with species suitable as permanent lawns and reach 100 percent coverage within six months of planting. Grass areas may be sodded, plugged, sprigged, or seeded, provided that sod shall be required between landscape buffers and swales and in other areas subject to erosion). In areas where grass seed is used, millet or rye shall also be sown for immediate effect, and immediate maintenance shall be provided until coverage is complete. Because of their drought resistant characteristics, it is recommended that Bahia grass species be used. Use of drought-tolerant ground cover instead of lawn and turf grass is encouraged. Undeveloped parcels shall be planted as required in Art. 7.E.4.G, Vacant Lots.

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**Figure 7.D.3.B- Residential Hedge Height**



[Ord. 2005-002]

## **Section 5 Existing Native Trees and Vegetation**

Existing native trees and vegetation may satisfy the landscape buffer requirements in this Article, in total or in part. Existing native trees and vegetation may be relocated from areas of the site to be used as or in a landscape buffer. In determining whether native trees and vegetation satisfy the requirements of this Article, the following shall be considered:

- A. The effectiveness of the visual screening. If adequate screening is provided, then no additional trees and vegetation will be required.
- B. The quality and kind of the trees and vegetation being preserved.

## **Section 6 Prohibited Plant Species**

The planting or installation of the following plant species is prohibited. Each planting plan, landscape plan or ALP shall include a program to eradicate and prevent the reestablishment of these species.

- A. Prohibited plant species listed in Article 14.C, VEGETATION PRESERVATION AND PROTECTION.



- B. Any plant species classified in Article 14.C, VEGETATION PRESERVATION AND PROTECTION, as an "invasive non-native species".

## **Section 7      Controlled Plant Species**

The following species may be planted or maintained under controlled conditions:

### **A. Black Olives**

Black olives shall not be installed within 15 feet of any vehicular use area, sidewalk, paved pathway, or bike lane.

### **B. Ficus Species**

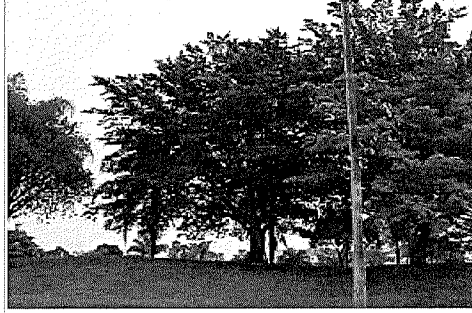
Ficus species may be planted under the following conditions but shall not exceed a maximum of ten percent of the total number of required trees.

1. Planted as individual trees provided they are no closer than 30 feet from any structure or utility;
2. Contained in a planter or root barrier; or
3. Maintained in accordance with the restrictions for hedges pursuant to Art. 7.D.3.B, Hedges. Ficus hedges in interior landscape areas shall not exceed a maximum of 12 feet in height, measured from the lowest grade adjacent to the hedge. [Ord. 2005 – 002]

**Photo 7.D.7.B – Controlled Plant Species**



Black Olive Tree: May not be installed within 15 feet of any vehicular use area, sidewalk, pathway, or lane.



Ficus Tree: May be used in landscaping only under controlled conditions.

### **C. Silk Oak, Rosewood**

Silk Oak and Rosewood trees shall not be planted within 500 feet of a preserve area.

### **D. Citrus Trees**

Citrus trees shall not qualify as a required tree, except for single-family lots.

## **Section 8      Artificial Plants**

No artificial plants or vegetation shall be used to meet any standard of this Section.

## **Section 9      Berms**

Berms may be used as non-living landscape barriers only when used in conjunction with plant materials and where existing natural vegetation is not disturbed. Berms may be used in conjunction with fences, walls, hedges and shrubs to meet the total height requirements of incompatibility landscape buffers, as illustrated in Figure 7.D.9.C-4, Berm Elevation and Drainage Requirements, provided that hedges and shrubs are installed at the height necessary to provide the total six foot screen at the time of planting. Berms may be installed in preservation areas only where they will not affect the viability of preserved trees and vegetation. Runoff from berms shall be contained within the property, as illustrated in Figure 7.D.9.C-4, Berm Elevation and Drainage Requirements, or in a manner approved by the County Engineer.

### **A. Tier Restrictions**

Landscape berms are not allowed within the Exurban, Rural, Agricultural Preserve, or Glades Tiers, unless approved as part of an ALP or located along a Rural Parkway.

### **B. Maximum Slope**

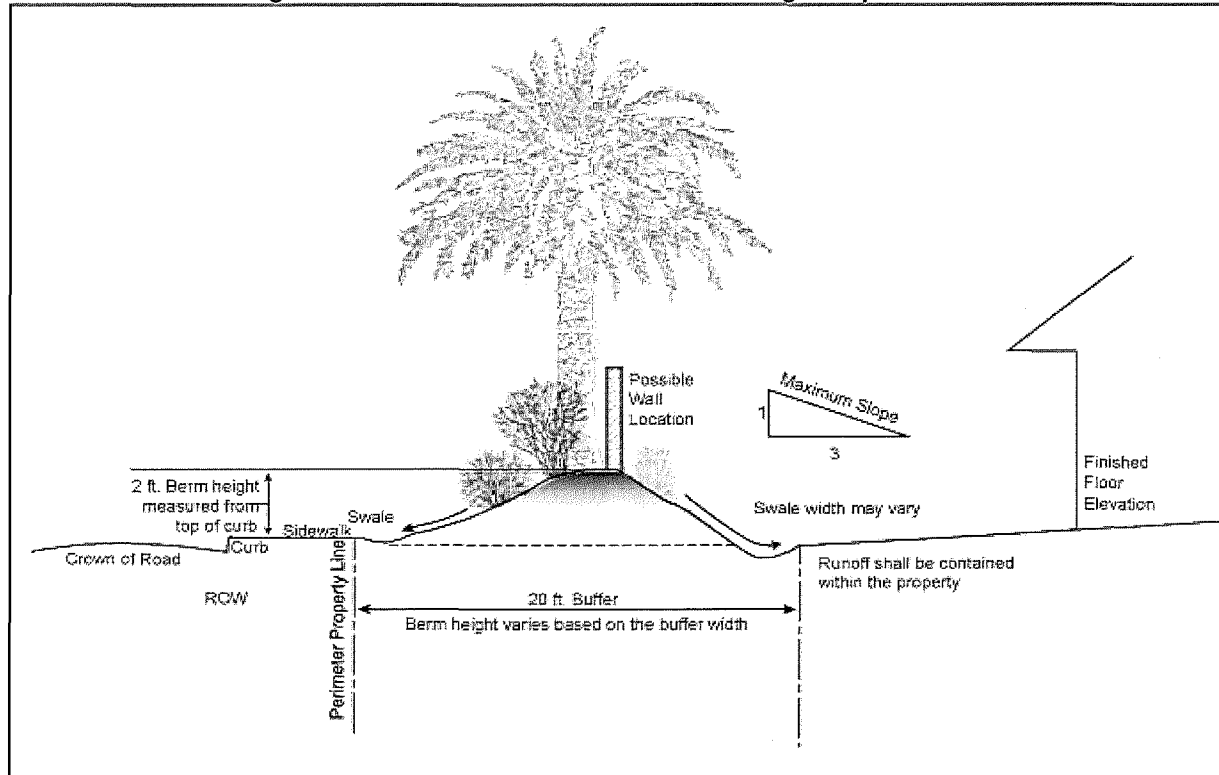
The slope of a berm shall not exceed three-to-one.

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### C. Height Measurement

Berm height shall be measured from the nearest adjacent top of the curb (parking lot) or the nearest adjacent crown of the road or the nearest adjacent finished floor elevation, whichever is higher. [Ord. 2005 – 002]

Figure 7.D.9.C – Berm Elevation and Drainage Requirements



[Ord. 2005-002]

## Section 10 R-O-W Landscaping

Landscaping in the median or swale of streets may be required by the BCC or the County Engineer pursuant to Article 11.C.1.C.1, Access and Circulation Systems.

## Section 11 Foundation Plantings

Foundation plantings shall be provided along façades as required by Table 7.C.3, Minimum Tier Requirements, for non-residential structures unless specifically exempted by this Section. Along front and side façades with drive-through windows, plantings may be located within 30 feet of the foundation or the required plantings may be relocated to an adjacent façade. All required foundation plantings shall be planted with a minimum of one tree or palm for each 20 linear feet of building façade and appropriate shrubs or ground cover. Relocation of required foundation plantings may be approved by the Zoning Division if adjacent to a landscape buffer.

### A. Exemptions

1. Agricultural or industrial buildings that are not visible from a public street or residential zoning district.
2. Buildings which are exempt from local building permits or government review pursuant to State or Federal Statutes.
3. Structures within a TDD, where a build-to-line is established along the sidewalk, except where required in Article 3.F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs).
4. Properties where the required planting area would overlap a required buffer.
5. Accessory buildings and structures subject to Zoning approval.

### B. WCRAO Exemptions

1. Build to Line

Required foundation planting along any façade with a required build to line may be deleted. [Ord. 2006-004]

## **2. Foundation Planting Deviations**

The following deviations shall be permitted subject to DRO approval of an ALP: [Ord. 2006-004]

- a. The width of side foundation planting areas may be reduced from eight to five feet in width for buildings with a ten-foot side setback if the overall volume of reduced planting area is relocated on site or the required landscaping within the foundation planting area, at installation, be increased in height by 25 percent. [Ord. 2006-004] [Ord. 2008-003]
- b. Side foundation planting may be eliminated for buildings using a zero side setback. [Ord. 2006-004] [Ord. 2008-003]
- c. Side foundation planting may be relocated on site or the equivalent required landscaping within the site, be increased in height by 25 percent if the applicant can demonstrate that proposed building heights will adversely limit sunlight and viability of planting area. [Ord. 2006-004] [Ord. 2008-003]

## **C. Minimum Length**

The combined length of the required foundation planting shall be as required by Table 7.C.3, Minimum Tier . Requirements The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays.

## **D. Planting Around Signs**

A three foot wide planting area shall be required around the base of all ground-mounted signs. One shrub for each ten square feet of planting area shall be installed within the planting area and maintained at a minimum height of 18 inches. Monument signs six feet in height or less may be surrounded by ground cover on all sides instead of shrubs. Landscaping and trees that interfere with the visibility of signage may be relocated to the rear of the sign planting area, subject to approval by the Zoning Division.

## **E. Large Scale Commercial Development**

In addition to the requirements of this Code, developments with single tenants occupying 65,000 gross square feet or more shall be subject to the following foundation planting standards: [Ord. 2005 – 002]

### **1. Dimensional Requirements**

- a. Planting areas shall be in accordance with Table 5.C.1.I, Large Scale Commercial Development, or Table 7.C.3, Minimum Tier Requirements whichever is greater. [Ord. 2005 – 002]
- b. Foundation planting shall meander along building facade, and shall not be entirely located at the base of the building. [Ord. 2005 – 002]

### **2. Easements**

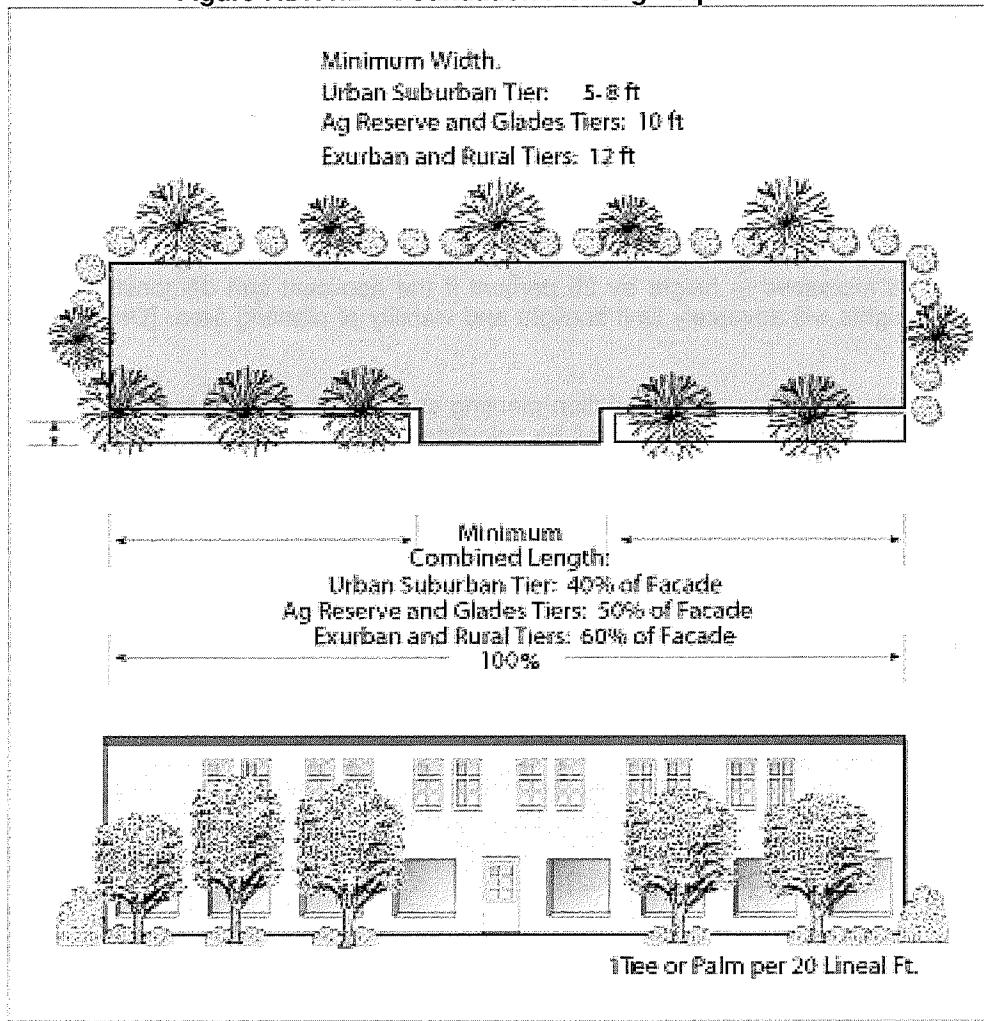
No easement encroachment shall be permitted, except for bisecting utility easements and pedestrian walkways. [Ord. 2005 – 002]

### **3. Planting Requirements**

- a. One tree or palm for every 15 feet of façade. [Ord. 2005 – 002]
- b. Trees/palms shall be evenly distributed along the façade. [Ord. 2005 – 002]
- c. The height of plant material shall be in relation to the height of the adjacent façade or wall. The height of 50 percent of required trees or palms shall be a minimum of two-thirds of the height of the building. [Ord. 2005 – 002]

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**Figure 7.D.11.D – Foundation Planting Requirements**



## Section 12 Landscape in Easements

Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting. If a wall with a continuous footer is used, a minimum of ten clear feet for planting is required. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this Article, and Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, and other PBC codes. Easements shall be identified prior to the preparation of site or subdivision plans and any proposed overlap shall be approved by the DRO or Zoning Division.

### A. Infill Development

Required landscape buffers for infill development may overlap easements by more than five feet, provided that there remains a minimum of five clear feet for planting or ten clear feet if a wall with a continuous footer is used.

### B. Overhead Utilities

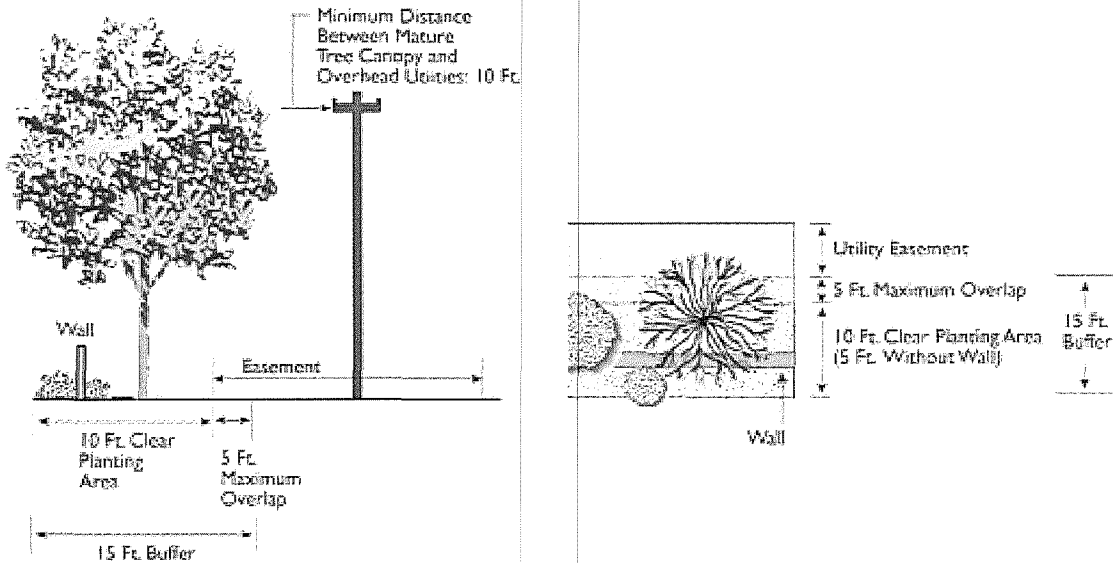
Trees planted within any easement with overhead utilities shall comply with the placement and maintenance requirements in the latest edition of FP&L's publication "Plant the Right Tree in the Right Place," available from the Zoning Division, and take into consideration the mature height and spread of the species beneath or adjacent to overhead utilities. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from overhead lines. Plants required in the easement area may be planted elsewhere on site, in the vicinity of the required location. In order to maintain tree and plant spacing when a landscape buffer is traversed by a utility easement, a larger overlap may be allowed with the written approval of the relevant utility service company. Where a utility

easement crosses a R-O-W buffer, plant material spacing may be adjusted, provided there is no reduction in the amount of required plant material.

**C. Detention/Retention Areas, Swales, and Drainage Easements**

Detention/retention areas, drainage easements, and sloped, directional swales greater than one foot below finished grade, shall not be located in or overlap required landscape buffers unless otherwise approved in writing by the Land Development Division. [Ord. 2006-004]

**Figure 7.D.12.C – Maximum Allowed Encroachment into Easements**



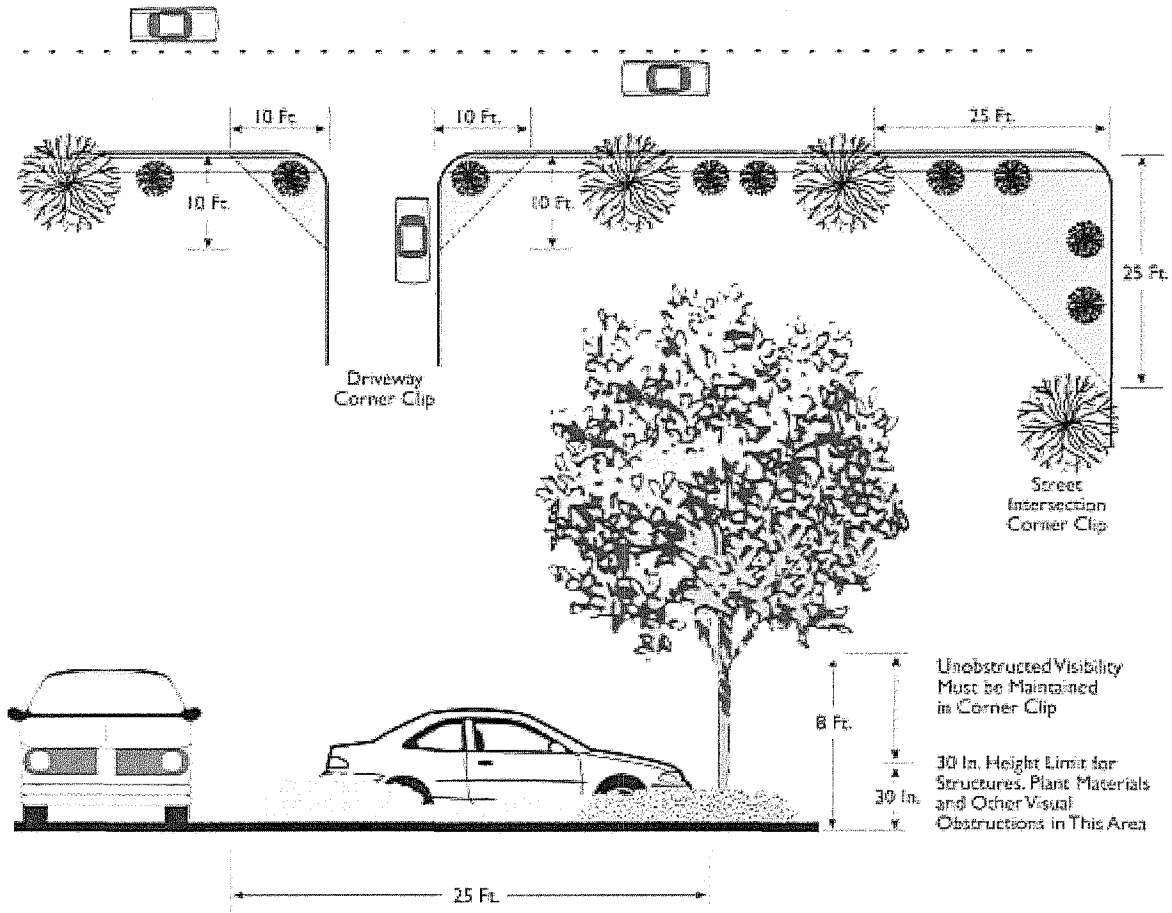
**Section 13 Corner Clips**

Landscaping within corner clip and visibility triangles required by Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, shall be subject to the following limitations.

- An area of unobstructed visibility shall be maintained between 30 inches and eight feet above the crown of the adjacent roadway.
- Vegetation located adjacent to and within corner clip areas shall be trimmed so that limbs or foliage do not extend into the required visibility area.
- All landscaping in a corner clip shall be planted and perpetually maintained by the property owner, except where maintained by another entity such as a Homeowner's Association (HOA).

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Figure 7.D.13– Corner Clip Visibility Requirements



## Section 14 Grade Changes

### A. Grade Changes Equal to or Greater than Four Feet

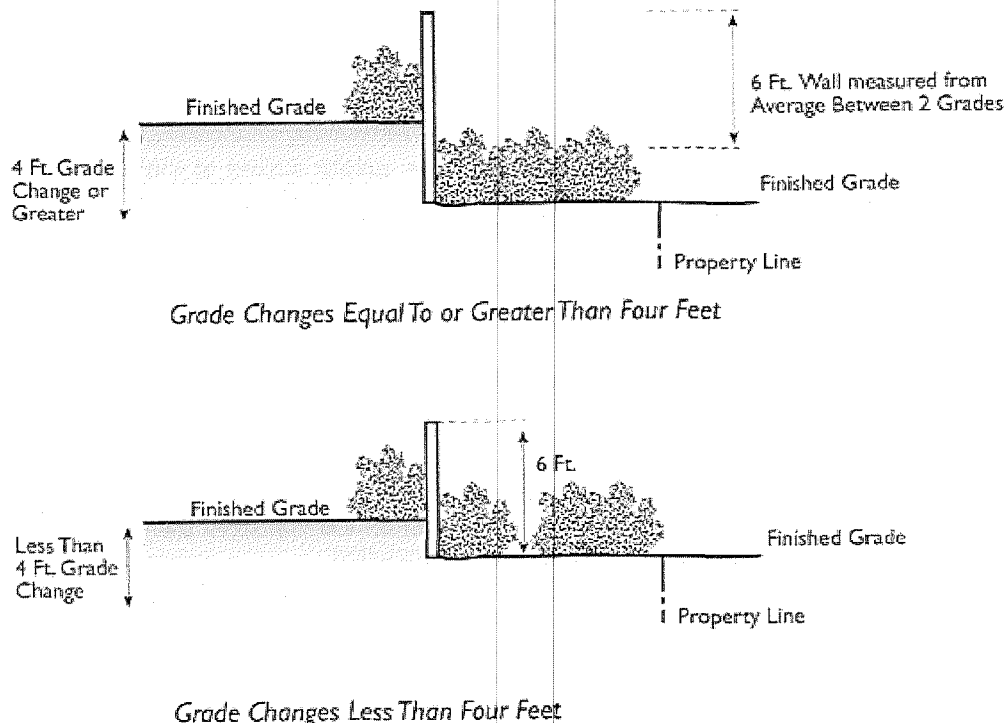
When a landscape barrier separates sites with a finished grade elevation difference of four feet or greater, the height shall be measured from the average finished grade of the two sites.

### B. Grade Changes Less than Four Feet

When a landscape barrier separates sites with a finished grade elevation difference of less than four feet, the height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge.  
[Ord. 2005 – 002]

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**Figure 7.D.14.B – Buffers with Grade Changes**



## **CHAPTER E REVIEW, INSTALLATION AND MAINTENANCE**

This Chapter establishes standards for the landscape review, installation and maintenance of trees and landscape material. [Ord. 2009-040]

### **Section 1 General**

Plant material shall:

- A. Be planted in soil and conditions appropriate for their growth habits.
- B. Be appropriate for the USDA plant hardiness zone and ecological setting in which they are to be planted.
- C. Be compatible with existing native plants in the area through similar ornamental properties and physical requirements (e.g. water use, soil conditions).

### **Section 2 Landscape Permit**

To ensure compliance with the various requirements associated with a new development permit for installation and maintenance of landscape on site, the applicant shall: [Ord. 2009-040]

- A. Submit an application for a Landscape Review on forms prepared by the Zoning Division; [Ord. 2009-040]
- B. Comply with Code requirements and any conditions of approval; [Ord. 2009-040]
- C. Schedule and receive approval of all required landscape inspections; and, [Ord. 2009-040]
- D. Adhere to long-term landscape maintenance obligations and all material associated with the application. [Ord. 2009-040]

### **Section 3 Plant Quality**

Plants installed pursuant to this Article shall conform to or exceed the minimum standards for Florida Number 1, as provided in the most current edition of "Grades and Standards for Nursery Plants, Parts I and II", prepared by the State of Florida Department of Agriculture and Consumer Services, see Appendix B for Examples of Florida Number 1 Quality Plants, A different minimum standard may be approved for native plants installed in accordance with an approved ALP if an applicant demonstrates that sufficient quantities of commercial stock meeting the Florida Number 1 standard are not available. All plants shall be clean and free of noxious pests and/or diseases.

## Section 4 Installation

All landscaping shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. Before planting, a plant or tree's growth characteristics shall be considered to prevent conflicts with views, lighting, infrastructure, utilities, or signage. Proposed infrastructure, lighting, and signage plans shall be submitted concurrent with landscape plans prior to issuance of a building permit.

### A. Planting Specifications

Required trees and palms shall be securely guyed, braced, and/or staked at the time of planting until establishment. All plants shall be installed so that the top of the rootball remains even with the soil grade. The top one-third of burlap shall be removed from the root ball at planting. If used, nylon strapping and wire cages shall be completely removed at installation. All guys and staking material should be removed when the tree is stable and established but in no case more than one year after initial planting of tree. Construction debris shall be kept clear from the planting area.

### B. Phasing

Required landscaping may be installed in phases, if designated on the approved site plan, as follows:

#### 1. Planned Developments

The number of trees required to be planted or preserved in a construction phase of a planned development shall be a proportion of the total number of trees required to be planted in the overall planned development. This proportion shall be determined by comparing the area of the phase plan to the area of the entire planned development as shown on the approved plan. Areas of vegetation required to be preserved shall be excluded from this calculation.

#### 2. Other Developments

The entire perimeter landscaping shall be installed prior to the issuance of the first Certificate of Occupancy (CO) or in accordance with a phasing plan approved by the DRO.

##### a. PO Zoning District and Public Civic Pods of a PUD

Installation of a proportionate share of required materials shall be permitted subject to Signature Only approval of a phasing plan. The phasing plan shall indicate the affected area of each building permit application and general location of plant material that will be installed. [Ord. 2007-013]

#### 3. Suspended Phasing

Required installation may be phased into a project for up to one year from initial occupancy with Zoning Division approval of a installation schedule.

## Section 5 Maintenance

- A. PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned property, unless provided for otherwise by DO condition of approval. For all other properties, the property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the following:
- B. Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices.
- C. Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.
- D. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscape and preservation areas.
- E. Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard. All trees and palms shall be allowed to grow to their natural mature height and to full canopy. No canopy tree shall be pruned until it has reached the minimum 20 foot required height and canopy spread, unless required to address damage by natural causes, such as hurricanes.
- F. Landscape areas which are required to be created or preserved by this Article shall not be used for temporary parking or the storage/display of materials or sale of products or services.

### G. Vacant Lots

#### 1. Affected Parties

Any owner of a vacant lot in a residential neighborhood upon which a home has been demolished to the extent that it no longer qualifies for a certificate of occupancy must follow the maintenance requirements of Art. 7.E.5.G.5, Vacant Lot Maintenance and Planting Requirements, if the vacant lot,



by itself or in combination with other vacant lots resulting from the demolition of a home or homes, results in significant degradation of the surrounding neighborhood as defined in Art. 1.I, Definitions and Acronyms (Significant Degradation). In the event significant degradation occurs, all contiguous vacant lots that contribute to the significant degradation will be subject to Art. 7.E.5.G.5, Vacant Lot Maintenance and Planting Requirements. [Ord. 2005-002] [Ord. 2008-037]

**2. Applicability**

Art. 7.E.5.G.5, Vacant Lots shall apply to the Urban/Suburban Tier in the unincorporated areas of Palm Beach County, as defined in the Plan. [Ord. 2005-002] [Ord. 2008-037]

**3. Vacant Lot Exemptions**

The following vacant lots shall be exempt from the requirements of Art. 7.E.5.G, Vacant Lots. [Ord. 2008-037]

- a. Vacant lots resulting from the demolition of a home based on a declaration by the building official that the home is unsafe. [Ord. 2005-002] [Ord. 2008-037]
- b. When an owner initiates redevelopment of a vacant lot within 120 days of demolition, as evidenced by submittal of a building permit application for site plan approval, or other applicable development permit application or good faith effort to redevelop the lot, for so long as the permit or good faith effort is active. In order to receive an exemption at the time of a demolition permit application, the applicant must submit an affidavit stating that the applicant expects to meet the above requirements. The affidavit shall be made on a form established by the Zoning Director. If an exemption is granted based on an affidavit, the property owner shall submit evidence as required above within 120 days of completion of the demolition, or shall submit a planting plan within 30 days of the expiration of the 120-day period. [Ord. 2005-002] [Ord. 2008-037]
- c. Vacant lots where the home was demolished prior to April 23, 1996. [Ord. 2005 – 002] [Ord. 2008-037]
- d. Vacant lots resulting from eminent domain proceedings. [Ord. 2005-002] [Ord. 2008-037]
- e. Vacant lots resulting from demolition of a home using funding from a demolition program of the Department of Housing and Community Development. [Ord. 2005-002] [Ord. 2008-037]

**4. Vacant Lot Variance**

A property owner may apply for a variance subject to Art. 2.D.3, Type IA and Type IB Administrative Variance, as may be amended. [Ord. 2005-002][Ord. 2008-037]

**5. Vacant Lot Maintenance and Planting Requirements**

**a. Ground Treatment**

Vacant lots regulated by this Section must be cleared of construction materials and debris, and must be planted with sufficient ground treatment to cover the entire lot in accordance with Art. 7.D.4, Ground Treatment. Existing ground treatment may be used to meet the requirements of this Section. The clearing and planting must be completed within 120 days of the completion of demolition, within 120 days of the effective date of this section, or within thirty days of Department approval of a planting plan, whichever is later. Slab foundations or other structural features remaining from demolished houses, or from other demolished structures, must be removed from vacant lots regulated by this section. [Ord. 2005-002] [Ord. 2008-037]

**b. Trees**

Trees shall be planted or preserved in accordance with the requirements of Table 7.C.3, Minimum Tier Requirements, and Art. 7.D.2, Trees. Trees shall be native or drought tolerant. [Ord. 2005-002] [Ord. 2008-037]

**c. Existing Trees**

Preservation of existing native trees is encouraged and credit shall be given towards the above requirements. If existing native trees are removed, they shall be replaced in accordance with the standards in Table 7.D.2.D, Tree Credit and Replacement, or Art. 7.E.5.G.5.b, Trees, whichever is greater. The size of replacement trees shall be in accordance with Art. 7.D.2, Trees. [Ord. 2005-002] [Ord. 2008-037]

**d. Prohibited Plant Species**

Existing prohibited plant species must be removed and trees replaced on a one-to-one basis with a native tree. Replacement trees for removed prohibited plant species shall be consistent with the interior landscape requirements of Art. 7.D.2, Trees. [Ord. 2005-002] [Ord. 2008-037]

**e. Removal**

Removal shall be consistent with the provisions of Art. 14.C, Vegetation Preservation and Protection. [Ord. 2005-002] [Ord. 2008-037]

**f. Vacant Lot Planting Plan Application and Approval**

**1) Planting Plan**

The owner shall submit a planting plan indicating the method of ground treatment, existing and replacement trees, and irrigation simultaneously with the application for a demolition permit. [Ord. 2005-002] [Ord. 2008-037]

**2) Demolition Permit**

The Building Division shall not issue the demolition permit until a planting plan is approved by the Zoning Division unless the applicant signs an affidavit in accordance with Art. 7.E.5.G.3.b. [Ord. 2005-002] [Ord. 2008-037]

**3) Review of Planting Plan**

The Zoning Division shall determine if the planting plan is sufficient and includes the information necessary to evaluate the plan within five days of receipt. The Zoning Division shall approve, approve with conditions, or deny the plan within ten days of the determination of sufficiency. If necessary, the Zoning Division or Environmental Resources Management Department shall conduct a site visit as part of the plan review. [Ord. 2005-002] [Ord. 2008-037]

**4) Standards**

The Zoning Division shall consider the following criteria in reviewing the planting plan: 1) whether or not the ground treatment and other landscape materials are consistent with the established character of the neighborhood; 2) whether or not the proposed planting is consistent with the applicable Crime Prevention Through Environmental Design principles contained in Art. 3.B.7.E.2.C, Crime Prevention Through Environmental Design (CPTED). Whether or not alternative or temporary irrigation methods such as hand-watering are acceptable. [Ord. 2005-002] [Ord.2008-037]

**g. Vacant Lot Plant Installation, Maintenance, Pruning And Irrigation**

Native vegetation, drought tolerant vegetation, or ground treatment shall be installed, maintained, pruned and irrigated in accordance with the requirements of Art. 7.E, Review, Installation and Maintenance, as may be amended from time to time, and conditions of approval for the planting plan in Art. 7.E.5.G.5.f.1), above. Temporary irrigation methods may be approved for native vegetation only, subject to a maintenance/replacement agreement. [Ord. 2005-002] [Ord. 2008-037]

## **Section 6 Pruning After Installation**

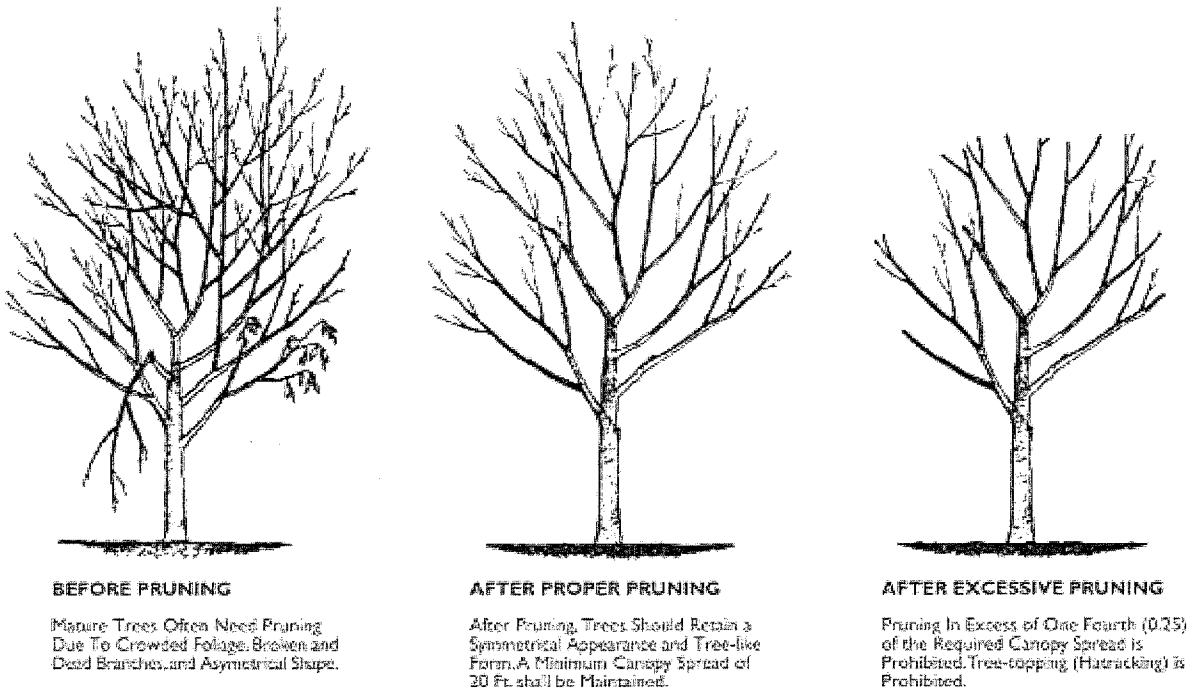
Pruning is permitted after installation to allow for healthy growth, to promote safety considerations, and enhance the aesthetic value of plant material. Trees that conflict with views, signage, or lighting shall not be pruned more than the maximum allowed. Trees shall not be pruned to reduce the canopy spread to less than 20 feet or pruned in conflict with the maintenance standards above. Pruning practices shall conform to the guidelines in Tree Care Tips – A Guide to Proper Pruning Techniques, published by the Department of Environmental Resources Management (ERM). The Zoning Director may suspend the provisions of this Section upon recommendation from County Landscape Staff additional pruning is necessary for plant growth, safety, or aesthetics.

### **A. General Pruning Requirements**

1. A maximum of one-fourth of the tree canopy may be removed from a tree within a one year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the American National Standards Institute, ANSI 300-2001 (Tree, Shrub and other Woody Plant Maintenance), as amended. The crown of a tree required by this Code or condition of approval shall not be reduced below the minimum spread or height requirements of Article 7.D.2.A, Canopy Trees, or specific conditions of approval. A tree which is pruned in excess of these requirements shall be replaced with a tree that meets the minimum requirements of Article 7.D.2.A, Canopy Trees, and Table 7.D.2.D, Tree Credit and Replacement.
2. If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved site plan, planting plan, landscape plan, or ALP. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall landscape design. A maintenance program shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
3. When cutting back trees, care shall be taken to promote the shape and form typical of the tree's species in similar settings in PBC.
4. Tree topping (hatracking) is prohibited.
5. No large or medium canopy trees shall be pruned before it has reached a minimum 20 foot canopy height and spread.

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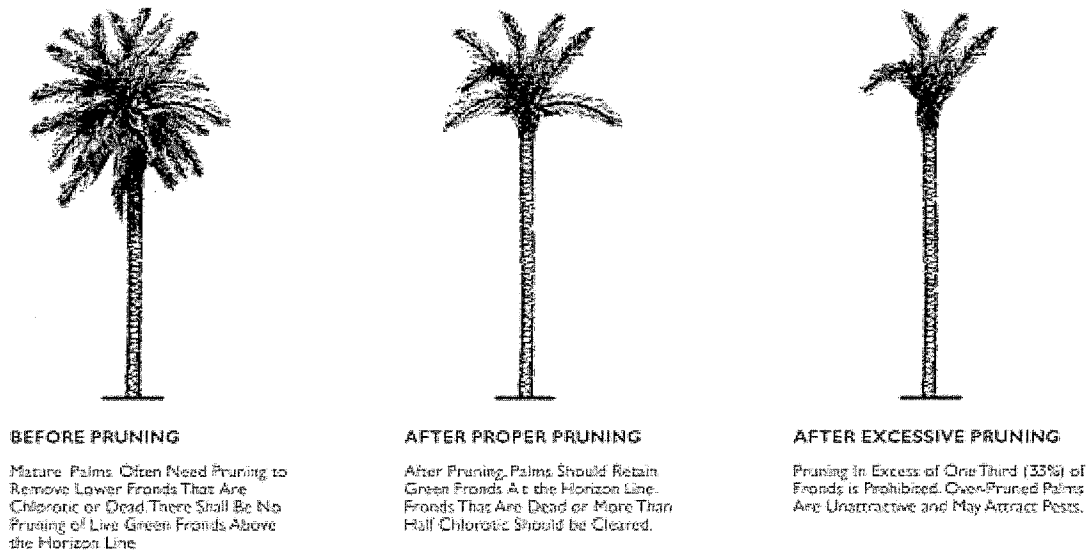
**Figure 7.E.6.A – Pruning Guidelines**



**B. Palm Pruning Requirements**

1. No more than one-third of fronds shall be removed.
2. No pruning above the horizon line, except for dead or diseased fronds.

**Figure 7.E.5.B – Palm Pruning Guidelines**



**C. Pruning Exemptions**

The following trees and species are exempt from these pruning standards:

1. Trees affected by FAA and airport safety regulations, to the extent required to comply with these regulations.
2. Trees that interfere with corner clips, utility lines, or utility structures, to the extent required to comply with regulations for these areas or structures.

3. Trees that have insect or disease damage, crown dieback, or decay greater than one third of the tree canopy.
4. Trees that have suffered damage due to natural or accidental causes.
5. Trees on single-family lots unless pruned by a commercial tree service business, landscape company, lawn service business, or other related businesses.
6. Trees in botanical gardens, or botanical research centers.
7. Trees under DOT, DEPW, and FPL management.

## **Section 7      Irrigation**

The licensed professional or irrigation contractor responsible for the installation of irrigation shall demonstrate compliance with the following irrigation standards in a form acceptable to the Zoning Division. Landscaped areas shall be irrigated to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards:

- A. The landscape design and final landscape plan shall incorporate acceptable xeriscape industry standards.
- B. All landscaped areas requiring irrigation shall be provided with an automated irrigation system that provides 100 percent coverage. Areas requiring minimal irrigation to establish plants shall use drip irrigation.
- C. Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent schedule than lawn areas. A rain-sensor switch shall be installed on systems with automatic controllers.
- D. Irrigation systems shall be designed as not to overspray water impervious areas. All irrigation systems shall be continuously maintained in working order.
- E. Where feasible, irrigation systems shall not be installed or maintained on areas adjacent to a public street which causes water from the system to spray onto the roadway or strike passing pedestrian or vehicular traffic.
- F. The use of irrigation quality or re-used water is encouraged for parks and recreation facilities:
  1. Within the Irrigation Quality (IQ) effluent water service area of the PBCWUD; or
  2. Where irrigation quality or re-used water is available and where such reuse is approved by the regulatory agencies.
- G. Permanent irrigation systems are not required for areas set aside on approved site development plans for preservation of existing native vegetation.
- H. Temporary irrigation systems installed pursuant to acceptable xeriscape practices may be used to meet the standards of this Section, upon approval of the Zoning Division.

## **Section 8      Restoration and Maintenance**

Required or preserved vegetation that becomes damaged, diseased, removed or is dead shall be immediately replaced with plant material to comply with the approved standards and height requirements of this Article or conditions of approval, whichever is greater. Trees that are removed or damaged, shall be replaced in accordance with the tree replacement credit standards of Table 7.D.2.D, Tree Credit and Replacement. Landscape trees planted or preserved to meet the minimum landscape code requirements may be removed provided a Tree Removal Permit is approved. **[Ord. 2005-002]**

## **CHAPTER F    PERIMETER BUFFER LANDSCAPE REQUIREMENTS**

Landscape buffers shall be installed and maintained in accordance with the following standards.

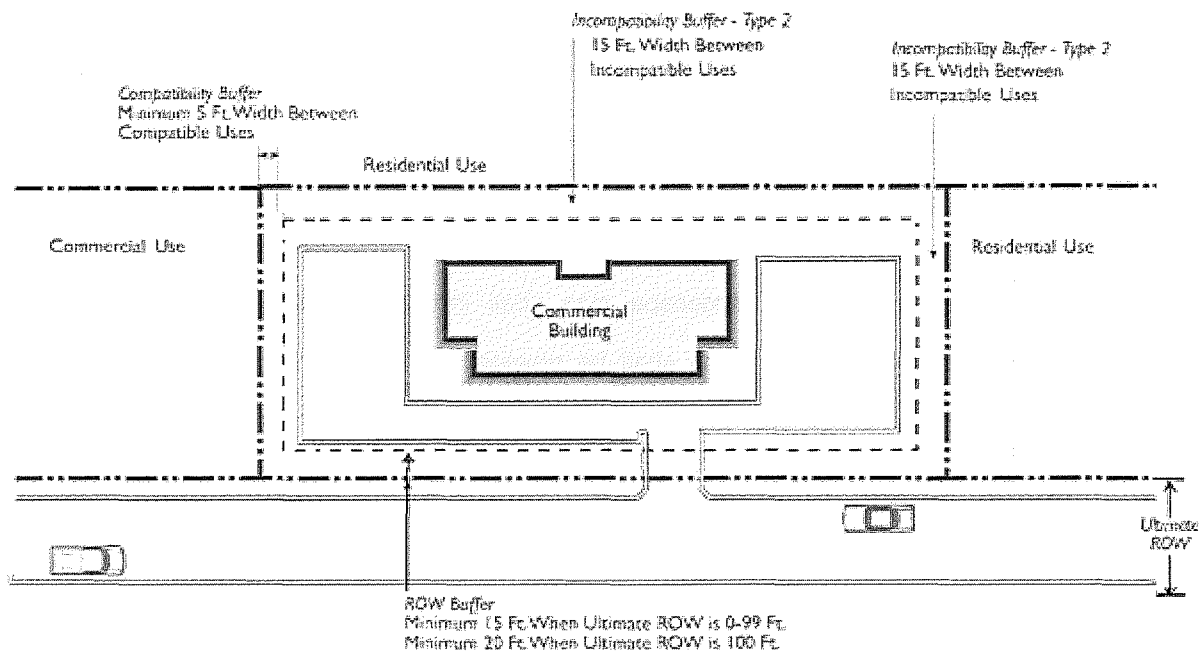
### **Section 1      Buffer Types**

- A. **R-O-W**  
R-O-W buffers shall be provided along all street R-O-W, except for alleys.
  1. **Exceptions**  
R-O-W buffers are not required for individual single-family residential, ZLL, or townhouse lots.
- B. **Compatibility**  
Compatibility buffers shall be provided between all compatible use types, excluding: single family residential subdivisions or pods adjacent to single family residential subdivisions or pods; internal buffers within TDD's unless specifically stated otherwise; or where residential uses are not adjacent to other incompatible design elements such as roadways, useable open space areas, or where residential setbacks are less than adjacent residential development. **[Ord. 2006-055]**

### C. Incompatibility

Incompatibility buffers shall be provided between all incompatible use types or incompatible pods.

**Figure 7.F.1.C – Buffer Type Detail**



## Section 2 Trees, Shrubs, and Hedges

Trees, shrubs, and hedges shall be provided in all perimeter buffers in accordance with the following standards:

### A. Trees

#### 1. Minimum Tree Quantities

##### a. R-O-W Buffers

One canopy tree per 25 lineal feet.

##### b. Compatibility Buffers

One canopy tree per 25 lineal feet.

##### c. Incompatibility Buffers

One canopy tree per 20 lineal feet.

#### 2. Palms

Palms planted in groups of three or more may be counted as one required canopy tree, up to a maximum of 25 percent of all trees required in each buffer. In the case of palm species that characteristically grow in clumps, each clump may be counted as one canopy tree.

##### a. Exception

In R-O-W buffers only, Royal, Bismarck, Phoenix, Canary, Date or similar palm species determined to be acceptable by the Zoning Division may be counted as one required canopy tree. These palms shall be spaced a maximum of 20 feet on center and have a minimum of 12 feet of clear trunk, except Royals which shall require a six feet minimum Grey Wood.

#### 3. Slash Pines

Slash pines planted in groups of three or more may be counted as one required canopy tree. Each group of slash pines shall be staggered in height and average a minimum of ten feet in height.

### B. Shrubs

Shrubs shall be installed according to Table 7.F.7.B, Shrub Planting Requirements. [Ord. 2009-040]

### C. Hedges

Hedges may be used in place of required shrubs in compatibility and incompatibility buffers. Hedges, in combination with a berm, shall be installed in a manner that provides the minimum height required for continuous solid opaque screen at time of planting.

## Section 3 Walls and Fences

If a wall or fence is used, the following shall apply: [Ord. 2007-001] [Ord. 2007-013]

**A. Location of Wall or Fence**

It is recommended that walls and fences collocated in a buffer with a berm be located at the top of berm. Walls and fences with a continuous footer shall be setback a minimum of ten feet from the edge of the property line. Fences may be permitted adjacent to a property line only when used in compatibility buffers. [Ord. 2007-001] [Ord. 2007-013]

**B. Location of Planting**

A minimum of 75 percent of required trees shall be located between the exterior of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. Shrubs or hedges shall be installed on both sides of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. [Ord. 2007-013]

**C. Conflict with Easements**

If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with Article 3.D, PROPERTY DEVELOPMENT REGULATIONS (PDRs). [Ord. 2007-013]

**D. Architectural Treatment**

If a wall is used in a compatibility or incompatibility buffer, both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent development. [Ord. 2007-013]

**E. Chain Link Fences**

Vinyl coated chain link fences are permitted only if used in the R-O-W buffer, installed behind an opaque six foot high hedge or approved by the BCC, or ZC. [Ord. 2007-001] [Ord. 2007-013]

**Section 4 Dedications**

Required landscape buffers within or around residential pods of Planned Developments shall be platted and dedicated as separate tracts of land.

**Section 5 Area Measurement**

The width of access ways that traverse required perimeter landscape buffers shall be included in the calculation of linear dimension.

**Section 6 Buffer Width Reduction**

The required buffer width may be reduced by 50 percent where a project is separated from a R-O-W by a canal, lake, open space, or combination thereof, with a minimum width of 80 feet. The DRO may reduce the required incompatibility buffer width by 50 percent for pods adjacent to a canal, lake, or open space area 100 feet in width or if the same type of buffer exists on the adjacent property. The quantity of required plant material shall not be reduced in proportion to the reduction in the buffer width. A minimum of five clear feet for planting, or ten feet if a wall with a continuous footer is used, shall be maintained.

**Section 7 R-O-W Buffer**

**A. Width**

The total width of the buffer along streets, thoroughfares, or other means of vehicular access shall depend on the width of the street's ultimate R-O-W as indicated in Table 7.F.7.A-5, Width of R-O-W Buffer. The width of the ultimate R-O-W shall be determined by reference to the Thoroughfare R-O-W Identification Map in the Plan, or as determined by the County Engineer. R-O-W widths for non-thoroughfare plan streets shall be determined by reference to Article 11.C.1.C.1, Access and Circulation Systems.

**Table 7.F.7.A - Width of R-O-W Buffer (Feet)**

Width of Ultimate R-O-W (Feet)	Minimum Width of Buffer (Feet)
100+	20
0-99	15

## B. Shrub Hierarchy

R-O-W buffers shall include each of the shrub types listed in Table 7.F.7.B, Shrub Planting Requirements.

**Table 7.F.7.B – Shrub Planting Requirements**

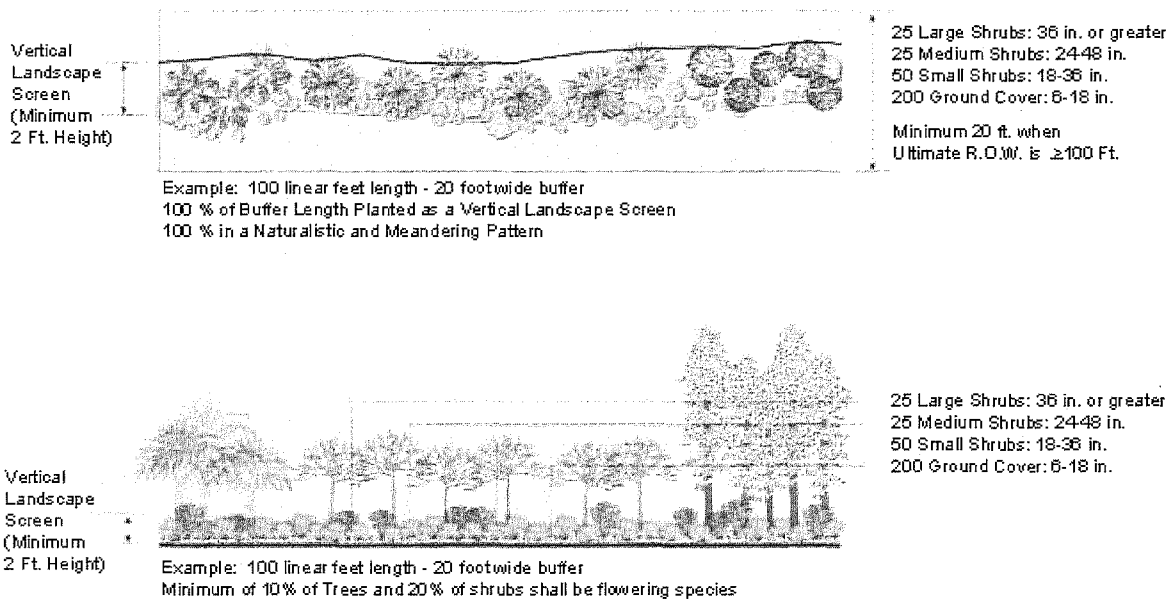
Shrub Type	Minimum Height at Installation (Size)	Minimum Number of Shrubs Per Linear Foot <sup>3</sup> of Buffer Length	Maximum Spacing at Installation	Maximum <sup>1</sup> Maintained Height
Ground Cover	6 inches	2 per 1 linear foot	6 inches	N/A
Small Shrubs	18 inches	1 per 2 linear feet	24 inches	36 inches
Medium Shrubs	24 inches	1 per 4 linear feet	48 inches	48 inches
Large Shrubs	36 inches	1 per 4 linear feet	48 inches	N/A

[Ord. 2009-040]

**Notes**

1. Maximum maintained height is established to maintain the hierarchical visual effect for Perimeter R-O-W buffer. [Ord. 2009-040]

**Figure 7.F.7.B - Buffer Width, Trees and Shrub Layers**  
An Example of Planting Requirements for a Perimeter R-O-W Buffer



[Ord. 2009-040]

## C. Planting Pattern for a Perimeter R-O-W Buffer

One hundred percent of the buffer length shall be composed of a continuous opaque vertical landscape screen at least two feet in height, planted in a meandering pattern as illustrated in Figure 7.F.7.B, Buffer Width, Trees and Shrub Layers, and composed of the shrub types listed in Table 7.F.7.B, Shrub Planting Requirements. The area of the buffer not planted with trees and shrubs shall be landscaped with ground treatment. [Ord. 2009-040]

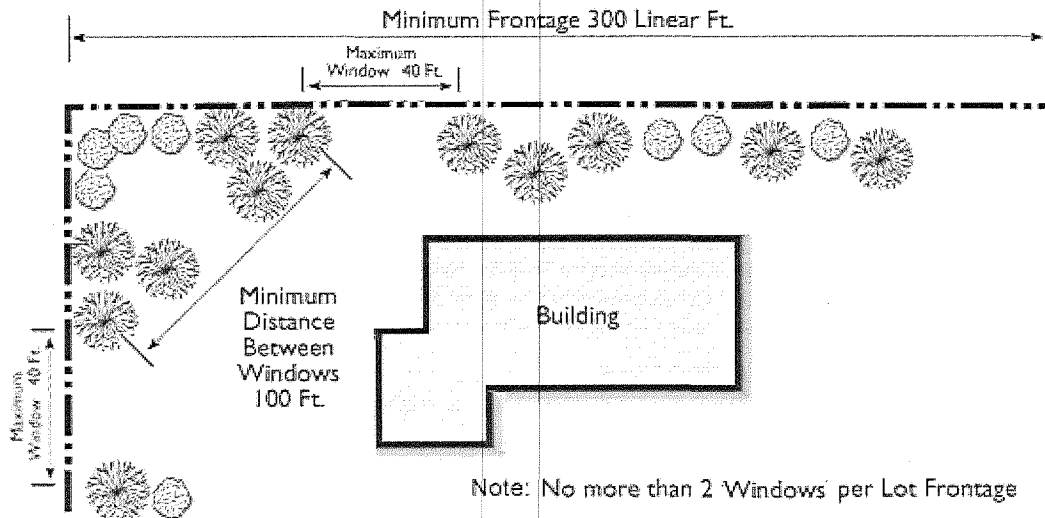
## D. Clustering

Canopy trees and same species palms may be clustered in R-O-W buffers for non-residential development, subject to the following standards:

1. Clusters shall be spaced no more than 40 feet on center.
2. Clusters shall consist of trees of varied height, which when averaged, equal the minimum tree height requirements of Article 7.D.2.A, Canopy Trees.
3. Created windows shall only be permitted on properties with a minimum of 300 feet of lot frontage.
4. A maximum of two windows are allowed per lot frontage.
5. The minimum distance between open window areas created by clusters shall be 100 feet.



**Figure 7.F.7.D – Clustering in R-O-W Buffer**



6. In the WCRAO, clustering is not permitted in conjunction with the R-O-W buffer in the NRM, NG, and NC Sub-areas. [Ord. 2006-004]

**E. Walls and Fences**

Walls or fences shall be setback a minimum of ten feet from the edge of the ultimate R-O-W, unless waived or reduced by the County Engineer, provided there remains a minimum of five clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten clear feet for planting.

**Section 8 Compatibility Buffer**

The minimum width of a compatibility buffer is five feet. Compatibility buffers shall provide a continuous solid opaque visual screen at least three feet in height composed of hedges or shrubs, either alone or in combination with a wall, fence or berm. Hedges and shrubs shall reach the required height within two years of installation.

**A. Walls**

Walls used in combination with hedges or shrubs shall not be CBS type with a continuous footer unless a minimum of ten clear feet is provided for landscaping.

**Section 9 Incompatibility Buffer**

An incompatibility buffer shall be required between all incompatible use types or incompatible pods in a Planned Development in accordance with the requirements of Table 7.F.9.A, Incompatibility Buffer Standards. [Ord. 2009-040]

**A. Type**

Incompatibility buffers shall be one of the types listed in, Table 7.F.9.B Required Incompatibility Buffer Types.

**1. Landscape Requirements**

An Incompatibility buffer shall consist of a continuous, opaque landscape barrier. The landscape barrier shall either be a hedge, fence or a wall. Shrubs and trees shall be required in addition to the barrier pursuant to the Table below. [Ord. 2009-040]

**2. Required Shrub Mix**

- Groundcover is not allowed to substitute for shrubs. [Ord. 2009-040]
- Type 1 shall have a mix of small and medium shrubs to complete the required rows of shrubs. [Ord. 2009-040]
- Types 2 and 3 shall have a mix of small, medium and large shrubs to complete the required of shrubs. [Ord. 2009-040]
- Refer to Table 7.F.7.B, Shrub Planting Requirements. [Ord. 2009-040]

**Table 7.F.9.A - Incompatibility Buffer Standards**

Buffer Type	Width (in feet)	Minimum Landscape Barrier Height (in feet)	Walls Required	Minimum Row of Shrubs	Maximum Tree Spacing (in feet, on center)
Type 1	10	6	No	2	20
Type 2	15	6	No	2	20
Type 3	20	6	Yes	3	20
[Ord. 2008-003] [Ord. 2009-040]					
<b>Note:</b>					
1. The wall requirement shall be waived where a Type 3 Incompatibility Buffer is required in an AGR PUD in accordance with Art. 3.E.2.F.4.d, Landscape Buffer. [Ord. 2008-003]					

**B. Determining Incompatibility Buffer Type**

The type of incompatibility buffer required shall be the highest buffer type based on the height or use difference between adjacent uses, in accordance with Table 7.F.9.B, Required Incompatibility Buffer Types. In the case of a conflict, the most restrictive buffer type shall be required.

**Table 7.F.9.B - Required Incompatibility Buffer Types**

Building Height Difference Between Adjacent Uses		Required Buffer Type
14 to 28 ft.		Type 1
28 to 35 ft.		Type 2
Greater than 35 ft.		Type 3
Existing Use Type	Proposed Use Type	Required Buffer Type
Single-Family	Multi-Family, Type II CLF	Type 1
Residential	Commercial	Type 2
Residential	Recreational	Type 2
Residential	Civic	Type 2
Residential	Agricultural	Type 3
Residential	Industrial	Type 3
Residential	Utility	Type 3
[Ord. 2008-003]		
<b>Notes:</b>		
1. Buffer for minor utilities shall be determined by the DRO.		
2. If the height and use differences in Table 7.F.7.B are not applicable, then a compatibility buffer shall be required. (See Art. 7.F.8, Compatibility Buffer)		
3. Determination of use types subject to Art. 4.A.3.A, Use Matrix.		

**C. Walls and Fences**

Walls used in Type 1 incompatibility buffers shall not be CBS type with a continuous footer unless a minimum of ten clear feet is provided for landscaping.

**1. Existing Walls or Fences**

Where there is an existing wall or fence, the Zoning Division may waive the wall or fence requirement. The following conditions shall be considered when determining if the wall requirements may be waived:

- Condition of existing wall;
- Effectiveness of visual screen; and
- Type of construction.

**D. Berms**

Landscape berms may be used in conjunction with shrubs, hedges, walls or fences to meet minimum visual screen height requirements.

**E. Special Standards**

The DRO may require incompatibility buffers for uses such as recreation and civic areas within a residential subdivision or pod. The DRO may waive the incompatibility buffer for pods adjacent to open space that is 100 feet or greater in width. [Ord. 2005 – 002]

**Section 10 WCRAO Exceptions**

**A. Perimeter Buffer Width Reductions**

A required R-O-W or incompatibility buffer width may be reduced by up to 50 percent in the NRM, NG, NC, UG and UI Sub-areas for commercial or mixed use projects, provided that a minimum five foot wide planting areas is provided with no encroachments, and that all other code requirements are met, unless indicated otherwise. A side interior perimeter buffer shall not be required when a zero side setback is used. [Ord. 2006-004]

**B. R-O-W Planting Reductions**

Shrubs and hedges shall not be required for any R-O-W buffer along the Westgate Avenue corridor from Congress Avenue to the L-10 Canal, provided that required trees are planted 20 feet on center. This provision may also be used along the frontage of any mixed use project in the NRM, NC, NG and UG Sub-areas. [Ord. 2006-004]

**C. Parking Lots**

Side interior perimeter buffers are not required where adjacent to a surface parking lot that shares a common border with and is interconnected to an adjacent surface parking lot, subject to DRO approval. [Ord. 2006-004]

**Section 11 Large Scale Commercial Development**

**A. Perimeter Buffer**

In addition to the requirements of this Code, developments with single tenants 65,000 gross square feet or more shall be subject to the following standards: [Ord. 2005 – 002]

**1. R-O-W Buffers**

The width, berm and planting requirements along streets, thoroughfares and/or other means of vehicular access shall be upgraded as follows: [Ord. 2005 – 002]

**a. U/S Tier**

- 1) A minimum 25 foot wide buffer. [Ord. 2005 – 002]
- 2) A three foot high berm. [Ord. 2005 – 002]

**b. Glades and Rural/Ex Tiers**

- 1) A minimum 50 foot wide buffer. If a lake/retention area is located along a R-O-W, the buffer may be split to border the perimeter of the lake, 25 feet along the street and 25 feet along the interior side of the lake. [Ord. 2005-002]
- 2) Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005-002]

**2. Compatibility Buffers**

The width, berm and planting requirements along property lines adjacent to compatible uses shall be upgraded as follows: [Ord. 2005-002]

**a. U/S Tier**

- 1) A minimum 25 foot wide buffer. [Ord. 2005-002]
- 2) A three foot high berm. [Ord. 2005-002]

**b. Glades and Rural/Ex Tiers**

- 1) A minimum 50 foot wide buffer. [Ord. 2005-002]
- 2) Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005-002]

**3. Incompatibility Buffers**

The width, berm and planting requirements along property lines adjacent to residential and other incompatible uses, and vacant properties with a residential FLU designation, shall be upgraded as follows: [Ord. 2005-002]

**a. U/S Tier**

- 1) A minimum 50 foot wide buffer. [Ord. 2005-002]
- 2) A four foot high berm. [Ord. 2005-002]
- 3) Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005-002]

**b. Glades and Rural/Ex Tiers**

- 1) A minimum 50 foot wide buffer. [Ord. 2005-002]
- 2) Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005-002]

**4. Encroachment**

No easement encroachment shall be permitted in required perimeter buffers, except for bisecting utility easements and required safe sight distance easements not to exceed a maximum of fifty percent of the required buffer width. [Ord. 2005-002]

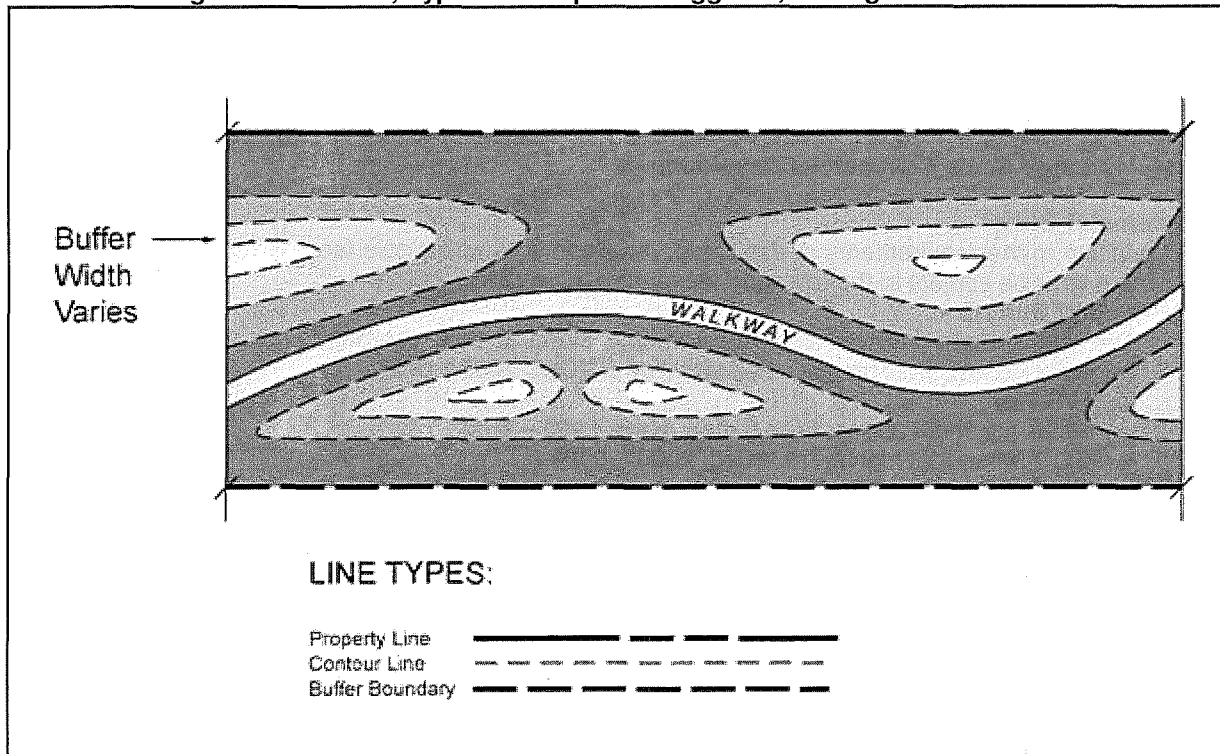
**5. Perimeter Sidewalk**

A perimeter sidewalk a minimum of shall be required in all R-O-W buffers 50 feet in width, and shall meander through the buffer. [Ord. 2005-002]

**6. Berm**

Berms shall be staggered, rolling or offset, as indicated in Figure 7.F.11.A-15, Typical Example of Staggered, Rolling or Offset Berm. [Ord. 2005-002]

**Figure 7.F.11.A-15, Typical Example of Staggered, Rolling or Offset Berm**



[Ord. 2005-002]

**CHAPTER G OFF-STREET PARKING REQUIREMENTS**

Off-street parking and interior vehicular use areas shall be subject to the following landscaping requirements. Planting within perimeter buffers required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, shall not be used to satisfy these requirements.

**Section 1 Trees**

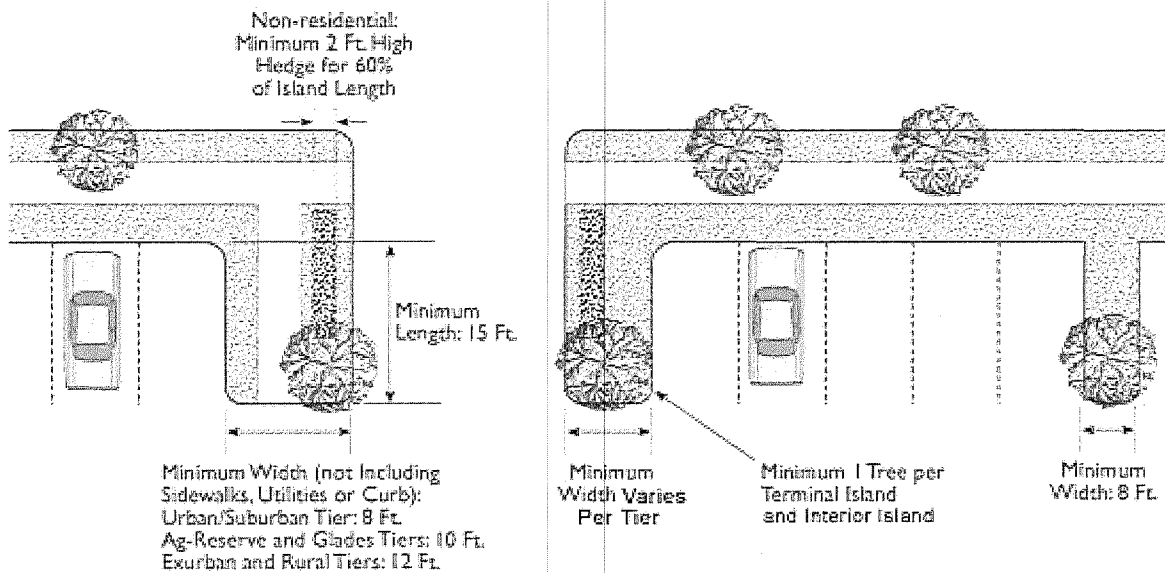
A minimum of 75 percent of all trees required in the interior of vehicular use areas shall be canopy trees. Palms may count as one required tree, not to exceed 25 percent of the total required trees.

**Section 2 Landscape Islands**

**A. Terminal Islands**

Each row of parking spaces in excess of three spaces, or four spaces in industrial zoning districts, shall be terminated by a landscape island. Terminal islands shall have a minimum length of 15 feet and include a minimum of one tree per island. The minimum width of terminal islands, exclusive of sidewalks or utilities, shall be subject to the standards of Table 7.C.3, Minimum Tier Requirements. For non-residential planned development, terminal islands facing major internal driveways shall be landscaped on both sides with a minimum two foot high continuous opaque hedge for a minimum of 60 percent of the island length. Terminal islands shall not overlap perimeter or other required buffers.

**Figure 7.G.2.A – Terminal and Interior Landscape Islands**



**B. Interior Islands**

Interior landscape islands shall have a minimum length of 15 feet and a minimum width of eight feet landscape area. If an interior island includes a sidewalk or utilities, the minimum width shall increase by the minimum amount necessary to meet the needs of the utility providers or sidewalk. Interior islands shall contain one tree and appropriate ground coverage.

**1. Maximum Spacing**

**a. U/S Tier**

One per ten spaces (maximum 100 feet apart).

**b. AGR and Glades Tiers**

One per eight spaces (maximum 80 feet apart).

**c. Rural and Exurban Tiers**

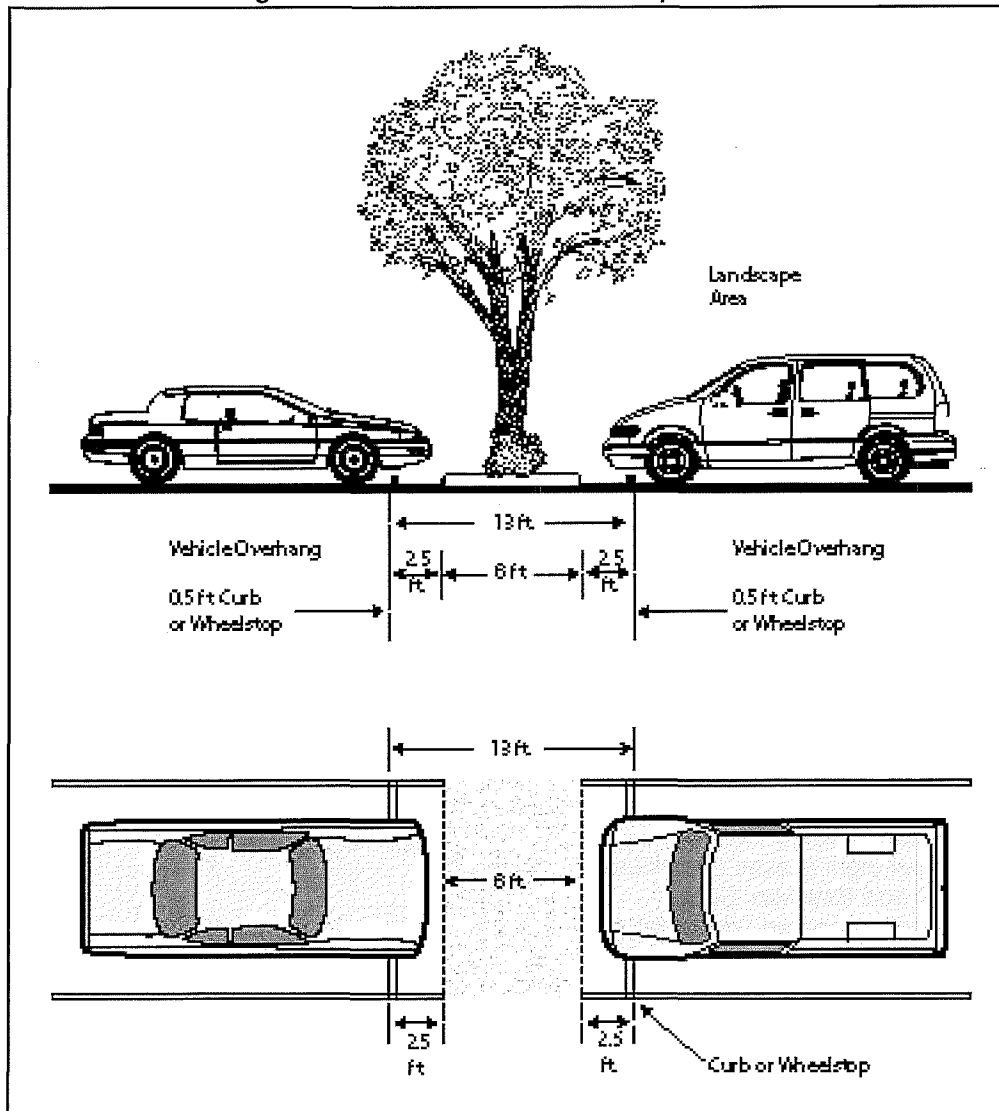
One per six spaces (maximum 60 feet apart).

**C. Divider Median**

Divider medians with a minimum width of eight feet shall be required for parking lots with at least two or more vehicular parking aisles in the U/S, AGR, and Glades Tiers. Divider medians shall be installed between every third row of parking and between all parking/vehicular use areas. Divider medians shall contain a minimum of one canopy tree for every 30 linear feet with a maximum spacing of 30 feet on center, shrubs with a minimum height of three feet and a maximum spacing of 30 inches, and appropriate ground coverage.

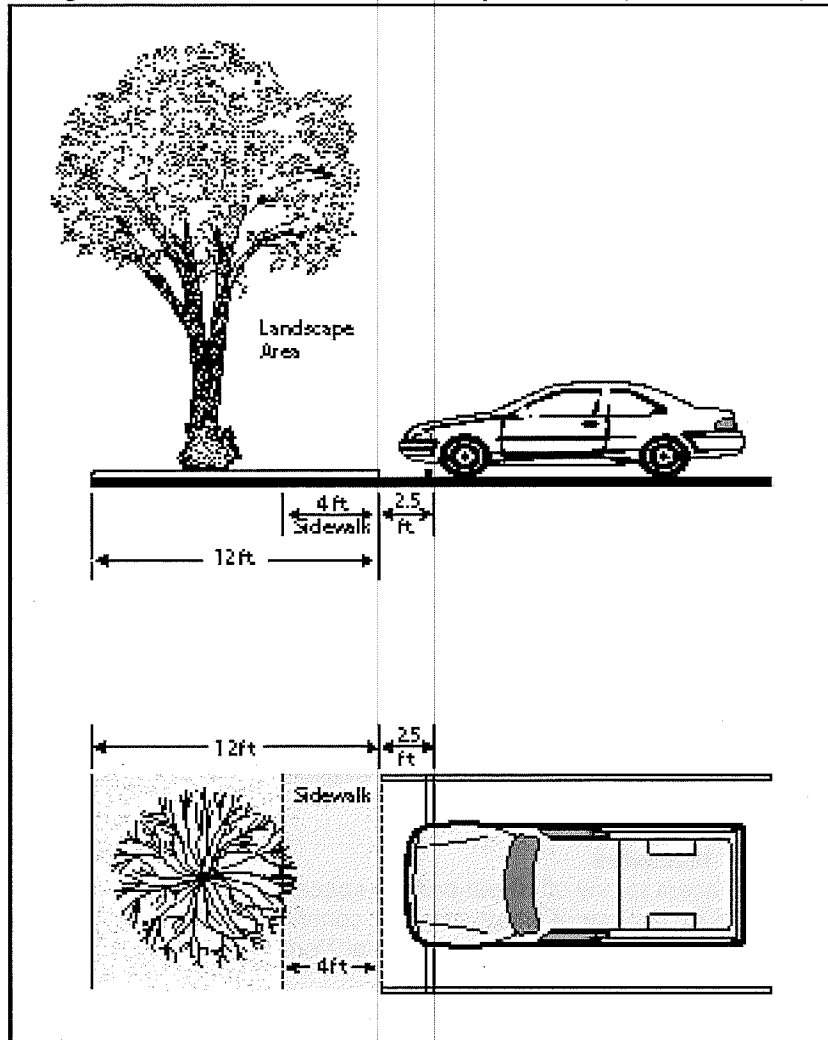
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Figure 7.G.2.C- Divider Median Requirements



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**Figure 7.G.2.C – Divider Median Requirements (with Sidewalk)**

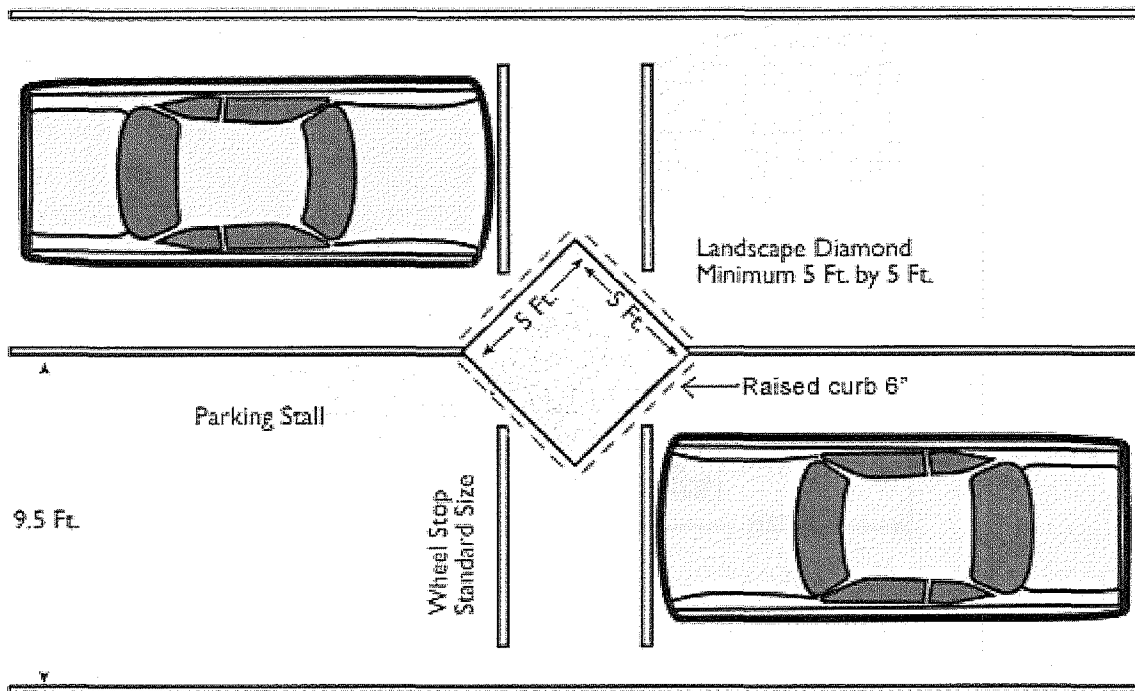


**D. Landscape Diamonds**

Landscape diamonds containing one tree and appropriate ground cover may be distributed throughout the interior of an off-street parking area as an alternative to median islands. Grade level tree planting areas shall be located only at the common intersection of four parking spaces and spaced a maximum of four parking spaces apart. The minimum tree planting area shall be 25 square feet with minimum dimension of five feet by five feet.

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Figure 7.G.2.D – Landscape Diamond Detail



A raised curb is required around the entire landscape diamond when wheel stops are not used

#### E. Landscape Protection Measures

The landscape area adjacent to any off-street parking space or vehicular use area shall be protected from vehicular encroachment by the use of wheel stops or continuous concrete curbing. Alternative protection may be allowed in the AGR, Exurban, Glades and Rural Tiers by the Zoning Division.

##### 1. Curbing

All landscape areas subject to vehicular encroachment shall be separated from vehicular use areas by six inch, non-mountable, FDOT-type "D" or FDOT-type "F", concrete curbing. Curbing shall be machine-laid, formed-in-place or integrally installed with the pavement. Landscaped areas adjacent to vehicular use areas shall be surrounded with a continuous raised curb, except for the following:

- Divider medians that abut parking spaces with wheel stops.
- Properties located in the AGR, AP, AR, and PO zoning districts.
- Alternative landscape protection measures approved by the Zoning Division.

##### 2. Wheel Stops

Wheel stops shall have a minimum height of six inches above the finished grade of the parking area, properly anchored, and continuously maintained in good condition. The space between the wheel stop and the front end of the parking space may be paved for anchoring and maintenance purposes. Wheel stop anchor rods shall be set through the wheelstop and the pavement. The bottom of the wheel stop must rest fully on the pavement to prevent rocking. Public parks in the PO District that are exempt from curbing requirements shall also be exempt from wheel stop requirements. [Ord. 2006-004]

#### F. Parking Structures

Perimeter planters shall be provided along the exterior of parking structures located within 500 feet of a public R-O-W or residential zoning district. Planters shall provide a total of one-half square foot of planting area for each linear foot of facade per parking level. Planting areas may be arranged in linear fashion or clustered at intervals or on levels, and shall be provided with permanent irrigation to permit watering of plant materials. The perimeter planter requirement may be altered if in conflict with the architectural character of the structure, subject to approval of an ALP.



### **G. Alternative Parking Lot Landscaping**

Alternative parking lot landscape designs may be approved under the provisions of Art. 7.B.3, Alternative Landscape Plan (ALP), provided that the total landscaped area and plant material quantities equal or exceed the requirements of this Article. **[Ord. 2005 – 002]**

## **CHAPTER H ENFORCEMENT**

### **Section 1 Temporary Suspension of Landscape Standards**

The Executive Director of PZB may temporarily suspend the standards of this Article and establish timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental PPM in the following situations: a hurricane; a freeze resulting in unavailability of landscape materials; a period of drought resulting in restrictions on water usage imposed by a governmental authority; or a similar event. **[Ord. 2005-041]**

#### **A. Performance Surety**

If the landscape standards of this Article are suspended pursuant to this Article, the property owner may enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of Completion provided the property owner includes as part of this agreement adequate guarantee or surety that the terms of this Article will be met after the suspension period has been lifted. The guarantee shall consist of a performance bond or other surety agreement approved by the County Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other costs incidental to the installation of the required landscaping completion agreement. Performance bonds or other guarantees required pursuant to this subsection shall name PBC as a beneficiary and specify the time-frame for the completion of the landscape standards of this Article. **[Ord. 2005-041]**

#### **B. Application Requirements**

An application for a temporary suspension of landscape standards shall be accompanied by a landscape plan identifying the plantings that have been postponed, the proposed planting schedule, and the costs of the suspended planting. Planting cost estimates may be independently verified by PBC.

### **Section 2 Administration**

#### **A. Landscape Permit**

Landscape Plan applications for review shall be submitted in compliance with the provisions of this Chapter. When all requirements are satisfied, the appropriate staff shall issue a Landscape Permit that shall reference the approved Landscape Plan associated with the permit in addition to any necessary inspections, conditions and maintenance obligations. The Permit shall be maintained on site until the final landscape inspection is signed off by the PBC Inspector. A copy of the landscape permit shall be maintained in the associated official Building Permit record, as well as the Zoning Division file. **[Ord. 2009-040]**

#### **B. Field Inspections**

Unless otherwise provided in this Article, all development subject to this Article may be inspected by PZB prior to and after installation of required landscaping. Required landscaping shall be approved by PZB prior to the issuance of a paving permit, CO, or Certificate of Completion, whichever occurs first.

##### **1. Types of Landscape Inspection**

- a. Preliminary Inspection – required to verify existing grades, vegetation and necessary site preparation has been completed prior to any plant material being installed on the site to comply with the Landscape Permit; **[Ord. 2009-040]**
- b. Final Inspection – required as part of the typical building permit process to ensure landscape material, irrigation and conditions of approval on a development order are in compliance prior to final sign off that the landscape is completed and installed in accordance to the Landscape Permit. **[Ord. 2009-040]**
- c. Annual Inspection – scheduled on the one year anniversary date from the date of the Final Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all landscape and irrigation continually complies with the Landscape Permit. If material or irrigation is missing, dead or damaged the property owner shall be provided with a Notice to Correct, pursuant to Article 10, Enforcement. **[Ord. 2009-040]**
- d. Monitoring Inspection – performed to respond to complaint of missing or damaged plant material or changes to the landscape not approved in accordance with the Landscape Permit. **[Ord. 2009-040]**

### **C. Certification of Compliance**

In addition to Final Inspection and certification by PZB, the land owner shall submit a Certificate of Compliance, in a form approved by the Zoning Director, to the County Landscape Section as a condition of issuance of a CO or Certificate of Completion. This certificate shall be prepared and signed by a landscape architect licensed by the State of Florida and demonstrate that all of the provisions of this Article have been met. The certification statement, included in Art. 7, as Appendix C, Certification of Compliance, shall be made part of the documentation in the official building permit file. [Ord. 2009-040]

#### **1. Field Verification of Certification**

PZB may elect to conduct a field inspection to verify the Certificate of Compliance.

#### **2. Acceptance of Certification**

If no field verification is conducted by PZB within 30 days, the Certificate of Compliance shall be deemed to have been accepted provided it is complete with all the required information. Upon acceptance, the Certificate of Compliance shall be filed and maintained with the official records of the development.

## **Section 3 Enforcement**

Failure to install or maintain landscaping according to the terms of this Article or any approved plan or permit shall constitute a violation of this Article. PZB may issue a Cease and Desist Order or withhold a CO or Certification of Completion until the provisions of this Article have been met. In the alternative, PZB may refer any violation of this Article to Code Enforcement for corrective action or penalties set forth in Article 10, ENFORCEMENT.

### **A. Fines**

Violations of the provisions of this Section shall be subject to the following fines or requirements:

1. Such fines, site improvements and replacement landscaping as may be required by Article 10, Code Enforcement, or the PBC Code Enforcement Citation Ordinance. [Ord. 2005 – 002]
2. Such fines and imprisonment as provided for in F.S. §125.69; or
3. A triple permit fee for removal of trees without a valid tree removal and replacement permit.

### **B. Violations**

The following deficiencies shall be considered a separate and continuing violation of this Article:

1. Each tree or shrub that is not properly installed or properly maintained on site as required by this Section;
2. Each day in which landscaping is not properly installed or properly maintained on site as required by this Section; and
3. Each tree removed without a permit.

### **C. Additional Sanctions**

PBC may take any appropriate legal action, including, but not limited to requiring replacement of landscape material which has been hatracked, damaged and rendered unable to achieve its natural and intended form, administrative action, requests for temporary and permanent injunctions, and other sanctions to enforce the provisions of this Section. [Ord. 2005 – 002]

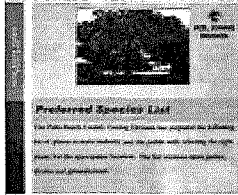
## **Amendment History:**

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-055; December 1, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-005; February 2, 2010]

## APPENDIX A – PBCs PREFERRED SPECIES LIST

PBCs Preferred Species List available at PZB Zoning Division or on-line at PBC PZB Web Page at:  
[http://www.co.palm-beach.fl.us/epzb/ACCommon.asp\\_html/indexmain.asp](http://www.co.palm-beach.fl.us/epzb/ACCommon.asp_html/indexmain.asp)

### Preferred Species List



The Palm County Division has prepared the following list of plants to assist industry and the public with selecting the right plants for appropriate location.

The list contains trees, palms, shrubs and groundcovers.

## APPENDIX B – EXAMPLES OF FLORIDA NUMBER 1 QUALITY PLANTS

The following two pages include photographic examples of Florida Number 1 and Florida Number 2 for selected plant types from the 1998 Edition of the "Grades and Standards for Nursery Plants, Parts I and II", prepared by the State of Florida Department of Agriculture and Consumer Services. Plants installed pursuant to this Section shall conform to or exceed the minimum standards for Florida Number 1.

Figure 7.A.1.N – Examples of Florida's Quality Plants

Bald Cypress

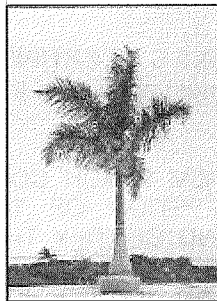


Florida No. 1

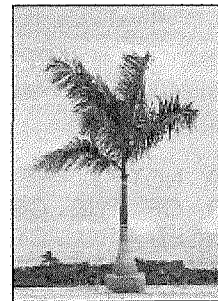


Florida No. 2

Cuban Royal Palm

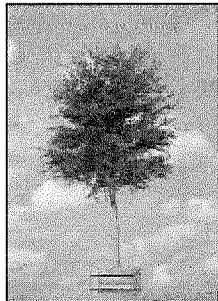


Florida No. 1

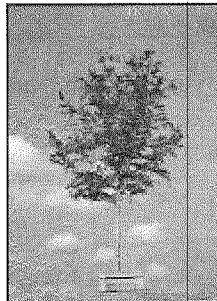


Florida No. 2

Live Oak

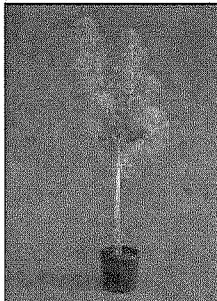


Florida No. 1

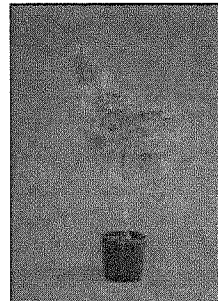


Florida No. 2

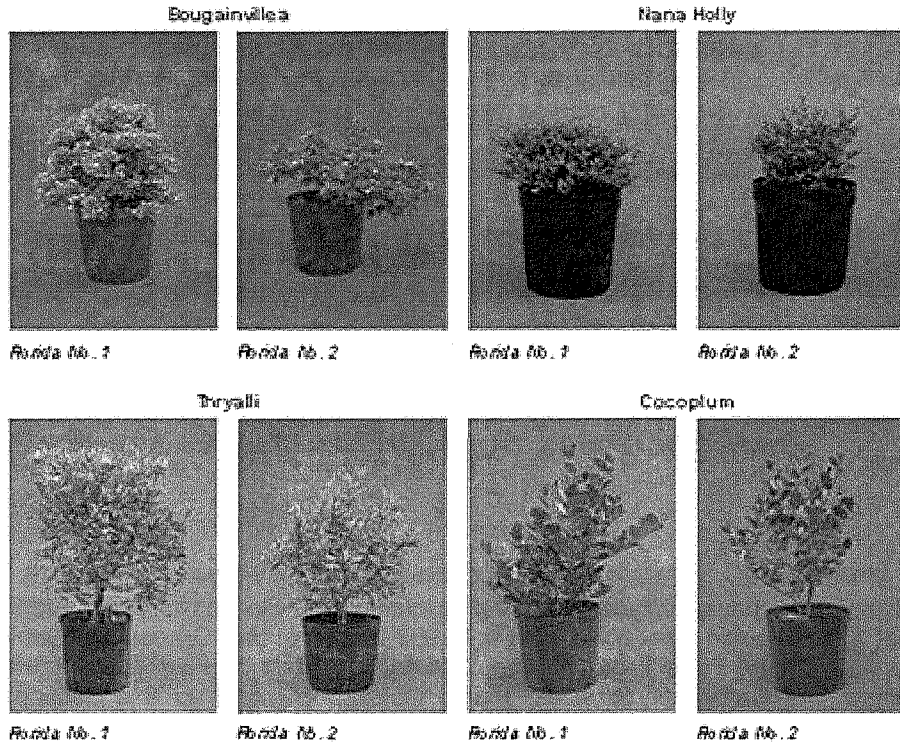
Slash Pine



Florida No. 1



Florida No. 2



### APPENDIX C – CERTIFICATION OF COMPLIANCE

The following certification statement must appear on the Certification of Compliance required by Art. 7.3.H.2.B, Certification of Compliance.

I HEREBY NOTIFY THE PALM BEACH COUNTY DEPARTMENT OF PLANNING, ZONING, AND BUILDING OF THE COMPLETION OF THE INSTALLATION OF LANDSCAPING FOR THE REFERENCED PROJECT AND CERTIFY THAT THE INSTALLATION OF PLANT MATERIAL AND IRRIGATION COVERAGE ARE IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS PERMITTED BY THE COUNTY. (A COPY OF THE APPROVED PROJECT DRAWINGS IS ATTACHED, WITH DEVIATIONS, IF APPLICABLE). SEAL, THIS DAY OF \_\_\_\_\_, 20\_\_.

Signature and seal: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Registration Number: \_\_\_\_\_

## ARTICLE 8

### SIGNAGE

	Page
CHAPTER A GENERAL .....	5
Section 1 General .....	5
A. Purpose and Intent .....	5
1. Identification .....	5
2. Aesthetics .....	5
3. Land Values .....	5
4. Safety .....	5
5. Compatibility .....	5
B. General Design Principles .....	5
1. Visibility .....	5
2. Legibility .....	5
3. Readability .....	5
4. Architectural Compatibility .....	5
5. Consistency with Area Character .....	5
C. Applicability .....	6
1. Nonconforming Signs .....	6
2. Billboards and Off-Site Signs .....	6
3. Conflict with Graphics and Other Provisions .....	6
Section 2 Definitions .....	7
CHAPTER B EXEMPTIONS .....	7
Section 1 Change of Ownership Signs .....	7
Section 2 Small Signs .....	7
Section 3 Transportation-Related Signs .....	10
Section 4 Window Signs .....	10
Section 5 Ground Mounted Signs Damaged during Natural Disaster .....	11
A. Temporary Sign Certificate .....	11
B. Damaged Sign Face .....	11
C. Damaged Structure .....	11
CHAPTER C PROHIBITIONS .....	11
Section 1 Banners, Streamers, Pennants, or Balloons .....	11
Section 2 Emissions .....	11
Section 3 Mechanical Movement .....	12
Section 4 Mobile Signs .....	12
Section 5 Motion Picture or Video .....	12
Section 6 Obscenities .....	12

Section 7	Obstruction of Fire Fighting Equipment .....	12
Section 8	Obstructions to Driver Visibility.....	12
Section 9	Roof Signs.....	13
Section 10	Signs Creating Traffic Hazards .....	13
Section 11	Signs On Public Bus Shelters .....	13
Section 12	Signs On Water Vessels .....	13
Section 13	Snipe Signs .....	14
Section 14	Vehicle Displays .....	14
CHAPTER D	TEMPORARY SIGNS REQUIRING SPECIAL PERMIT .....	14
Section 1	Balloon Type Signs .....	14
	A. Permit Requirements .....	14
	B. Prohibitions in the WCRAO.....	15
Section 2	Campaign Drives or Civic Events .....	15
Section 3	Grand Openings .....	15
	A. Projects Less Than Five Acres .....	15
	B. Projects Over Five Acres .....	15
Section 4	Temporary Sales.....	15
Section 5	Temporary Residential Development Signs .....	16
	A. Developments Less Than Five Acres .....	16
	B. Developments Greater Than Five Acres .....	16
Section 6	Temporary Non-Residential Development Signs .....	16
CHAPTER E	PROCEDURES FOR SIGNAGE.....	16
Section 1	Required Permits and Approvals.....	16
Section 2	Required Tag.....	16
Section 3	Master Sign Plan.....	16
	A. Purpose and Intent .....	16
	B. Submittals .....	17
	1. Preliminary Master Sign Plan (PMSP).....	17
	2. Final Master Sign Plan (FMSP) .....	17
	C. Conditions of Approval .....	17
Section 4	Alternative Sign Plan (ASP).....	17
	A. Design Principles.....	17
	B. Applicability .....	17
	C. Allowable Modifications to Standards .....	17

D. Submittals and Approvals .....	18
1. Submittal Requirements .....	18
CHAPTER F    GENERAL PROVISIONS FOR ALL SIGN TYPES .....	18
Section 1    Minimum Setbacks .....	18
A. Temporary Signs .....	18
B. Permanent Signs .....	18
C. WCRAO Exemption .....	18
Section 2    Computation of Maximum Sign Area .....	18
A. Single-faced Signs .....	18
1. Channel Letters, Including Neon Channel Letters and Individual Letters .....	18
B. Double-faced Signs .....	18
C. Multi-faced Signs .....	18
D. Three-dimensional Signs .....	18
Section 3    Building Frontage .....	21
Section 4    Materials .....	21
Section 5    Illumination .....	21
A. General Requirements .....	21
B. U/S Tier Requirements .....	22
C. AGR Tier Requirements .....	22
D. Exurban, Rural, and Glades Tier Requirements .....	22
Section 6    Changeable Copy .....	22
Section 7    Abandoned Signs .....	22
Section 8    Substitution of Sign Message .....	23
Section 9    Encroachment into Public Street or Sidewalk .....	23
Section 10   Required Address Signs .....	23
CHAPTER G    STANDARDS FOR SPECIFIC SIGN TYPES .....	23
Section 1    Building Mounted Signs .....	23
A. Wall Signs .....	23
B. Awning and Canopy Signs .....	24
1. WCRAO Overlay .....	24
2. Gas Station Canopies .....	24
C. Projecting Sign .....	24
D. Marquee Signs .....	25
Section 2    Ground Mounted Signs .....	26
A. Freestanding Signs .....	26
1. Prohibitions .....	26
2. Minimum Separations .....	26
3. Limitations in Median .....	27
4. Relationship of Sign Base to Sign Width .....	28

B. Outparcel Identification Signs.....	28
1. Relationship of Sign Base to Sign Width .....	28
C. Entrance Signs.....	28
Section 3      Other Sign Types .....	29
A. Mobile Signs.....	29
B. Electronic Message Center Signs .....	29
1. Exemption .....	29
2. Prohibited Elements .....	29
3. Standards.....	29
4. Location .....	30
5. Required Findings.....	30
6. Conditions of Approval .....	30
C. Flags and Freestanding Flagpoles .....	30
D. On-Site Directional Signs .....	32
1. Large Developments.....	32
E. Project Identification Signs .....	33
CHAPTER H    OFF-SITE SIGNS .....	33
Section 1      Off-Site Directional Signs .....	33
A. Structure Type .....	34
B. Locations .....	34
Section 2      Billboards .....	34
A. Purpose and Intent .....	34
B. WCRAO Prohibitions.....	34
C. Billboard Registration Permits.....	34
D. Billboard Owners Not Party to the Stipulated Settlement Agreement .....	35
E. Removal of Billboard Sign Faces.....	35
F. Relocation of Billboards .....	36
G. Billboard Replacement.....	37
H. Repair and Maintenance of Billboards .....	38
I. Effect of Annexation.....	38
J. Appeals.....	38
CHAPTER I    ADMINISTRATION AND ENFORCEMENT.....	38
Section 1      Zoning Division Review .....	38
Section 2      Enforcement.....	38
Section 3      Persons Responsible for Compliance.....	38
Section 4      Removal of Signs in Violation of this Article .....	39
A. Tagged Notice.....	39
B. Storage and Removal .....	39
C. Mailed Notice.....	39
D. Return or Destruction .....	39
E. Destruction and Unpaid Fees.....	39
F. Illegal Signs in Public R-O-W .....	39
Section 5      Appeals.....	39



## ARTICLE 8

### SIGNAGE

#### CHAPTER A GENERAL

##### Section 1 General

###### A. Purpose and Intent

The purpose of this Section is to establish standards for the placement and use of signs and other advertising consistent with State of Florida and Federal law. These standards are designed to protect the health and safety of PBC and to assist in the promotion of tourism, business and industry. More specifically, this Section is intended to:

###### 1. Identification

Promote and aid in the identification, location, and advertisement of goods and services, and the use of signs for free speech;

###### 2. Aesthetics

Preserve the beauty and the unique character of PBC, protect PBC from visual blight, and provide a pleasing environmental setting and community appearance which is deemed vital to the continued economic development of PBC;

###### 3. Land Values

Protect property values by assuring compatibility with surrounding land uses;

###### 4. Safety

Promote general safety and protect the general public from damage or injury caused by, or partially attributed to, the distractions, hazards, and obstructions that result from improperly designed or located signs; and

###### 5. Compatibility

Make signs compatible with the overall design objectives of the Plan and the Managed Growth Tier System (MGTS); ensure signs are compatible with the character of adjacent architecture and neighborhoods, and to provide the essential identity of, and direction to, facilities in the community.

###### B. General Design Principles

The following principles are general design guidelines that should be considered in the design of all signs. Signs which enhance a project are encouraged, and signs should make a positive contribution to the aesthetic appearance of the street or commercial area where they are located.

###### 1. Visibility

A sign shall be conspicuous and readily distinguished from its surroundings.

###### 2. Legibility

The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.

###### 3. Readability

A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign. Excessive use of large areas of several colors can create competition for the eye and significantly reduce readability.

###### 4. Architectural Compatibility

A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture, and shall be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign which covers a window, or which spills over "natural" boundaries or architectural features and obliterates parts of upper floor of buildings is detrimental to visual order and may not be permitted.

###### 5. Consistency with Area Character

A sign should be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. In Traditional Development Districts (TDD'S) projecting signs are encouraged and should be located and sized to be viewed by people on foot.

Where signs are located in close proximity with a residential area, the sign should be designed and located so they have little or no impact on adjacent residential neighborhoods.

**Figure 8.A.1.B – Visibility and Legibility**



**C. Applicability**

The provisions of this Section shall apply to all signs in unincorporated PBC, unless exempt by Article 8.B, EXEMPTIONS.

**1. Nonconforming Signs**

Previously permitted signs that do not meet the current standards of this Code are nonconforming structures, subject to Article 1.F.3, Nonconforming Structure. A nonconforming sign may not be enlarged, structurally altered, or moved unless the entire sign is brought into compliance with this Section. A sign face on a nonconforming sign may be replaced but not enlarged.

**2. Billboards and Off-Site Signs**

There shall continue to be a prohibition on billboards and similar off-site signs, however, this prohibition does not restrict the repair, maintenance, relocation, or replacement of billboards constructed consistent with applicable codes and permit procedures prior to November 15, 1988, and included within the billboard stipulated settlement agreement and billboard survey (approved February 6, 1996). The stipulated settlement agreement referred to herein shall be the primary source of information for implementing the intent and purpose of the regulations governing billboards and similar off-site signs.

**3. Conflict with Graphics and Other Provisions**

Where there is a conflict between the text and a graphic in this Section, the more restrictive provision shall prevail. Where other sign or outdoor advertising regulations are in effect and are more restrictive than the provisions of this Section, the more restrictive provisions shall prevail.

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**Table 8.A.1.C – Organization of Sign Regulations**

<b>CHAPTER B, EXEMPTIONS</b>	Lists types of signs that are exempt from these regulations. Exemptions are made for change of business signs; construction signs; equipment signs; interior signs; mobile vendor signs; official flags; official government signs; parking and directional signs; political campaign signs; public warning signs; real estate for sale, or for rent signs; small signs; transportation-related signs; and window signs.
<b>CHAPTER C, PROHIBITIONS</b>	Lists types of prohibitions for sign types, materials, designs, messages, and locations for banners, streamers, or pennants; emissions; mechanical movement; mobile signs; obscenities; obstruction of fire fighting equipment; obstructions to driver visibility; roof signs; signs creating traffic hazards; signs on public bus shelters; signs on water vessels; signs using live animals or humans; snipe signs; and vehicle displays.
<b>CHAPTER D, TEMPORARY SIGNS REQUIRING SPECIAL PERMIT</b>	Lists provisions for temporary signs that require a special permit including balloon type signs; signs for campaign drive or civic events, grand openings, temporary sales, temporary displays, and temporary residential developments.
<b>CHAPTER E, PROCEDURES FOR SIGNAGE</b>	Lists the permit and identification requirements for non-exempt signs and sign structures. Includes the MSP required for developments subject to DRO, ZC, or BCC. Also lists provisions for use of an ASP.
<b>CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES</b>	Lists standards for computation of sign area; building frontage measurement; materials, illumination, changeable copy, signs that do not reduce allowable sign area; construction and maintenance, abandoned signs, substitution of sign message; encroachment into public street or sidewalk, and for resolving conflict between text and graphics in this Section or with other provisions.
<b>CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES</b>	Lists specific provisions and standards for building-mounted signs (wall signs, awning and canopy signs, projecting signs, and marquee signs); ground-mounted signs (freestanding and monument signs) entrance wall signs; electronic message center signs; directional signs; flags and freestanding flagpoles; and project identification signs.
<b>CHAPTER H, OFF-SITE SIGNS</b>	Lists specific provisions and standards for off-site directional signs and outdoor advertising (billboards).
<b>CHAPTER I, ADMINISTRATION AND ENFORCEMENT</b>	Lists the authority and provisions for the administration and enforcement of this Section. Includes provisions for the amortization of non-conforming signs.

## **Section 2 Definitions**

See Art. 1.I, Definitions and Acronyms.

### **CHAPTER B EXEMPTIONS**

The following signs shall be exempt from the permitting requirements of this Article and may be constructed or attached without a permit, except as prohibited in Art. 8.C, Prohibitions. An electrical permit shall still be required for signs using electrical service. **[Ord. 2005 – 002] [Ord. 2006-036]**

#### **Section 1 Change of Ownership Signs**

A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed no longer than 30 days following the change of ownership or activity for which the sign is intended, or up to 90 days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign. **[Ord. 2006-036]**

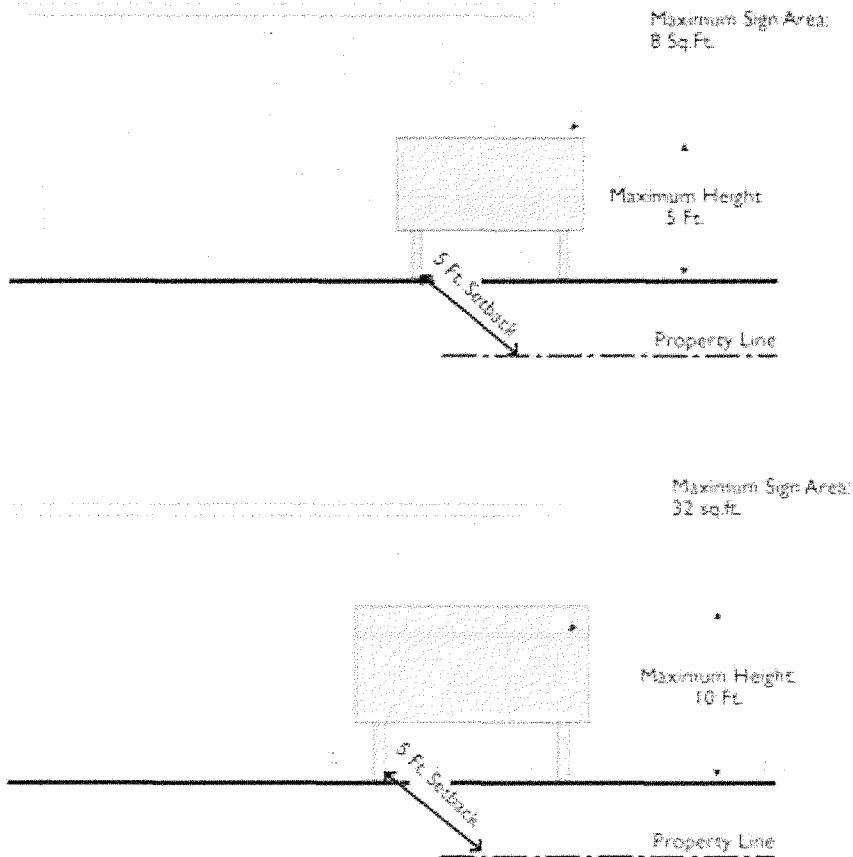
#### **Section 2 Small Signs**

Small signs shall include but not be limited to the following types of signage and corresponding limitation on sign face area: **[Ord. 2008-003]**

- A. Equipment, mobile vendor, and on-site directional signs shall be limited to a maximum of eight square feet in sign face area and five feet in height. **[Ord. 2008-003]**
- B. Other small signs shall include but not be limited to temporary signs such as real estate for sale and for rent signs; construction signs which typically include names of the project, contractors, architects and

other entities associated with the project; freedom of speech signs; campaign signs, provided such signs are removed within ten days after the election date; permanent signs such as public warning signs; official government signs and commemorative plaques. These small signs shall be limited to a maximum of eight square feet of sign face area and five feet in height on residential properties less than five acres in size, and a maximum of 32 square feet of sign face area and ten feet in height for all non-residential properties and residential properties greater than five acres in size. [Ord. 2006-036] [Ord. 2008-003]

**Figure 8.B.2 – Typical Example of Small Construction Signs**



[Ord. 2008-003]

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**Figure 8.B.2 – Typical Example of Small Equipment Signs**

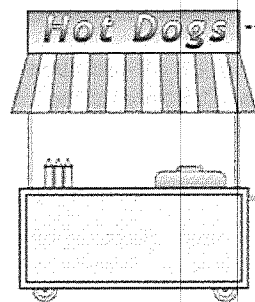


Maximum Sign Area:  
8 Sq. Ft.



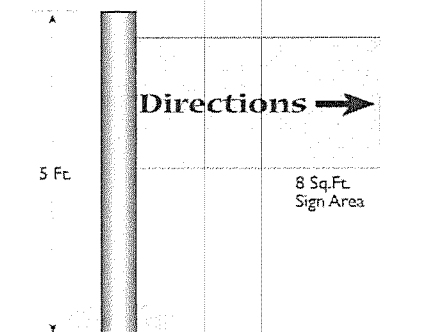
[Ord. 2008-003]

**Figure 3.B.2 – Typical Example of Small Mobile Vendor Sign**



Maximum  
Sign Area:  
8 Sq.Ft.

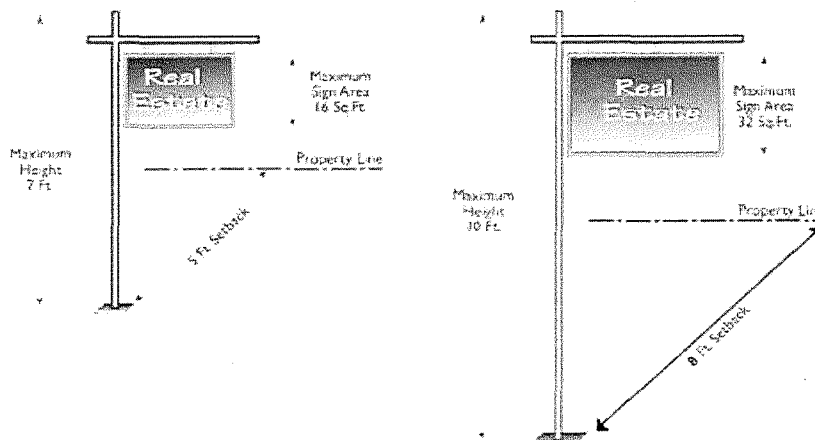
**Figure 8.B.2 – Typical Example of Small On-Site Directional Sign**



[Ord. 2008-003]

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**Figure 8.B.2 – Typical Example of Small Real Estate Signs**



[Ord. 2008-003]

### **Section 3      Transportation-Related Signs**

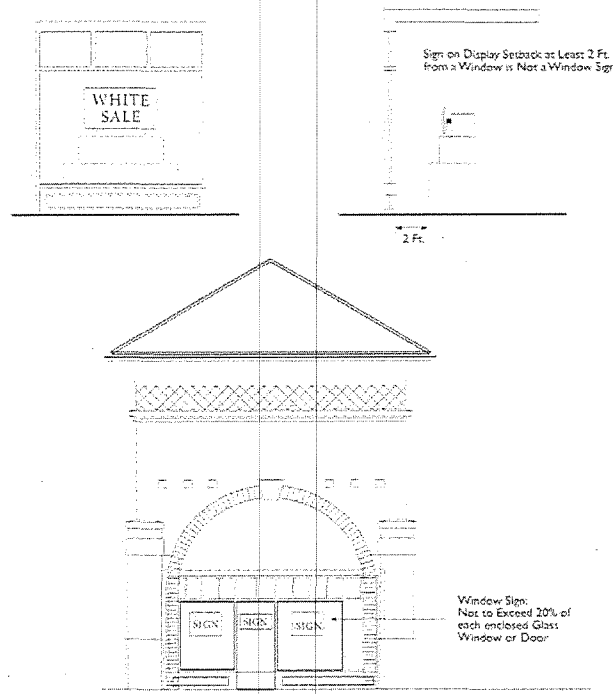
Signs on public transportation vehicles regulated or licensed by federal, state, PBC or municipal officials or organizations, including public buses and taxicabs; and all off-premises signs incorporated into PBC owned, controlled, or operated bench, bus shelter, or waste receptacle attached to a bench or shelter, pursuant to the PBC contract dated August 22, 1989, as may be amended.

### **Section 4      Window Signs**

Window signs not exceeding 20 percent coverage of each glass window or glass door to which the sign is attached. Any sign either hung within two feet of a window or attached to a display located within two feet of a window is considered a window sign.

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**Figure 8.B.4 - Window Signs**



## **Section 5 Ground Mounted Signs Damaged during Natural Disaster**

In the event of a natural disaster, which destroys or damages legally permitted ground-mounted signs, a temporary sign may be erected or an existing sign modified subject to the following limitations and requirements: **[Ord. 2006-036]**

### **A. Temporary Sign Certificate**

A temporary sign certificate shall be issued by the Building Division in conjunction with a complete building permit application for the replacement of the damaged sign. This certificate will allow a temporary sign, as stated above, for a period no more than six months from the date of issuance. A copy of the temporary sign certificate shall be provided to Code Enforcement. **[Ord. 2006-036]**

### **B. Damaged Sign Face**

A temporary attachment or covering of plastic, or canvas may be installed over an existing sign, which was damaged during a natural disaster. The attachment shall be no larger than the previous legally permitted permanent sign. **[Ord. 2006-036]**

### **C. Damaged Structure**

A temporary sign may be installed, in place of a previously permitted sign, not more than 32 square feet in sign face area and not more than five feet in height. The temporary sign shall meet the minimum setback requirements, as stated in this Article or any conditions of approval, whichever is more restrictive. **[Ord. 2006-036]**

## **CHAPTER C PROHIBITIONS**

The following prohibitions apply to all signs and structures, notwithstanding the provisions in Article 8.B, EXEMPTIONS:

### **Section 1 Banners, Streamers, Pennants, or Balloons**

Banners, streamers, pennants, balloons and other signs made of lightweight fabric, plastic or similar material, except any sign with a valid special permit, or where otherwise stated in this Article. **[Ord. 2007-001] [Ord. 2007-013] [Ord. 2008-003]**

### **Section 2 Emissions**

Signs that produce noise or sounds capable of being heard, excluding voice units at drive-thrus, and signs that emit visible smoke, vapor, particles, or odor.

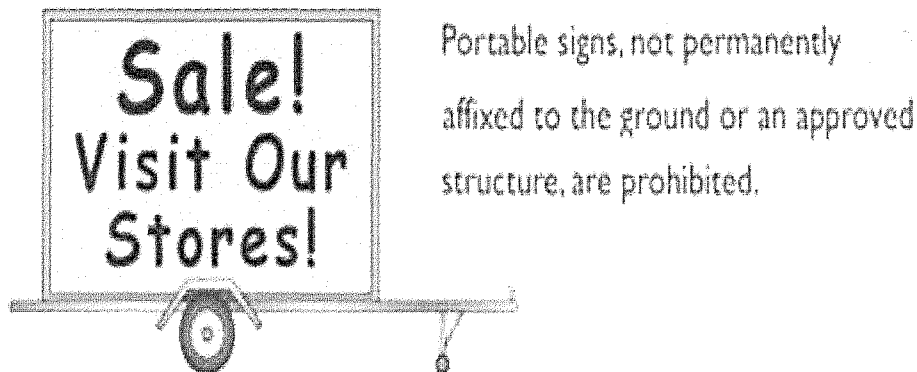
### **Section 3 Mechanical Movement**

Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any kind.

### **Section 4 Mobile Signs**

Any sign not permanently attached to a wall or the ground or any other approved supporting structure, or a sign designed to be transported, such as signs transported by wheels, mobile billboards, "A-frame" or sandwich type, sidewalk or curb signs, blank copy signs, and unanchored signs, except where otherwise stated in this Article. [Ord. 2008-003]

**Figure 8.C.4 - Mobile Signs**



### **Section 5 Motion Picture or Video**

Motion picture and video mechanisms used in such a manner as to permit or allow-images to be visible from any street.

### **Section 6 Obscenities**

Signs that depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" as defined in ART. 1.I DEFINITIONS AND ACRONYMS.

### **Section 7 Obstruction of Fire Fighting Equipment**

Signs erected, constructed, or maintained so as to obstruct any fire fighting equipment; unless approved by the Fire Marshall.

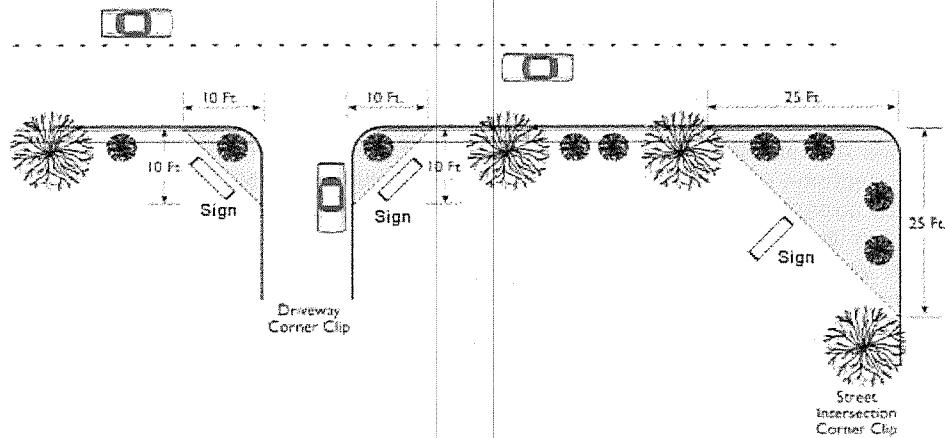
### **Section 8 Obstructions to Driver Visibility**

Signs in corner clips and line of sight in accordance with PBC standards that do not meet the visibility requirements in accordance with PBC standards.

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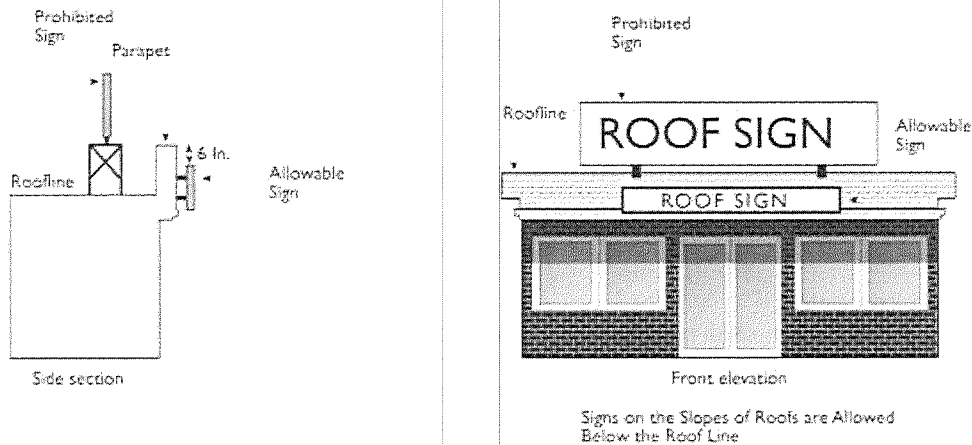
**Figure 8.C.8 - Corner Clip Visibility**



## Section 9 Roof Signs

Signs erected above the roofline or parapet, and signs on rooftop structures, such as penthouse walls or mechanical enclosures. Signs on a sloped roof, a mansard roof or a parapet located a minimum of six inches below the roof deck or top of the parapet are allowed, subject to the standards for building mounted signs in Article 8.G.1, Building Mounted Signs.

**Figure 8.C.9 - Roof Signs**



## Section 10 Signs Creating Traffic Hazards

Signs that may be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop," "look," "danger," or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers.

## Section 11 Signs On Public Bus Shelters

Any sign placed upon a bench, bus shelter or any waste receptacle attached to a bench or shelter, except as exempted by Article 8.B.3, Transportation-Related Signs, and authorized by PBC.

## Section 12 Signs On Water Vessels

Any nonexempt sign painted on or attached to a vessel, for the purpose of displaying advertisements, which is docked or anchored in the coastal waterways of PBC. This restriction does not apply to vessels passing through PBC on the Intracoastal Waterway. [Ord. 2006-036]

## Section 13 Snipe Signs

All off-site signs, tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, trailers, or other supporting structures, except where otherwise stated for in this Article.

## Section 14 Vehicle Displays

Unless there is only one row of parking between a building and the street, motor vehicles with business names, business addresses, telephone numbers, contractor certification numbers, logos and similar information painted or embossed on vehicle surfaces shall not park or be stored in the row of parking or any area within 25 feet of the front property line longer than four hours in a 24-hour period. This prohibition does not apply to vehicles with advertising, where the vehicles are making deliveries to that business (e.g. U.S. Postal Service, UPS, Federal Express, DHL, Airborne, etc.) or vehicles used in conjunction with a special promotion with a valid permit, vehicles with advertising signs with letters less than eight inches in heights and eight square feet in area, public transportation vehicles, and vehicles in industrial zones parked in vehicle use area.

## CHAPTER D TEMPORARY SIGNS REQUIRING SPECIAL PERMIT

The Zoning Director may approve special permits for the following signs pursuant to Article 2.D.2, Special Permit. All temporary signs not removed within the time limit indicated on the permit or in this Chapter shall be removed subject to the provisions of Article 8.I.4, Removal of Signs in Violation of this Article.

### Section 1 Balloon Type Signs

Balloon type signs are allowed in the CG-General Commercial, PO-Public Ownership, CRE-Commercial Recreation, IL-Light Industrial, IG-General Industrial or PDD-Planned Development zoning districts, subject to the standards in Table 8.D.1, Balloon Type Sign Standards. Only cold air shall be used in the balloon. Balloons shall not be located within any required vehicular use area.

**Table 8.D.1 – Balloon Type Sign Standards**

<b>Maximum Width</b>	30 ft.
<b>Maximum Height</b>	30 ft. 60 ft. for balloons on top of buildings (allowed on 1 or 2 story buildings only)
<b>Minimum Separation Between Other Permitted Balloon Type Signs</b>	1 mile
<b>Minimum Setback from Base Building Line</b>	15 ft.

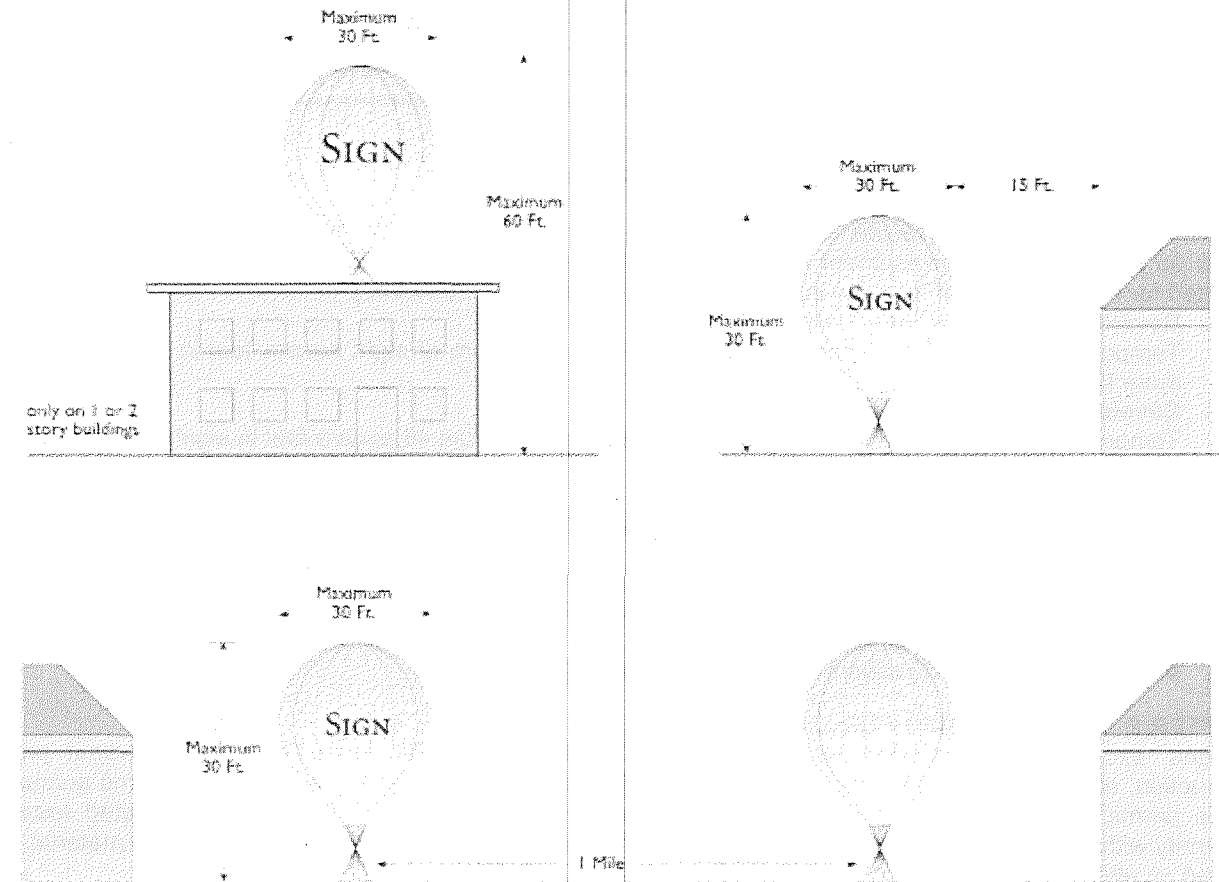
#### A. Permit Requirements

The following information shall be provided to the Zoning Division with the application for a special permit. No project shall be issued more than two balloon permits in any calendar year. The maximum duration of any permit shall be for ten days. There shall be a minimum of 30 days from the day the first balloon is removed before a second permit for a balloon may be issued.

1. Legal description, property control number (PCN) and address of location;
2. Written permission of property owner or owner's designated agent;
3. Cold air balloon installation business tax receipt; **[Ord. 2007-013]**
4. Evidence of installer's liability and property damage insurance;
5. Site plan or survey showing location of balloon and centerline of adjacent R-O-W demonstrating compliance with these regulations; and
6. A photograph of the balloon.

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**Figure 8.D.1.A - Temporary Balloon Type Signs**



**B. Prohibitions in the WCRAO**

Balloon type signs are prohibited in the WCRAO. [Ord. 2006-004]

**Section 2 Campaign Drives or Civic Events**

These signs are allowed 60 days prior to the campaign drive or event; they shall not exceed 32 square feet or ten feet in height. They shall be removed within 30 days following the end of the campaign drive or event.

**Section 3 Grand Openings**

One temporary sign, per business, per location for a grand opening shall be permitted, and may be displayed for up to 14 days.

**A. Projects Less Than Five Acres**

Grand opening signs shall not be more than eight square feet in sign area. Freestanding grand opening signs shall be a maximum of five feet in height and have a minimum setback of five feet.

**B. Projects Over Five Acres**

Grand opening signs shall not be more than 32 square feet in sign area. Freestanding grand opening signs shall be a maximum of ten feet in height and have a minimum setback of five feet.

**Section 4 Temporary Sales**

One temporary on-site and non-illuminated freestanding sign announcing a temporary sale, prior or in accordance with the Article 2.D.2, Special Permit shall be permitted for 30 days, subject to the standards in Table 8.D.4, Temporary Sales Sign Standards.

**Table 8.D.4 – Temporary Sale Sign Standards**

Maximum Sign Area	32 sq. ft.
Maximum Height	10 ft.
[Ord. 2008-003]	

## **Section 5 Temporary Residential Development Signs**

A maximum of two temporary residential development signs shall be permitted per frontage for up to three years or until 95 percent of the development has received a CO, whichever occurs later. An additional sign shall be permitted for each 660 feet of frontage in excess of 1,320 feet. [Ord. 2008-037]

### **A. Developments Less Than Five Acres**

Temporary residential development signs shall be a maximum of eight square feet in sign area and not more than five feet in height. [Ord. 2008-037]

### **B. Developments Greater Than Five Acres**

Temporary residential development signs shall not be more than 48 square feet in sign area and not more than ten feet in height. [Ord. 2008-037]

## **Section 6 Temporary Non-Residential Development Signs**

For projects with DRO approval, no more than one temporary development sign shall be permitted, per frontage, for up to two years or until the development has received a CO.

### **A. Maximum height: ten feet; [Ord. 2008-003]**

### **B. Maximum sign area: 32 square feet. [Ord. 2008-003]**

## **CHAPTER E PROCEDURES FOR SIGNAGE**

All signs, except signs exempted by Article 8.B, EXEMPTIONS, shall receive a building permit prior to construction, erection, attachment or placement from PBC. Non-exempt signs not erected or repaired pursuant to a valid permit are considered illegal. No sign shall be structurally altered, enlarged, or relocated except in conformity with this Article. The repair or changing of movable parts, sign copy, display, or graphic material is not deemed an alteration.

## **Section 1 Required Permits and Approvals**

All development requiring DRO, ZC, or BCC approvals, shall submit an approved MSP pursuant to Art. 8.E, Procedures for Signage. [Ord. 2005 – 002]

## **Section 2 Required Tag**

- A. Every sign for which a building permit is required shall be plainly marked with the corresponding permit number issued for the sign. The permit number shall be marked on permanent material with a contrasting color in numbers at least one inch in height.
- B. Tags shall be displayed on signs or at the base of the structure in a visible location. Tags for freestanding signs must be located on the structure between one and three feet above grade. [Ord. 2005-041]
- C. The absence of the required tag shall be evidence that the sign is in violation of this Article.

## **Section 3 Master Sign Plan**

### **A. Purpose and Intent**

The purpose and intent of a MSP is to provide a unified record of signs and to promote coordinated signage for all development subject to DRO, ZC, BCC approval or architectural review. MSP also may be required as a condition of approval. The MSP shall demonstrate how the intent of this Section is met in whole or in part, in regard to the following objectives:

- 1. Improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;
- 2. Provides for sign design or placement appropriate with the MGTS tier in which the signs are located;
- 3. Incorporates sign design and placement related to architectural and landscape features on site; and
- 4. Incorporates sign design, scale, and placement oriented to pedestrian traffic.

## **B. Submittals**

### **1. Preliminary Master Sign Plan (PMSP)**

A PMSP shall be submitted to the Zoning Division at the time of initial application, and shall be subject to the same review and approval process as the development itself. The initial PMSP shall include the total number of all proposed signs or sign types, the location of sign types on a plan and general building elevations, drawings, sketches of generic sign types, a computation of the total allowable sign area for each sign and sign type (the sign budget), the height of each sign, and the proposed location of each sign on a plan or general building elevations. A PMSP shall also describe proposed public artwork that would be exempt from sign area calculations. Subsequent development orders for Zoning approval or building permits, submitted following the initial approval of a development without a Final Master Sign Plan, shall only be required to submit signage information related to the affected area. [Ord. 2009-040]

### **2. Final Master Sign Plan (FMSP)**

A FMSP shall be reviewed and approved, approved with conditions, or denied at Final DRO. The specific requirements for the FMSP shall be prepared pursuant to the requirements in the Technical Manual. In addition, the DRO shall make the following determinations: [Ord. 2009-040]

- a. The proposed signs are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site; [Ord. 2009-040]
- b. Future tenants will be provided adequate opportunities to construct, erect or maintain a sign for identification; and [Ord. 2009-040]
- c. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access. [Ord. 2009-040]

## **C. Conditions of Approval**

The DRO, ZC or BCC, may impose conditions necessary to carry out the intent of the MSP while still permitting each sign user opportunities for effective identification and communication. These conditions may include reductions in the allowable number of signs, total sign face area, location of signs, and types of signs allowed.

## **Section 4 Alternative Sign Plan (ASP)**

An applicant may demonstrate the intent of this Section provision can be exceeded, in whole or in part, through an ASP. The ASP shall be prepared in accordance with the design principles set forth below and shall clearly detail the modifications being requested from the provisions of this Section and how they enhance the design principles.

### **A. Design Principles**

To qualify for consideration, an ASP shall demonstrate compliance with the following principles:

1. Innovative use of materials and design techniques in response to unique characteristics of the specific MGTS tier and site;
2. Placement of sign preserves or incorporates existing native vegetation;
3. Integrates architectural features and pedestrian facilities in a manner compatible with the tier in which the development is located. In the U/S Tier and in TDD's, this may include pedestrian-oriented signage;
4. Consistency with approved neighborhood plans, studies, area plans or special planning or design studies; and
5. Preservation of historic signs based on the following criteria:
  - a. signs 40 years or older;
  - b. signs which are particular unique in character, design, or history; or
  - c. signs that are part of the historic character of a building, business, or district.

### **B. Applicability**

An ASP may be submitted for any of the following:

1. PDD's;
2. TDD's; or
3. Conditional or requested uses.

### **C. Allowable Modifications to Standards**

Subject to approval, an ASP may provide for the following modifications to the standards of this Section:

1. Transfer up to 20 percent of the total sign area allowed for building mounted signs to another sign type;
2. Decrease the minimum separation required for signs within properties under common ownership;
3. Transfer freestanding sign area to building mounted signs;

4. Adjust the standards of this Section to allow for the preservation of historic signs; and
5. Vary the geometry and rules used in the measurement of sign area to allow for creative and unique sign shapes.

**D. Submittals and Approvals**

In addition to the requirements of a MSP, an ASP shall be submitted in conjunction with a Zoning application, subject to the following requirements:

**1. Submittal Requirements**

The ASP shall be submitted with a supplemental application and justification form to include project information, specific code references and proposed alternatives. The ASP shall require approval of the requested deviations from the requirements of this Section by the ZC or BCC and may be subject to conditions of approval.

**CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES**

This Section establishes the physical standards and requirements applicable to all signs and the districts in which they are located. More detailed standards applicable to specific types of signs follow this Section.

**Section 1 Minimum Setbacks**

Unless otherwise specified in this Section, signs shall be setback as follows:

**A. Temporary Signs**

Five feet from the property line.

**B. Permanent Signs**

Five feet from the base building line. If the PBC Engineer waives the requirement that the setback be measured from the base building line, the setback shall be measured from the property line.

**C. WCRAO Exemption**

Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road are excluded from the five foot minimum setback, for properties that have been altered by eminent domain takings for R-O-W expansions. [Ord. 2006-004]

**Section 2 Computation of Maximum Sign Area**

The methodology for computing the sign area for all sign types shall be as follows:

**A. Single-faced Signs**

Single-faced signs shall measure the sign area to include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and contrasting colored background and materials, unless stated otherwise herein. Supporting structures such as poles, sign bases, decorative elements, details, columns are not included in the sign area calculation provided no lettering or graphics except for addresses or required tags. [Ord. 2006-036]

**1. Channel Letters, Including Neon Channel Letters and Individual Letters**

20 percent may be added to the calculation of the maximum area of a sign comprised solely of channel letters or neon channel letters or other individual freestanding letters, for developments that require a MSP. [Ord. 2005 – 002]

**B. Double-faced Signs**

Double-faced signs shall be counted as a single faced sign. Where the faces are not equal in size, the larger sign face shall be used as the bases for calculating sign area.

**C. Multi-faced Signs**

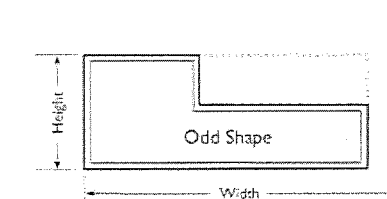
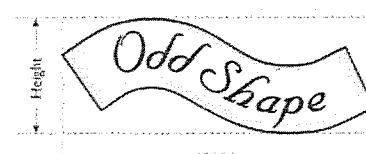
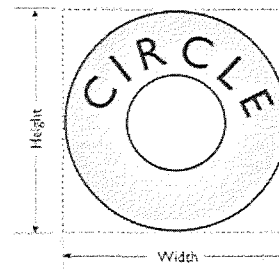
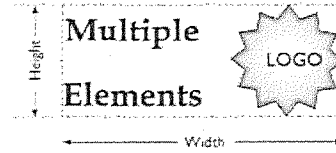
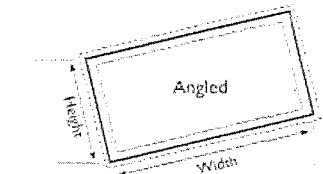
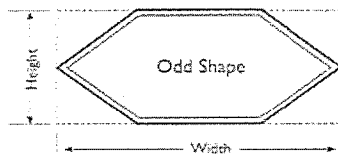
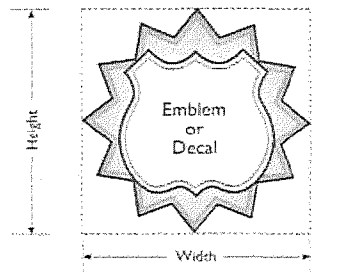
Signs with three or more sign faces, or signs with two sign faces with a distance greater than three feet apart or an interior angle greater than 45 degrees, shall calculate the sign area as the sum of all the sign faces.

**D. Three-dimensional Signs**

Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of all areas using the four vertical sides of the smallest cube that will encompass the sign.

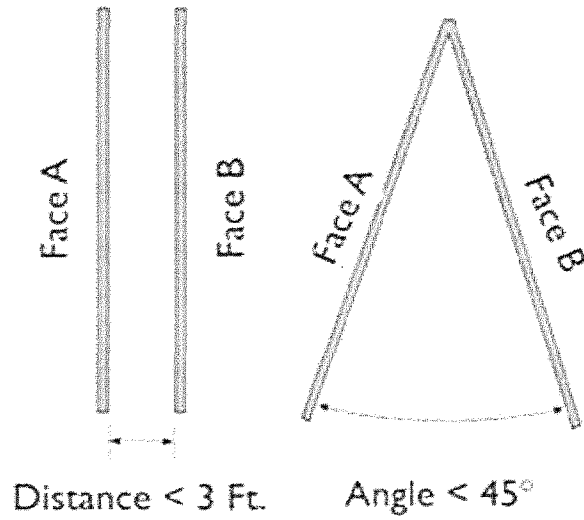
**Figure 8.F.2.D - Measurement of Sign Area**

Sign Area = Height x Width



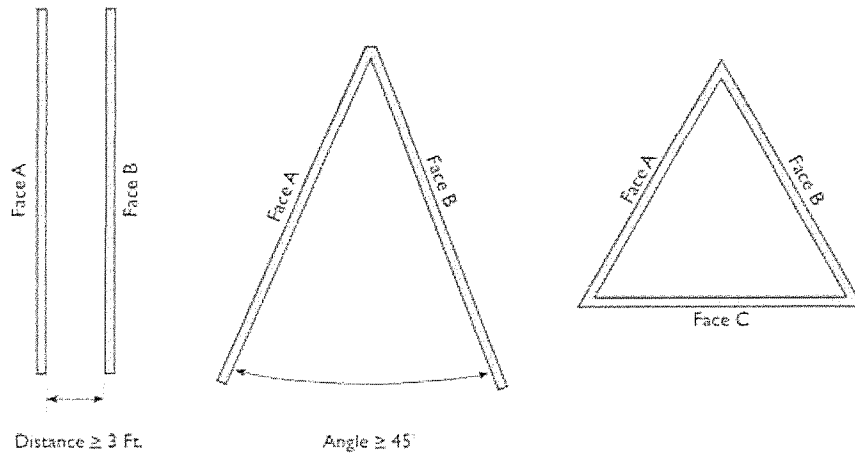
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**Figure 8.F.2.D - Measurement of Double-Faced Signs**  
 Total Sign Area = Face A or Face B, whichever is larger



**Figure 8.F.2.D - Measurement of Multi-Faced Signs**

*Total Sign Area = Sum of All Sign-Faces*

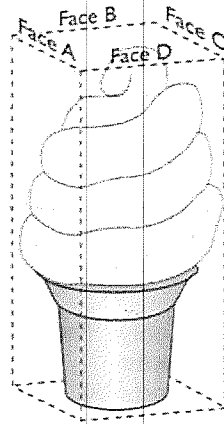


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### Figure 8.F.2.D - Measurement of Three-Dimensional Signs

Total Sign Area = Sum of All Sign Faces of Smallest Cube



## Section 3 Building Frontage

For the purpose of this Section, a building's frontage is considered continuous if projections or recesses in a building wall do not exceed ten feet in any direction. For the purpose of Article 5.C.1.I., Large Scale Commercial Development, a building's frontage is considered continuous if projections or recesses in a building or wall are a minimum of ten feet in any direction but do not exceed 25 feet. [Ord. 2009-040]

Figure 8.F.3 - Building Frontage

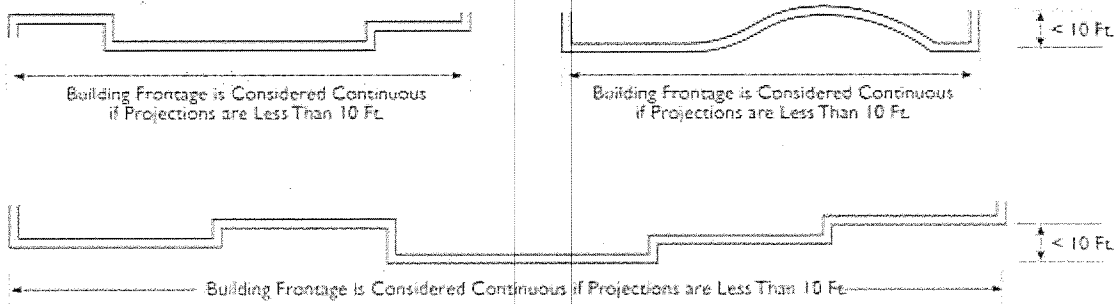
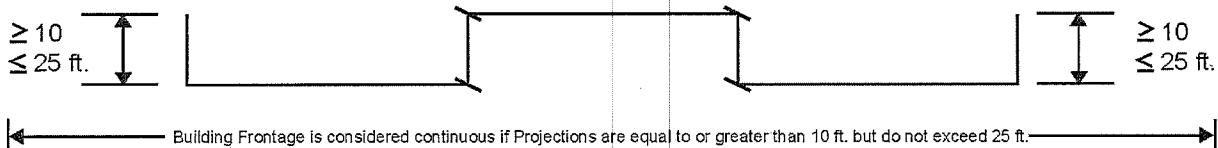


Figure 8.F.3.11.1 - Building Frontage for Large Scale Commercial Development



[Ord. 2009-040]

## Section 4 Materials

Paper, cardboard, or other material subject to rapid deterioration shall be limited to signs displayed for no more than 30 days.

## Section 5 Illumination

Signs may be illuminated subject to the following standards:

### A. General Requirements

1. Ground-mounted and building-mounted signs adjacent to a residential zoning district, a residential use shall be illuminated only during hours when the establishment is open for business;

2. External lighting shall be properly shielded to prevent glare on adjacent streets or properties; and
3. Illumination shall be constant and shall not consist of flashing, animated or changing lights, except for electronic message center signs, pursuant to Art. 8.G.3.B, Electronic Message Center Signs.

**B. U/S Tier Requirements**

1. Signs may be illuminated by silhouette, internal and external lighting, except where located in or oriented towards the NRM or NG Sub-areas of the WCRAO; and **[Ord. 2006-004]**
2. Neon signs are allowed in the U/S Tier, except where located in or oriented towards the NRM or NG Sub-areas of the WCRAO, as part of a wall sign or window sign only. The sign area for a neon sign shall not exceed eight square feet. **[Ord. 2006-004]**

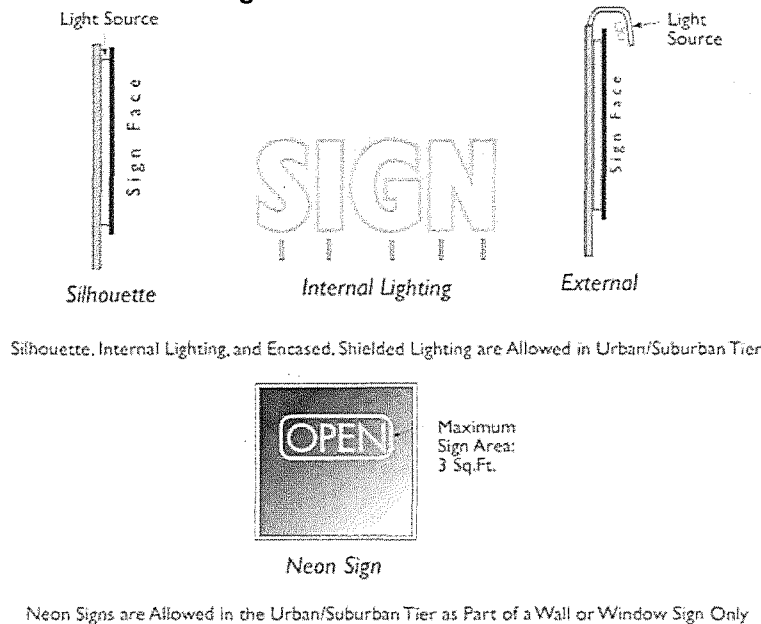
**C. AGR Tier Requirements**

1. Signs may be illuminated by external or silhouette lighting only.
2. Outparcel identification signs require external lighting only.
3. All sign lighting is restricted to the hours of operation of the entity or establishment with which the sign is associated.
4. Neon signs are allowed as a window sign only. The sign area shall not exceed six square feet.

**D. Exurban, Rural, and Glades Tier Requirements**

1. Signs may be illuminated by external lighting only.
2. All sign lighting is restricted to the hours of operation of the entity or establishment with which the sign is associated.

**Figure 8.F.5.D - Illumination**



**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 theaters, fuel price signs, and signs that flash the time and temperature subject to Article 8.G.3.B, Electronic Message Center Signs.

- A. Unless exempt, signs and supporting structures shall be installed in accordance with the Building Code;
- B. All signs and supporting structures, shall be maintained in the condition originally permitted; and
- C. If a sign is removed from its supporting structure for longer than 90 days, the supporting structure shall be removed pursuant to the procedures in Article 8.I.4, Removal of Signs in Violation of this Article.

**Section 7 Abandoned Signs**

Sign faces with commercial messages shall be removed within 60 days after the activity, product, business, service or other use which was being advertised has ceased or vacated the premises. Any commercial message not removed or replaced with a site-related message within this time may be removed pursuant to the removal procedures set forth in Article 8.I.4, Removal of Signs in Violation of this Article.

## Section 8 Substitution of Sign Message

Any sign authorized by this Section may contain non-commercial copy in lieu of any other copy.

## Section 9 Encroachment into Public Street or Sidewalk

Any sign projecting over a public street or sidewalk requires approval of the Department of Engineering and Public Works (DEPW) or other applicable agency.

## Section 10 Required Address Signs

One address sign, between eight and 12 inches in height, is required for each freestanding building, and at least one freestanding sign if parcel has freestanding signs, subject to the following provisions: **[Ord. 2005 – 002]**

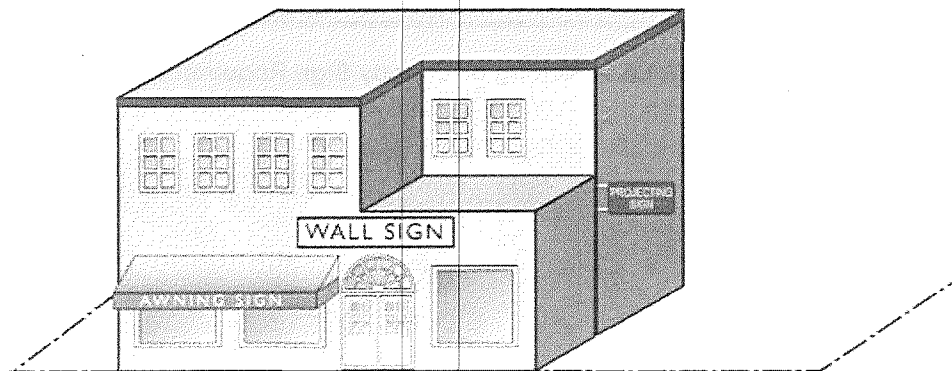
- A. Where a multi-tenant building has a freestanding sign, the building address shall be posted on that sign in a contrasting color with letters of sufficient size to be plainly visible and legible from the roadway;
- B. Where a building has multiple addresses, the address range shall be posted;
- C. Numbers posted on signs shall be in a contrasting color and shall be proportionate to the total sign area. Address numbers shall not be including in the sign face measurement; and
- D. Where multiple address signs are provided in a development, they shall be of uniform size and color.

## 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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**Table 8.G.1.A - Wall Sign Standards**

	U/S Tier	AG-R Tier	Exurban, Rural, and Glades Tiers
Maximum Sign Area (per linear ft. of the wall to which the sign is attached)	1.0 sq. ft. along building frontage, a minimum of 24 square feet <sup>1</sup>	0.75 sq. ft. along building frontage, a minimum of 24 square feet <sup>1</sup>	0.5 sq. ft. along building frontage, a minimum of 24 square feet <sup>1</sup>
	0.5 sq. ft. along the side and rear walls		
	0.25 sq. ft. for walls facing a residential zoning district.		
Minimum Horizontal and Vertical Separation Between Signs	3 ft.	3 ft.	3 ft.
Maximum Projection from Surface of Building <sup>2</sup>	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]

**Notes:**

<sup>1</sup> 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. [Ord. 2005 – 002]

<sup>2</sup> Signs that project more than 24 inches are considered projecting signs, subject to Art. 8.G.1.C, Projecting Signs.

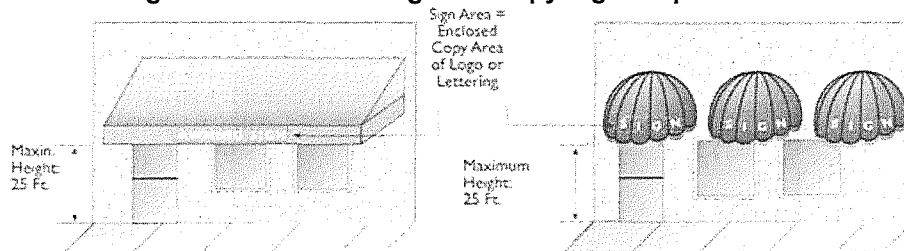
**B. Awning and Canopy Signs**

Awning and canopy signs are included in the maximum allowable signage area for wall signs. Awning and canopy signs are permitted on the ground floor of buildings and shall be made of durable, long-lasting fabric and designed to fit the storefront. Awning and canopy signs shall be subject to the standards in Table 8.G.1.B, Awning and Canopy Sign Standards. [Ord. 2006-004]

**Table 8.G.1.B – Awning and Canopy Sign Standards**

Maximum Sign Area	24 sq. ft.
Maximum Height	25 feet above grade

**Figure 8.G.1.B – Awning or Canopy Sign Requirements**



**1. WCRAO Overlay**

Awning signs shall be prohibited in the NRM, NG and NC Sub-areas of the WCRAO. [Ord. 2006-004]

**2. Gas Station Canopies**

No more than two canopy signs per station may be allowed in addition to the maximum allowable signage area for wall signs. Gas station canopy signs shall not exceed 18 inches in height. [Ord. 2006-004]

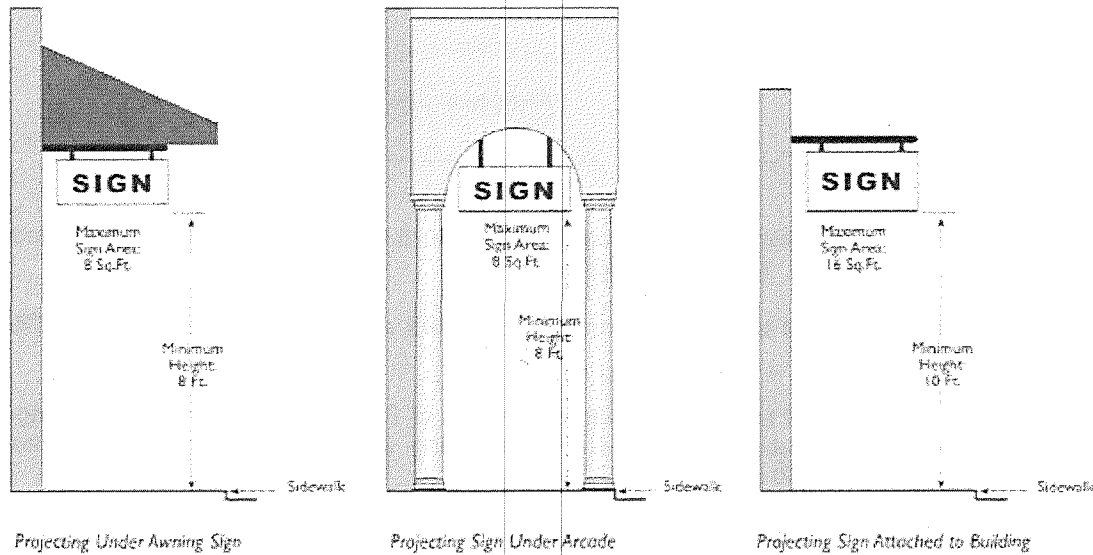
**C. Projecting Sign**

Projecting signs under canopies or covers in conjunction with pedestrian walkways are not included in the maximum allowable signage area for wall signs; however are subject to the standards in Table 8.G.1.C. Projecting Signs Standards, shall be placed perpendicular to the building façade and not project above the roof line. Projecting signs over a public sidewalk are included in the maximum allowable signage for wall signs. Projecting signs may include banners provided the sign and sign area conforms to the standards in Table 8.G.1.C, Projecting Sign Standards. [Ord. 2005 – 002]

**Table 8.G.1.C - Projecting Sign Standards**

	Under Awnings, Canopies or Arcades	Other Locations
Maximum Sign Area	8 sq. ft.	16 sq. ft.
Minimum Height	8 ft.	10 ft.
Maximum Height	n/a	20 ft.
Minimum Setback	n/a	5 ft.

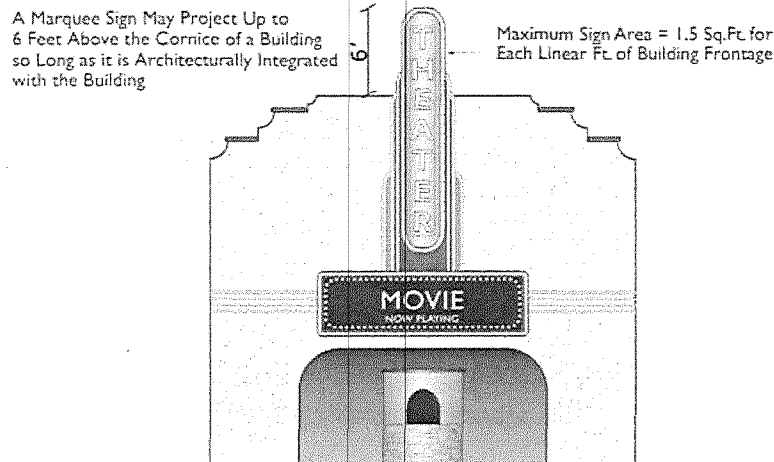
**Figure 8.G.1.C - Projecting and Under Awning Sign Standards**



#### **D. Marquee Signs**

Marquee signs are allowed for theaters, stadiums, auditoriums, and similar uses subject to BCC approval. Marquee signs are not subject to wall sign area limits, but the maximum sign area shall not exceed one square foot for each foot of building frontage. Marquee signs may be electronic message center signs, subject to Article 8.G.3.B, Electronic Message Center Signs, and have changeable copy. A marquee sign may project a maximum of six feet above the cornice of a building provided that it is architecturally integrated with the building.

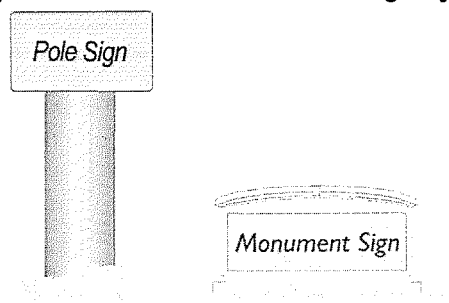
**Figure 8.G.1.D - Marquee Signs**



## Section 2 Ground Mounted Signs

Ground mounted signs consist of freestanding signs such as monument signs, outparcel identification signs, and entrance signs.

**Figure 8.G.2 - Ground-Mounted Sign Types**



### A. Freestanding Signs

Freestanding signs are subject to the standards in Tables 8.G.2.A, Freestanding Sign Standards, and 8.G.2.A, Freestanding Signs: Maximum Heights.

#### 1. Prohibitions

Freestanding signs shall be prohibited in the NRM, NG and NC Sub-areas of the WCRAO. [Ord. 2006-004]

#### 2. Minimum Separations

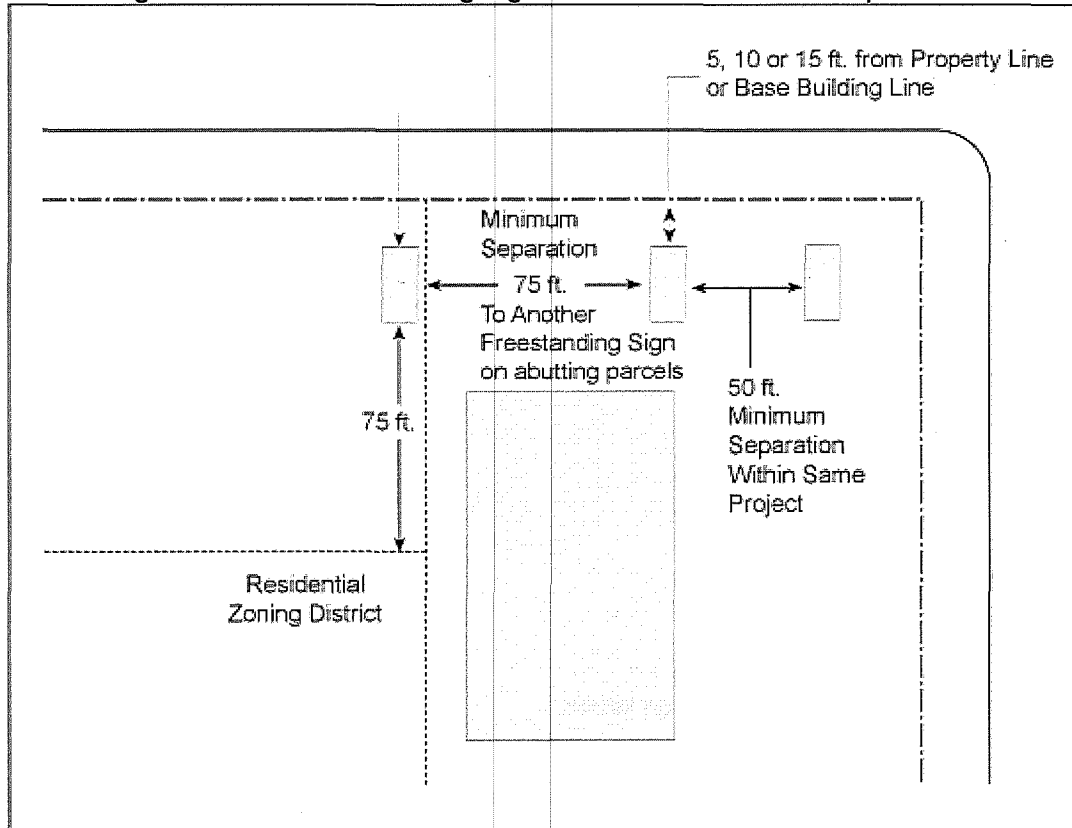
Freestanding signs shall have a minimum separation of 75 feet from a residential zoning district or freestanding signs on abutting parcels. Freestanding signs in the same project, shall have a minimum separation of 50 feet.

**Table 8.G.2.A - Freestanding Sign Standards**

	U/S Tier	AG-R Tier	Exurban, Rural, and Glades Tiers
Maximum Number Per Project Frontage	3 <sup>1</sup>	2 <sup>2</sup>	1 (with minimum 150 ft. frontage)
Maximum Sign Area (per lineal ft. of frontage)	1.0 sq. ft.	0.75 sq. ft.	0.5 sq. ft.
Maximum Sign Area (per individual sign)	200 sq. ft.	150 sq. ft.	100 sq. ft.
Minimum setback <sup>3</sup>	5 ft.	10 ft.	15 ft.
Notes:			
1. Number per frontage based on the frontage of the entire project or development, (1 sign per 200 ft. or less, 2 signs per 201-300 ft., 3 signs maximum per 301 ft. or greater in U/S Tier only);			
2. Number per frontage based on the frontage of the entire project or development (1 sign per 200 ft. or less, 2 signs per 201 ft. or more in the AGR Tier only).			
3. Freestanding signs shall have a minimum setback of 75 feet from a residential zoning district.			
[Ord. 2005 – 002] [Ord. 2006-036]			

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**Figure 8.G.2.A - Freestanding Sign Minimum Setback And Separation**



[Ord. 2005 - 002]

**Table 8.G.2.A - Freestanding Signs: Maximum Heights**

R-O-W Width	Maximum Height					
	C/C <sup>1</sup>		C/R <sup>2</sup>		R <sup>3</sup>	
	S <sup>4</sup>	PDD <sup>5</sup>	S <sup>4</sup>	PDD <sup>5</sup>	S <sup>4</sup>	PDD <sup>5</sup>
≥ 110 ft.	20	15	15	12	10	10
≥ 80 or ≤ 110 ft.	15	10	10	8	8	8
≤ 80 ft.	10	8	8	6	6	6

[Ord. 2007-013]

Notes:

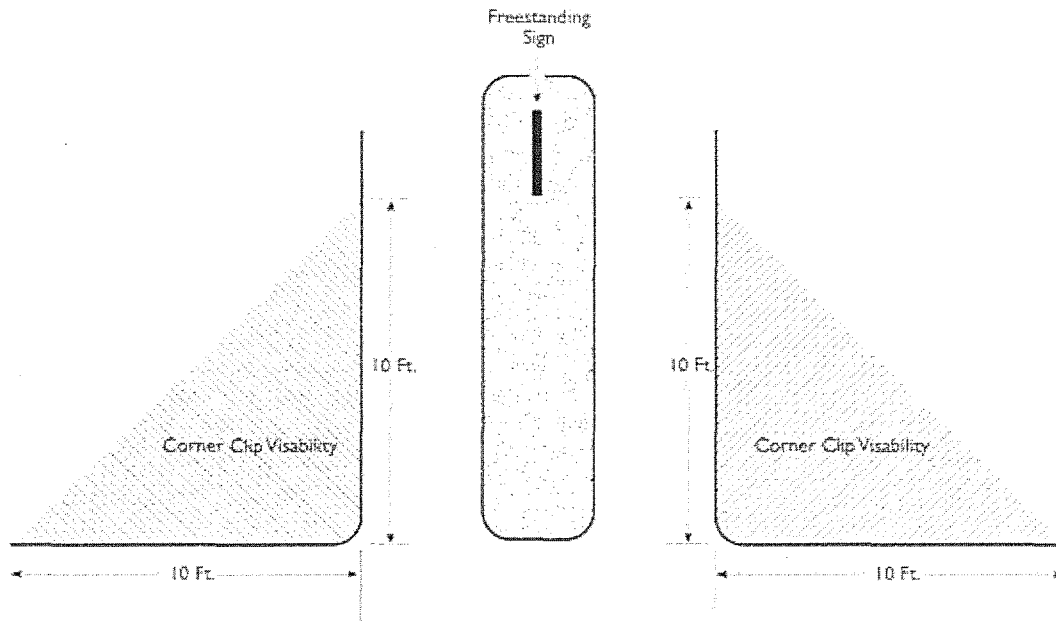
1. C/C = commercial, industrial, or non-residentially zoned parcels adjacent to commercial, industrial or non-residentially zoned parcels.
2. C/R = commercial industrial or non-residentially zoned parcels adjacent to any residentially zoned parcel.
3. R = residentially zoned parcel.
4. S = Standard Development.
5. PDD = Planned Development.

### 3. Limitations in Median

Freestanding signs erected in a median within a driveway to a development shall not be located in corner clips or visibility areas unless they are less than 30 inches high and shall be set back a minimum of five feet from the face of curb, or from the edge of adjacent pavement where no curb exists. Signs that overhang a driveway shall be a minimum of 13.5 feet above the adjacent pavement.

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**Figure 8.G.2.A - Limitation In Median**



**4. Relationship of Sign Base to Sign Width**

The total width of the sign base for signs shall be at least 30 percent of the width of the sign.

**B. Outparcel Identification Signs**

One freestanding out parcel identification sign may be allowed for each out parcel, subject to the standards in Table 8.G.2.B, Freestanding Outparcel Identification Signs, in addition to freestanding signs for PDDs and TDDs. This sign is excluded from the standards of Table 8.G.2.A, Freestanding Sign Standards. [Ord. 2005 – 002]

**Table 8.G.2.B - Freestanding Outparcel Identification Signs**

	U/S Tier	AG-R Tier	Exurban, Rural and Glades Tiers
Maximum Number	1 per outparcel		
Maximum Sign Area	20 sq. ft.		
Maximum Height	6 ft.		
Minimum Separation	30 ft.		
Minimum Setback	5 ft	10 ft.	15 ft.
[Ord. 2005 – 002]			

**1. Relationship of Sign Base to Sign Width**

The total width of the sign base for signs shall be at least 30 percent of the width of the sign.

**C. Entrance Signs**

Entrance signs shall be permitted for the purpose of identifying a development, subject to the standards in Table 8.G.2.C, Entrance Sign Standards. [Ord. 2006-036]

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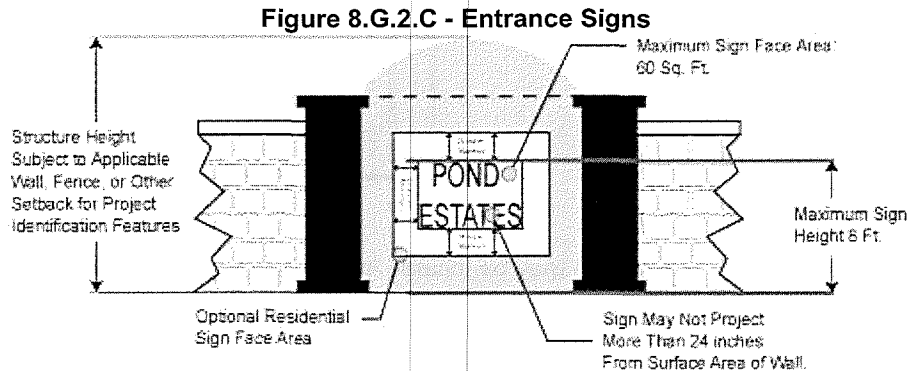
**Table 8.G.2.C – Entrance Sign Standards**

<b>Maximum Number</b>	2 signs per entrance
<b>Maximum Sign Face Area Per Sign</b>	60 sq. ft.
<b>Additional Residential Sign Face Area Option</b>	If a decorative background element such as tile, stucco, or other building material or color is used, the maximum sign face area for such decorative treatment may be expanded 24 inches measured from the sign face area in each cardinal direction.
<b>Maximum Height</b>	8 ft.
<b>Additional Residential Height Option</b>	The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to ten feet for a R-O-W > 80 or = to 110 feet in width, or 12 feet for a R-O-W > 110 feet, subject to a 25 foot setback or the district setback, whichever is greater <sup>1</sup> .
<b>Maximum Projection</b>	24 inches from surface of wall
<b>Location</b>	Attached to a wall, fence or project identification feature located at or within 100 feet of the entrance to a development.
<b>Sign Copy and Graphics</b>	Shall be limited to the name and address of the development.

Ord. 2006-036

**Notes:**

1. The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to 20 feet for signs fronting on the Rural Parkway in the AGR zoning district. [Ord. 2006-036]



[Ord. 2006-036 ]

### Section 3 Other Sign Types

The following signs are permitted subject to their own specific maximum allowable sign area and standards.

#### A. Mobile Signs

"A" frame type signs are allowed at business entrances on arcaded sidewalks in the U/S tier and in front of commercial or mixed-use buildings in TDD's.

#### B. Electronic Message Center Signs

Electronic message center signs are allowed only at regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements. These signs require approval as a Class A conditional use/requested use unless exempt under Article 8.B, EXEMPTIONS.

##### 1. Exemption

Electronic message center signs with a message unit less than 20 square feet in area that display the time and temperature only are exempt from the requirements of this Section.

##### 2. Prohibited Elements

The following are prohibited:

- Electronic message center signs in windows and externally visible;
- Message units that change copy, light, color, intensity, words or graphics more than once per two seconds;
- Reflectorized lamps; and
- Electronic message center signs with lamps or bulbs over 30 watts.

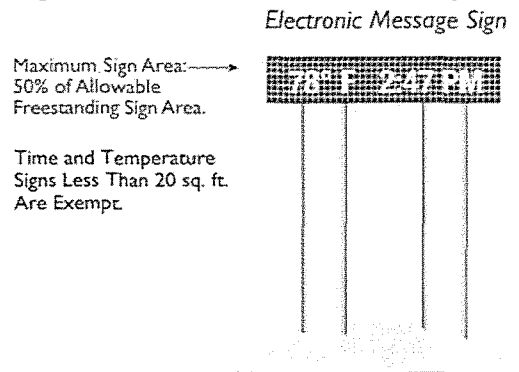
##### 3. Standards

Electronic message center signs are subject to the standards in Table 8.G.3.B, Electronic Message Center Sign Standards, and the height standards for freestanding signs in Table 8.G.2 A, Freestanding Signs: Maximum Heights.

**Table 8.G.3.B - Electronic Message Center Sign Standards**

<b>Maximum Sign Area</b>	50 percent of allowable freestanding sign area (Table 8.G.2.A)
<b>Minimum Setback: Front</b>	15 feet
<b>Minimum Setback: Side and Rear</b>	30 feet
<b>Minimum Setback: Side Street</b>	50 feet

**Figure 8.G.3.B.3 - Electronic Message Sign**



#### 4. Location

An electronic message center sign may be located in the following areas and subject to the following provision:

- In a CG, CRE, PO, or IL zoning district or in a non-residential planned development.
- Electronic message center signs may not be located within 100 feet of a residential zoning district or residential use.
- Adjacent to roadways classified as arterials or expressways, and a minimum of 1,000 feet from any signalized intersection and/or existing electronic message signs; and
- No more than one electronic message center sign shall be permitted per project.
- Electronic message center signs are prohibited in the WCRAO. **[2006-004]**

#### 5. Required Findings

The BCC may approve an application for an electronic message center sign upon finding that:

- The sign will not create confusion or a significant distraction to passing motorists;
- The sign is of the same architectural character as the building's principal use;
- The sign will not be a nuisance to occupants of adjacent and surrounding properties; and
- The sign is accessory to a use regional in scale and attraction that, by its nature, demonstrates a unique need to communicate more information than is ordinarily needed for a business or attraction.

#### 6. Conditions of Approval

In reviewing an application for an electronic message center sign, the BCC may impose conditions to assure the sign is compatible with and minimizes adverse impacts on the area surrounding the proposed sign.

#### C. Flags and Freestanding Flagpoles

Flags and flagpoles are subject to the standards in Table 8.G.3.C, Flag and Flagpole Standards. Flag poles and related structures designed to display a flag require a building permit. **[Ord. 2008-003]**

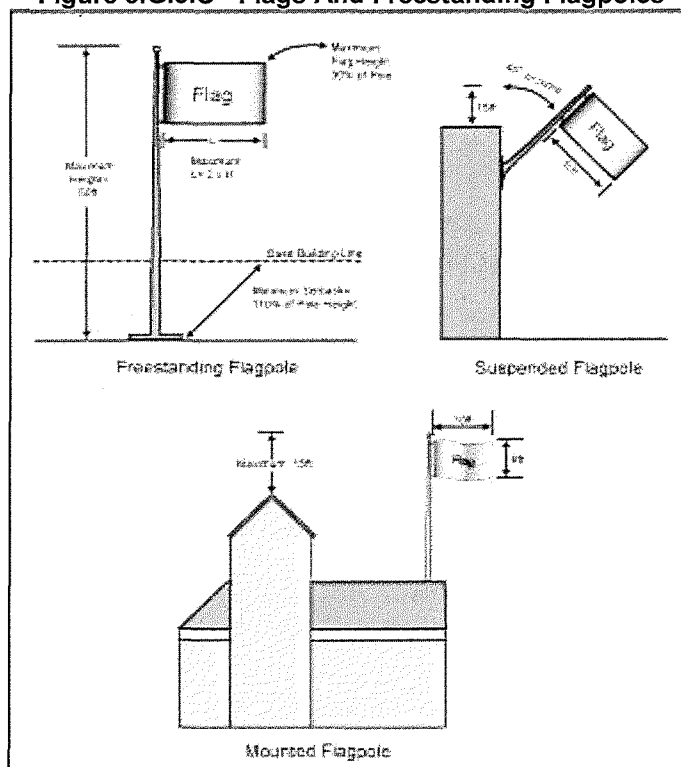
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**Table 8.G.3.C - Flag and Flagpole Standards**

Flags	
Maximum Number	3 flags per parcel
Maximum Ratio of Length to Height	2 to 1
Freestanding Flagpoles	
Maximum Flagpole Height	50 feet
Maximum Flag Height	30 percent of total flagpole height.
Minimum Setback	110% of pole height.
Wall Mounted or Suspended Flagpoles	
Maximum Height	15 feet above the highest point of the building or structure
Maximum Flag Size	6 feet by 10 feet
[Ord. 2005 – 002]	

**Figure 8.G.3.C - Flags And Freestanding Flagpoles**



[Ord. 2005-002] [Ord. 2006-036]

#### D. On-Site Directional Signs

Directional signage within developments and subdivisions shall be for communicating directions and facility information including on-site services. Directional signage shall contain no advertising copy other than the project logos, and shall be of a similar type and style throughout the development. Directional signs shall be subject to the standards in Table 8.G.3.D, On-Site Directional Sign Standards.

**Table 8.G.3.D – On-Site Directional Signs Standards**

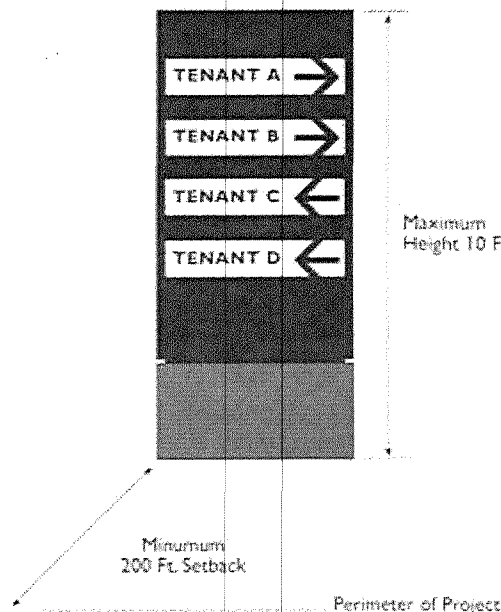
	Residential Zoning Districts	Non-Residential Zoning Districts
Maximum Number	N/A	4 per parcel
Maximum Sign Area Per Sign	24 sq. ft.	20 sq. ft.
Maximum Height	7 ft.	10 ft.

#### 1. Large Developments

Developments with more than 250,000 square feet, 1,500 dwelling units, 2200 ft frontage or having a combination of these uses that exceed these thresholds on a proportional basis<sup>1</sup>, may be allowed an unlimited number of direction signs up to ten feet in height, provided all signs are a minimum of 200 feet from the perimeter of the project.

<sup>1</sup> If half of the total floor area in a mixed use development is non-residential, then the proportional threshold is 125,000. Similarly, if half of the total floor area is residential, then the proportional threshold is 750 units.

**Figure 8.G.3.D - Multiple Direction Signs**



#### E. Project Identification Signs

Project identification signs are allowed for residential projects for the purpose of identifying the limits of the project. Project identification signs shall be subject to the standards in Table 8.G.3.E, Project Identification Sign Standards, and the following:

1. Project identification signs shall be attached to a buffer wall or project identification feature.
2. Project identification signs shall contain no advertising copy other than the project name or logo.
3. Project identification signs shall be permitted at the project corners only.

**Table 8.G.3.E - Project Identification Sign Standards**

<b>Maximum Number</b>	2 signs per road frontage with PUD access
<b>Maximum Sign Area Per Sign</b>	24 sq. ft.
<b>Additional Residential Sign Face Area Option</b>	If a decorative background element such as tile, stucco, or other building material or color is used, the maximum sign face area for such decorative treatment may be expanded 24 inches measured from the sign face area in each cardinal direction.
<b>Maximum Height</b>	U/S Tier: 8 ft. Ag. Reserve Tier: 6 ft. Exurban, Rural, & Glades Tiers: 6 ft.
<b>Minimum Setback from Base Building Line</b>	U/S Tier: 5 ft. AGR Tier: 10 ft. Exurban, Rural, & Glades Tiers: 15 ft.

[Ord. 2006-036]

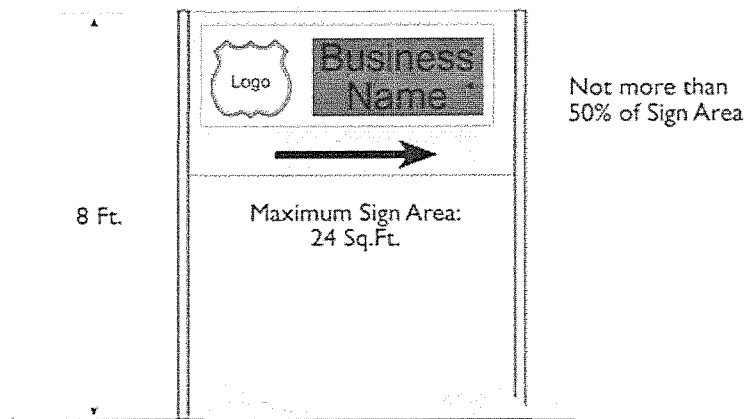
## CHAPTER H OFF-SITE SIGNS

Off-site signs are allowed subject to the following standards.

### Section 1 Off-Site Directional Signs

Off-site, freestanding directional signs are allowed to communicate directional information, provided they meet the following requirements and the standards in Table 8.H.1.B, Off-site Directional Sign Standards. Off-Site directional signs are permitted only for parcels that have access to, but no frontage on arterial or collector streets.

**Figure 8.H.1 - Off-Site Directional Sign**



**A. Structure Type**

Off-site directional signs shall be completely independent, freestanding structures and not attached to any other structure, nor shall any structure, including other signs, be attached to an off-site sign.

**B. Locations**

Off-site directional signs shall be located in the following areas:

1. On a parcel abutting the parcel identified on the directional sign;
2. On a parcel subject to a recorded document insuring ingress and egress to the parcel identified on the directional sign;
3. On a parcel adjacent to an arterial or collector street;
4. Within 50 feet of the point of ingress;
5. A minimum of five feet from all base building lines; and
6. Not in a public R-O-W or public easement.

**Table 8.H.1.B - Off-Site Directional Sign Standards**

Maximum Number	1 per parcel for each access or frontage.
Maximum Sign Area Per Sign	24 sq. ft.
Maximum Height	U/S Tier: 8 ft. AGR Tier: 6 ft. Exurban, Rural, & Glades Tiers: 4 ft.

**Section 2 Billboards**

**A. Purpose and Intent**

It is the purpose and intent of the BCC to prohibit billboards and similar off-site signs in order to improve the aesthetic appearance of unincorporated PBC. It is also the purpose and intent of the BCC to remove and amortize all billboards and similar large off-site signs in order to cure the visual and aesthetic degradation caused by these structures and to achieve the goal of an aesthetically improved built environment.

**B. WCRAO Prohibitions**

Billboard signs are prohibited in the WCRAO, unless existing at the time of this amendment and identified in the stipulated billboard settlement agreement, Art. 8.H.2, Billboards. **[Ord. 2006-004]**

1. Each billboard company shall be provided with a complete copy of the 1988 billboard inventory.
2. The 1988 billboard inventory shall be revised by each billboard company to reflect the current status of billboards it owns or controls.
3. The revised billboard inventory shall include the location, height, size, and number of billboard faces.

**C. Billboard Registration Permits**

The Zoning Division shall establish a system of billboard registration permits. A registration permit shall be issued for each billboard not to be removed pursuant to the billboard stipulated settlement agreement. Billboard registration permits shall be issued as special permits, as provided in Article 2.D.2, Special Permit. Billboard registration permits shall be issued as provided below.

1. An application for a billboard registration permit shall include the following information:

- a. name, address, and telephone number of the billboard company owning or controlling the billboard;
  - b. name of applicant;
  - c. agent's authorization for the applicant to act on behalf of a billboard company;
  - d. location, height, number of sign faces, and size of sign faces; and
  - e. permit number or other acceptable evidence the billboard was lawfully erected.
2. Billboard registration permits shall be issued annually.
  3. Applications for initial billboard registration permits shall be submitted no later than January 1, 1998 with the exception of registration permits for lawfully erected billboards located on federal aid primary highways. Applications for permits for the unregistered billboards on federal aid primary highways described above shall be submitted no later than January 10, 2004.
  4. Billboard registration permits shall be valid for a period of one year and shall be renewed annually upon compliance with the terms of this Section and the billboard stipulated settlement agreement.
  5. Renewals for billboard registration permits shall be submitted at least 60 days prior to expiration date of the existing registration permit.
  6. PBC may charge a fee of \$50.00 for the issuance of each billboard registration permit. This fee may be increased by the BCC from time to time.
  7. Billboard registration permits shall be transferable if ownership of the billboard changes.
  8. This billboard registration system shall not require "tagging" of billboards by the owner of the billboard structure.
  9. Violations
    - a. If a permit holder fails to submit fees required by this section prior to or upon the annual expiration date, PZB shall:
      - 1) Immediately issue a notice of violation as specified below; and
      - 2) Suspend acceptance of any new applications for off-premises signs from the same permit holder. No new permit applications shall be accepted from the same permit holder until final resolution of any disputes arising from the PZB's actions.
    - b. In the event that disputes arise regarding the amount of annual license fees charged, the permit holder may establish an escrow account into which he shall pay an amount equal to that portion of fees and other charges assessed by PZB which is in dispute. PZB shall be named as the beneficiary of the escrow account. This escrow account shall be established prior to the annual expiration date and shall remain in effect until final resolution of the dispute. Affected off-premises signs shall continue to be treated as illegal signs; however, as long as the escrow account remains in effect, they shall not be removed as provided in this subsection.
    - c. The notice of violation shall be sent by certified mail, return receipt requested. At a minimum, it shall:
      - 1) Indicate the total amount of annual fees due.
      - 2) Indicate that the permit holder has 30 days from the date of mailing in which to pay the total fee due.
      - 3) Assess an additional delinquency fee equal to 25 percent of the amount due.
      - 4) Inform the permit holder that failure to pay all required fees within the time allowed shall constitute a violation of this chapter and his off-premises signs shall thereupon be considered to be illegal.
      - 5) Inform the permit holder of the process established by this chapter for the removal of illegal signs.
      - 6) Inform the permit holder of his right to appeal the action of PZB, as provided in this subsection.
    - d. A copy of the notice of violation may also be prominently affixed to each off-premises sign.
- D. Billboard Owners Not Party to the Stipulated Settlement Agreement**  
Any firm or individual owning billboards may become eligible to utilize the provisions of this Section provided they execute an agreement consistent with the stipulated billboard settlement agreement. Such firms or individuals shall execute an agreement as approved by the County Attorney's Office.
- E. Removal of Billboard Sign Faces**  
Each billboard company that has signed or agreed to the stipulated billboard settlement agreement, or similar agreement as approved by the County Attorney, shall permanently remove ten percent of the total of sign faces it owns or controls. Billboard companies that have signed the stipulated settlement agreement shall remove the sign faces within one year following adoption of this amendment to the ULDC. Billboard companies that execute an agreement approved by the County Attorney shall remove the sign faces within one year following execution of the agreement.

1. The total amount of sign faces to be removed shall be calculated utilizing the billboard inventory. The sign faces shall be removed utilizing the procedure set forth below.
2. The sign faces to be removed shall be identified in Exhibit "A" of the billboard stipulated settlement agreement or similar agreement. However, the sign faces to be removed as identified in Exhibit "A" may be substituted for reasons established in the stipulated billboard settlement agreement.
3. The Building Division, with the written approval of the Zoning Division, shall issue a demolition permit for each sign face to be removed.
4. The demolition permit shall be in a form prepared by the Zoning Division, and shall include the location, permit number, name of billboard company, and date when such sign face is to be removed.
5. Each billboard company shall provide a statement, in a form approved by the PBC Attorney's Office, certifying the removal of a sign face. Removal of the sign face shall include the entire billboard structure.

#### **F. Relocation of Billboards**

Billboards may be relocated subject to the provisions of the billboard stipulated settlement agreement or similar agreement. Billboard relocation shall occur as indicated below:

1. A billboard company shall notify the Zoning Division in writing of its intent to relocate a billboard. The written notification shall be provided at least 30 days prior to the intended date of demolition and relocation, unless otherwise waived by the Zoning Director.
2. Each billboard to be relocated shall be assigned a billboard registration permit. The Zoning Division shall verify the request for relocation, subject to the billboard stipulated settlement agreement. Upon verification of the request for relocation, the Building Division shall issue a demolition permit for removal of the affected billboard.
3. For each billboard demolished, a billboard company shall provide verification of the demolition. A Certificate of Completion of Demolition from the Building Division shall act as the verification of the demolition. **[Ord. 2005 – 002]**
4. Each billboard demolished subject to this Section may be relocated. The combination of a proof of billboard registration from the Zoning Division, a billboard demolition special permit from the Zoning Division, and a Certificate of Completion of Demolition from the Building Division shall be required prior to submitting application for a billboard relocation special permit. **[Ord. 2005 – 002]**
5. A billboard relocation special permit application shall be submitted within four years from the issuance of the Certificate of Completion of demolition from the Building Division. The relocation of the billboard shall be confirmed with a Building Department Certificate of Completion submitted to the Zoning Division no later than the end of the fifth year. Failure of the applicant to submit to the Zoning Division the Certificate of Completion from the Building Division for the relocation of the billboard by the end of the fifth year, or by date specified in a condition of approval in the special permit, shall result in the relocation special permit becoming null and void. This requirement shall not be applicable to previously completed billboard relocations. **[Ord. 2005 – 002]**
6. A billboard relocation permit shall allow construction of a billboard with the same or lesser number of faces as contained on the demolished billboard. Two relocated single face, single billboard structures may be combined into a new two-face billboard structure.
7. A relocated billboard may be constructed only within the following comprehensive plan land use categories: "CH" (Commercial High), "CL" (Commercial Low), or "I" (Industrial).
8. Within the CH, CL, and I future land use plan categories, a relocated billboard may only be located within the following zoning districts: CG, CC, IL, IG, MUPD, and PIPD.
9. Any billboard proposed for relocation within a conditional use, planned development, or similar project with an approved signage plan shall obtain approval for the relocation from the BCC, which shall retain the same discretion it exercised when granting the original development approval. If the billboard relocation requires modification of a signage plan that does not require BCC approval, the relocation shall be approved by the DRO, subject to the requirements of this Section and the billboard stipulated settlement agreement.
10. Relocation of a billboard to a PDD shall comply with the height and setback requirements for structures approved in the master plan. If modification of signage located within a PDD does not require BCC approval, such modification of signage shall be approved by the DRO.
11. A relocated billboard shall not be relocated on property assigned a residential, agricultural, or conservation zoning designation. For the purposes of this Section, residential, agricultural, and conservation zoning districts shall be as described in the billboard stipulated settlement agreement.
12. All relocated billboards shall be located within an area containing a front dimension containing at least 500 linear feet. This linear dimension may include property abutting a public R-O-W.



13. The height of any relocated billboard shall not exceed 40 feet above finished grade, excluding temporary embellishments.
14. A relocated billboard shall comply with the setbacks listed below:
  - a. Front: the lesser of 15 feet or the required district setback.
  - b. Side: the lesser of the billboard's previous setback or the required district setback.
  - c. Rear: the lesser of the billboard's previous setback or the required district setback.
  - d. Side corner: the lesser of the billboard's previous setback or the required district setback. If applicable, the required district side corner setback may be reduced to 15 feet when the specific lot configuration makes relocation of the sign structure impossible based on application of the required district setback.
15. A relocated billboard shall not be constructed within a lateral distance of at least 250 feet of any residential zoning district located on the same side of the street. The lateral distance shall be measured along the street R-O-W, and shall include public R-O-W. This requirement shall supersede any other setback requirements established by this Section.
16. When a relocated billboard will be placed on a public R-O-W which:
  - a. is designated by PBC for an ultimate width of 120 feet less, and,
  - b. abuts a residential zoning district across the street, then a residential "clear zone" shall be established.
17. The "clear zone" shall extend at least 170 feet from the front setback of the billboard. The "clear zone" shall be the public R-O-W. Any portion of the "clear zone" located within the abutting residential district shall not contain any existing or proposed residential use.
18. When a relocated billboard will be placed on a public R-O-W which:
  - a. is designated by PBC for an ultimate width of more than 120 feet but less than 170 feet, and,
  - b. abuts a residential zoning district across the street;
  - c. then a residential "clear zone" shall be established;
  - d. the "clear zone" shall extend at least 170 feet from the front setback of the billboard. The "clear zone" shall include the public R-O-W. Any portion of the "clear zone" located within the abutting residential district shall not contain any existing or proposed residential use.
19. When a relocated billboard will be placed on a public R-O-W which:
  - a. is designated by PBC for an ultimate width of more than 170 feet, and;
  - b. abuts a residential zoning district across the street, then a residential "clear zone" is not required.
20. For the purposes of this Section, a residential "clear zone" may include such uses as landscaping, perimeter buffers, vegetation preservation areas, drainage facilities, roads, recreational areas, and similar nonresidential uses.
21. A relocated billboard shall not be placed within 120 feet of any residential zoning district located across from, but not directly abutting, a public R-O-W. For the purposes of this Section, the 120 feet distance shall be measured from the rear of the billboard to the nearest point of the residential zoning district.
22. For relocated billboards, the setback shall be measured from the property line.
23. A billboard shall not be relocated to a site on a road with an R-O-W width of less than 80 feet.
24. The number of billboards to be relocated during any 12-month period shall be limited by the stipulated billboard settlement agreement.
25. A minimum separation of at least 500 feet from any other existing or relocated billboard that is not on the same structure must be maintained.

#### **G. Billboard Replacement**

A replacement for an existing billboard may be constructed consistent with the provisions of this Section.

1. Shall be located within the permitted billboard location.
2. A replacement billboard shall remain on the same side of the public R-O-W.
3. Existing billboard or the setbacks provided by the zoning district.
4. For replacement billboards, the front setback shall be measured from the property line.
5. A replacement billboard may be constructed at the same or lesser height of the existing billboard.
6. The sign face or faces of the replacement billboard shall not exceed the size of the sign face or faces of the existing billboard.
7. A replacement billboard shall contain the same number, or lesser number, of sign faces as the existing billboard.
8. When an existing billboard is located on property that is being or has been acquired for public road R-O-W purposes, the billboard location criteria of this Section may be waived by the Zoning Director. The Zoning Director may waive the billboard location criteria when the width of the R-O-W to be acquired will not allow billboard replacement consistent with the intent of this Section.

- a. Supplemental billboard regulations.
  - 1) Roof-mounted billboards are prohibited.
  - 2) Billboards shall not be relocated to a site on a road with an R-O-W width of less than 80 feet.
  - 3) The number of billboards to be relocated during any 12-month period shall be limited by the stipulated billboard settlement agreement.
  - 4) Billboard illumination shall be directed only towards the billboard face.
  - 5) Following execution of the stipulated billboard settlement agreement, billboards shall be legal, conforming structures, and may be repaired and maintained as provided by the applicable building codes of PBC. Billboards to be removed by the operation of the stipulated billboard settlement agreement may be repaired and maintained as legal structures. However, any expenses incurred for such repair and maintenance shall be the sole responsibility of the billboard owner, and PBC shall incur no liability for such expenses.
  - 6) Billboard registration permits may be sold, transferred, or exchanged without regard to participation in the stipulated billboard settlement agreement.

#### **H. Repair and Maintenance of Billboards**

All billboards shall be maintained in good repair. Repair and maintenance of billboards shall be exempt from the limitations of Article 1.F, NONCONFORMITIES. Repair and maintenance of billboards shall not include any improvement which increases the height, size, or number of billboard faces. Temporary embellishments may be included as part of normal maintenance and repair of billboards.

#### **I. Effect of Annexation**

1. Any billboard included within the billboard stipulated settlement agreement that is annexed shall not be eligible for relocation into any unincorporated area.
2. The billboard registration permit for any billboard included within the billboard stipulated settlement agreement that is annexed shall be void upon annexation.

#### **J. Appeals**

Appeals of any decision by the Zoning Director or Building Director regarding interpretation or implementation of this Section or the billboard stipulated settlement agreement shall be made to the BCC in accordance with Article 1.B, INTERPRETATION OF THE CODE.

## **CHAPTER I ADMINISTRATION AND ENFORCEMENT**

### **Section 1 Zoning Division Review**

The Zoning Division shall complete its review of all final approvals required by this Article within 30 days from the date of a fully completed application for a building permit, as determined by the Zoning Division, that has been submitted for Zoning Division review. For the purposes of this Article, final approval shall mean approval from the Zoning Division issued in conjunction with a building permit for the ultimate placement and construction of a sign. The Zoning Division shall either approve or deny the application within this review period. Upon expiration of this review period, the applicant may demand the required approval and proceed with the building permit approval process as though the Zoning Division approval required under this Article has been granted. If a building permit is issued, the applicant may display the sign until the Zoning Division either grants the required approval, or notifies the applicant of a denial of the application and states the reasons for the denial.

### **Section 2 Enforcement**

PBC may enforce the provisions of this Article by all means available to it including but not limited to enforcement proceedings before the PBC Code Enforcement Special Masters pursuant to Art. 10, ENFORCEMENT, imposition of fines under Art. 10.B.3, Administrative Fines; Costs; Liens, and initiation of any civil or administrative proceeding to prevent, restrain or abate any act prohibited by the Article.

### **Section 3 Persons Responsible for Compliance**

Persons who will be charged with violations of this Article are:

- A. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or exists; and
- B. Any person who knowingly commits, takes part or assists in such violation.

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## **Section 4      Removal of Signs in Violation of this Article**

Any sign, banner, or sign structure not constructed or located in conformance with this Code is an illegal sign and is subject to the following procedure for notification, removal, and storage:

### **A. Tagged Notice**

If a sign is erected, constructed or located in violation of this Code, PBC shall attach a notice to the sign stating the violation and any corrective measures needed to bring the sign into compliance with this Article. The notice shall further specify that the sign may be removed after ten days have lapsed from the date the tagged notice was placed on the sign, if the specified corrective measures have not been taken.

### **B. Storage and Removal**

If corrective measures have not been complied with after ten days of placement of the tag on the sign, PZB may remove and store the sign in an appropriate storage facility at the expense of the sign owner. The storage period shall be for at least 30 days.

### **C. Mailed Notice**

Upon removal and storage of the sign by PZB, a Notice of Violation and Removal and Storage shall be sent directly to the named owner of the sign, if the owner's address can be readily ascertained from the sign or the address where the sign was located. The notice shall also provide information as to where the sign is stored, how the sign may be reclaimed, and the owner's right to appeal.

### **D. Return or Destruction**

Any sign which has been removed from private property pursuant to the above provisions may be claimed by and returned to the property owner. Release of any sign shall be by written authorization of the Director of Code Enforcement upon proof of ownership and payment of a sum appropriate to compensate PBC for the expense of locating, tagging, mailing notice, removing, and storing the sign. Any sign that remains unclaimed after 30 days from the date of removal shall become the property of PBC and may be disposed of in any manner deemed appropriate by PBC.

### **E. Destruction and Unpaid Fees**

Destruction of the illegal sign shall not extinguish any claim for payment of unpaid fees. Any cost associated with removal of an illegal sign, including cost of collecting unpaid permit, may also be assessed to the sign owner. No new sign permit application will be accepted from the owner of an illegal sign until all fees and costs associated with removal and storage of any illegal sign(s) are paid.

### **F. Illegal Signs in Public R-O-W**

Illegal signs in the public R-O-W may be immediately removed by PBC. Such signs need not be stored and may be immediately disposed of in any manner deemed appropriate by PBC. However, if the approximate value of the sign or other structure is determined to be greater than \$500.00 and the sign bears the name of the owner, the sign owner shall be notified and the sign shall be removed, stored, or returned, as the case may be, in accordance with the procedures in this Section. **[Ord. 2008-003]**

## **Section 5   Appeals**

An aggrieved person has the right to immediately appeal a denial of an application for a permit or other approval required by this Article, or any notice of intent to remove or destroy a sign in violation of this Article, to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida. Any such appeal to the Circuit Court shall be filed within thirty days of the mailing of the written notice of a denial of a permit or other approval contemplated by this article, or within 30 days of the mailing of a notice of violation and removal and storage issued pursuant to this Article.

## **Amendment History:**

**[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009]**

# ARTICLE 9

## ARCHAEOLOGICAL AND HISTORIC PRESERVATION

	Page
<b>CHAPTER A Archaeological Resources Protection .....</b>	<b>3</b>
<b>Section 1 General .....</b>	<b>3</b>
A. Purpose and Intent .....	3
B. Applicability .....	3
<b>Section 2 Development Subject to Archaeological Review .....</b>	<b>3</b>
A. Development Subject to Archaeological Review .....	3
1. Parcels on Identified Sites .....	3
2. Parcels with Previously Unidentified Sites .....	4
3. Sites Containing Human Skeletal Remains .....	4
<b>Section 3 Procedures .....</b>	<b>4</b>
A. Historic Designation Procedures .....	4
1. Nomination and Designation Procedure .....	4
2. Criteria for Evaluating Significances of Historic Resources .....	4
B. Map of Known Archaeological Sites .....	5
C. Certificate to Dig .....	5
D. Certificate to Dig Procedures .....	5
1. Preliminary Testing Consultation Meeting: .....	5
2. Joint in Field Consultation: .....	5
3. Certificate to Dig Report Requirements .....	5
4. Standards for Issuance of a Certificate to Dig .....	5
E. Single Family Homeowner Certificate to Dig .....	6
1. Application .....	6
2. Single-Family Homeowner Certificate To Dig Report Requirements .....	7
3. Hearings of Findings .....	7
4. Appeals .....	7
5. Procedure for Addressing Violations, Hearing and Penalties .....	7
<b>Section 4 Definitions .....</b>	<b>8</b>
<b>CHAPTER B Historic Preservation Procedures .....</b>	<b>8</b>
<b>Section 1 General .....</b>	<b>8</b>
<b>Section 2 Historic Sites, Structures and Districts .....</b>	<b>8</b>
A. Register of Historic Places .....	8
B. Criteria for Designation of Historic Site(s)/Structure(s) and District(s) .....	8
<b>Section 3 Procedures .....</b>	<b>9</b>
A. Application for Historic Site or District Designation .....	9
B. Public Hearings Required for Historic Site or District Designation .....	9
C. Review Guidelines for Certificate of Appropriateness .....	10
<b>Section 4 Regulations Affecting Historic Sites .....</b>	<b>12</b>
A. Development Standards For Historic Districts and Sites .....	12

B. Waiver of the Code Provisions.....	13
C. Certificate of Appropriateness.....	14
1. Activities Requiring Certificate of Appropriateness .....	14
2. Certificate Not Required .....	14
D. Demolition of Designated Historic Sites and Within Historic Districts.....	14
E. Relocation of Historic Resources .....	16
F. Amendments to Designations.....	16
G. Undue Economic Hardship.....	16
<b>Section 5      Enforcement Penalties.....</b>	<b>17</b>
A. Enforcement of Maintenance and Repair Provisions .....	17
B. General Enforcement Procedures .....	17

## ARTICLE 9

### ARCHAEOLOGICAL AND HISTORIC PRESERVATION

#### CHAPTER A Archaeological Resources Protection

##### Section 1 General

###### A. Purpose and Intent

It is hereby declared that the protection, enhancement and examination of significant archaeological resources is in the interest of the health, safety and welfare of the people of PBC. It is acknowledged that within PBC there exist sites which are of significant archaeological value as prehistoric, historic and cultural resources. A map identifying known archaeological sites, potential archaeological sites and archaeological conservation areas has been prepared by a qualified archaeologist and is adopted as part of this Article. **[Ord. 2005 – 002]**

1. Establish a procedure for review of development proposals on lands which have been identified as containing archaeological resources and archaeological conservation areas; **[Ord. 2005 – 002]**
2. Establish a method to review the potential archaeological and paleontological value of previously unidentified sites after the discovery of prehistoric and historical artifacts, skeletal or fossilized human remains, or non-human vertebrate fossils during development; **[Ord. 2005 – 002]**
3. Establish a mechanism to protect, when appropriate, resources of significant archaeological value identified pursuant to this Article that are deemed important by a qualified archaeologist to the prehistory or history of PBC, the County, the State or Nation; and,
4. Facilitate protection and documentation of resources of significant archaeological value without substantially delaying development. **[Ord. 2005 – 002]**

###### B. Applicability

This Article is applicable in the unincorporated area of PBC and regarding PBC owned property in municipalities unless otherwise regulated by municipal archaeological protection regulations and shall apply to:

1. All parcels of land which are identified as archaeological sites on the map entitled "Map of Known Archaeological Sites" and "Archaeological Conservation Areas"; **[Ord. 2005 – 002]**
2. A parcel on which previously unidentified artifacts, archaeological human remains, archaeological sites or features, or vertebrate fossils of significant archaeological and paleontological value is found during site development or during any other activity which may disturb an archeological site; and, **[Ord. 2005 – 002]**
3. All applications for Type III Excavation, pursuant to Article 4.D, EXCAVATION. **[Ord. 2005-002]**
4. All parcels of land within Palm Beach County that are identified as a known resource in the records of the Florida Master Site File or from documentation from the State Historic Preservation Officer or State Archaeologist. **[Ord. 2008-037]**
5. All parcels of land which are not identified on the "Map of Known Archaeological Sites and Archaeological Conservation Areas" but other resources, documents, conditions and reasonable accounts indicate there is an increased probability that they contain previously undocumented historic resources. **[Ord. 2008-037]**
6. All parcels of land that are within 300 feet of a parcel depicted on the "Map of Known Archaeological Sites and Archaeological Conservation Areas" shall be considered to have a high probability of containing previously undocumented historic resources. **[Ord. 2008-037]**
7. The Planning, Zoning & Building departments may require a CTD/COA for any property that has a high probability of containing previously undocumented historic resources. **[Ord. 2008-037]**

##### 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 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

Excavation must receive a Certificate to Dig prior to issuance of a development order. [Ord. 2005 – 002]

**2. Parcels with Previously Unidentified Sites**

Previously unidentified archaeological sites discovered during development. When one or more artifacts archaeological human remains, or vertebrate fossils are found on a parcel during development or during other activity disturbing the site, all development or disruptive activity directly over the find shall cease. Before any further development or disruptive activity continues, the following procedure shall apply: [Ord. 2005 – 002]

- a. The area directly over the find shall be staked by the property owner or agent of the property owner, contractor or subcontractor, or other party discovering the potential find;
- b. Within one working day of discovering the potential find, the Department and, if applicable, the property owner shall be notified;
- c. Within three days, the County Archaeologist shall inspect and evaluate the site for the purpose of determining whether artifacts or human skeletal or vertebrate fossils are located on the parcel. If the qualified archaeologist determines a significant archaeological resource is on or likely to be on the parcel, the Director of PZB shall issue an order suspending construction and define the area where the order suspending construction applies, based upon the archaeologist's assessment. Such order does not have the effect of a stop work order and shall not stop construction activity not directly impacting the defined potential archaeological or paleontological site; [Ord. 2005 – 002]
- d. The County Archaeologist shall evaluate the significance of the archaeological find and send a written Archaeological Evaluation Report to the property owner and Executive Director of the PZB postmarked within seven working days from issuance of the suspension order;
- e. In the Archaeological Evaluation Report, the County Archaeologist shall require an application for a Certificate to Dig be prepared if the archaeologist determines the site contains artifacts of significant archaeological value. If the County Archaeologist determines that there is no reasonable possibility that artifacts of significant archaeological value are contained on the site, the archaeologist shall make such a finding to the Department in the Archaeological Evaluation Report and PZB shall immediately lift the suspension order;
- f. In order to encourage individuals to bring potential significant archaeological discoveries to PBC's attention, private citizens engaged in disruptive activity which does not require a development order or permit and uncover a potential artifact, fossil, or remains, may request a waiver of application fees and shall not be subject to the timeframes required in this subsection. [Ord. 2005 – 002]

**3. Sites Containing Human Skeletal Remains**

If human skeletal remains are found, then F.S. §872.05, (1989), as amended from time to time, controls.

**Section 3 Procedures**

**A. Historic Designation Procedures**

**1. Nomination and Designation Procedure**

The Historic Resource Review Board (HRRB) and County Archaeologist will have the authority to nominate areas, places, buildings, structures, landscape features, archaeological and paleontological sites as being significant to Palm Beach County's history. All nominations will be sent to the BCC for final approval, official designation and listing on Palm Beach County's Register of Historic Places. [Ord. 2008-037]

**2. Criteria for Evaluating Significances of Historic Resources**

Historic resource significances will be determined by meeting one or more of the following criteria/conditions: [Ord. 2008-037]

- a. are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, paleontological and architectural history that have contributed to the pattern of history in Palm Beach County, the State of Florida, the nation; or [Ord. 2008-037]
- b. are associated with the lives of persons significant in our past; or [Ord. 2008-037]
- c. embody the distinctive characteristics of a type, period, style, or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or [Ord. 2008-037]
- d. have yielded or are likely to yield information in history or prehistory; [Ord. 2008-037]
- e. is listed on the National Register of Historic Places (NRHP). [Ord. 2008-037]

**B. Map of Known Archaeological Sites**

A Map of Known Archaeological Sites and Archaeological Conservation Areas shall be adopted by the BCC. The above referenced map may be amended by resolution or ordinance adopted by the BCC pursuant to F.S. § 125.66. The map shall be amended upon determination by PBC that additional sites of significant archaeological value have been discovered or in some instances, destroyed. At a minimum, the map and the Florida Master Site File (FMSF), shall be reviewed annually by department staff and the County Archaeologist for possible map amendment. [Ord. 2005 – 002] [Ord. 2008-037]

**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 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]

**D. Certificate to Dig Procedures**

**1. Preliminary Testing Consultation Meeting:**

The cultural resource management firm or archaeologist contracted to assess the presence of historic resources and develop mitigation plans to address adverse effects to a historic resource is required to meet with the County Archaeologist to discuss testing strategies prior to the start of the project. [Ord. 2008-037]

**2. Joint in Field Consultation:**

The County Archaeologist will be available for field consultations should the need arise during the testing phase of the project. If previous testing strategies prove to be ineffective all parties can request that the testing strategy be modified. [Ord. 2008-037]

**3. Certificate to Dig Report Requirements**

A report prepared by a qualified archaeologist shall be prepared with the application of a certificate and as requirement of the Certificate to Dig. The report shall at minimum contain a documented search of the Florida Master Site File (FMSF), a brief history of the area, an archaeological survey and field inspection performed in a professionally acceptable manner, an assessment of the archaeological significance of the site, and a proposed plan for archaeological management, which in some instances, may include recommendations for monitoring of proposed developmental activities by a qualified archaeologist. All reports submitted to the PZB on properties determined to be of archaeological significance shall include the preparation of a FMSF form, which shall be forwarded by the PZB to the Division of Historical Resources of the Florida Department of State. [Ord. 2005 – 002] [Ord. 2008-037]

**4. Standards for Issuance of a Certificate to Dig**

Within three working days of receiving an application, the Department shall make a determination of the completeness of the application and whether it shall be processed as a Special or Standard Certificate to Dig. A Special Certificate to Dig will be required if the application is for a previously recorded site where more than ten percent of the known or potential site surface or volume will be adversely affected by the proposed development or improvements. A Standard Certificate to Dig will be required if the application is for a previously recorded site where less than ten percent of the known or potential site surface or volume will be altered or destroyed by the proposed development. A Standard Certificate to Dig will be required for any application within an archaeological conservation area that is not the location of a previously recorded site. If the application is determined to be incomplete, the Department shall request additional information by certified mail. When the application is complete, if the Certificate to Dig is determined by the Department to be a Special Certificate to Dig the Department shall forward the application to the HRRB. The HRRB shall hold a public hearing within 30 days of the date of receipt of the application by the HRRB. The Department shall prepare its evaluation of the application and notify the applicant of its findings at least ten working days prior to the public hearing. Evaluation of the application by the Department and the



HRRB shall be based upon guidelines in this Section, recommendations included in the archaeologist's report, and the recommendation of the County Archaeologist, if required. If the Department determines that the application is a Standard Certificate to Dig, then a Certificate to Dig will be issued to the applicant within 30 days of the date of receipt of the application by the Department. The HRRB's or Department's evaluation shall do one of the following: **[Ord. 2005 – 002] [Ord. 2008-037]**

- a. In the Archaeological Evaluation Report, the County Archaeologist shall require an application for a Certificate to Dig be prepared if the archeologist determines the site contains artifacts or cultural remains of significant archaeological value. If the County Archaeologist determines that there is no reasonable possibility that artifacts of significant archaeological value are contained on the site, the County Archaeologist shall make such a finding to the Department in the Archaeological Evaluation Report and the Department shall immediately lift the suspension order. **[Ord. 2005 – 002] [Ord. 2008-037]**
- b. If the property is determined to contain or potentially include a site of significant archaeological value, the HRRB or the Department shall issue a Certificate to Dig with conditions that are deemed necessary to protect or mitigate any part of the site determined to be of significance, including conditions regarding development design. In order to protect archaeological resources of significant value, the HRRB or the Department may require the applicant to do one or more of the following as part of receiving the Certificate to Dig: **[Ord. 2005 – 002] [Ord. 2008-037]**
  - 1) preserve part or all of the archaeological site within open space of the development; **[Ord. 2008-037]**
  - 2) re-design the development to accommodate preservation of all or a portion of the archaeological site; **[Ord. 2005 – 002] [Ord. 2008-037]**
  - 3) the property owner may voluntarily fund or seek funding for excavation of the resource, if agreed to by PBC. **[Ord. 2008-037]**
- c. The Department shall charge a fee covering the direct and indirect costs associated with reviewing an Application for a Certificate to Dig, issuing the certificate and monitoring compliance with the certificate. Fees for the issuance of a Certificate to Dig shall be added to the Department Fee Schedule by resolution approved by the BCC. **[Ord. 2005 – 002] [Ord. 2008-037]**

#### **E. Single Family Homeowner Certificate to Dig**

##### **1. Application**

A Single-Family Homeowner Certificate To Dig (SFHCTD) will be issued to individuals whose properties are located within an archaeological conservation zone as depicted in the Map of Known Archaeological Sites and Conservation Zones or when previously unknown archaeological or historic resources are encountered during construction or other means of exposure. There is no fee associated with this certificate and the County Archaeologist will perform the initial investigation at no charge upon receiving the permit for review.

Single-family homeowners of parcels required by Art.9.B.1, General, or Art.9.A.2, Development Subject to Archaeological Review, Parcels on the Map of Known Archaeological Sites, Archaeological Conservation Areas and Previously Unknown Archaeological Sites discovered during development shall apply for a SFHCTD to the PZB for review, and shall make such application prior to the issuance of a development order or building permit. The application for the SFHCTD shall be made on a form available from the PZB. Only one SFHCTD shall be required to develop a site unless additional resources not addressed in the initial Certificate are found during site development. All single-family homeowner certificates to dig will be reviewed by the Department staff and the County Archaeologist. The County Archaeologist will perform initial investigation upon receiving the permit for review at which time the proposed project will be classified as either ground disturbing or non-ground disturbing: **[Ord. 2008-037]**

##### **a. Ground Disturbing Activities**

These include excavating soil for the placement of pilings, footers, telephone poles, fence posts, pools, septic tanks, in ground water features, extensive grading of virgin soil, drainage ditches and the placement of water/sewer lines. **[Ord. 2008-037]**

##### **b. Non-Ground Disturbing Activities**

These include slab on grade construction techniques, driveway placement, shed installation, sprinkler irrigation systems, on grade patios, above ground pools, landscaping, placement of fill soil, placement of underground conduit two inches in diameter or less and building on an existing foundation.

If a permit including only non-ground disturbing activities is submitted, approval is immediate.

If ground-disturbing activities are indicated, the County Archaeologist will review the proposed plan by comparing it to known archaeological site locations, previously tested properties, geological/ecological features and areas of significant soil disturbance. If conditions warrant a field investigation, the County Archaeologist or designee will begin the process within ten working days of original notice.

If a significant historic resource(s) as those defined by this Chapter is encountered during the field investigation, a suspension of work order will be issued for the area of impact. During this time one or more of the following may occur depending on the nature and size of the resource. [Ord. 2008-037]

- 1) The homeowner will be responsible for securing and financing the services of a professional archaeologist or archaeological firm to mitigate the adverse impacts to the resource. [Ord. 2008-037]
- 2) For simple non-midden resources less than 6 x 6 feet (2 x 2 meters) in size and less than two feet in depth the County Archaeologist or the offices designee will monitor/mitigate ongoing construction. [Ord. 2008-037]
- 3) The homeowner, contractor(s), and appropriate county departments, will discuss, develop and implement methods to avoid adverse impact to the historic resource. [Ord. 2008-037]

If the resource is determined not to be significant as defined by this Chapter, approval to proceed will be issued within three working days of the initial site visit.

If a significant historic resource as defined by this Chapter is discovered the location and nature of the resource will be listed with the county and state offices of historic preservation and possibly the National Register of Historic Places. [Ord. 2008-037]

## **2. Single-Family Homeowner Certificate To Dig Report Requirements**

A report shall only be required if significant historic resources as defined by this Chapter are recovered. The report shall at minimum contain a documented brief history of the area, an archaeological survey and field inspection performed in a professionally acceptable manner, an assessment of the archaeological significance of the site, and a proposed plan for archaeological management, which in some instances, may include recommendations for monitoring of proposed developmental activities by a qualified archaeologist. All reports submitted to the PZB on properties determined to be of archaeological significance shall include the preparation of a FMSF form, which shall be forwarded by the PZB to the Division of Historical Resources of the Florida Department of State.

Regardless if significant historic resources are recovered or not the Map of Known Archaeological Resources will be modified to reflect the actual status of the property. [Ord. 2008-037]

## **3. Hearings of Findings**

Only CTD or SFHCTD that encountered significant historic resources as defined by this Article will be discussed with the Historic Resource Review Board (HRRB). These discussions shall take place within 45 days after completion of the application at which time the resident or developer will be allowed to comment on the findings of either the CTD or the SFHCTD. [Ord. 2008-037]

## **4. Appeals**

Within 30 days of a written decision by the HRRB regarding an application for a Certificate to Dig or Single-Family Homeowner Certificate to Dig, an aggrieved party may appeal the decision by filing a written notice of appeal and pay a filing fee established by the BCC, with the Clerk of the BCC. A copy of the notice of appeal shall be filed with the Executive Director of Planning, Zoning and Building, PZB. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 45 days of the filing of the appeal or the first BCC meeting which is scheduled, whichever is later, in time, the BCC shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the HRRB or PZB. The applicant shall be notified by certified mail, return receipt requested, of the date, time, and place of such hearing. At this hearing, the party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in this Code; however, no new materials or evidence shall be presented to or considered by the BCC. The BCC shall vote to approve, modify or overrule the decision of the HRRB or PZB. The decision of the BCC shall be in writing and a copy of the decision shall be forwarded to the appealing party. An applicant may appeal a final decision of the BCC within 30 days of the rendition of the decision by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. [Ord. 2005 – 002] [Ord. 2008-037]

## **5. Procedure for Addressing Violations, Hearing and Penalties**

Upon detection by PBC that a property owner, agent of property owner, contractor or subcontractor has violated this Section, PBC shall notify the violator(s) and the property owner, if applicable, that a hearing has been set before the Code Enforcement Special Master. The notice, hearing and fines

shall occur pursuant to Art. 10.B, Enforcement by Code Enforcement Special Masters. Further, if the Code Enforcement Board finds that a willful violation of this Article has occurred, PBC shall fine the violator a fine of up to \$500.00 per day or impose imprisonment in the PBC jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. § 125.69. In addition to the sanctions contained above, PBC may take any other appropriate legal action, including, but not limited to, requests for temporary and permanent injunctions to enforce the provisions of this Section. It is the purpose of this Section to provide additional cumulative remedies. **[Ord. 2008-037]**

## **Section 4      Definitions**

See Article 1.I, Definitions and Acronyms

## **CHAPTER B    Historic Preservation Procedures**

### **Section 1      General**

The purpose and intent of this Article is to promote the health, safety and welfare of existing and future residents of PBC by protecting, enhancing and examining the historic resources of PBC. It is recognized that there are within unincorporated PBC and on PBC owned property in municipalities historic sites worthy of preservation and concentrations of historic buildings worthy of designation as historic districts. This Article provides mechanisms to promote historic preservation in PBC by the designation of historic sites and districts, and the regulation of construction and demolition of historic sites and within historic districts.

### **Section 2      Historic Sites, Structures and Districts**

#### **A. Register of Historic Places**

1. If the BCC approves the nomination of a property for designation as a historic site or group of properties for designation as a historic district, said site or district shall be listed on the PBC Register of Historic Places and recorded in the official records of PBC. The PBC Register of Historic Places shall be administered by the BCC.
2. The BCC shall issue an official Certificate of Historic Significance to the owner of properties listed individually on the PBC Register of Historic Places or judged as contributing to the character of a historic district listed on the PBC Register of Historic Places. The County Administrator, or his/her appointee, is authorized to issue and place official signs denoting the geographic boundaries of each historic district listed on the PBC Register of Historic Places.

#### **B. Criteria for Designation of Historic Site(s)/Structure(s) and District(s)**

1. To qualify as a designated historic site(s)/structure(s) or historic district(s), individual properties, structures, sites or buildings, or groups of properties, structures, sites or buildings, the proposed site or district shall meet one or more of the following criteria: **[Ord. 2008-037]**
  - a. is associated in a significant way with the life or activities of a major person important in PBC, the State or National history, (i.e., the homestead of a local founding family); or
  - b. is the site of a historic event with significant effect upon PBC, the State or Nation; or
  - c. is associated in a significant way with a major historic event whether cultural, economic, military, or political; or
  - d. exemplifies the historic, political, cultural, or economic trends of the community in history; or
  - e. is associated in a significant way with a past or continuing institution which has contributed to the life of PBC;
  - f. portrays the environment in an era of history characterized by one or more distinctive architectural styles; or
  - g. embodies those distinguishing characteristics of an architectural style, period or method of construction; or
  - h. is a historic or outstanding work of a prominent architect, designer, landscape architect, or builder; or
  - i. contains elements of design, detail, material or craftsmanship of outstanding quality or which represented, in its time, a significant innovation or adaptation to the South Florida environment.
2. A building, structure, site, or district will be deemed to have historic significance if, in addition to, or in the place of the previously mentioned criteria, the building, structure, site, or district meets the historic development standards as defined by and listed in the regulations of and criteria for the National

Register of Historic Places, as prepared by the U.S. Department of the Interior under the Historic Preservation Act of 1966, as amended.

3. Properties not generally considered eligible for designation include cemeteries, birthplaces or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, buildings or sites primarily commemorative in nature, reconstructed historic buildings, and properties that have achieved significance less than 50 years prior to the date the property is proposed for designation. However, such properties will qualify if they are integral parts of districts that do meet the previously described criteria or if they fall within one or more of the following categories.
  - a. A religious property deriving primary significance from architectural or artistic distinction of historic importance.
  - b. A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic event or person.
  - c. A birthplace or grave of a historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.
  - d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
  - e. A property primarily commemorative in nature if design, age, tradition or symbolic value have invested it with its own historic significance.
  - f. A building, structure, site or district achieving significance less than 50 years from the date it is proposed for designation if it is of exceptional historic importance.

### **Section 3      Procedures**

#### **A. Application for Historic Site or District Designation**

1. Applications for historic site or district status may only be initiated by the BCC, the HRRB or the property owner of an individual site. A neighborhood or community association may initiate an application for historic district status. Application for historic district or historic site status for public property may also be initiated by any resident of PBC.
2. Upon receipt of an application for historic or district site status, the Department shall conduct a preliminary evaluation of the application to determine whether or not it has sufficient information to process the application. The Department shall make the determination that an application is sufficient within ten working days of receipt of an application. If the application is not sufficient to process, the Department shall specify what additional information is necessary.
3. In the event the application as submitted is sufficient, the Department shall prepare a Designation Report for consideration at the next schedule HRRB meeting which shall contain the following information:
  - a. Proposed legal boundaries of the historic building, archaeological site, structure, or district; and,
  - b. Any proposed waiver of development regulations per Art. 9.B.4.B, Waiver of the Code Provisions.
  - c. Any conditions beyond the standards contained in the Code or conditions based on the standards of Article 9.B.4.A, Development Standards For Historic Districts and Sites.
  - d. An analysis of historic significance and character of the nominated property; and,
  - e. An analysis of public historic interiors for those buildings and structures with interior features of exceptional architectural, aesthetic, artistic or historic significance of those buildings which have public access.

#### **B. Public Hearings Required for Historic Site or District Designation**

1. After the Department prepares its Designation report, the HRRB shall conduct a public hearing to evaluate and receive comments regarding the application.
2. The Department shall transmit, by certified mail, a copy of the designation report and a notice of public hearing to the property owner(s) of record as of the date of nomination. This notice shall serve as notification of the intent of the HRRB to consider designation and must be mailed at least 30 calendar days prior to the public hearing. In addition, all property owners within a 300 foot radius of the nominated site or district shall be sent courtesy notice of the public hearing. However, failure to receive such courtesy notice shall not invalidate the hearing. Notice shall also be provided by publishing a copy thereof in a newspaper of general circulation in PBC at least ten calendar days prior to the date of the hearing. All interested parties shall be given an opportunity to be heard at the public hearing.
3. After a public hearing, the HRRB shall vote on the designation within 45 calendar days at a public meeting. **[Ord. 2008-037]**

4. The BCC shall hold a public hearing at the next available meeting to consider the recommendation of the HRRB regarding the designation of historic sites and districts.
5. At the conclusion of the public hearing the BCC shall consider the application, all relevant support materials, the Designation Report, the recommendations of the HRRB and the standards contained in Article 9.B.4.A, Development Standards For Historic Districts and Sites, thereby adopting a resolution enacting or denying the historic district or site designation. The resolution designating a historic site shall be approved or denied by not less than a majority of the quorum present unless an affected property owner objects to the designation of a historic site, in which case a majority of the total membership of the BCC is required to approve the designation. The BCC shall take no action upon a proposed district designation if a majority of property owners in the proposed district or the owners of a majority of the land area in the proposed district object in writing filed with the BCC before the hearing. The identity of the property owners shall be determined by PBC property tax roll. The resolution designating the historic site or historic district shall be recorded in the public records of PBC, Florida. The designation shall be noted on the Official Zoning Atlas by placing the designation H on the appropriate atlas page and indicating the boundaries of the historic district or site on the Zoning Atlas.
6. Any agency with authority to issue demolition permits shall be notified of all historic site or district designations. No later than 18 months after the first property or district is designated pursuant to this Code, PBC shall amend the Plan to include an inventory of historic district boundaries and historically significant structures designated pursuant to this ordinance. Subsequent to the initial inclusion of the historic inventory in the Plan, the inventory shall be updated consistent with provisions for evaluation and appraisal of the Plan as provided in F.S. § 163.3191, and submitted to the Florida Department of State for inclusion into the FMSF.

**C. Review Guidelines for Certificate of Appropriateness**

1. The HRRB shall utilize the most recent U.S. Secretary of the Interior's Standards for Rehabilitation as the standards by which applications for Certificate of Appropriateness are to be evaluated.
2. Applications for Certificates of Appropriateness must be made on forms approved and provided by the HRRB. Applications must be accompanied by appropriate site plans, scaled drawings, architectural drawings, photographs, sketches, descriptions, renderings, surveys, documents or any other pertinent information the HRRB may require to understand the applicant's planned alteration, construction, reconstruction, relocation, restoration, renovation, or demolition.
3. The application shall be submitted to PZB for review by the HRRB with a non-refundable application fee that is established by the BCC from time to time to defray the actual costs of processing the application.
4. An applicant may request a pre-application conference with the HRRB or appropriate PBC staff members to obtain information and guidance regarding the application process. The HRRB may designate subcommittees of at least one member to hold these conferences with potential applicants. The purpose of the pre-application conference will be to discuss and clarify preservation objectives and HRRB regulations and guidelines and any other questions which may arise during the Certificate of Appropriateness process. If at least two HRRB members are present, these conferences shall be public meetings subject to appropriate public meetings laws and notice requirements. However, in no case will any statement or representation made prior to official HRRB review of an application bind the HRRB, the BCC or any PBC departments regarding for the certification process.
5. If or when the application is determined sufficient, the Executive Director of PZB shall place the application on the agenda of the next available meeting of the HRRB. The HRRB shall receive an application at least 30 days prior to the public hearing. If no meeting of the HRRB is scheduled within 60 days of the date an application is determined sufficient, a special meeting shall be scheduled by the chairperson.
6. If it is determined that the application is not sufficient, written notice shall be delivered to the applicant specifying the deficiencies. The Executive Director of PZB shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within 20 working days, the application shall be considered withdrawn.
7. The HRRB shall act upon the application within 60 days of the determination of an application sufficiency. Nothing herein will prohibit a continuation of a hearing on an application which the applicant requests or to which the applicant consents.
8. The HRRB may advise the applicant and make recommendations in regard to the appropriateness of the application. The HRRB may delay final action until its next regularly scheduled meeting, or, if the HRRB so chooses and the applicant agrees, until a special meeting to be held within 14 calendar days of the meeting at which the application was first considered. In no case will the HRRB delay

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taking action by approving, denying, or deferring any application more than 30 calendar days after such application is formally brought before the HRRB.

9. The HRRB may approve, modify or deny an application for a Certificate of Appropriateness. For purposes of granting a Certificate of Appropriateness, the HRRB shall have access to the designated site. If the HRRB approves the application, a Certificate of Appropriateness shall be issued. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other development permits, orders and approvals required by PBC. A building permit or other development permit, order or approval shall be invalid if it is obtained without the Certificate of Appropriateness required for the work. Construction for which a Certificate of Appropriateness is issued shall commence within 18 months from the date of issuance, and said certificate shall expire if 25 percent of the approved improvements have not been completed within 24 months from the date of issuance. The HRRB may not approve extensions for Certificates of Appropriateness. If the HRRB denies the application, a Certificate of Appropriateness shall not be issued. The HRRB shall state its reasons for denial in writing and present these written reasons to the applicant within ten calendar days of the HRRB's denial.
10. Within 30 days of a written decision by the HRRB regarding an application for a Certificate of Appropriateness, an aggrieved party may appeal the decision by filing a written notice of appeal and pay a filing fee, established by the BCC, with the Clerk of the BCC. A copy of the notice of appeal shall be filed with the Executive Director of PZB. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 45 days of the filing of the appeal or the first BCC meeting which is scheduled, whichever is later in time, the BCC shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the Department. The applicant shall be notified by certified mail, return receipt requested, of the date, time, and place of such hearing. At this hearing, the appealing party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in this Code; however, no new material or evidence shall be presented to or considered by the BCC. The BCC shall vote to approve, modify or overrule the decision of the HRRB. The decision of the BCC shall be in writing and a copy of the decision shall be forwarded to the appealing party. An applicant may appeal a final decision of the BCC within 30 days of the rendition of the decision by filing a petition for writ of certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida.

## **Section 4 Regulations Affecting Historic Sites**

### **A. Development Standards For Historic Districts and Sites**

1. For the purpose of this Ordinance, exterior architectural features shall include those characteristics as defined in this Article.
2. A historic building, structure, appurtenance, site or district shall only be moved, reconstructed, altered or maintained in accordance with this ordinance in a manner that will preserve the historic and architectural character of the historic building, structure, appurtenance, site or district.
3. In considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.
4. A historic site, building, structure, archaeological site, improvement, or appurtenance either within a historic district or individually designated, shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, as same may be amended from time to time.
5. Relocation of historic buildings and structures to other sites shall not take place unless it is shown that their preservation on their existing or original sites is inconsistent with the purposes of this Ordinance or would cause undue economic hardship to the property owner. Relocation of any structures shall not affect the designation of an underlying archaeological site.
6. Demolition of historic sites, or buildings, structures, improvements and appurtenances within historic districts shall be regulated by the HRRB in the manner described in Article 9.B.4.D, Demolition of Designated Historic Sites and Within Historic Districts, of this Code.
7. The construction of new buildings or structures, or the relocation, alteration, reconstruction, or major repair or maintenance of a non-contributing building or structure within a designated historic district shall meet the same compatibility standards as any material change in the exterior appearance of an existing contributing building. Any material change in the exterior appearance of any existing non-contributing building, structure or appurtenance in a designated historic district shall be generally

compatible with the form, proportion, mass, configuration, building material, texture, color and location of historic buildings, structures, or sites adjoining or reasonably proximate to the contributing building, structure or site.

8. All improvements to buildings, structures and appurtenances within a designated historic district shall be visually compatible. Visual compatibility shall be defined in terms of the following criteria:

**a. Height**

The height of proposed buildings or modifications should be visually compatible in comparison or relation to the height of existing structures and buildings.

**b. Front Facade Proportion**

The front facade of each building or structure should be visually compatible with and in direct relationship to the width of the building and to the height of the front elevation of other adjacent or adjoining buildings within a historic district.

**c. Proportion of Openings - Windows and Doors**

The openings of any building within a historic district should be visually compatible with the openings exemplified by the prevailing historic architectural styles within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings within the district should be visually compatible.

**d. Rhythm of Solids to Voids - Front Facades**

The relationship of solids to voids in the front facade of a building or structure should be visually compatible with the front facades of historic buildings or structures within the district.

**e. Rhythm of Buildings on Streets**

The relationship of building(s) to open space between it or them and adjoining building(s) should be visually compatible with the relationship between historic sites, buildings or structures within a historic district.

**f. Rhythm of Entrance and/or Porch Projections**

The relationship of entrances and porch projections to the sidewalks of a building should be visually compatible with the prevalent architectural styles of entrances and porch projections on historic sites, buildings and structures within a historic district.

**g. Relationship of Materials, Texture and Color**

The relationship of materials, texture and color of the facade of a building should be visually compatible with the predominant materials used in the historic sites, buildings and structures within a historic district.

**h. Roof Shapes**

The roof shape of a building or structure should be visually compatible with the roof shape(s) of a historic site, building or structure within a historic district.

**i. Walls of Continuity**

Appearances of a building or structure such as walls, wrought iron, fences, evergreen landscape masses, or building facades, should form cohesive walls of enclosure along a street to insure visual compatibility of the building to historic buildings, structures or sites to which it is visually related.

**j. Scale of a Building**

The size of a building, the building mass in relation to open spaces, windows, door openings, balconies and porches should be visually compatible with the building size and building mass of historic sites, buildings and structures within a historic district.

**k. Directional Expression of Front Elevation**

A building should be visually compatible with the buildings, structures and sites in its directional character: vertical, horizontal or non-directional.

**B. Waiver of the Code Provisions**

1. The HRRB may recommend that the BCC approve a waiver of Code requirements for designated historic resources or contributing properties to a designated historic district. The waiver may occur concurrently with the designation process or may be requested regarding any property subject to the historic site or district designation. Waivers may include setbacks, lot width, depth, area requirements, height limitations, open space requirements, vehicular requirements, design compatibility requirements, and other similar development regulations other than changes in permitted uses, density increases, or waiver of environmental or health standards. Before granting a waiver of Code requirements, the BCC must find:

- a. that the waiver will be in harmony with the general appearance and character of the community;
- b. that the waiver will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare;



- c. that the project is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent properties while affording the owner(s) a reasonable use of their land; and
  - d. the waiver is the minimum necessary to allow reasonable use of the property while preserving the historic attributes of the property.
2. In approving a waiver, the BCC may prescribe any appropriate conditions necessary to protect and further the interests of the area and abutting properties, including but not limited to:
    - a. landscape materials, walls and fences as required buffering;
    - b. modifications of the orientation of any openings; and
    - c. modifications for site arrangements.
  3. The waiver shall be incorporated into the resolution designating the historic site or district with conditions and standards applicable to the property or district. If the waiver process occurs separately from the designation process, the notification and public hearings procedures required for historic designation shall be followed and a resolution approving the waiver shall be recorded in the public records of PBC, Florida.

#### **C. Certificate of Appropriateness**

##### **1. Activities Requiring Certificate of Appropriateness**

- a. No building, structure, appurtenance, improvement or landscape feature within PBC, which has been designated a historic site, pursuant to Article 9.B.2.B, Criteria for Designation of Historic Sites and Districts, shall be erected, altered, restored, renovated, excavated, relocated, or demolished until a Certificate of Appropriateness regarding any exterior architectural features, landscape feature, or site improvements has been issued by the HRRB pursuant to the procedures of this Ordinance.
- b. A Certificate of Appropriateness shall be required for the erection, alteration, restoration, renovation, excavation, relocation, or demolition of any building, structure or appurtenance within any historic district established by PBC.
- c. A Certificate of Appropriateness shall be required for any material change in existing walls, fences and sidewalks, change of color, or construction of new walls, fences and sidewalks.
- d. Landscape features. Landscape features and site improvements shall include, subsurface alterations, site regrading, fill deposition, paving, landscaping walls, fences, courtyards, signs, and exterior lighting.
- e. Plan approval required. No Certificate of Appropriateness shall be approved unless the architectural plans for said construction, reconstruction, relocation, alteration, excavation, restoration, renovation, or demolition has been approved by the HRRB.

##### **2. Certificate Not Required**

- a. A Certificate of Appropriateness shall not be required for general and occasional maintenance and repair of any historic building, structure or site, or any building or structure within a historic district, except where proscribed or regulated by archaeological considerations.
- b. A Certificate of Appropriateness shall not be required for any interior alteration, construction, reconstruction, restoration or renovation. General and occasional maintenance and repair shall include lawn and landscaping care and minor repairs that restore or maintain the historic site or current character of the building or structure. General and occasional maintenance and repair shall also include any ordinary maintenance which does not require a building permit from the County. General and occasional maintenance and repair shall not include any of the activities described in Article 9.B.4.C.1, Activities Requiring Certificate of Appropriateness, above, nor shall it include exterior color change, addition or change of awnings, signs, or alterations to porches and steps or other alterations which require excavation or disturbance of subsurface resources.

#### **D. Demolition of Designated Historic Sites and Within Historic Districts**

1. Public agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts, pursuant to Article 9.B, Historic Preservation Procedures. The HRRB shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said public agency regarding demolition of any designated property. The HRRB may make recommendations and suggestions to the public agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.
2. A Certificate of Appropriateness for demolition shall not be required when a building, structure or appurtenance designated as a historic site, or a contributing building, structure or appurtenance within a designated historic district, has been condemned by PBC. A demolition permit shall not be issued unless the HRRB has been notified of the proposed demolition and provided an opportunity to provide input as provided in Article 9.B.4.D, Demolition of Designated Historic Sites and Within Historic Districts.

3. In the event the HRRB determines that a historic site is in the course of being demolished by neglect, it shall notify the owner of record of such preliminary finding stating the reason therefore and shall give the owner of record 30 calendar days from the date of notice in which to commence work rectifying the evidences of neglect cited by the HRRB. Such notice shall be accomplished in the following manner:
  - a. by certified mailing to the last known address of the owner of record, or
  - b. in the event the procedure outlined in Article 9.B.4.D, Demolition of Designated Historic Sites and Within Historic Districts above is not successful, then by attaching such notice to the historic site twice within a week.
  - c. upon the owner of record's failing to commence work within 30 calendar days of such notice, the HRRB shall notify the owner of record in the manner provided above to appear at the next public hearing of the HRRB. The HRRB shall cause to be presented at said public hearing the reasons for the notice, and the owner of record shall have the right to present any rebuttal thereto. If, thereafter, the HRRB shall determine that the historic site is being demolished by neglect, the HRRB shall forward a complaint to the Code Enforcement Division for action.
4. When an applicant seeks a Certificate of Appropriateness for the purpose of demolition of a non-condemned, contributing building, structure or appurtenance, the applicant must satisfactorily demonstrate to the HRRB the applicant's plans to improve the property.
5. The HRRB's refusal to grant a Certificate of Appropriateness for the purpose of demolition will be supported within 15 calendar days by a written statement describing the public interest that the HRRB seeks to preserve.
6. The HRRB may grant a Certificate of Appropriateness for demolition which may provide for a delayed effective date of up to six months from the date of HRRB's action. The effective date of the certificate will be determined by the HRRB based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The HRRB may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six months, while demolition of non-contributing buildings within historic districts may be delayed for up to three months.
7. During the demolition delay period, the HRRB may take such steps as it deems necessary to preserve the structure concerned. Such steps may include, but not be limited to, consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.
8. In connection with any Certificate of Appropriateness for demolition of buildings, structures or appurtenances as defined in this Article, the HRRB may request the owner, whether public or private, at the owner's expense, to salvage and preserve specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of other historic properties. The HRRB may require, at the owner's expense, recording of the historic resource's details for archival purposes prior to demolition by an interested, qualified, non-profit group(s) selected by the HRRB. The recording may include, but will not be limited to, photographs, documents, and scaled architectural drawings. The HRRB may also require the owner, at the owner's expense, to excavate, record, and conserve archaeological resources threatened by the alterations so permitted. With the owner's consent, an interested, qualified, non-profit group selected by the HRRB may salvage and preserve building materials, architectural details and ornaments, textures and the like at their expense respectively.
9. The HRRB shall consider, at a minimum, the guidelines listed below in evaluating applications for a Certificate of Appropriateness for demolition of designated historic sites or buildings, structures or appurtenances within designated historic districts:
  - a. Is the structure of such interest or quality that it would reasonably fulfill criteria for designation for listing on the National Register?
  - b. Is the structure of such design, texture, material, detail, size, scale, or uniqueness of location that it could be reproduced only with great difficulty and/or economically unreasonable expense?
  - c. Is the structure one of the few remaining examples of its kind in the neighborhood, PBC or designated historic district?
  - d. Would retaining the structure promote the general welfare of PBC by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture and heritage?
  - e. Are there definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect will those plans have on the architectural, historic, archaeological, or environmental character of the surrounding area and district?

- f. Does the building or structure contribute significantly to the historic character of a designated historic district and to the overall ensemble of buildings within the designated historic district?
  - g. Have reasonable measures been taken to save the building from further deterioration, collapse, arson, vandalism or neglect?
  - h. Has demolition of the designated building or structure been ordered by the appropriate public agency due to unsafe conditions?
10. Notice of application for demolition shall be posted on the premises of the building, structure or appurtenance proposed for demolition in a location and manner clearly visible from the street by the applicant using sign provided by PZB. Such notice shall be posted within three working days of receipt of the application for demolition by the HRRB.
  11. Notice of demolition shall also be published in a newspaper of general circulation at least three times prior to demolition, the final notice of which shall not be less than 15 calendar days prior to the date of the issuance of the demolition permit. The first notice shall be published not more than 15 calendar days after the application for a Certificate of Appropriateness for demolition is filed with the HRRB.

**E. Relocation of Historic Resources**

The HRRB shall consider the following criteria for applications for Certificates of Appropriateness for the relocation of all historic resources and contributing properties or historic resources and contributing properties located within a designated historic district.

1. The historic character of the building or structure contributes to its present setting.
2. The reasons for the proposed move.
3. The proposed new setting and the general environment of the proposed new setting.
4. Whether the building or structure can be moved without significant damage to its physical integrity, or change in or loss of significant characteristics. Elements removed in order to move the building or structure shall be replaced following relocation.
5. Whether the proposed relocation site is compatible with the historical and architectural character of the building or structure.
6. When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.
7. The effect of relocation on subsurface resources.

**F. Amendments to Designations**

Applications for amendments to existing designated historic sites or designated historic districts shall be processed according to the provisions and procedures, of Article 9.B.3, Procedures, of this Code. Where the HRRB has issued a Certificate of Appropriateness for demolition or relocation, the historic designation classification shall only be changed through the amendment process as described herein.

**G. Undue Economic Hardship**

No decision of the HRRB shall result in undue economic hardship for the property owner. The HRRB shall have the authority to determine the existence of such hardship in accordance with the criteria for undue economic hardship set forth in this Code. In any instance where there is a claim of undue economic hardship as defined in the Code, the property owner may submit, by affidavit, to the HRRB, at least 15 calendar days prior to the public hearing, the following information.

1. For all property:
  - a. the amount paid for the property, the date of purchase, or other means of acquisition, such as gift or inheritance, and the party from whom purchased;
  - b. the assessed value of the land and improvements thereon, according to the two most recent assessed valuations;
  - c. real estate taxes for the previous two years;
  - d. annual debt service, or mortgage payments, if any, for the previous two years;
  - e. all appraisals, if any, obtained within the previous two years by the owner(s) or applicant(s) in connection with the purchase, financing or ownership of the property; and
  - f. any information that the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
    - 1) any real estate broker or firm engaged to sell or lease the property;
    - 2) reasonableness for the price or rent sought by the applicant; and
    - 3) any advertisements placed for the sale or rent of the property.
  - g. Any information regarding the infeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:

- 1) a report from a registered professional engineer in the State of Florida or an architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
  - 2) an estimate of the cost of construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the HRRB concerning the appropriateness of the proposed alterations;
  - 3) the estimated market value of the property in the current condition, after completion of the demolition, after completion of the proposed construction, and after renovation of the existing property for continued use;
  - 4) in the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or use of the existing structure on the property;
  - 5) financial documentation of the ability to complete the replacement project which may include but is not limited to a performance bond, a letter of credit, or letter of commitment from a financial institution; and
  - 6) the current fair market value of the property, as determined by at least two independent certified appraisals.
- h. Any State or Federal income tax returns relating to the property for the past two years; and
  - i. Any other information the applicant feels is relevant to show extreme economic hardship.
2. For income property (actual or potential):
    - a. annual gross income from the property for the previous two years, if any;
    - b. depreciation, deduction and annual cash flow, if any, for the previous two years before and after debt service;
    - c. status of leases, rentals or sales for the previous two years;
    - d. itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed; and
    - e. any other information, including the income tax bracket of the owner, applicant, or principal investors in the property, considered necessary by the HRRB to a determination as to whether the property does yield or may yield a reasonable return to the owners.
  3. The applicant shall submit all necessary materials to the HRRB staff by the closing date for the next scheduled HRRB hearing in order that staff may review the documentation. The staff comments shall be forwarded to the HRRB for review and made available to the applicant for consideration prior to the hearing.
  4. In the event that any of the required information is not reasonably available to the property owner and cannot be obtained by the property owner, the property owner shall file with his/her affidavit, a statement of the information which cannot be obtained and the reasons why such information cannot be reasonably obtained. Where such unobtainable information concerns required financial information, the property owner will submit a statement describing estimates which will be as accurate as are feasible.
  5. The HRRB may require that an applicant furnish such additional information as the HRRB believes is relevant to the HRRB's determination of any alleged undue economic hardship. The HRRB may also require, in appropriate circumstances, that information be furnished under oath.

## **Section 5      Enforcement Penalties**

### **A. Enforcement of Maintenance and Repair Provisions**

Where the HRRB determines that any improvements within the exterior of a designated historic site, or within a designated historic district, are endangered by lack of ordinary maintenance and repair, or of deterioration, or that other improvements in visual proximity to a designated site or designated historic district are endangered by lack of ordinary maintenance and repair, or of deterioration, to such an extent that it detracts from the desirable character of the designated historic site or designated historic district, the HRRB shall request appropriate officials or agencies of the PBC government to require correction of such deficiencies under the authority and procedures of applicable ordinances, laws, and regulations.

### **B. General Enforcement Procedures**

Violators of this Article shall be subject to a hearing before the PBC Code Enforcement Special Master. The Code Enforcement Special Master may require any person deemed to be in violation of this Ordinance to repair or cause to be repaired, or otherwise restore, the subject improvement, building, site structure, appurtenance, landscape or design feature to its appearance as it existed prior to the action taken by the violator which caused the violation. Further, if the Code Enforcement Special Master finds

that a willful violation of this Code has occurred, PBC shall fine the violator a fine of up to \$500.00 per day or impose imprisonment in the county jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. §125.69, Stat. In addition to the sanctions contained above, PBC may take any other appropriate legal action, including, but not limited to, requests for temporary and/or permanent injunctions to enforce the provisions of this Article.

**Amendment History:**

[Ord. 2003-067; January 2, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2008-037; September 4, 2008]

# ARTICLE 10

## ENFORCEMENT

	Page
CHAPTER A GENERAL .....	3
CHAPTER B ENFORCEMENT BY CODE ENFORCEMENT SPECIAL MASTERS .....	3
Section 1 Procedure .....	3
A. Issuance of Notice of Violation .....	3
B. Repeat Violation .....	3
C. Public Health, Safety and Welfare Violations .....	3
D. Persons Charged with Violations .....	4
E. Transfer of Property .....	4
Section 2 Hearings .....	4
A. Convene Hearing .....	4
B. Burden of Proof .....	4
C. Absence of Alleged Violator .....	4
D. Testimony .....	4
E. Witnesses .....	4
F. Decision .....	4
G. Powers .....	5
Section 3 Administrative Fines; Costs; Liens .....	5
A. Assessing Fines .....	5
B. Recovery of Costs .....	5
C. Amount of Fines .....	5
D. Modification of Fines .....	5
E. Lien .....	6
F. Foreclosure .....	6
Section 4 Other Legal Remedies .....	6
A. Legal Remedies .....	6
B. Administrative Remedies .....	6
1. Cease and Desist Orders .....	6
Section 5 Appeal .....	6
Section 6 Notices .....	6
CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD .....	6
Section 1 Procedures .....	7
A. Warning of Violation .....	7
B. Issuance of Violation Citation .....	7
C. Notice Content .....	7
1. Notice Delivery .....	7
Section 2 Correction of Violation .....	7
Section 3 Transfer of Property .....	7

Section 4	Hearings .....	8
Section 5	Administrative Fines; Costs; Liens .....	8
Section 6	Appeal.....	9
Section 7	Irreparable or Irreversible Harm.....	9
CHAPTER D	ENVIRONMENTAL CONTROL HEARING BOARD .....	10
Section 1	Procedure.....	10
A.	Warning Violation .....	10
B.	Show Cause .....	10
C.	Notice of Hearing.....	10
Section 2	Hearings .....	10
A.	Procedure at Hearings .....	10
B.	Action by ECHB .....	10
C.	Notification of Action .....	10
Section 3	Administrative Fines and Liens .....	10
A.	Fine .....	10
B.	Fine Constitutes Lien .....	11
Section 4	Appeal.....	11
CHAPTER E	REMEDIES.....	11
Section 1	Administrative Remedies for Art. 14 , and Art. 4.D, Excavation.....	11
A.	Conditions.....	11
Section 2	Agreements.....	11
Section 3	Validity.....	11
Section 4	Civil Remedies .....	11
Section 5	Criminal Remedies .....	12

# ARTICLE 10

## ENFORCEMENT

### CHAPTER A GENERAL

The provisions of this Code shall be enforced by: (1) the Code Enforcement Special Master pursuant to the authority granted by F.S. § 162.01 et seq., as may be amended; (2) the Environmental Control Hearing Board (ECHB) pursuant to the PBC Environmental Control Act, Chapter 77-616, Special Acts, Laws of Florida; (3) the Groundwater and Natural Resources Protection Board (GNRPB), an alternate code enforcement board created pursuant to the authority granted by F.S. § 162.03(2) et seq., as may be amended; (4) the Board of County Commissioners (BCC) through its authority to enjoin and restrain any person violating the Code; or (5) PBC through the prosecution of violations in the name of the State of Florida pursuant to the authority granted by F. S. § 125.69 as may be amended. The powers of each are described in Article 17, DECISION MAKING BODIES.

### CHAPTER B ENFORCEMENT BY CODE ENFORCEMENT SPECIAL MASTERS

The Code Enforcement Special Master, (herein after also referred to as Special Masters) shall have the jurisdiction and authority to hear and decide alleged violations of the Codes and Ordinances enacted by PBC including, but not limited to the following codes: building, electrical, fire, gas, landscape, plumbing, sign, zoning and any other similar type codes which may be passed by PBC in the future which regulate aesthetics, construction, safety, or location of any structure on real property in PBC. Further, any violation(s) of this Code may be prosecuted pursuant to the following standards and procedures.

#### Section 1 Procedure

Alleged violation of any PBC Codes or Ordinances as described herein may be filed with the Code Enforcement Division by citizens or those administrative officials who have the responsibility of enforcing the various Codes or Ordinances.

##### A. Issuance of Notice of Violation

Except as set forth in Article 10.B.1.B, Repeat Violation, and Article 10.B.1.C, Public Health, Safety and Welfare Violations, if a violation(s) of a Code or Ordinance is believed to exist, the Code Enforcement Division shall specify a reasonable time to correct the violation(s). Should the violation(s) continue beyond the time specified for correction, the Code Enforcement Division shall give notice to the alleged violator that a Code Enforcement hearing will be conducted concerning the alleged violation(s) as noticed. The notice shall state the time and place of the hearing, as well as the violation(s) which is alleged to exist. If the violation is corrected and then repeated or if the violation is not corrected by the time specified for correction by the code inspector, the case may be brought for hearing even if the violation has been corrected prior to hearing, and the notice of violation shall so state. If the code enforcement officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the code officer shall make a reasonable effort to notify the violator and may immediately notify the Special Master and request a hearing.

##### B. Repeat Violation

If a repeat violation is identified, the code inspector shall notify the violator but is not required to give the violator reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, may request a hearing. The Code Enforcement Division shall give notice to the alleged violator as set forth in Article 10.B.1.A, Issuance of Notice of Violation. The case may be brought for hearing even if the repeat violation has been corrected prior to hearing, and the notice shall so state. For the purposes of this Chapter, the term "repeat violation" shall mean a violation of a provision of a Code or Ordinance by a person who has been found through a Code Enforcement Special Master or any other quasi-judicial or judicial process within the prior five years to have violated or who has admitted violating the same provision notwithstanding the violations occur at different locations.

##### C. Public Health, Safety and Welfare Violations

If the Code Enforcement Officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the Code Enforcement Officer shall make reasonable effort to notify the violator and may immediately request a code enforcement hearing.



#### **D. Persons Charged with Violations**

Persons charged with such violation(s) may include:

1. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist.
2. Any person who knowingly commits, takes part or assists in such violation.
3. Any person who maintains any land, building, or premises in which such violation shall exist.  
Disclose in writing to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.

#### **E. Transfer of Property**

If the owner of the property which is subject to a code enforcement proceeding transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

1. Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
2. Deliver to the prospective transferee a copy of the notices and other materials relating to the code enforcement proceeding received by the transferor.
3. Disclose in writing to the prospective transferee that the new owner will be responsible for compliance with the applicable Code and with orders issued in the code enforcement proceeding.
4. File a notice of the transfer of the property with the Code Enforcement Division with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days of the date of the transfer.

A failure to make the disclosure described in Article 10.B.1.E. Transfer of Property, before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the hearing shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

### **Section 2 Hearings**

#### **A. Convene Hearing**

Upon request of the Code Enforcement Officer, or at such other times as may be necessary, a hearing before the Special Master may be convened. Minutes shall be kept of all Code Enforcement hearings, and all hearings shall be open to the public.

#### **B. Burden of Proof**

At the hearing, the burden of proof shall be upon the Code Enforcement Division to show by a preponderance of the evidence that a violation(s) does exist.

#### **C. Absence of Alleged Violator**

Where proper notice of the hearing has been provided to the alleged violator as provided for herein, a hearing may proceed even in the absence of the alleged violator. Proper notice shall be assumed where a notice of violation has been mailed to the alleged violator by certified mail and the alleged violator, his or her agent, or other person in the household or business has accepted the notice of violation, or where a Code Enforcement Officer, under oath testifies that he/she did hand deliver the notice to the alleged violator, or as otherwise provided in Article 10.B.6. Notices.

#### **D. Testimony**

All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. Upon determination of the Special Master, irrelevant, immaterial or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form.

#### **E. Witnesses**

The Special Master may inquire of or question any witness present at the hearing. The alleged violator (hereinafter also referred to as respondent), his/her attorney, Code Enforcement Officers or attorney representing the Division shall be permitted to inquire of or question any witness present at the hearing. The Special Master may consider testimony presented by Code Enforcement Officers, the respondent or any other witnesses.

#### **F. Decision**

At the conclusion of the hearing, the Special Master shall orally render his or her decision (order) based on evidence entered into the record. The decision shall then be transmitted to the respondent in the form of a written order including findings of fact, and conclusions of law consistent with the record. The order shall be transmitted by mail to the respondent within ten days after the hearing. The order may include a

notice that it must be complied with by a specified date and that a fine and costs may be imposed and, under the circumstances set forth in Article 10.B.1.C. Public Health, Safety and Welfare Violations, the cost of repairs or other corrective action may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of PBC and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this paragraph and the order is complied with by the date specified in the order, the Special Master shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

**G. Powers**

Special Master shall have the power to:

1. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by a Sheriff or other authorized persons consistent with Rule 1.410(d), Florida Rules of Civil Procedure upon request by the Special Master.
2. Subpoena records, surveys, plats and other documentary materials.
3. Take testimony under oath.
4. Issue orders having the full force and effect of law to command whatever steps are necessary to bring a violation into compliance.
5. Assess fines, Lien Property and assessment costs pursuant to Article 10.B.3. Administrative Fines, Costs, Liens; Costs; Liens of this Article, including costs relating to the prosecution of cases before the Special Master in those cases where the governing body prevails.

**Section 3 Administrative Fines; Costs; Liens**

**A. Assessing Fines**

The Special Master, upon notification by the code inspector that a Code Enforcement Order has not been complied with within the set time, or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this Section for each day the violation continues past the date for compliance set forth in the order, or in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Enforcement Officer. In addition, if the violation is a violation described in Article 10.B.1.C. Public Health, Safety and Welfare Violations, the Special Master shall notify the BCC, which may make all reasonable repairs or other corrective actions which are required to bring the property into compliance and charge the violator with the reasonable costs of the repairs or other corrective actions along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local government body for damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine.

**B. Recovery of Costs**

If PBC prevails in prosecuting a case before the Special Master, it shall be entitled to recover all costs incurred. Whether and to what extent such costs are imposed shall be within the discretion of the Special Master but shall not exceed the costs incurred.

**C. Amount of Fines**

A fine imposed pursuant to this Section shall not exceed \$1,000 per day for a first violation and shall not exceed \$5,000 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to Article 10.B.3.A. Assessing Fines. If, after due notice and hearing, the Special Master finds a violation to be irreparable or irreversible in nature, he or she may impose a fine not to exceed \$15,000 per violation or as otherwise authorizes by Florida State Statute. In determining the amount of fine, if any, the Special Master shall consider the following factors:

1. the gravity of the violation;
2. any actions taken by the violator to correct the violation; and
3. any previous violations committed by the violator.

**D. Modification of Fines**

The Special Master may reduce a fines imposed pursuant to this Section in accordance with the procedures and conditions set forth in a resolution adopted by the BCC. The Special Master may authorize the Code Enforcement Division to propose a Consent Order which sets forth agreed terms for

payment of any fine. The Special Master may in his or her discretion adopt such Consent Order in lieu of execution or foreclosure as set forth in Article 10.B.3.F, Foreclosure.

**E. Lien**

A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records in the Office of the Clerk of the Circuit Court in and for PBC, Florida. Once recorded, the certified copy of an order shall constitute a lien against the land on which the violation(s) exists and upon any other real or personal property owned by the violator; and it shall be enforceable in the same manner as a court judgment by the Sheriffs of this State, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this Section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien, filed pursuant to this Section, whichever comes first. Once recorded, the lien shall be superior to any mortgages, liens, or other instruments recorded subsequent to the filing of the code enforcement lien.

**F. Foreclosure**

After three months from the filing of any such lien which remains unpaid, PBC may foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien shall bear interest at the rate allowable by law from the date of compliance set forth in the recorded order acknowledging compliance. The local government body shall be entitled to collect all costs incurred in recording and satisfying a valid lien. No lien created pursuant to the provisions of this Ordinance may be foreclosed on real property which is a homestead under Art. X, Sec. 4, of the Florida Constitution.

**Section 4 Other Legal Remedies**

**A. Legal Remedies**

In addition to the criminal penalties and enforcement procedures provided herein the BCC may institute any lawful civil action or proceeding to prevent, restrain or abate:

1. the unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building or structure; or
2. the occupancy of such building, structure, land or water; or
3. the illegal act, conduct, business, or use of, in or about such premises.

**B. Administrative Remedies**

**1. Cease and Desist Orders**

The Executive Director of PZB shall have the authority to issue cease and desist orders in the form of written official notices given to the owner of the subject building, property, or premises, or to his agent, lessee, tenant, contractor, or to any person using the land, building or premises where such violation has been committed or shall exist.

**Section 5 Appeal**

Any aggrieved party may appeal an order of the Special Master, including PBC, to the Circuit Court of PBC. Such appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Master. Any appeal filed pursuant to this Article shall be considered timely if it was filed within 30 days of the execution of the order to be appealed. PBC may assess a reasonable charge for the preparation of the record to be paid by the petitioner in accordance with F. S. § 119.07.

**Section 6 Notices**

All notices required by this ordinance shall be by certified mail, return receipt requested, or by hand delivery by a Code Enforcement Officer. Notice may also be provided by publication, posting, or any other method consistent with the provisions of F.S. § 162, as may be amended from time to time. Notice placed shall contain at a minimum, the date, and time of the scheduled meeting of the Special Master during which time the alleged violator is required to appear; the name and address of the alleged violator; the address or legal description of the property wherein the alleged violation(s) has occurred; and those codes or provisions of a code for which the alleged violator has been cited.

**CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD**

ERM may refer alleged violations of Article 14, ENVIRONMENTAL STANDARDS, or Article 4.D, EXCAVATION, of this Code to the Groundwater and Natural Resources Protection Board (GNRPB) for prosecution pursuant to the following standards and procedures.

## Section 1 Procedures

### A. Warning of Violation

If an alleged violation is found, the Director of ERM shall notify the alleged property owner or violator and give the alleged property owner or violator reasonable time to correct the violation.

### B. Issuance of Violation Citation

Should the violation continue beyond the time specified for correction, or irreparable or irreversible harm has occurred, or the violation presents a serious threat to the public health, safety, and welfare, the Director of ERM shall make a reasonable effort to notify the violator and may immediately notice the GNRPB and request a hearing.

### C. Notice Content

The Notice of Hearing shall contain a statement of the time, place and nature of the hearing before the GNRPB.

#### 1. Notice Delivery

- a. All notices required herein shall be provided to the alleged violator by:
  - 1) Hand delivery; or
  - 2) Certified mail (return receipt requested). If such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to PBC by such owner and is returned as unclaimed or refused, notice may be provided by posting as described below or by first class mail directed to the addresses furnished to PBC with a properly executed proof of mailing or affidavit confirming the first class mailing; or
    - a) Leave the notice at the alleged property owner's or violator's usual place of residence with any person residing therein who is above 15 years of age and informed of the contents of the notice; or
    - b) In case of commercial premises, leaving the notice with the manager or other person in charge.
  - 3) In addition to providing notice as set forth in Article 10.C.1, Procedures, at the option of the GNRPB, notice may also be served by publication or posting, as follows.
    - a) In lieu of notice as described in Article 10.C.1, Procedures, notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the front door of the courthouse in PBC.
    - b) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
  - 4) Evidence that an attempt has been made to hand deliver or mail notice as provided in Article 10.C.1, Procedures, together with proof of posting as provided in Article 10.C.1, Procedures, shall be sufficient to show that the notice requirements of this Article have been met, without regard to whether or not the alleged violator actually received such notice.

## Section 2 Correction of Violation

If the alleged violation is corrected and then recurs, or if the violation is not correct by the time specified for correction, the Director of ERM may issue a Violation Citation and a Notice of Hearing to the alleged property owner or violator and schedule a hearing. The GNRPB may hear the alleged violation in this instance, even if it has been corrected prior to the GNRPB hearing and every notice shall so state.

## Section 3 Transfer of Property

If the owner of property which is subject to a code enforcement proceeding transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

- A. Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- B. Deliver to the prospective transferee a copy of the notices and other materials relating to the GNRPB proceeding received by the transferor.
- C. Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable Code and with orders issued in the GNRPB proceeding.
- D. File a notice with the Department of ERM of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days of the transfer.

A failure to make the disclosures described in paragraphs above before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the hearing shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

#### **Section 4        Hearings**

Alleged violations of any of the Sections described herein may be filed with the GNRPB by citizens or those officials who have the responsibility of enforcing such Sections.

- A. The GNRPB shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. Each case before the GNRPB shall be presented by the Director of ERM. The GNRPB shall take testimony from PBC staff, if relevant, the alleged violator or property owner, and other relevant testimony. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings. Upon determination of the chairperson, irrelevant, immaterial or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. The burden of proof shall be upon the Director of ERM to show by a preponderance of the evidence that a violation does exist.
- B. Any member of the GNRPB, or the attorney representing the GNRPB, may inquire of or question any witness before the GNRPB. Any member of the GNRPB, an alleged violator (hereinafter also referred to as respondent) his/her attorney, or Code Officers shall be permitted to inquire of any witness before the GNRPB. The GNRPB may consider testimony presented by ERM, the respondent or any other witnesses.
- C. At the conclusion of the hearing, the GNRPB shall orally render its decision (order) based on evidence entered into the record. The decision shall be by motion approved by the affirmative vote of those members present and voting, except that at least four members of the GNRPB must vote for the action to be official. The GNRPB's decision shall then be transmitted to the respondent in the form of a written order including finding of facts, and conclusions of law consistent with the record. The order shall be transmitted by certified mail or hand delivery to the respondent within ten days after the hearing. The order may include a notice that it must be complied with by a specified date and that a fine and costs may be imposed and under the circumstances set forth in Article 10.C.5, Administrative Fines Costs Liens. The cost of repairs or other corrective action may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of PBC and shall constitute a notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator, and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this paragraph and the order is complied with by the date specified in the order, the GNRPB shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

If PBC prevails in prosecuting a case before the GNRPB, it shall be entitled to recover all costs incurred. Whether and to what extent such costs are imposed shall be within the discretion of the GNRPB but shall not exceed the costs incurred.

#### **Section 5        Administrative Fines; Costs; Liens**

- A. Whenever one of the GNRPB's orders has not been complied with by the time set for compliance, or upon finding that a repeat violation has been committed, the GNRPB may order the violator to pay a fine in an amount specified in this Section for each day the violation continues past the date for compliance set forth in the order, or in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in Article 10.C.1.B, Issuance of Violation Citation, the GNRPB shall notify the BCC, which may make all reasonable repairs or other corrective actions which are required to bring the property into compliance and charge the violator with the reasonable costs of the repairs or other corrective actions along with the fine imposed pursuant to this Section. Making such repairs does not create a continuing obligation on the part of PBC to make further repairs or to maintain the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. A

repeated violation shall mean a violation of this Ordinance by a person who, within five years prior to the violation, has been previously found by the GNRPB to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occurred at different locations.

Persons charged with such violation(s) may include:

1. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist.
  2. Any person who knowingly commits, takes part or assists in such violation.
  3. Any person who maintains any land, building, or premises in which such violation shall exist.
- B. A fine, imposed pursuant to this Section, shall not exceed \$1,000 per day for a first violation and shall not exceed \$5,000 per day for a repeat violation, and in addition, may include all costs of repairs pursuant to Article 10.C.5.A, Whenever one of the GNRPB. For violations deemed irreparable or irreversible by the GNRPB, the GNRPB may impose a fine not to exceed \$15,000 per violation, pursuant to F. S. §162.09, as may be amended. In determining the amount of a fine, the GNRPB shall consider the following factors: (a) the gravity of the violation(s); (b) any actions taken by the violator to correct the violation(s); and (c) any previous violations committed by the violator.
- C. The Director of ERM may record a certified copy of an order imposing a fine, or a fine plus repair costs, in the public records in the Office of the Clerk of the Circuit Court in and for PBC, Florida. Once recorded the certified copy of an order shall constitute a lien against the land on which the violation(s) exists, and upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment, by the Sheriff, including levy against the personal property of the violator. Once recorded the lien shall be superior to any mortgages, liens, or other instruments recorded subsequent to the filing of the GNRPB lien.
- D. After six months from the filing of any such lien which remains unpaid, PBC may foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien shall be superior to all other liens except liens for taxes, and shall bear interest at the rate of ten percent per annum from the date recorded. No lien created pursuant to the provisions of this ordinance may be foreclosed on real property which is a homestead under Art. X, of the Florida Constitution.

## **Section 6 Appeal**

Any aggrieved party may appeal an order of the GNRPB, including PBC, to the Circuit Court of PBC, Florida. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review of the record created before the GNRPB. Any appeal filed pursuant to this Article shall be considered timely if it was filed within 30 days of the execution of the order to be appealed after the hearing at which the order was announced. The County may assess a reasonable charge for the preparation of the record to be paid by the petition in accordance with F. S. § 119.07.

## **Section 7 Irreparable or Irreversible Harm**

- A. A tree resource is irreparably harmed when an action alters the resource as a whole so that it cannot be restored to or returned to its original or pre-disturbance condition in a reasonable time. A non-renewable resource (such as groundwater, sea turtles, etc.) is irreparably harmed when it is destroyed, removed or consumed. **[Ord. 2006-036]**
- B. A renewable resource is irreparably harmed when it is destroyed, removed or consumed without reasonable provision for the renewal of the resource. **[Ord. 2006-036]**
- C. Injury is not remote or speculative but actual or imminent. **[Ord. 2006-036]**
- D. The injury must be of a peculiar nature, (such as a specimen tree) so that a monetary award is not adequate compensation or cannot atone for the harm done. This may include damage to the surrounding habitat (worms, birds, squirrels, etc.) and /or damage to the quality of life (shade, beauty, etc.). **[Ord. 2006-036]**
- E. The damage may be incalculable. **[Ord. 2006-036]**
- F. Further judicial action (appeal/injunction) is incapable of preventing the injury. A remedy at law is not full, complete, and adequate because the resource cannot be restored. No fair and reasonable redress may be had in a court of law. **[Ord. 2006-036]**
- G. The harm must be substantial in extent, duration or magnitude. **[Ord. 2006-036]**
- H. The resource being harmed must constitute an environmental resource. **[Ord. 2006-036]**

- I. Irreparable harm will not be found where mitigation measures can substantially restore or replace the benefits provided by the resource.  
PBC has the burden of proving irreparable harm by the preponderance of evidence - a determination that a greater amount of credible evidence supports one side of an issue more than the other. The maximum penalty the BCC can impose is \$15,000 per violation. In determining the fine, the BCC shall consider: **[Ord. 2006-036]**
  1. The gravity of the violation; **[Ord. 2006-036]**
  2. Any actions of the violator to correct the violation; and **[Ord. 2006-036]**
  3. Any previous violations committed by the violator. **[Ord. 2006-036]**

## **CHAPTER D ENVIRONMENTAL CONTROL HEARING BOARD**

Any alleged violation of Article 15.A, (Environmental Control Rule I) - Onsite sewage treatment and, or Article 15.B, Environmental Control rule II Drinking Water Supply Systems, (Health, Sewage Treatment, or Drinking Water) may be prosecuted by the Environmental Control Hearing Board (ECHB). In addition, ERM may refer any alleged violation of Wetlands Protection to ECHB for prosecution.

### **Section 1 Procedure**

#### **A. Warning Violation**

If an alleged violation of Article 15.A, (Environmental Control Rule I) - Onsite sewage treatment and, or Article 15.B, Environmental Control rule II Drinking Water Supply Systems is determined by the PBC Health Department (PBCHD), the PBC Health Director shall issue a formal notice of violation to the property owner or violator. The notice shall specify the corrective actions and a reasonable period of time to correct the violation.

#### **B. Show Cause**

Should the violation continue beyond the specified time for correction or if an activity was conducted without a required permit/approval or if the violation creates a health threat, the PBC Health Director shall refer the matter to the Environmental Control Office for enforcement. The Environmental Control Officer shall request the ECHB to issue a Order to Show Cause to the property owner or violator.

#### **C. Notice of Hearing**

If the ECHB issues a show cause order, the subject order along with the notice of hearing, shall be made in the same way as the Florida Rules of Civil Procedure provide for service of process of initial pleadings. Subsequent notices of hearing may be mailed.

### **Section 2 Hearings**

#### **A. Procedure at Hearings**

The ECHB shall proceed to hear the cases scheduled for the day. All testimony shall be under oath and shall be recorded. Each case will be presented by the Environmental Control Officer with testimony and evidence from PBCHD staff. The property owner or violator may be represented by an attorney and the formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.

#### **B. Action by ECHB**

At the conclusion of the Hearing, the ECHB shall issue findings of fact, based on evidence in the record, and conclusions of law and shall issue an order consistent with powers granted in Chapter 77-616, Special Acts, Laws of Florida. The order may include a notice of corrective action that must be completed by a specified date and the amount of fine to be paid by a specified date. The order shall have the force of law to command whatever steps are necessary to bring a violation into compliance. The findings shall be by motion approved by a majority of those present and voting, except that a quorum of at least three members shall be present for the action to be official.

#### **C. Notification of Action**

Notification of the ECHB action including findings of fact and conclusions of law (order) consistent with the record shall be delivered (mailed) to the ECO, petitioner, respondent, and to every person who filed an answer or who appeared as a party at the hearing mailed within 15 days of ECHB action.

### **Section 3 Administrative Fines and Liens**

#### **A. Fine**

The ECHB may order the property owner or violator to pay a fine of up to \$500/day for each violation.

### **B. Fine Constitutes Lien**

If the fine imposed by the ECHB is not paid within the time specified in the Board Order, a certified copy of the order may be recorded in the public records of the office of the Clerk of the Circuit Court for PBC, Florida and thereafter shall constitute a lien against the land on which the violation exists.

## **Section 4 Appeal**

Any person aggrieved by any action of the ECHB may seek judicial review as provided by F. S. § 120.68. No action shall be taken to collect fines imposed for violation of this act until judgment becomes final.

## **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, 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.

#### **A. Conditions**

Such consent agreements may be conditioned upon a promise by the alleged violator to:

1. Restore, mitigate, or maintain sites; or
2. Remit payment of a monetary settlement not to exceed the maximum amount allowed per violation, as set forth in the applicable act, delegated authority or Code, such monies to be deposited in the PBC Pollution Recovery Trust Fund; or
3. Remit payment for compensatory damages and nonperformance penalties and costs and expenses of PBC in tracing the source of the discharge, in controlling and abating the source of the pollutants and the pollutants themselves, and in restoring the waters and property, including animal, plant and aquatic life, of PBC to their former conditions; and costs of PBC for investigation, enforcement, testing, monitoring, and litigation; such monies to be deposited in the PBC Pollution Recovery Trust Fund; or
4. Any other remedies or corrective action provided for in the applicable act, delegated authority or Code, deemed necessary and appropriate by the Director of ERM to ensure compliance with such act or Code.

### **Section 2 Agreements**

Such consent agreements shall not serve as evidence of a violation of any applicable act or Code, and shall expressly state that the alleged violator neither admits nor denies culpability for the alleged violations by entering into such agreement. In addition, prior to entering into any such consent agreement, each alleged violator shall be apprised of the right to have the matter heard in accordance with the provisions of the applicable act or Code, and that execution of the agreement is not required.

### **Section 3 Validity**

Such consent agreements shall be valid and enforceable in a court of competent jurisdiction in PBC and shall abate any enforcement proceedings available to the Director of ERM for so long as the terms and conditions of such agreement are complied with. In the event an alleged violator fails to comply with the terms and conditions set forth in the executed agreement, the Director of ERM may either:

- A. Consider the consent agreement void and pursue any remedies available for enforcement of the applicable provisions of the Code; or
- B. Initiate appropriate legal proceedings for specific performance of the consent agreement.

### **Section 4 Civil Remedies**

The BCC or any aggrieved or interested person shall have the right to apply to the Circuit Court of PBC, to enjoin and restrain any person violating the provisions of this Code, and the Court shall, upon proof of the violation of same, have the duty to forthwith issue such temporary and permanent injunctions as are necessary to prevent the violation of same.



## **Section 5 Criminal Remedies**

Pursuant to F. S. §125.69(1), violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Any person violating any of the provisions of this Code or who shall fail to abide by and obey all orders and resolutions promulgated as herein provided, shall, upon conviction, be punished by a fine not to exceed \$500 or imprisonment for not more than 60 days, or both for each violation, and payment of all costs and expenses involved in prosecuting the offense. Each day that a violation continues shall constitute a separate violation.

**Amendment History:** [Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-036; August 29, 2006]

# ARTICLE 11

## SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS

	Page
<b>CHAPTER A GENERAL REQUIREMENTS .....</b>	<b>7</b>
<b>Section 1 General Provisions .....</b>	<b>7</b>
A. Applicability .....	7
B. Purpose and Intent .....	7
<b>Section 2 Interpretation.....</b>	<b>7</b>
A. Minimum Requirements .....	8
B. Relationship to Other Agency Requirements .....	8
C. Conflicting Requirements .....	8
<b>Section 3 General Requirements .....</b>	<b>8</b>
A. Platting Requirement .....	8
B. Required Improvements Installation Requirement .....	8
C. Standards and Responsibility for Required Improvements.....	8
D. Conformity with Land Use, Density, and Concurrency Regulations .....	8
E. Site Suitability .....	8
<b>Section 4 Application of Ordinance.....</b>	<b>9</b>
A. General Application.....	9
B. Building Permits and Other Approvals .....	9
<b>Section 5 Previously Approved or Platted Subdivisions .....</b>	<b>9</b>
A. Active Subdivision Development.....	9
1. Subdivision Developments which are Committed Developments or Deemed Vested .....	9
2. Modifications to an Active Subdivision Plan or Preliminary Plat .....	9
3. Abandonment of Active Subdivision Plan or Preliminary Plat .....	9
4. Authority of the Development Review Officer (DRO) .....	9
5. Fees Waived for Applications by the County Engineer .....	9
B. Non-Conforming Subdivisions.....	10
1. Vacate Non-Conforming Plats .....	10
C. Subject to Vacation by the Board .....	10
1. Public Hearing Required .....	10
2. Legal Access to be Maintained.....	10
D. Not Subject to Vacation .....	10
1. Streets .....	10
2. Positive Drainage .....	10
<b>Section 6 Planned Developments .....</b>	<b>10</b>
A. General .....	10
B. Subdivision of Commercial and Industrial Building Sites .....	11
<b>Section 7 Phased Developments .....</b>	<b>11</b>
A. Phasing Plan .....	11
B. Improvements .....	11
C. Phasing Controls .....	11
D. Time Limitation .....	11

E. Sequence of Phases.....	11
Section 8    Exceptions to General Requirements .....	12
A. Authority.....	12
B. Plat Waiver with Certified Survey .....	12
1. Application for Plat Waiver .....	12
2. Decision by County Engineer .....	13
3. Effect of Approval .....	13
C. Exceptions to Installation of Improvements Requirement.....	13
1. Application for Required Improvement Installation Waiver .....	13
2. Effect of Approval .....	13
D. Contents of Applications .....	13
E. Administration of Exceptions to General Requirements .....	14
Section 9    Standard Forms .....	14
A. General .....	14
B. Dedications and Reservations .....	14
Section 10   Definitions .....	14
Section 11   Definitions .....	14
CHAPTER B   SUBDIVISION REQUIREMENTS .....	14
Section 1    Preliminary Subdivision Plan .....	14
A. Purpose of Preliminary Subdivision Plan .....	15
B. Professional Services Required.....	15
C. Contents of Application .....	15
Section 2    Final Subdivision Plan .....	15
A. Purpose .....	15
B. Applicability .....	15
C. Procedure .....	15
1. Application.....	15
2. Threshold Review Requirement .....	15
3. Contents of Application.....	15
4. Resubmittals.....	15
D. Development Review Committee Action (DRO) .....	16
E. Duration of Final Subdivision Plan Approval .....	16
Section 3    Technical Compliance.....	16
A. Purpose .....	16
B. Application .....	16
1. Preliminary Plat .....	16
2. Certified Survey.....	16
3. Construction Plans and Supplemental Engineering Reports .....	16
4. Certified Opinion of Cost.....	16
C. Review of the Technical Compliance Submittal.....	16
1. Agency Comments.....	16
2. Submittal Fails to Meet Requirements .....	17
3. Submittal Meets Requirements .....	17
D. Technical Compliance Approval .....	17
E. Expiration of Technical Compliance .....	17
F. Effect of Changes to Final Subdivision Plan .....	17

<b>Section 4</b>	<b>Land Development Permit .....</b>	<b>17</b>
A.	Land Development Permit Application Submittal .....	17
1.	Final Plat .....	18
2.	Certified Survey .....	18
3.	Maintenance and Use Documents and other Documents .....	18
4.	Construction Plans and Supplemental Engineering Information .....	18
5.	Developer's Acknowledgment of Responsibility for Construction of Required Improvements .....	18
6.	Guarantees .....	18
B.	Action by the County Engineer .....	19
1.	Submittal Fails to Meet Ordinance .....	19
2.	Submittal Meets Ordinance .....	19
<b>Section 5</b>	<b>Substitution of Developers .....</b>	<b>19</b>
A.	Voluntary Substitution of Developers .....	19
B.	Involuntary Substitution of Developers .....	19
<b>Section 6</b>	<b>Construction Plans and Supplemental Engineering Information .....</b>	<b>19</b>
A.	Duties of Developer's Engineer .....	19
B.	Submittal Requirements .....	19
1.	Required Improvements .....	19
2.	Submittals for Other Improvements .....	20
C.	Completeness of Construction Plans .....	20
D.	Format and Content of Construction Plans .....	20
E.	Final Stormwater Management Plan .....	20
F.	Soils Report .....	21
<b>Section 7</b>	<b>Construction of Required Improvements .....</b>	<b>21</b>
A.	Developer's Duty .....	21
B.	Time of Completion of Required Improvements .....	21
C.	Completion Prior to Plat Recordation .....	21
D.	Completion After Plat Recordation .....	21
1.	Frequency of Reductions in Amount of Guaranty .....	22
2.	Amount of Reductions in Guaranty .....	22
3.	Release of Guaranty .....	22
E.	PBC Use of Funds; Failure of Developer to Complete .....	22
F.	Administration of Construction .....	22
1.	Construction Standards .....	22
2.	Inspections, Reports, and Stop Work Orders .....	22
3.	Measurements and Tests .....	23
4.	Engineer's Certificate of Completion .....	23
G.	Acknowledgment of Completion and Maintenance of Required Improvements .....	23
1.	Developer's Warranty on Workmanship and Material .....	23
2.	Acknowledgment of Completion by County Engineer; Release of Guaranty .....	23
3.	Acceptance of Dedications and Maintenance of Improvements .....	23
4.	PBC Completion in Recorded Subdivisions .....	24
5.	Developer's Failure to Complete Improvements in Unrecorded Subdivisions .....	24
<b>Section 8</b>	<b>Supplemental Procedures .....</b>	<b>24</b>
A.	Construction and Landscaping in Lake Maintenance Easements and Water Management Tracts .....	24
1.	Purpose .....	24
2.	Prohibition .....	24
3.	Application Requirements for Bulkheads, Docks, or Piers .....	24
4.	Application Requirements for Structures or Plantings in LME .....	24
5.	Structures or Plantings .....	25
6.	Repair, Replacement, or Modification .....	25

B. Dredge, Fill and Construction in Waters of the State .....	25
1. Applicability .....	25
2. Easements or Rights-of-Way (R-O-W) .....	25
3. Permits .....	25
C. Alternate Design, Construction Standards, and Types of Materials .....	25
1. Applicability .....	25
2. Contents of Application .....	25
3. Environmental Considerations .....	26
Section 9      Requirements for Certified Survey .....	26
A. General .....	26
B. Alternatives .....	26
C. Recordation .....	26
CHAPTER C    RURAL SUBDIVISIONS .....	26
Section 1      Alternate Designs for Rural Subdivisions .....	26
A. Applicability .....	26
B. Application Requirements .....	26
C. Exceptions to Requirements .....	26
1. Access and Circulation Systems .....	26
2. Wastewater System .....	26
3. Potable Water System .....	27
4. Utilities Installation .....	27
CHAPTER D    PLATTING .....	27
Section 1      Requirements for the Preliminary and Final Plat .....	27
A. Preliminary Plat .....	27
B. Final Plat .....	27
1. Material .....	27
2. Preparation .....	27
3. Name of Subdivision .....	27
4. Title .....	27
5. Description .....	27
6. Index .....	27
7. Survey Data .....	27
8. Lot and Block Identification .....	28
9. Street Names .....	29
10. Not Included Parcels .....	29
11. Streets and Easements .....	29
12. Maintenance and Use Documents .....	29
13. Streets .....	29
14. Restriction on Obstruction of Easements .....	29
15. Certification and Approvals .....	29
C. Mobile Home, Recreational Vehicle, and Manufactured Housing Subdivisions .....	30
CHAPTER E    REQUIRED IMPROVEMENTS .....	32
Section 1      Required Improvements .....	32
A. Minimum Required Improvements for All Subdivisions .....	32
1. Access and Circulation Systems .....	32
2. Land Preparation .....	32
3. Stormwater Management System .....	32
4. Wastewater System .....	32

5. Potable Water System .....	32
6. Utilities .....	32
7. Fire-Rescue Services .....	32
8. Subdivision Design and Survey Requirements .....	32
B. General Design Requirements .....	33
C. Parks and Recreation .....	33
<b>Section 2 Access and Circulation Systems .....</b>	<b>33</b>
A. Vehicular Circulation Systems .....	33
1. Required Improvement to be Constructed by Developer .....	33
2. Minimum Legal Access Requirement .....	33
3. General Design Considerations .....	33
4. Double Frontage Lots .....	34
5. Construction in Muck or Clay Areas .....	34
6. Street Intersections and Street Jogs .....	34
7. Through and Local Traffic .....	34
8. Railroads in or Abutting Subdivisions .....	34
9. Alleys .....	34
10. Bridges and Culverts .....	34
11. Street Markers .....	35
12. Traffic Control Devices .....	35
13. Pavement Widths .....	35
14. Dead End Streets .....	35
15. Materials and Construction .....	35
16. Shoulders .....	35
17. Street Grades .....	35
18. Non-Conforming Streets .....	35
19. Limited Access Easements .....	35
20. Street Names .....	36
21. Alignment, Tangent, Deflection, Radii .....	36
22. Street Lighting .....	36
23. Median Strips .....	36
24. Subdivision Entranceways .....	36
25. Guardhouses .....	36
Table 11.E.2.A-1 - Chart of Access Hierarchy .....	36
Table 11.E.2.A-2 - Chart of Minor Streets .....	37
Table 11.E.2.A-3 - MGTS Cross Section Streets .....	38
B. Pedestrian Circulation System .....	38
1. Requirement for Sidewalks .....	38
2. Master Pedestrian Circulation Plan; Waiver of Requirement .....	38
3. Maintenance Responsibility of Sidewalks and Paths .....	39
C. Reduction of Street Width .....	39
D. Crosswalks .....	39
<b>Section 3 Clearing, Earthwork, and Grading .....</b>	<b>39</b>
A. Minimum Required Improvement .....	39
B. Unsuitable Materials .....	39
<b>Section 4 Stormwater Management .....</b>	<b>39</b>
A. Minimum Required Improvement .....	39
B. General Criteria .....	40
C. Hydrologic Design Data .....	40
D. Design Flood Elevation Determination .....	40
E. Tertiary Stormwater System Design and Performance .....	41
1. Lot and Building Site Drainage .....	41
2. Minor Street Drainage .....	41
3. Non-Plan Collector Street Drainage .....	41

4. Parking Tract and Parking Area Drainage .....	42
5. Storm Sewerage .....	42
F. Secondary Stormwater System Design and Performance .....	42
G. Stormwater Management and Maintenance Access Rights .....	43
H. Certificate of Compliance for Lots .....	44
<b>Section 5      Wastewater Systems .....</b>	<b>44</b>
A. General Requirement .....	44
B. Individual System .....	44
<b>Section 6      Potable Water Systems .....</b>	<b>44</b>
A. General Requirement .....	44
B. Individual System .....	45
<b>Section 7      Utilities .....</b>	<b>45</b>
A. Required Improvement .....	45
B. Easements .....	45
C. Exceptions to Underground Installation .....	45
1. Applicability .....	45
2. Standard Exception for Appurtenant, on the Ground Facilities .....	45
3. Exceptions Requiring Approval of County Engineer .....	45
4. Convertibility .....	45
D. Installation in Streets .....	45
<b>Section 8      Fire-Rescue Services .....</b>	<b>46</b>
A. Required Improvement .....	46
B. Single Family Developments of Less than Five Units per Acre .....	46
C. Multiple Family Developments of Over Five Dwelling Units per Acre, Commercial, Institutional, Industrial or Other High Daytime or Nighttime Population Density Developments. ....	46
D. Charges for Use .....	46
<b>Section 9      Subdivision Design and Survey Requirements .....</b>	<b>46</b>
A. Required Improvement .....	46
B. Buffering .....	46
C. Blocks .....	46
1. General Considerations .....	46
2. Maximum Length .....	46
D. Lots .....	46
1. Existing Structures .....	46
2. Lots Abutting Major Streets .....	46
3. Through Lots .....	47
E. Minimum Safe Sight Distance and Corner Clips at Intersections .....	47
F. Survey Requirements .....	47
1. Permanent Reference Monuments (P.R.M.s) .....	47
2. Permanent Control Points (P.C.P.s) and Monuments .....	47
<b>CHAPTER F    VARIANCES .....</b>	<b>47</b>
<b>Section 1      Variances .....</b>	<b>47</b>

# ARTICLE 11

## SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS

### CHAPTER A GENERAL REQUIREMENTS

#### Section 1 General Provisions

##### A. Applicability

The regulations set forth in this Article shall be applicable to all subdivision of land in unincorporated PBC, Florida, or as hereafter established. Deviations from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to approval by the County Engineer utilizing the following standards: **[Ord. 2007-013]**

1. the proposed deviation(s) creates no hindrances, restraints, or incompatibilities for the uses, structures, and lands surrounding and in the vicinity of the land proposed for development; **[Ord. 2007-013]**
2. the proposed deviation(s) maintains proper and adequate access to the land proposed for development; **[Ord. 2007-013]**
3. the proposed deviation(s) allows for development in a logical, timely, and functionally adequate manner; **[Ord. 2007-013]**
4. special or unique circumstances or factors exist that are applicable to the land proposed for development; **[Ord. 2007-013]**
5. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; **[Ord. 2007-013]**
6. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, **[Ord. 2007-013]**
7. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. **[Ord. 2007-013]**

##### B. Purpose and Intent

The specific provisions of this article shall be applied and interpreted in a manner consistent with PBCs purpose and intent to:

1. Establish procedures and standards for the subdivision of real estate;
2. Ensure proper legal description, identification, monumentation and recording of subdivisions;
3. Aid in the coordination of land development in accordance with orderly physical patterns;
4. Implement the Plan with respect to installation of on-site improvements for new development, which improvements are necessary to meet or maintain the levels of service required under the Concurrency Management System of the Plan;
5. Ensure provision of safe, convenient legal and physical access to and circulation among lots for vehicular and pedestrian traffic;
6. Ensure provision of adequate utilities to support development of each lot;
7. Regulate the subdivision and associated development of lands subject to seasonal or periodic flooding, and provide for adequate stormwater management to minimize adverse impacts of development on water resources while ensuring acceptable levels of protection from inundation for residents and improvements;
8. Ensure provision of public and private parks and recreation areas to accommodate the additional population of new subdivisions in accordance with the objectives of the Recreation Open Space Element of the Plan;
9. Ensure that the citizens and taxpayers of PBC will not have to bear the costs resulting from haphazard subdivision of land or failure by the developer to provide adequate and necessary physical improvements of lasting quality; and
10. Assure the purchaser of land in a subdivision that necessary infrastructure improvements have been provided in accordance with PBC standards for design and construction, and that associated rights and obligations have been established for the use and maintenance of said improvements.

#### Section 2 Interpretation



**A. Minimum Requirements**

In their interpretation and application, the requirements of this Article shall be deemed to be the minimum requirements necessary for the promotion of public health, safety and general welfare.

**B. Relationship to Other Agency Requirements**

The requirements of this Article are intended to complement and expand upon rules, regulations, and permit requirements of other state, regional, and local agencies applicable to the design, construction, and/or operation of facilities for access and circulation of vehicles and pedestrians, construction of streets and related facilities, power and communication services, wastewater and water services, and stormwater management and flood protection in the PBC. Compliance with the requirements of this Article shall not relieve the developer from the necessity to comply with all requirements and obtain all permits required by the regulations of such other agencies.

**C. Conflicting Requirements**

In the event of conflict between a specific requirement of this Article and that of another agency's rule, compliance with this Article shall be interpreted by the County Engineer to avoid the conflict where such avoidance is not inconsistent with the general purposes and intent of this Article and is affirmatively demonstrated as necessary to meet the purposes and intent of the conflicting rule. However, if the difference between said requirements is solely a matter of degree, the more restrictive requirement shall prevail and no conflict will be considered to exist.

**Section 3 General Requirements**

**A. Platting Requirement**

Any developer planning to subdivide land shall record a Final Plat in accordance with the requirements of this Article unless such requirement is specifically waived by the County Engineer in accordance with the provisions of Article 11.A.8.B, Plat Waiver with Certified Survey.

**B. Required Improvements Installation Requirement**

The adequacy of necessary public or private facilities and services for traffic and pedestrian access and circulation, public schools, solid waste, wastewater disposal, potable water supply, stormwater management, fire-rescue, parks and recreation and similar facilities and services, and potential adverse impacts on adjacent land uses and facilities shall be considered in the review of all development proposals. No Final Plat or certified survey shall be recorded until all required improvements set forth in Article 11.E.1, Required Improvements, except those specifically waived pursuant to Article 11.A.8.C, Exceptions to Installation of Improvements Requirement, are either completed in accordance with the requirements of Article 11.B.7, Construction of Required Improvements, or are guaranteed to be completed by the developer in accordance with the provisions of Article 11.B.4.A, Land Development Permit Application Submittal.

**C. Standards and Responsibility for Required Improvements**

All required improvements shall be designed pursuant to the standards and specifications as prescribed in this Article and PBC Standards, or as otherwise required by the County Engineer, in accordance with acceptable standards of engineering principles. All such improvements shall be installed by and at the expense of the developer in conformance with approved construction plans as referenced by the applicable Land Development Permit.

**D. Conformity with Land Use, Density, and Concurrency Regulations**

Prior to consideration of any subdivision for approval under the terms of this Article, the land proposed to be subdivided shall:

1. Be of sufficient land area to comply with the density and consistency requirements and provisions of the Administration and Land Use Elements of the Plan;
2. Be in the proper zoning district and have the necessary zoning approvals required for the intended use; and
3. Have received a Concurrency Approval, non-expired Concurrency Exemption, or Concurrency Exemption Extension, pursuant to Article 2.F, CONCURRENCY.

**E. Site Suitability**

Subdivision of land unsuitable for the proposed type or extent of development shall not be approved unless adequate methods of correction or mitigation are formulated and approved in accordance with the provisions of this Article. The County Engineer may determine that land is unsuitable for subdivision due to unstable or poorly drained soils, frequent inundation, existence of environmentally sensitive or protected areas, inadequate legal or physical access to the proposed subdivision, or conditions or features deemed to be harmful to the health, safety and general welfare of future residents or the public.

## **Section 4      Application of Ordinance**

### **A. General Application**

No person shall create a subdivision or develop any lot within a subdivision in unincorporated PBC except in conformity with this Article. No Final Plat or certified survey of any subdivision shall be recorded unless such subdivision meets all applicable provisions of this Article, the provisions of other applicable PBC ordinances, and the applicable laws of the State of Florida. Provided, however, that the subdivision of contiguous lands under single ownership where none of the resulting lots are less than 40 acres shall not be subject to compliance with the provisions of this Article, unless such compliance is required as a specific condition of a development order for a conditional use or special use approved pursuant to Article 2.C, FLU PLAN AMENDMENTS.

### **B. Building Permits and Other Approvals**

1. Except as provided in this Section, no building permit shall be issued for any structure on any lot created by subdivision of land in violation of this Article unless and until such lot is shown on a plat of record or certified survey, as applicable, recorded in the manner prescribed in this Article.
2. Temporary structures, permanent structures having a temporary use, and ancillary structures such as fences, buffer walls, and guardhouses may receive a building permit prior to recordation of the Final Plat for the property only when the use and location have been approved by the DRO and shown on the approved Final Subdivision Plan. Such approval, however, shall not in any way relieve the developer from the obligation to correct any and all nonconforming setbacks, separations, or encroachments due to inconsistencies between the location of said structures and lot, street, or easement boundaries as established by the applicable recorded plat.

## **Section 5      Previously Approved or Platted Subdivisions**

### **A. Active Subdivision Development**

All active subdivision developments and all modifications to previously platted subdivisions shall be subject to the requirements of this Article in accordance with the provisions of Article 1.E, PRIOR APPROVALS.

#### **1. Subdivision Developments which are Committed Developments or Deemed Vested**

Any development which constitutes a committed development under the Plan and the concurrency exemption ordinance, Ord. No.1989-035, or which has otherwise been deemed vested under State of Florida law, is hereby deemed an active subdivision plan or preliminary plat, as applicable.

#### **2. Modifications to an Active Subdivision Plan or Preliminary Plat**

Modifications to an active subdivision plan or preliminary plat shall subject the development to the requirements of this Article when:

- a. The modification of an active subdivision plan for a planned development cannot be approved by the DRO in accordance with the authority granted to it under Article 2.D.1, Development Review Officer; or
- b. The modification of an active subdivision plan or preliminary plat constitutes more than a minor deviation such that, in the opinion of the County Engineer, the construction plans for the required improvements require a new submittal and review.

#### **3. Abandonment of Active Subdivision Plan or Preliminary Plat**

When the developer fails to seek subsequent approvals and permits within the time frames required by this Article, such failure shall be evidence that the active subdivision plan or preliminary plat has been abandoned and all approvals granted for the subdivision plan, construction plans, or preliminary plat, as applicable, shall be deemed void.

#### **4. Authority of the Development Review Officer (DRO)**

The DRO shall have the authority to review any previously approved subdivision development which does not meet the strict requirements of this Article and to declare the preliminary and final subdivision plan, preliminary or final site plan (and accompanying construction plans), site plan, as applicable, to be an active approval when the DRO finds that such declaration would be in accordance with the purpose and intent of this Article and in the best interest of the general public. Such review shall be made upon application by either the developer or the County Engineer, which application shall be on a form prescribed by the DRO.

#### **5. Fees Waived for Applications by the County Engineer**

Any fee required for an application made pursuant to this Section is hereby waived for all applications made by the County Engineer.

## **B. Non-Conforming Subdivisions**

The official records of PBC contain plats recorded prior to February 5, 1973. Such plats show areas within PBC which have been platted as subdivisions, but which have either been partially improved or developed or remain unimproved or undeveloped. These areas, if developed or improved further as platted, would not conform to the objectives and policies of the Plan for such areas.

### **1. Vacate Non-Conforming Plats**

The BCC shall have the power, on its own motion, to order the vacation and reversion to acreage of all or any part of a subdivision within unincorporated PBC, including the vacation and abandonment of streets or other parcels of land dedicated for public purposes and the vacating of streets and other parcels of land reserved for the use of the owners, including lands maintained by a property owners association, when:

- a. The subdivision plat was recorded as provided by law prior to February 5, 1973; and
- b. within the subdivision plat or part thereof proposed to be reverted to acreage, not more than ten percent of the total number of platted lots have been sold to individual owners by the original subdivider or his successor in title.

## **C. Subject to Vacation by the Board**

The owner or owners of a subdivision subject to vacation and reversion to acreage by motion of the BCC may either abandon the subdivision or portion thereof in accordance with the procedures of the Board, or may improve undeveloped or partially improved streets and drainage facilities at their cost and expense, provided such improvements shall comply with the provisions of this Article.

### **1. Public Hearing Required**

Prior to ordering such a vacation and reversion to acreage, the BCC shall hold a public hearing relative to the proposed vacation and reversion to acreage, with prior notice thereof being given by publishing in a newspaper of local circulation the date of and the subject matter of the hearing once within 14 calendar days prior to the date of such public hearing. At such public hearing, the vacation and reversion to acreage of subdivided land must be shown to either conform to the Plan or reduce the nonconformity with the Plan.

### **2. Legal Access to be Maintained**

No owner of any parcel of land in a subdivision vacated and returned to acreage or abandoned by the owners shall be deprived, by reversion to acreage or abandonment of any part of the subdivision, of reasonable access to such parcel nor to reasonable access to existing facilities to which such parcel has theretofore had access. Such access remaining or provided after such vacation and reversion or abandonment may not necessarily be the same as theretofore existing, but shall be reasonably equivalent thereto.

## **D. Not Subject to Vacation**

The improvement of non-conforming subdivisions not subject to vacation and reversion to acreage by motion of the BCC shall comply with the requirements of this Article and the following:

### **1. Streets**

The existing R-O-W for a local street shall be considered sufficient provided it is at least 50 feet wide and the improvements conform to the 50 foot typical section or 60 feet wide and the improvements conform to the 60 foot typical section for local street construction as contained in PBC standards. If the existing R-O-W is less than 50 feet wide, additional R-O-W shall be provided to make a total width of not less than 50 feet.

### **2. Positive Drainage**

Positive drainage shall be established or its existence proven, meeting all requirements for connection to a point of legal positive outfall. Easements for proper drainage shall be provided where necessary at a width adequate to accommodate the drainage facilities, but in no case shall said easement width be less than 12 feet. Where canals or ditches are permitted, the easement width shall be adequate to accommodate the full width of drainage facilities plus 20 feet on one side to permit access by equipment for maintenance purposes.

## **Section 6 Planned Developments**

### **A. General**

Any planned development which is to be subdivided shall comply with the requirements of this Article after approval of a Final Subdivision Plan by the DRO pursuant to Article 2.D, ADMINISTRATIVE PROCESS. For the purpose of this Article, "Planned Development" shall mean any development within a Planned Development district as defined by this Code and regulated pursuant to Article 3.D, PROPERTY DEVELOPMENT REGULATIONS (PDRS).

## **B. Subdivision of Commercial and Industrial Building Sites**

A building site which constitutes all or a portion of a pod designated for commercial or industrial use on the preliminary development plan of a planned development, and for which the detailed development configuration and building permit issuance are subject to prior approval by the DRO of a final site plan, may be exempted by the County Engineer from the subdivision recordation requirement of Article 11.A.4.B.1, and may be subdivided by fee title conveyance of individual internal lots. Such exemption may be granted by the County Engineer provided that:

1. Legal access to each interior lot is provided by a common parking lot in full compliance with all requirements of Article 11.E.2.A.2.c;
2. The layout, location, and construction limits of structures within the building site are regulated by required separation distances between structures rather than by setbacks from interior lot lines;
3. Individual interior lots are not subject to requirements for minimum area or dimensions under the property development regulations of Article 3.D, PROPERTY DEVELOPMENT REGULATIONS (PDRS), applicable to the building site;
4. A statement of the developer's intent to subdivide the property pursuant to the platting exemption of this Article 11.A.6.B, Subdivision of Commercial and Industrial Building Sites, is included on the approved final site plan for the building site, in which case said site plan shall constitute the approved final subdivision plan for purposes of compliance with this Article;
5. All lands within the perimeter of the building site are subject to a common recorded unity of control or other such maintenance and use covenants for access, parking, stormwater management, and other required common areas or facilities, as approved by the County Attorney pursuant to Article 5.F, LEGAL DOCUMENTS; and
6. The building site is delineated on a single boundary plat of record depicting all existing drainage and utility easements of record and all required limited access easements, water management tracts, and common area tracts, and including appropriate dedications or reservations for same.

## **Section 7 Phased Developments**

### **A. Phasing Plan**

The property encompassed by a Final Subdivision Plan may be developed in two or more increments pursuant to the terms of this Section and applicable phasing provisions of Article 2.E.3, Supplementary Regulations for Classes of Development Orders. A Final Subdivision Plan showing the proposed phasing plan must be approved by the DRO prior to submission of the first plat. Construction plans and preliminary plats shall coincide with their respective phases as shown on the Final Subdivision Plan. Construction plans or a preliminary plat for a partial phase shall not be accepted.

### **B. Improvements**

The improvements of each phase shall be capable of operating independently of any unconstructed phase with respect to drainage, access, utilities, and other required improvements, except as provided herein. A dependent phase may be platted only if the foundation phase plat has been recorded and required improvements have been completed or are under construction pursuant to a land development permit and are secured pursuant to a guaranty posted for completion of required improvements. A dependent phase shall not be acknowledged as completed until the improvements in the foundation phase are acknowledged as completed; provided, however, that such acknowledgment of completion may occur simultaneously and provided that the County Engineer may permit the posting of a guaranty to ensure the installation at a later time of those required improvements which are not deemed necessary to provide drainage, access, or utilities to such dependent phases.

### **C. Phasing Controls**

The phasing plan and all phased construction shall be completed in accordance with any phasing controls and time frames required by this Code which are applicable to the development.

### **D. Time Limitation**

When the Preliminary Subdivision Plan is approved for development in phases requiring more than one final plat, the duration of said approval shall be as specified by and subject to those provisions of Article 2.E, MONITORING, applicable to the development or phase thereof.

### **E. Sequence of Phases**

When the Preliminary Subdivision Plan is to be constructed in phases, the following sequence must be adhered to:

1. All required recreation areas and facilities to serve the entire development shall be platted or otherwise provided pursuant to the procedures and phasing provisions of Article 5.F, LEGAL DOCUMENTS;

2. The gross density of an individual plat shall not exceed the maximum density permitted for the entire development unless the total of all previously recorded plats of record and the plat under review produces an average density less than or equal to the approved maximum density for the entire development; and
3. Where all or any portion of a water management tract is required to serve a proposed phase of development, and has not been previously recorded and constructed, said water management tract and its associated lake maintenance easement(s) shall be included and constructed in their entirety as part of the plat and required improvements for that phase.

## **Section 8      Exceptions to General Requirements**

### **A. Authority**

The County Engineer is hereby empowered to make certain exceptions to the platting requirement of Article 11.A.3.A, Platting Requirement, and required improvements installation requirement of Article 11.A.3.B, Required Improvements Installation Requirement, in accordance with the standards and procedures set forth in this Section.

### **B. Plat Waiver with Certified Survey**

If, after review of the preliminary subdivision plan, the County Engineer determines that the proposed subdivision meets one of the conditions specified in Article 11.A.8.B.1, Application for Plat Waiver, the requirement to file a plat may be waived and a certified survey shall be recorded in lieu of a plat along with an affidavit documenting approval of said waiver and restrictive covenants applicable to the subdivision, as prescribed by this Article.

#### **1. Application for Plat Waiver**

In order to determine whether platting may be waived, the developer shall submit a preliminary subdivision plan in accordance with the requirements of Article 11.B.1, Preliminary Subdivision Plan, together with a statement demonstrating that the subdivision meets at least one of the following conditions:

- a. The division is for the purpose of constructing not more than one townhouse building in compliance with applicable use regulations and standards pursuant to Article 3.C, STANDARD DISTRICTS;
- b. The division is to create no more than three contiguous lots and all of the following circumstances apply:
  - 1) The land concerned is isolated or removed in its relationship to platted lands;
  - 2) Dedications or reservations are not required for the installation or maintenance of the required improvements; and
  - 3) The improvements and dedications existing on the land are substantially in accordance with the requirements of this Article.
- c. The division is of a contiguous land area not exceeding 80 acres into lots of at least ten acres each and which area meets all of the following additional conditions:
  - 1) The area to be subdivided has existing legal access via a street of local or higher classification, accepted for maintenance by a local governmental agency, a special district, or a legally incorporated property owners association (POA);
  - 2) legal access to the proposed lots exists or will be established and dedicated to and be maintained by a POA or a special district; and
  - 3) Legal positive outfall exists and the appurtenant drainage easements are dedicated to, maintained and accepted by either by a POA or water control district.
- d. The division consists of a change in lot lines for the purpose of combining lots or portions thereof, shown on a record plat, into no more than three contiguous lots where each of the resulting lots meets the requirements of the Plan and this Code or reduces the degree of non-conformity to the requirements of the Plan and this Code, as applicable, and the establishment of streets or installation of improvements either would not be required pursuant to this Article or would be required and their installation would be guaranteed by the developer pursuant to the provisions of this Article. Provided, however, that any application hereunder for lands shown on a record plat recorded after February 5, 1973, shall be limited to those changes necessary to correct errors in the record plat or to make a lot line adjustment to accommodate an isolated instance of error in construction of a dwelling unit or other building. In such cases, the improvements shall be in compliance with the standards in effect at the time of recording the plat or with any approved variance to such standards;

- e. The lot or lots were created as part of an antiquated subdivision and the County Engineer finds that the subdivision substantially complies with the intent, purposes and requirements of this Article. In making such determination, the County Engineer shall consider the following factors and any other information he deems appropriate:
  - 1) The total area of land encompassed by the antiquated subdivision;
  - 2) The number of lots created within the antiquated subdivision;
  - 3) The prior and subsequent subdivision of the area encompassed by the antiquated subdivision and whether such subdivision was platted or otherwise surveyed and placed of record;
  - 4) The need for dedications or reservations to ensure installation and continued maintenance of the required improvements;
  - 5) The extent of deviation from the requirements of this Article;
  - 6) The extent of ownership fragmentation, including the number of lots sold and the number of lots developed;
  - 7) The degree of compliance with other PBC land development regulations, including but not limited to the Plan and this Code;
  - 8) The number of lots to be created; and
  - 9) The extent of development in the surrounding area.
- f. The combination or recombination of lots is required in order for the new lot or lots to meet the density requirements of the Plan.

**2. Decision by County Engineer**

In determining if platting may be waived, the County Engineer shall distribute each application to, and consider recommendations received from the following agencies regarding conformance with requirements of their respective regulations and program responsibilities:

- a. The Directors of the Land Development and Traffic Divisions, and Survey Section of the Engineering Department;
- b. The Directors of the Planning and Zoning Divisions; [Ord. 2006-004]
- c. The Director of Environmental Resources Management;
- d. The County Health Director;
- e. The Director of Water Utilities;
- f. The Chief of Fire-Rescue;
- g. The Director of Parks and Recreation; and, [Ord. 2006-004]
- h. The County Attorney. [Ord. 2006-004]

**3. Effect of Approval**

The approved certified survey shall constitute the approved Final Subdivision Plan for the subdivision when such subdivision is not encompassed by a Final Subdivision Plan approved pursuant to Article 2.D.1, Development Review Officer. The granting of a plat waiver in no manner reduces or waives the requirements of Article 11.B.3, Technical Compliance through Article 11.B.7, Construction of Required Improvements, governing construction plan approval, land development permit issuance, and installation of the required improvements. Failure by the applicant to submit all documents required for the recordation of the affidavit of waiver within six months of approval by the County Engineer shall void said approval.

**C. Exceptions to Installation of Improvements Requirement**

If, after review of the preliminary subdivision plan, the County Engineer determines that certain improvements already existing on the proposed subdivision site are adequate to meet the intent of the required improvements requirement of this Article, the installation of those required improvements may be waived.

**1. Application for Required Improvement Installation Waiver**

The developer shall submit a Preliminary Subdivision Plan in accordance with the requirements of Article 11.B.1, Preliminary Subdivision Plan, together with a statement demonstrating that the applicable improvement(s) and associated dedications existing on the land and serving the proposed lot(s) are substantially in accordance with the requirements of this Article.

**2. Effect of Approval**

The granting of a required improvement(s) installation waiver in no manner reduces or waives the requirement of this Article to file a plat and to comply with applicable provisions of Article 11.B.3, Technical Compliance, through Article 11.B.7, Construction of Required Improvements, with regard to all required improvements not specifically waived.

**D. Contents of Applications**

Applications made pursuant to this Article shall be submitted in a form established by the County Engineer, prescribed in the Land Development Forms Manual, and made available to the public. Contents

of said applications shall include the submittal requirements for preliminary subdivision plans contained in Article 11.B.1, Preliminary Subdivision Plan.

**E. Administration of Exceptions to General Requirements**

The County Engineer shall review and act on applications for exceptions to this Article pursuant to Article 11.A.8, Exceptions to General Requirements. Such authority shall include the power to:

1. Waive compliance with the procedures of Article 11.B.3, Technical Compliance, through Article 11.B.7, Construction of Required Improvements, when the County Engineer finds that compliance with such procedures is unnecessary because:
  - a. The proposed subdivision has been granted both a plat waiver and a waiver for all required improvements for the property; or
  - b. The proposed subdivision has been granted both a plat waiver and a waiver for some of the required improvements and installation of the remaining improvements will be assured by one of the following methods:
    - 1) contribution of cash; or
    - 2) construction of the required improvements will occur at the time of building construction and the installation of such improvements can be monitored as part of the building permit process or other PBC permitting process. Such improvements include, but are not limited to, drainage improvements requiring lot grading only, and installation of well and/or septic tank; or
    - 3) a combination of 1) and 2) above.
2. Review any and all restrictive covenants applicable to a subdivision under review for a plat waiver;
3. Require additional information or reviews deemed necessary for its consideration. Such information may include, but is not limited to, written and oral statements with respect to the nature, condition and maintenance responsibility of the streets, stormwater management facilities, or other required improvements, and reviews by other PBC and State of Florida agencies, and any information necessary to assure that the proposal would conform to the Plan or reduce the degree of non-conformity to the Plan; and
4. Upon determining the facts of each application, determine whether:
  - a. The proposal would be in harmony and compatible with present and future development of the area as contemplated under the Plan, and
  - b. The proposal makes adequate provisions for public requirements, including safe and convenient vehicular and pedestrian circulation, access, stormwater management, utilities, water supply and wastewater disposal.

**Section 9 Standard Forms**

**A. General**

The forms and formats contained in the Land Development Forms Manual have been approved as standard by the County Attorney and the County Engineer, as appropriate. All specific agreements, guaranties, certifications, and other legal documents are subject to the approval of the County Attorney. Alternate form(s) may be approved for use pursuant to this Article, provided the County Attorney has first approved such alternate form(s) in writing.

**B. Dedications and Reservations**

Dedications and reservations shall be specified in accordance with the substantive requirements of Article 11.D.1.B.15, Certification and Approvals, and shall be subject to approval by the County Attorney prior to plat recordation.

**Section 10 Definitions**

See Art. 1.I, Definitions and Acronyms.

**Section 11 Definitions**

See Article 1.I, Definitions and Acronyms.

**CHAPTER B SUBDIVISION REQUIREMENTS**

**Section 1 Preliminary Subdivision Plan**

**A. Purpose of Preliminary Subdivision Plan**

The purpose of the preliminary subdivision plan is to provide adequate and necessary descriptive information regarding proposed subdivision layout and improvements for review of applications made under Article 11.A.8, Exceptions to General Requirements, for plat waivers and for required improvement(s) installation waivers.

**B. Professional Services Required**

The developer shall retain the services of an engineer or surveyor to prepare the preliminary subdivision plan. The subdivision plan shall be coordinated with the major utility suppliers involved with providing services. Where septic tanks are proposed, a satisfactory subdivision analysis for septic tanks from the PBCHD shall be required.

**C. Contents of Application**

The developer shall submit a written statement and drawing in the form established by the County Engineer, prescribed in the Land Development Forms Manual, and made available to the public.

**Section 2 Final Subdivision Plan**

**A. Purpose**

The purpose of the Final Subdivision Plan is to provide a multi-agency review at a level of detail adequate to identify and resolve basic errors, omissions, and conflicts in the proposed subdivision layout with respect to applicable agency concerns, code requirements, and surrounding land uses, prior to the preparation of the detailed preliminary plat(s) and associated construction plans for required improvements.

**B. Applicability**

Except as provided in Article 11.A.8.B, Plat Waiver with Certified Survey, the developer of every proposed subdivision shall be required to obtain approval of a Final Subdivision Plan from the DRO, pursuant to Article 2.D.1, Development Review Officer prior to submittal of a preliminary plat and construction plans for Technical Compliance approval pursuant to Article 11.B.3, Technical Compliance.

**C. Procedure**

**1. Application**

Application for Final Subdivision Plan approval shall be made in accordance with Article 2.D.1, Development Review Officer.

**2. Threshold Review Requirement**

In order to be eligible to submit an application for Final Subdivision Plan review, the development shall have a currently valid certificate of threshold review, issued in accordance with and when required pursuant to Article 15.C, GENERAL THRESHOLD REVIEW. A copy of the currently valid certificate shall be attached to and made part of the application.

**3. Contents of Application**

The application shall be submitted in a form established by the Zoning Director, and made available to the public. Contents of said application shall include, but not necessarily be limited to:

- a. A unified drawing describing existing site conditions, proposed streets, proposed lot layout, and other applicable development features in pictorial, note, or tabular form as appropriate;
- b. An internal traffic circulation analysis prepared by a professional engineer, adequate for determining the required classification of streets, the number of lanes, the requirement for traffic lights and other traffic control devices, and the capacity of the street system proposed or affected by the development, as well as the phasing of improvements;
- c. A preliminary stormwater management plan outlining the conceptual tertiary and secondary stormwater management facilities proposed for proper development of the subdivision, and prepared by a registered professional authorized through licensure by the State of Florida to perform such conceptual level of design for said stormwater management system; and
- d. A statement that all applicable utility providers have agreed to serve the subdivision, except that where septic tank systems are proposed, a satisfactory subdivision analysis for septic tanks from the PBCHD shall also be submitted.

**4. Resubmittals**

Final Subdivision Plan resubmittals required to address corrections or revisions requested by the DRO or for any modification by the developer shall be made in accordance with the applicable requirements of Article 2.D, ADMINISTRATIVE PROCESS.



**D. Development Review Committee Action (DRO)**

The DRO shall inform the developer that the plan and data as submitted do or do not meet the applicable provisions of this Article in accordance with the procedures established pursuant to Article 2.D, ADMINISTRATIVE PROCESS.

**E. Duration of Final Subdivision Plan Approval**

The duration of Final Subdivision Plan approval shall be as specified by and subject to those provisions of Article 2.E, MONITORING, applicable to the development.

**Section 3 Technical Compliance**

**A. Purpose**

The purpose of Technical Compliance is to provide a multi-agency review of the proposed subdivision plat and all applicable required improvement construction plans for conformance with technical and legal requirements of this Article, other applicable provisions of this Code, PBC Standards, and the approved Final Subdivision Plan (including any special conditions of approval) prior to application by the developer for issuance of a Land Development Permit and submittal of the Final Plat for recordation.

**B. Application**

Prior to the expiration of the Final Subdivision Plan approval and prior to commencing construction of required improvements, the developer shall have prepared and shall submit to the County Engineer an application for Technical Compliance review, which shall be accompanied by the required fee and the required number, as established by the County Engineer, of the following documents and information, as applicable to the subdivision or approved phase thereof. Within three days of receipt of an initial application submittal for Technical Compliance, the County Engineer shall review the submittal for completeness and shall send written notification to the applicant if the submittal is determined to be incomplete. Failure by the applicant to complete the application submittal within 60 days of the date of said notification shall be considered an abandonment of the application and any subsequent submittal shall require a new Technical Compliance application.

**1. Preliminary Plat**

The developer shall submit the preliminary plat meeting the requirements of Article 11.D.1.A, Preliminary Plat.

**2. Certified Survey**

The developer of a subdivision for which the requirement to plat has been waived pursuant to Article 11.A.8.B, Plat Waiver with Certified Survey, shall submit the applicable certified survey meeting the requirements of Article 11.B.9, Requirements for Certified Survey.

**3. Construction Plans and Supplemental Engineering Reports**

Except for those required improvements have been specifically waived pursuant to Art. 11.A.8.C, Exceptions to Installation of Improvements Requirement, construction plans and supporting design information for all the required improvements shall be submitted for each subdivision. Construction plans and required engineering reports shall comply with the requirements of Art. 11.B.6, Construction Plans and Supplemental Engineering Information. **[Ord. 2005 – 002]**

**4. Certified Opinion of Cost**

The developer's engineer shall prepare and submit a certified opinion of cost, which shall include the cost of installing all required improvements required pursuant to Article 11.E.1.A, Minimum Required Improvements for All Subdivisions. In the alternative, the County Engineer may, at his sole discretion, accept the contract price received by the developer for the construction of the required improvements.

**C. Review of the Technical Compliance Submittal**

**1. Agency Comments**

Within five days of receipt of a complete application, the County Engineer shall forward copies of appropriate submittal documents to the following agencies for written comments regarding conformance with requirements of their respective regulations and program responsibilities:

- a. Director, Land Development Division of DEPW: construction plans and preliminary plat;
- b. Director, Traffic Division of DEPW: construction plans and preliminary plat;
- c. Director, Survey Section of DEPW: preliminary plat;
- d. Director, Zoning Division of PZB: preliminary plat;
- e. Addressing Section, Administration Division of PZB: preliminary plat;
- f. Director, Parks and Recreation Department: preliminary plat;
- g. Director, Roadway Production Division of DEPW: construction plans and preliminary plat for Thoroughfare Plan streets;

- h. Director, Environmental Resources Management: preliminary plat;
- i. Florida Department of Transportation: preliminary plat for lands abutting State roads;
- j. Local water control district: preliminary plat for lands abutting water control district facilities, easements, or R-O-W;
- k. County Attorney: preliminary plat; and
- l. Director of Property and Real Estate Management: preliminary plat.

Said agencies shall be given 20 days to forward comments to the County Engineer. Within five days of the end of this 20 day period, the County Engineer shall forward all comments to the developer in writing, with a copy to the developer's engineer.

**2. Submittal Fails to Meet Requirements**

When the County Engineer determines that the Technical Compliance application submittal does not meet the provisions of this Article, the written statement shall reference the specific section or standard with which the submittal does not comply. Within 60 days of receipt of the comments letter, the developer shall cause all corrections or revisions referenced in the comments letter to be made, and shall resubmit the required documents and information. Failure to resubmit within the required time shall be deemed an abandonment of the application and any subsequent submittal shall require a new Technical Compliance application.

**3. Submittal Meets Requirements**

When the County Engineer determines that the Technical Compliance application submittal meets the provisions of this Article, the submittal shall be deemed to technically comply with the provisions of this Article and a written statement of Technical Compliance shall be issued.

**D. Technical Compliance Approval**

The statement of Technical Compliance shall be in writing and furnished to the developer and the developer's engineer. The statement shall contain the following conditions and information:

- 1. The name of the documents reviewed;
- 2. The amount of guaranty for the construction of required improvements, established in accordance with Article 11.B.4.A.6, Guarantees;
- 3. The amount of recording fees due for recordation of the final plat or certified survey, which fees are payable to the Clerk of the Circuit Court of PBC;
- 4. A requirement to submit with the Land Development Permit application a copy of all applicable property owners' association documents; and
- 5. Requirements for submittal of supplementary documentation deemed necessary by the County Engineer, such as deeds, easements, covenants and other recorded instruments creating rights or obligations for access, drainage, or utility services, which rights or obligations could not be established through dedications or reservations on the plat.

**E. Expiration of Technical Compliance**

The statement of Technical Compliance shall expire six months after its date of issuance. Failure to make a Land Development Permit application submittal prior to the expiration of the statement of Technical Compliance shall void the Technical Compliance approval and any subsequent submittal shall require a new Technical Compliance application.

**F. Effect of Changes to Final Subdivision Plan**

Any change to a Final Subdivision Plan, however approved, which would either increase or decrease the number of units in, or would, in the opinion of the County Engineer, cause a substantial change or revision to any preliminary plat or associated construction plans under review or approved for Technical Compliance shall void any approvals issued for same pursuant to this article and shall require a new submittal and fee for such plat and construction plans. Such determination shall be in writing and forwarded within ten days to the Developer's Engineer, with a copy to the Zoning Director.

**Section 4 Land Development Permit**

**A. Land Development Permit Application Submittal**

A Land Development Permit shall be required prior to commencement of construction of any required improvement. The effective date of the Land Development Permit shall be the date the County Engineer signs it. The Land Development Permit shall expire not more than 21 months from the effective date, unless extended pursuant to Article 11.B.7.B, Time of Completion of Required Improvements. Except when the installation of all required improvements has been waived pursuant to Article 11.A.8.C, Exceptions to Installation of Improvements Requirement, the Final Plat or certified survey, as applicable, shall not be recorded until the developer has either installed the improvements or has guaranteed the installation of the improvements pursuant to the requirements of Article 11.B.4.A.6, Guarantees, below.

As the final step in the review procedures to obtain development approval under this Article, the developer shall have prepared and shall submit, prior to expiration of the Technical Compliance, an application for Land Development Permit. The application for Land Development Permit shall be accompanied by the required fee and the required number, as determined by the County Engineer, of the following documents applicable to the subdivision or approved phase thereof:

**1. Final Plat**

The developer of a subdivision for which plat recordation is required shall submit the Final Plat complying with Article 11.D.1.B, Final Plat, and a check for the plat recordation, payable to the Clerk of the Circuit Court of PBC, in the required amount.

**2. Certified Survey**

The developer of a subdivision for which the requirement to plat has been waived pursuant to this Article shall submit a check payable to the Clerk of the Circuit Court of PBC for the recordation of the survey. When construction plans are not required, the certified survey may be recorded without further review, provided, however, that the County Engineer shall review any documents submitted in compliance with Article 11.B.4.A.3, Maintenance and Use Documents.

**3. Maintenance and Use Documents and other Documents**

A copy of the maintenance and use covenants and any other documents required by the County Engineer as a condition of Technical Compliance shall be submitted. The maintenance and use covenants shall indicate the maintenance responsibility for all common areas and improvements within the subdivision, and shall comply with all applicable requirements as specified in Article 5.F, LEGAL DOCUMENTS.

**4. Construction Plans and Supplemental Engineering Information**

Construction plans shall conform to the plans which received Technical Compliance or, if modified, shall be accompanied by a written statement from the Developer's engineer which details, explains, and justifies the modifications. Construction plans shall comply with the requirements of Article 11.B.6, Construction Plans and Supplemental Engineering Information, and prior to issuance of a Land Development Permit, shall have received all applicable approvals of requisite governmental agencies.

**5. Developer's Acknowledgment of Responsibility for Construction of Required Improvements**

The application shall indicate whether the required improvements are to be constructed prior to recordation or after recordation of the plat or survey. When the required improvements are to be constructed after recordation, the Developer shall submit a statement acknowledging responsibility for completion of said required improvements. The statement shall be in the form contained in the latest version of the Land Development Forms Manual and shall be executed by all owners shown on the applicable final plat. The statement shall be accompanied by a guaranty for completion of required improvements, pursuant to Article 11.E.1.A, Minimum Required Improvements for All Subdivisions. Said guaranty shall meet the applicable requirements of Article 11.B.4.A.6, Guarantees.

**6. Guarantees**

All guarantees required pursuant to to Article 11.E.1.A, Minimum Required Improvements for All Subdivisions, shall be in one of the forms prescribed in the Land Development Forms Manual or in an alternate form approved by the County Attorney. The initial guaranty shall be in an amount equal to 110 percent of the construction cost of the required improvements. The guaranty shall be in one of the following types:

**a. Cash Bond**

Completion of the required improvements may be secured by cash deposited by the developer with PBC or in an account subject to the control of PBC in accordance with an agreement on such deposit or account. The developer shall be entitled to receive any interest earned on such deposit or account.

**b. Letter of Credit**

Completion of the required improvements may be secured by a clean irrevocable letter of credit issued to PBC in accordance with the PBC Letter of Credit Policy. The expiration date of the letter of credit shall be at least three months after the completion date for construction of required improvements pursuant to the initial Land Development Permit or any subsequent extension thereto.

**c. Performance or Surety Bond**

Completion of the required improvements may be secured by a performance or surety bond obtained from a company acceptable to PBC in accordance with the PBC policy on performance bonds. It shall guaranty that all work will be completed in full accordance with the approved Land Development Permit.

**d. Escrow Deposit**

Completion of the required improvements may be secured by an executed escrow agreement, between the Developer, a bank approved by PBC, and PBC as the third party beneficiary. The escrow agreement shall require that release of the funds, or any part thereof, shall be subject to PBC approval.

**B. Action by the County Engineer**

The County Engineer shall examine the submittal for completeness in compliance with this Article. Within 30 days of receipt of a complete submittal, the County Engineer shall review the submittal for conformity with this Article and shall advise the developer of his findings in writing, with a copy to the developer's engineer.

**1. Submittal Fails to Meet Ordinance**

When deficiencies exist, the County Engineer shall reference in writing the specific section or standard with which the Land Development Permit submittal does not comply. The developer shall correct such deficiencies within 30 days of receipt of the written report. Failure to respond within the given time shall deem the submittal abandoned and any subsequent submittal shall require a new application and submittal for a Land Development Permit.

**2. Submittal Meets Ordinance**

When the submittal meets the provisions of this Article, the County Engineer shall sign the Land Development Permit and, if applicable, shall sign and seal the final plat and submit said approved plat to the Clerk of the Circuit Court for recordation.

**Section 5 Substitution of Developers**

**A. Voluntary Substitution of Developers**

When there is a voluntary substitution of developers after the Land Development Permit has been issued but before PBC has acknowledged completion of the required improvements, it shall be the responsibility of both developers to transfer the rights and responsibilities from the original developer to the succeeding developer. The original and succeeding developers shall make a joint application to the County Engineer for a transfer of the original developer's Land Development Permit. If the original developer posted a guarantee with PBC for completion of required improvements, the succeeding developer must post a substitute guarantee in the current amount of the original developer's guarantee and in a form acceptable to PBC. The application for transfer shall include the executed acknowledgment of responsibility for completion of required improvements pursuant to Article 11.B.4.A.5, Developer's Acknowledgment of Responsibility for Construction of Required Improvements.

**B. Involuntary Substitution of Developers**

When a developer becomes the succeeding developer through foreclosure or some similar action and it is not possible to obtain the original developer's signature on a joint application for transfer of the Land Development Permit, the succeeding developer must comply with all provisions of Article 11.B.5.A, Voluntary Substitution of Developers, except that, in lieu of said original developer's signature, the succeeding developer shall submit a current certification of title, foreclosure judgment, or other proof of ownership of the lands encompassed by the plat referred to in the Land Development Permit.

**Section 6 Construction Plans and Supplemental Engineering Information**

**A. Duties of Developer's Engineer**

When the development is to be engineered by more than one firm, the developer shall appoint a single engineering firm or engineer to coordinate submission of the construction plans and construction of the required improvements.

**B. Submittal Requirements**

Construction plans and supplemental engineering information shall be submitted under separate cover for each of the categories of improvements listed in this Section. Plan sets shall be submitted in the number required by the County Engineer, as prescribed in the Land Development Forms Manual.

**1. Required Improvements**

The following construction plans, signed and sealed by the preparing engineer, shall be submitted for the required improvements set forth in Article 11.E.1, Required Improvements, when applicable:

- a. paving, grading and drainage;
- b. bridges;
- c. water and sewer systems;

- 1) for technical compliance submittal: the proposed plans submitted for PBC Health Department approval;
- 2) for land development permit submittal: construction plans stamped with PBC Health Department approval.

**2. Submittals for Other Improvements**

Construction plans shall be submitted for the following additional improvements which the developer may be required to install or otherwise elect to provide:

- a. Landscaping within streets;
- b. Guardhouse, gates, or other structures within streets;
- c. Landscaping or structures in lake maintenance easements: See Article 11.B.8.A, Construction and Landscaping in Lake Maintenance Easements and Water Management Tracts.

**C. Completeness of Construction Plans**

All construction plan submittals shall be so complete as to be suitable for contracting and construction purposes. Design data, calculations and analyses shall be submitted to address important features affecting design and construction and shall include, but not be limited to, those for design high water, drainage facilities of all kinds, subsurface soil data, alternate pavement and subgrade types, and any proposed deviation from PBC standard design requirements.

**D. Format and Content of Construction Plans**

All construction plan submittals for the installation of required improvements shall consist of and contain, but shall not be limited to:

1. A cover sheet showing the applicable plat name, sheet index, category of improvements, and, vicinity sketch;
2. Typical sections;
3. Construction details showing compliance with PBC standards, or with any alternate design approved by the County Engineer pursuant to Article 11.B.8.C, Alternate Design Construction Standards and Types of Materials.
4. Special profile sheets as required to show special or unique situations;
5. Bench mark, based on NGVD (1929); and
6. Notes regarding special conditions and specifications applicable to the construction, addressing:
  - a. required compliance with construction requirements of this Article and PBC standards;
  - b. required compliance with State standards applicable to the work;
  - c. minimum standards for materials;
  - d. test requirements for compaction or stabilization of subgrade, base, and backfill;
  - e. required installation of underground utilities and storm drainage located within the streets prior to construction of subgrade for street pavement;
  - f. special construction or earthwork requirements for site work in areas of impervious or unstable soils, or to cope with unsuitable soil conditions.

**E. Final Stormwater Management Plan**

The Technical Compliance application shall include the final stormwater management plan, based upon and consistent with the preliminary stormwater management plan, in separate report form detailing the design of all secondary and tertiary stormwater management facilities, including, as a minimum, the following design data and information:

1. Pre-development and post-development drainage basin maps showing site topography, drainage basins, catchment areas, and stormwater inflow/outflow locations for the site;
2. Pre-development and post-development site characteristics affecting runoff such as ground cover, soil profile, wet season mean high water table elevations and recurring high water elevations in receiving watercourses or waterbodies;
3. Individual catchment area characteristics used for design, including area, times-of-concentration, runoff factors, and quantitative breakdown of pervious/impervious areas;
4. A statement of applicable design and/or performance assumptions and criteria for each part of the system providing drainage, treatment, or discharge control;
5. Evidence of existing access to legal positive outfall(s);
6. Complete hydrologic and hydraulic calculations for design of storm sewers, retention/detention area, and discharge structures;
7. Identification of standard methods and/or proprietary models used for hydrologic and hydraulic analysis, noting that methods or models other than those of the Department of Transportation, SFWMD, SCS, the rational method, the SBUH method, the Puls method or common modifications of such methods, may require additional documentation;

8. A listing of specific PBC and SFWMD requirements used as the design basis for street drainage, lot grading, finished floor elevations, floodplain storage compensation, retention/detention volumes, and discharge limits; and
9. Requirements for construction and maintenance of any temporary or phased stormwater management facilities necessary to ensure proper stormwater control and treatment during site development.

**F. Soils Report**

The Technical Compliance application shall include a soils report describing soil profiles of the work site to such depth and extent necessary to determine special design or construction needs. In lieu of Article 11.B.6.F.4 and Article 11.B.6.F.5, the Developer may submit as part of the report a certified statement from an engineer that he has investigated the subsurface conditions of the site and has determined that such conditions are suitable for the work as shown on the construction plans. The soils report shall include:

1. A map, drawn to stated scale, showing boring, penetrometer, and/or test pit locations;
2. Results of each boring or other soil test, keyed to the map;
3. Soil profiles with horizons described according to the USDA, ASTM, or Unified standard soils classified system;
4. Location and extent of muck, hardpan, marl, or other deleterious materials which may require special consideration in design or construction; and
5. A description of groundwater conditions which may require special consideration in design or construction.

**Section 7 Construction of Required Improvements**

**A. Developer's Duty**

Upon issuance of the Land Development Permit, the developer shall coordinate the construction with the County Engineer.

**B. Time of Completion of Required Improvements**

1. The time of completion of all required improvements shall not exceed 21 months from the date of issuance of the Land Development Permit unless an extension is granted pursuant to this Section. For government facilities within the Public Ownership (PO) Zoning District, the completion of required improvements shall be permitted to: **[Ord. 2007-013]**
  - a. coincide with a Certification of Occupancy (CO) for the first building on a parcel of land that adjoins a required street improvement; or, **[Ord. 2007-013]**
  - b. be phased to coincide with a Certification of Occupancy (CO) for the first building within each phase of development that is accessed by a required street improvement. **[Ord. 2007-013]**
2. A one year time extension may be granted by the County Engineer after review of the written application for extension of the developer. The developer should submit the application for extension, including but not limited to a statement of justification and proof that an acceptable guaranty will remain in place for the duration of the extension, not less than two months prior to expiration of the Land Development Permit. Applications submitted after expiration of the Land Development Permit shall not be accepted. The County Engineer shall review and advise the developer in writing of his decision within one month of receipt of the application.

**C. Completion Prior to Plat Recordation**

When the developer elects to complete required improvements prior to recording of the final plat or certified survey, the following procedures shall apply, as applicable.

1. Upon approval of the final plat and acknowledgment of completion of the required improvements pursuant to Article 11.B.7.G, Acknowledgment of Completion and Maintenance of Required Improvements, the plat shall be submitted to the Office of the Clerk of the Circuit Court for recordation.
2. When the County Engineer finds that the certified survey and completion of the required improvements are in compliance with all requirements of this Article, he shall cause the certified survey to be recorded in the Office of the Clerk of the Circuit Court.

**D. Completion After Plat Recordation**

When the developer elects to guaranty the construction of the required improvements in order to complete same after recordation, the County Engineer may approve reductions of the amount of the guaranty and release the guaranty in accordance with the requirements and procedures prescribed in this subsection. All requests for reduction shall be by application to the County Engineer. A complete application shall include, at a minimum, a certified cost estimate from the developer's engineer for both

the completed and the remaining required improvements. The County Engineer shall have the right to reduce the amount of any requested reduction based on his review of the application and required improvements. The County Engineer shall also have the right to refuse to approve any requested reduction so long as the developer fails to be in compliance with any of the terms and conditions of this Article, the plat, or the plans and specifications for the required improvements. The County Engineer shall give written notification to the developer and the surety of his decision on the application within one month of the application being deemed complete. Any approval under this Section shall be conditioned upon the surety providing, within one month of receipt of the County Engineer's written notification, written confirmation of the reduction in a form acceptable to the County Attorney.

**1. Frequency of Reductions in Amount of Guaranty**

Reductions in the amount of the guaranty may be approved by the County Engineer in accordance with the following schedule.

**a. Cash Deposits and Escrow Agreements**

The deposit or account may be reduced as installations progress at stages of construction established by the County Engineer, but not more frequently than monthly.

**b. Letters of Credit and Performance or Surety Bonds**

Quarterly during the process of construction and upon request by the developer, the County Engineer may reduce the dollar amount of the guaranty.

**2. Amount of Reductions in Guaranty**

The County Engineer shall not reduce the amount of any guaranty below 20 percent of the original cost estimate amount. In addition to this limitation, no reduction in the dollar amount of the guaranty shall be made unless sufficient funds will remain to complete the remaining required improvements and the cost of required improvements installed equals or exceeds the amount of the request. To ensure that sufficient funds remain for completion of the remaining required improvements, the County Engineer shall release not more than 90 percent of the dollar amount of required improvements certified as completed during the period for which a reduction is requested.

**3. Release of Guaranty**

The guaranty shall only be released upon acknowledgment of completion of the required improvements pursuant to Article 11.B.7.G, Acknowledgment of Completion and Maintenance of Required Improvements. Two weeks prior to the release of the guaranty, the County Engineer shall notify the appropriate District Commissioner of intent to release.

**E. PBC Use of Funds; Failure of Developer to Complete**

The County Engineer, as the authorized agent of the Board, shall have the right to any funds available under the guaranty to secure satisfactory completion of the required improvements in the event of default by the developer or failure of the developer to complete such improvements within the time required by Article 11.B.7.B, Time of Completion of Required Improvements. The County Engineer shall send the developer a courtesy written notice of PBC's intent to expend any drawn funds or demand performance, as applicable. Such notice shall be sent at least 30 calendar days prior to said expenditure or demand, and shall be mailed to the last known address of the developer or his authorized agent according to the Land Development Permit records on file with the County Engineer.

**F. Administration of Construction**

**1. Construction Standards**

Construction standards shall be those prescribed in the current PBC Standards.

**2. Inspections, Reports, and Stop Work Orders**

The County Engineer shall be notified in advance of the date of commencement of construction pursuant to the Land Development Permit, and of such points during the progress of construction for which joint review by the County Engineer and developer's engineer are required.

a. Construction shall be performed under the surveillance of, and shall at all times be subject to, review by the County Engineer; however, this in no way shall relieve the developer of the responsibility for ensuring close field coordination and final compliance with the approved plans, specifications and the requirements of this Code.

b. The developer shall require progress reports of the construction of the required improvements from the developer's engineer. The developer's engineer may also be required to submit construction progress reports directly to and at points of progress prescribed by the County Engineer. The developer's engineer shall coordinate joint reviews of the construction with the County Engineer at points specified by the County Engineer.

c. The County Engineer shall have the right to enter upon the property for the purpose of reviewing the construction of required improvement during the progress of such construction. The County

Engineer shall have the authority to stop the work upon failure of the developer or his engineer to coordinate the construction of the required improvements as required by this subsection.

**3. Measurements and Tests**

During construction, the developer's engineer shall make or cause to be made such measurements, field tests, and laboratory tests necessary to certify that the work and materials conform with the approved development plans and the provisions of this Article. The County Engineer may require, at his discretion, specific types and locations of tests and measurements which he deems necessary to demonstrate conformance with approved plans and specifications.

**4. Engineer's Certificate of Completion**

The required improvements shall not be considered complete until a certificate of completion, certifying to construction in conformance with the approved plans, and the final project records have been submitted to, reviewed, and approved by the County Engineer. The certificate shall be signed and sealed by the developer's engineer and shall be in a form established by the County Engineer, as prescribed in the Land Development Forms Manual. Said certificate shall make specific reference to, and be accompanied by copies of measurements, tests and reports made on the work and materials during the progress of construction, along with a Record Drawing copy of each of the construction plans on a high quality, time-stable, reproducible mylar, showing the original design in comparison to the actual finished work with all material deviations noted thereon.

**G. Acknowledgment of Completion and Maintenance of Required Improvements**

**1. Developer's Warranty on Workmanship and Material**

The developer shall execute and submit a warranty guarantying the required improvements against defect in workmanship and material for a period of one year after acknowledgment of completion pursuant to this Section. Said warranty shall be submitted to the County Engineer along with the completion certificate and project records. The warranty shall be in a form approved by the County Attorney and prescribed in the Land Development Forms Manual.

**2. Acknowledgment of Completion by County Engineer; Release of Guaranty**

Upon submittal of the documents and records required by Article 11.B.7.F.4, Engineer's Certificate of Completion, and Article 11.B.7.G.1, Developer's Warranty on Workmanship and Material, and recorded copies of the approved Maintenance and Use Covenants, the County Engineer shall determine the completeness of the required improvements in accordance with the provisions of this Article and the Land Development Permit. When the County Engineer determines that the required documentation is acceptable and the required improvements have been installed as required by this Article he shall acknowledge completion of the required improvements and, when a guaranty has been posted, release the guaranty in accordance with the following:

**a. If the Final Plat Has Been Recorded**

When the applicable plat has already been recorded, the County Engineer shall issue a written statement to the Developer acknowledging completion of required improvements and releasing the guaranty.

**b. If the Final Plat Has Not Been Recorded**

When the final plat has not been recorded, at the time of acknowledgment of completion the County Engineer shall review said final plat for conformance with current certification and approval requirements. Upon determining that the final plat meets said requirements, the County Engineer shall approve the plat and submit it to the Clerk of the Circuit Court for recordation.

**c. Effect of Release**

Issuance of the statement acknowledging completion and, when applicable, releasing the guaranty shall relieve the developer of his obligations for construction of required improvements but shall not relieve the developer of his obligations under the warranty for required improvements required under Article 11.B.7.G.1, Developer's Warranty on Workmanship and Material.

**3. Acceptance of Dedications and Maintenance of Improvements**

The acceptance by the Board of any dedication to the Board of public space, parks, R-O-W, easements or the like on a plat shall not in itself constitute an acceptance by PBC of any responsibility to construct or maintain improvements within the dedicated area. Acceptance of dedications and maintenance responsibility for improvements within areas dedicated to the Board shall be made as follows:

**a. Acceptance of Dedications**

The recordation of a final plat, subsequent to the County Engineer's approval of said final plat for recordation, shall constitute acceptance by the Board of any and all dedications to the Board as stated and shown on the plat.



**b. Acceptance of Dedications of Real Property**

For those dedications to the Board of real property, including rights-of-way, parks, and other tracts, an executed deed transferring title to such lands, plus such documentation of title and absence of encumbrances as required pursuant to PBC policy for acceptance of deeds, shall be submitted to the County Engineer at the time of submittal of the applicable Final Plat for recordation. Said deed(s) shall be on a form approved by the County Attorney, and shall be recorded by PBC subsequent to recordation of the applicable Final Plat.

**c. Acceptance of Improvements for PBC Maintenance**

At such time as the County Engineer has issued a statement acknowledging completion of the required improvements and the applicable plat has been recorded, the County Administrator or the County Engineer, on behalf of PBC, shall accept maintenance responsibility for the required improvements to streets and to such other areas dedicated to the Board in accordance with the dedications shown on said record plat, and shall issue a written statement confirming acceptance of said maintenance responsibility.

**4. PBC Completion in Recorded Subdivisions**

PBC may complete the required improvements, under the guaranty provided by the developer, when the corresponding plat has been recorded and the developer fails to complete the required improvements as required by this Article. In such case, the County Engineer shall call upon the guaranty to secure satisfactory completion of the required improvements. Notice of said call shall be deemed upon posting via certified mail. Upon the completion of such action, the County Engineer shall report to the Board and the Board may accept by resolution the dedication and maintenance responsibility as indicated on the plat. In such cases, the remaining guaranty posted by the developer shall be retained for a period of one year after completion in lieu of the agreement. Any defects occurring during this period shall be repaired using funds remaining in the guaranty.

**5. Developer's Failure to Complete Improvements in Unrecorded Subdivisions**

Where a developer has elected to install the required improvements prior to recordation of the plat and fails to complete such improvements within the time limits prescribed in Article 11.B.7.B, Time of Completion of Required Improvements, all previous approvals applicable to the proposed subdivision shall be deemed void.

**Section 8 Supplemental Procedures**

**A. Construction and Landscaping in Lake Maintenance Easements and Water Management Tracts**

**1. Purpose**

It is the purpose of this Subsection to allow for the construction or placement of structures and plants adjacent to, or over, water bodies within water management tracts or areas established for associated maintenance access, while taking measures to ensure that such structures or plants shall not interfere with the proper functioning of the stormwater management system nor be otherwise detrimental to the health, safety, welfare, or convenience of the public or of persons responsible for or affected by a water body within a water management tract.

**2. Prohibition**

The placement or construction of trees, shrubs, or structures within any water management tract established for purposes of wet detention/retention in an open water body, or easement or berm adjacent thereto established for purposes of access for maintenance of the water body or water management tract or structures and facilities therein is hereby prohibited, except in strict conformance with the provisions of this Subsection.

**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. Application Requirements for Structures or Plantings in LME**

Persons desiring to place trees or shrubs or construct or place structures within a LME shall apply to the County Engineer. Approval by the County Engineer shall be required prior to installation when said planting or construction is to encroach a lake maintenance easement within a plat for which the associated required improvements have not been acknowledged as complete, pursuant to the applicable land development permit and Article 11.B.7.G, Acknowledgment of Completion and Maintenance of Required Improvements, or when the County Engineer determines that there is a continuing PBC or public beneficiary interest in said easement. Prior to granting such approval, the County Engineer shall ensure that adequate conditions are imposed, and appropriate documents are

executed and, if appropriate, recorded to ensure compliance with the provisions of this Subsection and approvals granted pursuant to this Article.

**5. Structures or Plantings**

The provisions herein shall be applied to required approvals by the County Engineer for the installation of structures or plantings in, on, or over lake maintenance easements. The following criteria shall apply to the installation of such structures and plantings:

- a. No structure or above grade construction, except that which may be easily removed, shall be permitted in lake maintenance easements. Examples of impermissible structures are houses, garages, screened enclosures, concrete block walls, concrete decks, affixed permanent sheds, and pools. Examples of permissible structures are thatch sheds, wood decks, and non concrete fences, contingent on said structures not being structurally affixed to the ground;
- b. Trees or shrubs shall not be planted, nor structures placed, in the lake maintenance easement where the planting or placement of such would obstruct access by equipment to outfalls or water control structures;
- c. A removal declaration in a form acceptable to the County Attorney shall be recorded, at the expense of the property owner;
- d. The POA consent to the specific structure(s), tree(s), or shrub(s) shall be required where a POA has responsibility for lake maintenance. If any other entity has a beneficiary interest in the easement or a responsibility for lake maintenance, that entity's consent shall be required; and
- e. Trees or shrubs planted pursuant to this Subsection shall be limited to those species permitted pursuant to Article 7.D, GENERAL STANDARDS, and shall not include any portion of the minimum site landscaping required pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, or Article 7.G, OFF-STREET PARKING REQUIREMENTS.

**6. Repair, Replacement, or Modification**

Any repair, replacement, or modification, except ordinary maintenance, to any planting or structure approved pursuant to this Subsection, shall be done only after being approved as new planting or construction pursuant to this Subsection.

**B. Dredge, Fill and Construction in Waters of the State**

**1. Applicability**

Subdivision of lands containing or abutting existing or proposed waters of the State, including canals, lakes, streams, and wetlands, shall comply with and conform to the requirements of this Subsection.

**2. Easements or Rights-of-Way (R-O-W)**

Where land within a proposed subdivision abuts existing or proposed waters of the State, there shall be provided a floodway or floodplain easement or a drainage R-O-W conforming substantially with the lines of such watercourse or water body and of such further width or construction or both as will be adequate for the purpose. Additional easement or R-O-W width may be required where necessary for maintenance, safety and convenience. Each required easement and R-O-W shall be deeded or dedicated to an appropriate public agency. Maintenance responsibility and use limitations applicable to said easements and rights-of-way, or any facilities placed therein, shall be in accordance with all applicable permit conditions and shall be stated or referenced by note on the appropriate plat(s).

**3. Permits**

Where proposed dredging or filling affects waters of the State of Florida or sovereign land, said activities shall be approved by the governing agency having jurisdiction in such matters. Prior to the construction of any seawall, bulkhead, dock or pier, a construction permit shall be obtained from the Building Department in addition to all required permits or expressed exemption from permitting for construction in waters of the State of Florida.

**C. Alternate Design, Construction Standards, and Types of Materials**

**1. Applicability**

Alternate designs, construction standards, and types of materials which, in the opinion of the County Engineer, are equal or superior to those specified may be approved in accordance with this Subsection.

**2. Contents of Application**

The application shall be submitted in a form established by the County Engineer, prescribed in the Land Development Forms Manual, and made available to the public. Said application shall be accompanied by written data, calculations and analyses, and drawings which are necessary to show, by accepted engineering principles, that the proposed alternates are equal or superior to those specified, or are necessary due to environmental considerations. Within 45 days of receipt of such application, the County Engineer shall either approve or deny the application and shall advise the Developer's Engineer and the Developer in writing of the decision.

### **3. Environmental Considerations**

In the interest of the preservation of existing trees and other natural features at the developer's request, or as required by other regulations, the County Engineer may vary the design and construction requirements upon presentation by the developer of substantial evidence that environmental conditions will be enhanced, that proper performance of the approved stormwater management system will not be impaired, and that safety, stability, and design life of structural improvements will not be compromised.

## **Section 9 Requirements for Certified Survey**

### **A. General**

The County Engineer shall adopt and amend, from time to time, the criteria for the certified survey. At a minimum, the certified survey shall meet the requirements for surveys established by the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, F.A.C., pursuant to F.S. §472.027.

### **B. Alternatives**

The County Engineer shall reserve the right to require a certified sketch and legal description in lieu of a certified survey. The certified sketch and legal description shall meet the requirements for certified sketches and descriptions set forth by Chapter 61G17-6, F.A.C., pursuant to F.S. § 472.027, as amended, and the PBC Description Checklist pursuant to policies and procedures established by the County Engineer and made available to the public.

### **C. Recordation**

The certified survey or sketch and legal description shall not require approval of the Board prior to recordation.

## **CHAPTER C RURAL SUBDIVISIONS**

### **Section 1 Alternate Designs for Rural Subdivisions**

#### **A. Applicability**

This Section provides for a means of establishing a rural subdivision, as defined by this Code, in harmony with the character of surrounding development while meeting the general purpose and intent of this Article. Due to the rural nature of proposed development, standard requirements for certain required improvements may be deemed inappropriate and alternative standards for such improvements may be approved under this Section.

#### **B. Application Requirements**

Upon submission of the subdivision plan, and an application for a rural subdivision designation, the DRO may approve the application for election to comply with this Section. A rural subdivision shall meet the platting requirement of this Article.

#### **C. Exceptions to Requirements**

All requirements of this Article shall apply except that the following required improvement design options shall be allowed under this Section.

##### **1. Access and Circulation Systems**

Local streets may be developed without a wearing surface but shall otherwise conform to the standards specified by this Article. All other streets of higher classification, as defined in this Article, shall be constructed to meet or exceed PBC standards. Streets constructed without a wearing surface shall be privately maintained and shall not be considered for dedication or acceptance as public streets until paved, reconstructed and tested, as necessary, to meet PBC Standards. Costs of maintenance and further development of the local streets in a rural subdivision shall be borne solely by the owners of the property within the subdivision. Sidewalks and bike paths shall not be required when local streets are constructed without a wearing surface. The developer and any subsequent owner/seller shall fully disclose to the purchaser the method of payment of costs of maintenance and improvements of local streets developed without a wearing surface. The developer shall adequately warrant, by recorded covenant, that PBC will not be liable for cost of maintenance or further development of local streets constructed without a wearing surface. The method and form of said disclosures and covenants shall be subject to approval by the County Attorney, prior to recordation of a final plat for such subdivision.

##### **2. Wastewater System**

Rural subdivisions may utilize an individual system in accordance with Article 11.E.1.A.4, Wastewater System.

**3. Potable Water System**

Rural subdivisions may utilize an individual system in accordance with Article 11.E.1.A.5, Potable Water System.

**4. Utilities Installation**

Utilities may be installed above ground in rural subdivisions.

## **CHAPTER D PLATTING**

### **Section 1 Requirements for the Preliminary and Final Plat**

**A. Preliminary Plat**

The preliminary plat shall meet the requirements of the Final Plat, except that it shall be submitted without the required signatures and seals. It may also be submitted without maintenance and use covenants, condominium documents, deeds, or other legal documents not related to the survey or engineering design of the project.

**B. Final Plat**

The plat shall be prepared in accordance with the provisions of F.S. Chapter 177, as amended, and shall conform to the requirements of this Section.

**1. Material**

The plat shall be drawn or printed on 24 inch by 36 inch linen, chronoflex, mylar or other approved material.

**2. Preparation**

The plat shall be prepared by a surveyor and mapper, and is to be clearly and legibly drawn with black permanent drawing ink or veritype process to a scale of not smaller than one inch equals 100 feet, or as otherwise determined by the County Engineer.

**3. Name of Subdivision**

The plat shall have a name acceptable to PBC. When the plat is a new subdivision, the name of the subdivision shall not duplicate or be phonetically similar to the name of any existing subdivision. When the plat is an addition to or replat of a recorded subdivision, it shall carry the same name as the existing subdivision followed by a suitable phase designation or similar modifier, when applicable.

**4. Title**

The plat shall have a title printed on each sheet in bold legible letters containing:

- a. The name of the subdivision, printed above and in letters larger than the balance of the title;
- b. The name of the County and State;
- c. The section, township and range as applicable or if in a land grant, so stated;
- d. When the plat is a replat of or addition to an existing plat of record, the words "section", "unit", "replat", etc.; and
- e. When the plat encompasses lands in a planned unit development, the abbreviation "PUD". Likewise, all other planned developments shall contain the appropriate abbreviation for such designation within the title.

**5. Description**

There shall be lettered or printed upon the plat a full and detailed description of the land embraced in the plat. The description shall show the section, township and range in which the lands are situated or if a land grant, so stated, and must be so complete that from it without reference to the map the starting point can be determined and the boundaries run.

**6. Index**

If more than one sheet is required for the map, the plat shall contain an index map on the first page, showing the entire subdivision and indexing the area shown on each succeeding map sheet. Each map sheet shall contain an index delineating that portion of the subdivision shown on that sheet in relation to the entire subdivision. When more than one sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines between map segments.

**7. Survey Data**

The plat shall show the length of all arcs together with central angles, radii, and points of curvature. Centerlines shall include chord and chord bearing to the above mentioned. Sufficient survey data shall be shown to positively describe the boundary of each lot, block, R-O-W, street, easement, and

all other areas shown on the plat and all areas shall be within the boundary of the plat as shown in the description. The plat shall also include the following items in the manner described below:

- a. The scale, both stated and graphically illustrated, shall be shown on each sheet;
- b. A prominent north arrow shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend;
- c. The point of beginning shall be boldly shown together with the letters "P.O.B." in bold letters;
- d. All intersecting street lines shall be joined to form required corner clips pursuant to PBC standards, and all dimensions shall be shown;
- e. All adjoining property shall be identified by a subdivision name, plat book and page or, if unplatted, the land shall be so designated;
- f. Permanent reference monuments shall be shown in the manner prescribed by F.S. Chapter 177, as amended. All information pertaining to the location of "P.R.M.s" shall be indicated in note form on the plat. Permanent Control Points, Permanent Reference Monuments, and Monuments shall be designed and set as prescribed by F.S. Chapter 177, as amended, and Sec. 0. It is the responsibility of the surveyor and mapper to furnish the Clerk of the Circuit Court with his certificate that the "P.C.P.s" and all monuments according to F.S. §177.091(9), have been set and the dates said "P.C.P.s" and monuments were set;
- g. There shall be reserved on each sheet of the plat a three inch by five inch space in the upper right hand corner to be used by the Clerk of the Circuit Court for recording information and each sheet shall reserve three inches on the left margin and a half inch margin on all remaining sides;
- h. The map shall mathematically close within 0.01 foot and shall be accurately tied to all PBC township, range and section lines occurring within the subdivision by distance and bearing;
- i. The initial point in the description shall be accurately tied to the nearest quarter section corner or section corner or government corner. Each government corner being used shall be identified. If the subdivision being platted is a re-subdivision of a previously recorded subdivision, then a tie to a Permanent Reference Monument from the parent plat is sufficient. If the subdivision is a re-subdivision of a part of a previously recorded subdivision, sufficient ties to controlling lines appearing on the parent plat must be provided to permit an overlay. The position and orientation of the plat shall conform to the Florida State Plan Coordinate System in the manner established by the County Engineer and prescribed in the Land Development Forms Manual;
- j. The cover sheet or first page of the plat shall show a vicinity sketch, showing the subdivision's location in reference to other areas of the PBC;
- k. A complete legend of abbreviations shall be shown;
- l. All lettering on the plat shall be at a minimum 0.10 of an inch in height;
- m. The plat boundary and all parcels shown on subdivision plats intended to be conveyed in fee title shall be delineated by solid lines;
- n. Lines intersecting curves shall be noted as radial or non-radial as the case may be;
- o. A note addressing any abandoned underlying lands or easements, including record information, shall be shown; and
- p. Tabulation of Survey Data:
  - 1) The use of tangent tables is not permitted. However, at the discretion of the County Engineer on a case by case basis, the use of a tangent table to reflect corner clip chords, centerline chords, and chord bearings may be permitted if deemed necessary to meet requirements of neatness and clarity of the plat. Scale factors shall not be considered. Such tables, when permitted, must appear on the map sheet to which they refer and tangents shall be numbered consecutively through the entire presentation.

The possible exception noted above shall be limited to use on plats and shall not be carried into any other survey documents submitted for approval to the County Engineer.

- 2) Curve data may be tabulated subject to the following conditions or exceptions:
  - a) External boundary data may not be tabulated;
  - b) Where data is tabulated, a minimum of the arc length and the curve designation number or letter will be shown on site; and
  - c) Curve tables reflecting the tabulated data will appear on the map sheet on which the curves appear.

#### **8. Lot and Block Identification**

Each lot and block shall be numbered or lettered. All lots shall be numbered or lettered by progressive numbers or letters individually throughout the subdivision or progressively numbered or

lettered in each block. Blocks in each incremental plat shall be numbered or lettered consecutively throughout a subdivision.

**9. Street Names**

The plat shall show the name of each street as shown on the Final Subdivision Plan and conforming with Article 11.E.2.A.20, Street Names.

**10. Not Included Parcels**

Not included or excepted parcels must be marked "not a part of this plat". Where a not included parcel is completely surrounded by areas included within the plat, sufficient easements or rights-of-way to provide necessary access, utilities, and drainage to the not included parcel shall be provided. No parcel of land shall be reserved by the owner unless the same is sufficient in size and area to be of some particular use or service. The intended use of all reserved areas shall be shown on the plat in note form on the cover sheet.

**11. Streets and Easements**

All street, R-O-W, and easement widths and dimensions shall be shown on the plat. Easements are to be tied at both ends at intersecting boundary, lot, or R-O-W lines. The plat shall show the name, location and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat, accurately tied to the boundary of the plat by bearings and distances.

**12. Maintenance and Use Documents**

Maintenance and use covenants, as required by Article 5.F.1, Maintenance and Use Documents, shall be submitted with the Final Plat and approved by the County Attorney prior to recordation of the Final Plat. All areas of the plat that are not to be sold as individual lots and all easement shall be dedicated or reserved in accordance with the terms of the maintenance and use covenants, and their purposes shall be clearly stated on the plat.

**13. Streets**

All streets and their related facilities which are designed to serve more than one lot or dwelling unit shall be dedicated to the Board for public use, unless otherwise required or permitted by this paragraph or elsewhere in this Article. Any street which is to be reserved, as a private street shall be identified as a tract for private street purposes. Such street tracts shall be reserved in accordance with Article 11.D.1.B.15.a, Dedication and Reservation. Private streets may only be permitted when such streets are subject to a recorded declaration of covenants subjecting the streets to the jurisdiction and control of all lot owners deriving access from such streets, their successors and assigns. When parking areas are required to be constructed by Article 11.E.2, Access and Circulation Systems, they shall be reserved to and shall be the perpetual maintenance responsibility of a POA, which association shall have jurisdiction over the parking area and the lots. Such parking areas shall be clearly identified and reserved as tracts for parking and access purposes.

**14. Restriction on Obstruction of Easements**

The plat shall contain a statement that no buildings or any kind of construction or trees or shrubs shall be placed on any easement without prior written consent of all easement beneficiaries and all applicable PBC approvals or permits as required for such encroachment.

**15. Certification and Approvals**

The plat shall contain on the face or first page the following certifications and approvals, acknowledged as required by law, all being in the form set forth below.

**a. Dedication and Reservation**

All areas dedicated for public use shall be dedicated by the owner of the land at the time the plat is recorded. Such public areas include, but are not limited to: civic sites, parks, R-O-W for streets or alleys, however the same may be designated; easements for utilities; R-O-W and easements for drainage purposes; and any other area, however designated. All areas reserved for use by the residents of the subdivision shall be reserved by the owner of the land at the time the plat is recorded. All dedications and reservations shall be perpetual and shall contain:

- 1) The name of the recipient or beneficiary of the dedication or reservation (including successors and assigns);
- 2) The purpose of the dedicated or reserved area; and
- 3) The name of the entity responsible for the perpetual maintenance of the dedicated or reserved area (including successors and assigns). In the event PBC is not the recipient or beneficiary of the dedication or reservation, the statement of maintenance responsibility shall include the phrase "without recourse to the County."

If so required, certain dedications or reservations shall grant PBC the right but not the obligation to maintain. The dedications and reservations shall be executed by all owners having a record interest in the property being platted. The acceptance on the plat of the

dedications or reservations shall be required of any entity to whom a dedication or reservation is made, except the Board. All dedications, reservations, and acceptances shall be executed in the same manner in which deeds are required to be executed according to Florida Statutes.

Although the term "dedication" is meant to imply a public use while the term "reservation" is meant to imply a private use, the terms may inadvertently be used interchangeably. Inadvertent misuse shall not invalidate any PBC requirement or plat dedication or reservation.

**b. Mortgagee's Consent and Approval**

All mortgages along with the mortgagee's consent and approval of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged in the same manner as mortgages are required to be witnessed and acknowledged. The form for the mortgagee's consent shall be as prescribed in the Land Development Forms Manual.

**c. Certification of Surveyor**

The Final Plat shall contain the signature, registration number and official seal of the surveyor, certifying that the plat is a true and correct representation of the land surveyed under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all of the requirements of F.S. Chapter 177, as amended, and this Article. If the surveyor is part of a legal entity, the name, address, and certificate of authorization number of said entity shall be shown. The certification shall also state that permanent reference monuments ("P.R.M.s") have been set in compliance with F.S. Chapter 177, as amended, and this Article. When the permanent control points ("P.C.P.s") and monuments according to F.S. §177.091(9), are to be installed after recordation, the certification shall also state that the "P.C.P.s" and said monuments will be set under the direction and supervision of the surveyor under the guaranty posted for required improvements within the plat. When required improvements have been completed prior to the recording of a plat, the certification shall state that "P.C.P.s" and monuments have been set in compliance with the laws of the State of Florida and ordinances of PBC. The form for the surveyor's certificate shall be as prescribed in the Land Development Forms Manual.

**d. PBC Approval**

Signing and sealing of the final plat by the County Engineer shall constitute PBC approval of the plat for recordation. The plat shall contain the approval and signature block for the County Engineer in the form prescribed in the Land Development Forms Manual. Upon approval of the plat, the County Engineer shall present the plat to the Clerk of the Circuit Court for recording.

**e. Certification of Title**

The title sheet of the plat shall contain a title certification. The title certification must be an opinion of an attorney at law licensed in the State of Florida, or the certification of an abstractor or a title insurance company licensed in the State of Florida, and shall state that:

- 1) The lands as described and shown on the plat are in the name, and apparent record title is held by the person, persons or organizations executing the dedication;
- 2) All taxes have been paid on said lands as required by F.S. Chapter 197.192, as amended;
- 3) All mortgages on the land are shown and indicated by their official record book and page number; and
- 4) There are no encumbrances of record on said lands that would prohibit the creation of the proposed subdivision.

The form for the title certification shall be as prescribed in the Land Development Forms Manual.

**f. Preparing Surveyor**

The name and address of the natural person who prepared the plat shall be shown on the plat in the form prescribed in the Land Development Forms Manual.

**C. Mobile Home, Recreational Vehicle, and Manufactured Housing Subdivisions**

Areas to be subdivided for the purpose of a mobile home, recreational vehicle or manufactured housing development shall also comply with this subsection. Except as to the lots indicated for other purposes, the dedications and reservations on the plat of a mobile home subdivision shall include the following additional provisions or wording equal thereto: "Said owner(s) hereby reserve(s) the lots shown on the plat exclusively for mobile home, recreational vehicle, or manufactured housing, parking and uses incidental thereto, and, except as to these lots, mobile home or trailer parking is prohibited elsewhere."

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Areas indicated as parks or playgrounds are to be reserved for the use of the owners of the lots shown on the plat.

## **CHAPTER E REQUIRED IMPROVEMENTS**

### **Section 1 Required Improvements**

#### **A. Minimum Required Improvements for All Subdivisions**

Except when waived pursuant to Article 11.A.8.C, Exceptions to Installation of Improvements Requirement, the improvements set out herein shall be the minimum required improvements for all subdivisions in order to provide the physical improvements necessary to implement certain performance standards, objectives and policies of the Capital Improvements Element and other elements of the Plan. These required improvements shall be installed prior to recordation of the corresponding plat or certified survey unless the developer furnishes a guaranty assuring their installation in accordance with the provisions of this Article. Except as provided in this Section, the cost of all required improvements shall be guaranteed.

##### **1. Access and Circulation Systems**

All streets and required sidewalks, and, when required under Article 11.E.2, Access and Circulation Systems, parking areas shall be constructed by the developer in accordance with the design and construction requirements of Article 11.E.2, Access and Circulation Systems. The guaranty for these requirements shall be as follows:

- a. The cost of installing all street improvements shall be guaranteed.
- b. The cost of installing parking areas need not be guaranteed since the plat establishes legal access and such areas are required to be installed prior to issuance of the Certificate of Occupancy (CO).
- c. The cost of installing all sidewalks and paths pursuant to the approved pedestrian circulation system shall be guaranteed, except that the required guarantee may be waived by the County Engineer for portions of local streets abutting residential lots when the paving, grading and drainage plans contain a note, acceptable to the County Engineer, stating that such sidewalks or paths will be constructed concurrent with construction of the dwelling unit for such abutting lot. Installation of sidewalks and paths in streets abutting open space, common areas, recreation areas, water management tracts, and other areas which will not have a dwelling unit constructed thereon shall be guaranteed.

##### **2. Land Preparation**

The developer shall grade and fill the land pursuant to Article 11.E.3, Clearing, Earthwork, and Grading.

##### **3. Stormwater Management System**

The developer shall install the secondary and tertiary stormwater systems for the development in accordance with Article 11.E.4, Stormwater Management. On lots intended for building construction, the final grading of each lot, consistent with Article 11.E.4, Stormwater Management, or the applicable approved grading plan, shall be done in conjunction with and pursuant to the building permit for said construction.

##### **4. Wastewater System**

The developer shall install the required wastewater collection and/or disposal system for the development in accordance with Article 11.E.5, Wastewater Systems.

##### **5. Potable Water System**

The developer shall install the required potable water distribution system for the development in accordance with Article 11.E.6, Potable Water Systems.

##### **6. Utilities**

The developer shall satisfy the requirements for underground installation of utility services and for utility site location, when applicable, of Article 11.E.7, Utilities.

##### **7. Fire-Rescue Services**

The developer shall comply with the requirements of Article 11.E.8, Fire-Rescue Services. The cost of installing the required hydrants may be included in the cost for the central water system.

##### **8. Subdivision Design and Survey Requirements**

The developer shall install all required permanent control points in accordance with Article 11.E.9, Subdivision Design and Survey Requirements. When the permanent control points are to be installed after plat recordation, the cost of installing permanent control points shall be guaranteed.

**B. General Design Requirements**

The design of the required improvements shall be in accordance with acceptable engineering principles. The design and construction of required improvements shall, at a minimum, be in accordance with current PBC standards, including those contained in this Article. Should the developer elect to provide improvements of a type or design proposed to equal or exceed the minimum requirements, standards for design and construction of such improvements shall be evaluated for adequacy on an individual basis. All such alternatives shall be submitted for approval by the County Engineer in accordance with Article 11.B.8.C, Alternate Design Construction Standards, and Types of Material.

**C. Parks and Recreation**

The developer shall satisfy all applicable requirements for provision of parks, recreation areas, and recreational facilities to serve residents of a proposed subdivision in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards. The means of complying with said requirements shall be fully addressed on the Final Subdivision Plan. [Ord. 2005 – 002]

**Section 2 Access and Circulation Systems**

**A. Vehicular Circulation Systems**

**1. Required Improvement to be Constructed by Developer**

All streets, required alleys, and related facilities required to serve the proposed development shall be constructed by the developer. Construction shall consist of, but not be limited to, grading, base preparation, surface course, and drainage. All streets, whether intended for dedication to the BCC or reservation for private use and maintenance, shall be constructed to the minimum standards established by this Article and PBC standards. Additionally, the developer shall construct any parking tracts which provide access to any lots that do not have direct, primary access from a local street or residential access street. Construction of such parking tracts shall be completed prior to issuance of any CO for any dwelling unit located on a lot served by such parking tract. Construction of the parking tract may be done in conjunction with building construction on the lot the tract is to serve provided, however, that such construction shall be noted on the approved paving, grading and drainage plans in a form acceptable to the County Engineer. When the parking tract is to be completed in conjunction with building construction, the developer shall execute a certificate of compliance on a form approved by the Building Director prior to issuance of the CO for any dwelling unit or building served by such parking tract. Said certificate of compliance shall state that the parking tract was completed in accordance with the requirements of Article 6.A, PARKING.

**2. Minimum Legal Access Requirement**

There is hereby established a hierarchy of legal access as shown on Table 11.E.2.A-1, Chart of Access Hierarchy. Except as provided below, each lot shall abut a street of suitable classification to provide said lot with legal access consistent with the standards set forth in Table 11.E.2.A-2, Chart of Minor Streets.

- a. When legal access to a lot is permitted by this Code to be by a common parking area which serves more than one lot, it shall be dimensioned and depicted on the construction plans and reserved on the plat as a "parking tract". Said tract shall be reserved for parking and access purposes to the property owners association having jurisdiction over the parking area and the abutting lots.
- b. A common driveway may, with prior approval by the County Engineer, be utilized for legal access to a group of not more than four abutting lots situated adjacent to a curve on a residential access street where said lots would otherwise have no reasonable means of obtaining direct access to or required frontage on the adjacent residential access street. Said driveway shall be delineated and reserved on the applicable plat for purposes of perpetual access to the lots served.
- c. A common parking lot may be utilized for legal access to individual lots created by subdivision of a shopping center or similar building site developed solely for commercial or industrial uses where all lots within the boundary of such subdivision are served by said access and are subject to recorded shared access, maintenance, and use covenants approved by the County Attorney pursuant to Article 5.F.1, Maintenance and Use Documents. Where such access is utilized, direct lot access on any street adjacent to the boundary of the subdivision shall be prohibited except at common access points approved for the subdivision as a whole.
- d. Traditional Development Districts shall utilize special access streets as defined in Article 3.F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDS).

**3. General Design Considerations**

The proposed street layout shall be integrated with PBCs traffic circulation network, and shall be coordinated with the street system of the surrounding area. Streets shall be classified and designed in accordance with the Transportation Element of the Plan, Table 11.E.2.A-2, Chart of Minor Streets, as applicable and PBC standards. Consideration shall be given to:

- a. The need for continuity of existing and planned streets;
- b. Barriers imposed by topographical conditions and their effect on public convenience or safety;
- c. The proposed use of the land to be served by such streets;
- d. The need for continuation of existing local streets in adjoining areas not subdivided;
- e. The proper projection of non-plan collector and plan collector streets;
- f. The feasibility of extending the proposed street system to the boundary of the proposed subdivision to promote reasonable development of adjacent lands and to provide continuity of street systems; and
- g. Discouraging through traffic in the design of local and residential access streets.

**4. Double Frontage Lots**

Where a lot has two frontage lines, legal access to the lot shall be restricted as follows:

**a. Residential Lots**

Where a lot abuts both a street of non-plan collector or higher classification and a local street, access to said lot shall be by the local street. The lot line(s) abutting any street of higher classification than a local street shall be buffered in accordance with the provisions of Article 11.E.9.B, Buffering.

**b. Non-Residential Lots**

Where a lot abuts streets of local or higher classification, access to the lot shall be by the street of lower classification, unless otherwise permitted by this Code; provided, however, that access shall not be permitted on a local residential or residential access street as prescribed on Table 11.E.2.A-2, Chart of Minor Streets or Table 11.E.2.A-3, MGTS Cross Section Streets, as applicable.

**5. Construction in Muck or Clay Areas**

Construction in muck or clay areas shall be done in accordance with PBC Standards.

**6. Street Intersections and Street Jogs**

The centerline intersections of local or residential access streets with non-plan or plan collector streets shall be spaced a minimum distance of 200 feet, as measured along the centerline of the collector street. Intersections which warrant traffic signalization shall be spaced a minimum distance of 1320 feet, centerline to centerline. Connection of local streets to arterial streets may be permitted by the County Engineer only where other access is unavailable. Local street jogs with centerline offsets of less than 125 feet are prohibited.

**7. Through and Local Traffic**

Through traffic shall be directed along non-plan collector streets within the subdivision. Local streets shall be laid out to accommodate local or neighborhood traffic and to discourage their use by through traffic.

**8. Railroads in or Abutting Subdivisions**

When a subdivision borders on or contains a railroad R-O-W, a street approximately parallel to and on each side of such right of way may be required at a distance suitable for an appropriate use of the intervening land.

**9. Alleys**

Alleys may be allowed in subdivisions when they are necessary, in the opinion of the County Engineer, for the safe and convenient movement of traffic and pedestrians. Alley intersections and sharp changes in alignment shall be avoided and alleys shall be constructed in accordance with the following:

**a. Residential Areas**

Alleys shall be paved ten feet wide in a minimum 12 foot R-O-W, with appropriate radii for the intended use.

**b. Commercial and Industrial Areas**

Alleys shall be paved 18 feet wide in a minimum 20-foot right of way, with appropriate radii for the intended use.

**10. Bridges and Culverts**

Bridges or culverts shall be provided as necessary to facilitate the proposed vehicle and pedestrian system. The bridge or culvert requirement is subject to approval by the agency having jurisdiction over the facility being crossed. Bridges shall be designed in general accord with the current Department of Transportation practices and shall include planning for utility installation. They shall be

reinforced concrete, unless, other low maintenance materials are approved by the County Engineer. Bridges shall have a clear roadway width between curbs two feet in excess of the pavement width in each direction, and shall have sidewalks four feet wide on each side. All bridge structures shall be designed for H-20-S16-44 loading, incorporating adequate corrosion protection for all metal work and erosion protection for associated shorelines and embankments.

**11. Street Markers**

Street markers shall be provided at each intersection in the type, size and location required by the current PBC Standards. Street name signs shall carry the street name shown on the plat of record and shall be in compliance with the current PBC standards.

**12. Traffic Control Devices**

The developer shall install traffic control devices and, where warranted, traffic signals on roads within and interfacing with the subdivision. A traffic impact analysis meeting the approval of the County Engineer shall be used to assist in establishing the need for such signals.

**a. Pavement Markings or Lane Delineators**

Pavement markings and/or lane delineators meeting the requirements of PBC shall be installed on all arterial and collector streets. Pavement markings or delineators may be required on other streets such as project entrances, as determined by the County Engineer.

**b. Design**

The design of traffic control devices shall be in accordance with the Manual for Uniform Traffic Control Devices and applicable the PBC Standards.

**13. Pavement Widths**

Pavement widths for streets shall be in accordance with Table 11.E.2.A-2, Chart of Minor Streets or Table 11.E.2.A-3, MGTS Cross Section Streets, as applicable.

**14. Dead End Streets**

Dead-end streets shall be designed and constructed with an appropriate terminal turnaround in accordance with the PBC Standards. Dead-end streets shall not exceed 1320 feet in length, except where natural geographic barriers exist necessitating a greater length.

**15. Materials and Construction**

Pavement construction shall consist of, at a minimum, a sub grade, base and wearing surface. All materials and construction shall be in accordance with the current PBC standards.

**16. Shoulders**

All unpaved shoulders shall be constructed and grassed in accordance with the PBC standards. Grassing, with seed and mulch or with solid sod, as required, shall be completed prior to acknowledgment of completion of the required improvements by the County Engineer. No time extensions to any contract for the construction of required improvement will be granted on the basis of incomplete shoulder treatment.

**17. Street Grades**

The longitudinal grade of street pavement shall be parallel to the design invert slope of the adjacent roadside drainage swale or gutter. Minimum longitudinal and transverse grades shall be in accordance with PBC standards. Street grades shall be shown on the construction plans by indicating the direction and percent of slope. The horizontal distance along the centerline between, and pavement elevation at all points of vertical intersection shall also be shown.

**18. Non-Conforming Streets**

Streets which do not meet the design and constructions standards of this Article and the PBC Standards shall not be permitted except where satisfactory assurance is provided for dedication of the remaining part of the street or reconstruction of the street in accordance with current standards. Whenever a tract to be subdivided abuts an existing partial street, the other part of the street may be required to be dedicated and constructed within such tract. A proposed subdivision that includes an existing street which does not conform to the minimum street width requirements of these regulations shall provide for the dedication of additional land for such street along either one or both sides of said street so that the minimum cross section dimension requirements of these regulations can be met. PBC shall not accept non-conforming streets for ownership or maintenance through the procedures established by this Article.

**19. Limited Access Easements**

Limited access easements shall be required along all non-plan collector streets and all major streets in order to control access to such streets from abutting property. Easements for controlling access to local and residential access streets may be required by the County Engineer in order to ensure continued control of access to such streets from abutting property. All limited access easements shall be conveyed or dedicated to PBC.

## 20. Street Names

Proposed streets which are in alignment with existing named streets should bear the name of the existing street. All street names shall have a suffix and in no case, except as indicated in the preceding sentence, should the name of the proposed street duplicate or be phonetically similar to existing street names. All proposed street names shall be submitted to the Executive Director of the PZB for approval prior to submittal of the Final Subdivision Plan application.

## 21. Alignment, Tangent, Deflection, Radii

Streets shall be laid out to intersect as nearly as possible at right angles. Multiple intersections involving the junction of more than two streets shall be prohibited. The point of curvature of any local street or residential access street shall not be closer than 100 feet to any intersection, measured along the centerline from the extension of the intersecting street lines. Reverse curves shall be prohibited. Reversals in alignment shall be connected by straight tangent segment at least 50 feet in length. All intersections shall be designed to provide at least the minimum stopping and turning sight distances, in accordance with criteria prescribed in the most recent edition of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. When the centerline of a local street deflects by more than ten degrees, it shall be curved with a radius adequate to assure safe sight distance and driver comfort. Street pavement return radii shall be a minimum of 30 feet.

## 22. Street Lighting

If street lighting is installed it shall be maintained by a POA and said association should not be created exclusively for the purpose of maintaining street lighting. Unless street lighting installation conforms to the standards of the requisite utility company, street lights shall be placed outside of R-O-W, road tracts, or any other areas designated for road purposes. Streets lighting shall be wired for underground service except where aerial service is permitted pursuant to Article 11.C.1.C, Exceptions to Requirements, or Article 5.C, DESIGN STANDARDS.

## 23. Median Strips

Median strips which are part of a public street may not be utilized for any purpose other than by PBC or public utility. However, a developer or property owner may install landscaping in a median strip or within shoulders in accordance with requirements as established by the County Engineer pursuant to the PBC Streetscape Standard Manual. Median strips shall not be developed solely for the purpose of creating decorative entrances to subdivisions served by public streets.

## 24. Subdivision Entranceways

Subdivision entranceways consisting of walls, fences, gates, rock piles or other entrance features are not permitted within the median strip or other areas in a public street. Decorative entranceways must be constructed upon plots of land adjacent to a public street in compliance with applicable PBC codes and placed so as not to constitute a traffic hazard.

## 25. Guardhouses

A guardhouse, located so as not to create a traffic hazard, may be constructed in the median of an entrance to a subdivision having only private streets. The minimum setback to a guardhouse shall be 150 feet, measured from the extension of the intersecting street lines, unless waived by the County Engineer. Two lanes shall be required on each side of the median in the area of the guardhouse.

**Table 11.E.2.A-1 - Chart of Access Hierarchy**

<b>MAJOR STREETS:</b> Streets which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category:
<b>EXPRESSWAY</b>
<b>ARTERIAL</b>
<b>PLAN COLLECTOR</b>
<b>MINOR STREETS:</b> Streets which constitute the internal circulation network of a development and which are not classified as a MAJOR STREET. Listed from highest to lowest category.
<b>NON-PLAN COLLECTOR</b>
<b>MARGINAL ACCESS</b>
<b>LOCAL</b>
<b>RESIDENTIAL ACCESS</b> (private streets only):
40 FOOT
32 FOOT
<b>ALLEY</b> (secondary access only)

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**Table 11.E.2.A-2 - Chart of Minor Streets**

CLASSIFICATION	MINIMUM WIDTH (FT.)		MAXIMUM ALLOWABLE ADT <sup>(d)</sup>	ALLOWED AS LEGAL ACCESS FOR <sup>(a)</sup>	
	STREET <sup>(b)</sup>	PAVEMENT <sup>(c)</sup>		COMMERCIAL	RESIDENTIAL
Non-Plan Collector	80	24	13,100	X	
Marginal Access	50	24	N/A	X	X
Local Residential <sup>(e)</sup>					
Gutters	50	20	1,500		X
Swales	60	20	1,500		X
Local Commercial	80	24	13,100	X	X
Residential Access <sup>(f)</sup>					
One Sidewalk	40	20	800		X
No Sidewalk	32	20	150		X
<b>Notes:</b> <sup>(a)</sup> An "X" under the commercial or residential column indicates the corresponding street classification is allowed as legal access. <sup>(b)</sup> Street width refers to standard R-O-W or private street tract width. <sup>(c)</sup> Pavement width represents two travel lanes of equal width and does not include the additional width of paved shoulder where required. <sup>(d)</sup> Dead end streets of all classifications shall not exceed 1,320 feet in length unless otherwise approved by the County Engineer. <sup>(e)</sup> Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface. <sup>(f)</sup> Use is restricted to private streets providing access to townhouse and zero lot line units within a Planned Development district.					

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**Table 11.E.2.A-3 - MGTS Cross Section Streets**

CLASSIFICATION	MINIMUM WIDTH (FT): (e)		MAXIMUM ALLOWABLE ADT (d)	ALLOWED AS LEGAL ACCESS FOR: (a)	
	STREET	PAVEMENT (c)		COMMERCIAL	RESIDENTIAL
Plan Collector-Urban/Suburban Tier					
Standard	62	22	13,100	X	
Variation	64	22	13,100	X	
Plan Collector-Exurban/Rural/Ag Tiers					
Standard	104	24	1,500	X	
Non Plan Collector-Urban/Suburban Tier					
Standard	110	24	13,100	X	
Non Plan Collector-Exurban/Rural/Ag Tiers					
Standard	102	24	13,100	X	
Local Commercial-All Tiers (f)					
Standard	46	22	10,000	X	
Local Residential-All Tiers (f)					
Standard	57	20	1,500		X
Variation	63	20	1,500		X
<b>Notes :</b> (a) An "X" under the commercial or resident column indicates the corresponding street classification is allowed as. (b) Street width refers to standard R-O-W or private street tract width. (c) Pavement width and does not include the additional width of paved shoulder, where required, or parking. (d) Dead end streets of all classifications shall not exceed 1,320 feet in length unless otherwise approved by the County Engineer. (e) Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface. (f) Required for all TDD's.					

## **B. Pedestrian Circulation System**

### **1. Requirement for Sidewalks**

Except as provided in this Section, sidewalks shall be constructed on both sides of all streets.

For marginal access streets and streets with a width of less than 50 feet and greater than 32 feet, a sidewalk on one side at a minimum dimension of six feet is required. No sidewalk is required in streets with a width of 32 feet or less. Required sidewalks shall be constructed by the Developer except as provided in Article 11.E.1.A.1, Access and Circulation Systems.

### **2. Master Pedestrian Circulation Plan; Waiver of Requirement**

The DRO may approve a Master Pedestrian Circulation Plan and, upon such approval, may waive, in whole or in part, the requirement for sidewalks within the street of a subdivision, or portion thereof, where it finds that the alternative pedestrian circulation system provides accessibility, convenience, continuity and safety equivalent to or greater than that which would be provided by the required sidewalks. The Master Pedestrian Circulation Plan shall be submitted by the developer for approval concurrently with, and shall be considered part of the approved Final Subdivision Plan.

#### **a. Requirements for Master Pedestrian Circulation Plan**

An application, the required fee, and the required number of copies of a Master Pedestrian Circulation Plan shall be submitted in accordance with Article 2.D.1.D, Application Requirements, for placement on the agenda of the DRO. The Master Pedestrian Circulation Plan shall be a full-sized reproducible copy of the approved Final Subdivision Plan, and shall be modified, when necessary, to show:

- 1) The location of all lots and the number and type of dwelling units on each lot;
- 2) The classification and width of each street;
- 3) The location, width, and type of each pedestrian path, including those sidewalks and bicycle paths to be constructed within the streets; and
- 4) Locations of all connections to pedestrian systems outside the development.

**b. Distribution of Approved Plan**

Upon approval of a MPCP, a copy of the approved plan shall be forwarded to the County Engineer, Zoning Director, Building Director, and Metropolitan Planning Organization.

**3. Maintenance Responsibility of Sidewalks and Paths**

The control, jurisdiction and maintenance obligation of paths not located wholly within a street and of sidewalks within private streets shall be placed with a property owners association or an improvement district. Where such control and maintenance obligation is to be placed with an improvement district, the district shall expressly accept said obligation upon the plat or by a separate instrument filed in the Public Records.

**C. Reduction of Street Width**

When pedestrian circulation is to be accomplished solely by paths constructed outside the streets, the DRO may approve a concurrent request by the developer to reduce local street widths from those required pursuant to Article 11.E.2.A.2, Minimum Legal Access Requirement, by no more than eight feet if such reduction would neither reduce the vehicular carrying capacity and safety of the streets nor compromise the safety of pedestrians.

**D. Crosswalks**

When the block length exceeds 660 feet, a pathway between streets may be required where deemed essential by the County Engineer to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

**Section 3 Clearing, Earthwork, and Grading**

**A. Minimum Required Improvement**

The Developer shall be required to clear all R-O-W and to make all grades for streets, parking tracts, lots, and other areas proposed to be developed, compatible with on-site tertiary drainage patterns established by the approved drainage design.

**B. Unsuitable Materials**

The Developer shall remove and replace unsuitable materials, as determined pursuant to Article 11.A.3.E, Site Suitability, and Article 11.B.6.F, Soils Report. Replacement of unsuitable materials within streets and proposed public areas shall be satisfactory to and meet with the approval of the County Engineer, who shall require such soil tests of the backfill and the underlying strata at the cost of the developer as may be deemed necessary to ascertain the extent of required removal, suitability of replacement material, and acceptability of the proposed method of placement.

**Section 4 Stormwater Management**

**A. Minimum Required Improvement**

The following shall be the minimum required improvement for all developments to implement the level of protection under the Utilities Element of the Plan.

1. A complete, fully functional tertiary stormwater drainage system, including necessary lot grading, ditches, canals, swales, storm sewers, drain inlets, manholes, headwalls, endwalls, culverts, and other appurtenances, shall be required for the positive drainage of storm water runoff in conformance with the approved drainage plans.
2. A complete and fully functional secondary stormwater system shall be required in conformance with the approved stormwater management plan.
3. A means to convey all stormwater discharge from the development site to at least one point of legal positive outfall shall be provided as an integral part of the required stormwater management system, including construction of all necessary conveyance facilities and establishment of appropriate easements for operation and maintenance of said off-site facilities.
4. Adequate physical and legal means shall be provided to ensure the continued conveyance of all pre-development flow of surface waters into or through the development site from adjacent lands. Unless otherwise specified by ordinance, regulation, or condition of development approval, such conveyance may be accomplished by incorporating the inflow into the on-site stormwater management system or diverting the inflow to its pre-development location of outflow from the development site, including



construction of all necessary conveyance facilities and establishment of appropriate easements to accommodate said inflow.

5. All facilities necessary to meet requirements for stormwater treatment, off-site discharge control, and conveyance of existing inflows applicable to that portion of the site under construction must be in place and operational at the time of commencement of construction of required improvements, and shall be maintained by the developer until such time that all required improvements are acknowledged as complete.

#### **B. General Criteria**

Secondary and tertiary stormwater facilities for each subdivision, and for each lot, street, and other development site within the subdivision, shall be designed and constructed so as to:

1. Prevent flooding and inundation to a degree consistent with levels of protection adopted by the Plan for buildings, streets, lots, parking areas, recreational areas, and open space;
2. Maintain stormwater runoff rates at levels compatible with safe conveyance and/or storage capacities of drainage facilities and established legal limits applicable to receiving waters at the point of discharge;
3. Mitigate degradation of water quality and contravention of applicable state water quality standards in surface and groundwaters receiving stormwater runoff;
4. Provide facilities for conveyance to legal positive outfall of all allowable discharges of stormwater runoff from each development site without causing or contributing to inundation of adjacent lands;
5. Provide for continued conveyance of pre-development stormwater runoff and surface waters that flow into or through the development site from adjacent lands;
6. Provide for long-term, low maintenance, low cost operation by normal operating and maintenance methods;
7. Provide for necessary maintenance of the pre-development range of groundwater levels to prevent adverse impacts on land uses and water resources of the development site and adjacent lands; and
8. Promote percolation, recharge, and reuse of stormwater.

#### **C. Hydrologic Design Data**

Unless otherwise specified by a particular design or performance standard, or approved by the County Engineer based on justification submitted by the developer's engineer for an individual case, hydraulic and hydrologic data used in design of stormwater management facilities shall be based on:

1. Rainfall intensity-duration-frequency curves for FDOT-Zone 10;
2. Rainfall hyetographs of 24-hour total rainfall as published in SFWMD - Management and Storage of Surface Waters Permit Information Manual -Volume IV;
3. Rainfall quantity (or intensity) vs. time distributions in accordance with those published by SFWMD or FDOT, or the SCS - Type II (South Florida Modified) distribution;
4. Post-development runoff characteristics, such as slopes, available soil storage, runoff coefficients, ground cover, channelization, and overland flow routing, applicable to the development site and contributory off-site areas after complete development has occurred; or
5. Maximum operating tailwater elevations at the outlet of each conveyance or discharge facility, determined as the maximum hourly average receiving water surface elevation resulting from a 24-hour duration rainfall with a return period equal to that of the design storm applicable to the facility, or as otherwise established by the agency having operational jurisdiction over the receiving water elevation.

#### **D. Design Flood Elevation Determination**

Unless otherwise specified by a particular design or performance standard, the 100-year flood elevation applicable to a development site shall be determined as the highest of:

1. The base flood elevation specified for the area of development located within zones designated A, AH, or A1-30 as delineated on the appropriate FIRM;
2. The wind or current driven wave elevation specified for the area of development located within zones designated V1-V30 as delineated on the appropriate FIRM;
3. The inundation elevation obtained by adding the depth of shallow flooding to the area-weighted mean pre-development elevation of the area of development located within zones designated A0 as delineated on the appropriate FIRM;
4. The 100-year inundation elevation established by SFWMD within specific sub-areas of the C-51 Canal and C-18 Canal watersheds pursuant to Chapter 40E-41, F.A.C.; or
5. Where not otherwise established by Chapter 40E-41, F.A.C., or by a PBC drainage plan adopted pursuant to the Plan, the maximum inundation elevation resulting from the total on-site storage of runoff produced by the 100-year, 3-day rainfall event assuming fully developed site conditions and no discharge of surface water from the development site.

## **E. Tertiary Stormwater System Design and Performance**

The tertiary system shall consist of all drainage features and facilities such as storm sewerage, swales, gutters, culverts, ditches, erosion protection, and site grading necessary for the immediate drainage and rapid removal of stormwater from building sites, streets, and areas of other land uses subject to damage or disruption by inundation in accordance with acceptable levels of service as established by the Plan.

### **1. Lot and Building Site Drainage**

In order to provide for such levels of service, tertiary drainage for lots and buildings shall meet the following minimum requirements:

- a. The minimum finished floor elevation of the principal building(s) to be constructed on a lot or portion thereof shall be at or above the 100-year flood elevation applicable to the building site.
- b. Site grading immediately adjacent to the perimeter of each building shall be sloped so as to drain away from the structure.
- c. Each single family residential lot shall be graded to drain along or within its property lines to the street or parking area providing immediate access, unless adequate common drainage facilities in expressed drainage easements with an established maintenance entity are provided to accommodate alternative drainage grading.
- d. Each residential lot with gross area of one-quarter acre or less shall have a finished grade not lower than the maximum water surface elevation produced by the three-year, 24-hour rainfall event in any detention or retention facility receiving stormwater runoff from the lot.
- e. Each residential lot with a gross area greater than one-quarter acre shall have a finished grade as specified in Article 11.E.4.E.1.d within 20 feet of any principal building site. The remainder of the lot shall be graded at sufficient elevation to ensure that inundation does not persist for more than eight hours following cessation of the three-year, 24-hour rainfall event, unless such area is designated for stormwater management purposes and included in an expressed easement for drainage, floodplain, or the like.

### **2. Minor Street Drainage**

Except as provided in Article 11.E.4.E.3, Non-Plan Collector Street Drainage, minor streets shall have tertiary drainage meeting or exceeding the following minimum requirements.

- a. The minimum edge of pavement elevation of any street segment shall be no lower than two feet above the control elevation of any detention or retention facility receiving runoff from that segment.
- b. Roadside swales shall conform to applicable PBC standards and shall be designed and constructed such that:
  - 1) The flowline gradient is at least 0.30 percent, but not greater than 2.5 percent unless approved erosion protection is provided;
  - 2) The flowline gradient is equal to or slightly exceeds the longitudinal gradient of adjacent pavement;
  - 3) The water surface elevation of swale flow resulting from peak runoff based on the three-year rainfall event shall not exceed the adjacent edge of pavement at any point along the swale run. However, at least one storm sewer inlet or other acceptable discharge facility shall be provided for every 600 linear feet of swale, and no single swale run shall exceed 400 feet to an inlet; and
  - 4) The soil adjacent to each inlet is protected from local scour by installation of a four-foot wide perimeter apron of sod or concrete.
- c. Curb and gutter drainage shall conform to applicable PBC standards and shall be designed and constructed such that:
  - 1) The flowline gradient is at least 0.20 percent;
  - 2) The water surface elevation of flow resulting from peak runoff based on the three-year rainfall event shall not exceed the adjacent centerline elevation of pavement at any point. However, at least one storm sewer inlet or other acceptable discharge facility shall be provided for every 600 linear feet of pavement, and no single gutter run shall exceed 400 feet to an inlet; and
  - 3) Surface flow of runoff across street intersections is prevented by provision of corner inlets and cross drains or by grading of gutters to flow away from the intersection.

### **3. Non-Plan Collector Street Drainage**

Non-Plan collector streets shall have tertiary drainage meeting all appropriate requirements for minor streets except that:

- a. Conveyance capacity of road drainage facilities shall be based on peak runoff resulting from the five-year rainfall event; and

- b. The water surface elevation of gutter flow resulting from peak runoff based on the five-year rainfall event shall not exceed the adjacent centerline elevation of the outermost travel lane at any point.

**4. Parking Tract and Parking Area Drainage**

Each residential parking area serving three or more dwelling units and all non-residential parking areas shall have a finished grade elevation not lower than the maximum water surface elevation produced by the three-year, 24-hour rainfall event in any retention, detention, or conveyance facility receiving stormwater runoff from the lot. However, where detention or retention is provided by subsurface exfiltration systems the finished grade shall be no lower than the maximum storage elevation produced by the five-year, 24-hour event.

**5. Storm Sewerage**

Storm sewerage shall be designed and constructed so as to meet or exceed the following requirements:

- a. Where not otherwise specified, all storm sewer system capacity design shall, at a minimum, provide for conveyance of peak inflow from the applicable catchment, based on the three-year rainfall event, such that the hydraulic gradient elevation does not exceed the grate or cover elevation at any inlet or manhole under tailwater conditions pursuant to Article 11.E.4.C.5.
- b. Inlet times assumed for determining required street drainage system capacity shall not exceed ten minutes, unless adequate justification for use of longer times is submitted.
- c. Storm sewer pipe shall have a nominal diameter of not less than 15 inches, or equivalent oval pipe size.
- d. Storm sewerage shall be designed to attain design flow velocities of not less than two and one half feet per second in all pipe runs serving two or more inlets, nor greater than ten feet per second in any pipe run.
- e. A suitable access structure such as a manhole, junction box, or inlet must be installed at each junction or change in pipe size, slope, or direction.
- f. The maximum pipe run between access structures shall be:
  - 1) 300 ft. for 15" and 18" pipe
  - 2) 400 ft. for 24" - 36" pipe
  - 3) 500 ft. for 42" and larger pipe.
- g. All pipe used in the storm sewer system shall be either reinforced concrete or metal, covered by and conforming to current ASTM, AASHTO, or ANSI standard specifications for materials and fabrication of barrel and joints, and shall meet current FDOT standard specifications and policies applicable to the intended use.
- h. Concrete pipe shall have gasket joints.
- i. When metal pipe is used beneath pavement within a street, it shall be designed to provide a joint-free installation or, where joint-free installations are not feasible, shall be jointed with a 12-inch wide band having a mastic or neoprene gasket providing a watertight joint. Other jointing techniques meeting or exceeding these requirements may be used upon submittal to and approval by the County Engineer.
- j. Drainage pipe shall be fitted with headwalls, endwalls, inlets and other appropriate terminating and intermediate structures. Structure design shall meet or exceed PBC standards.

**F. Secondary Stormwater System Design and Performance**

The secondary system, including all facilities and appurtenant structures for detention, retention, discharge, and conveyance to legal positive outfall, shall be designed and constructed to provide the degree of treatment and control of all stormwater runoff discharged from a development site necessary to meet the requirements of the agency having jurisdiction over receiving waters at each point of legal positive outfall.

1. In addition to requirements expressly stated herein:

- a. Secondary facilities for development subject to permitting by individual or general permit from SFWMD pursuant to Chapters 40E-4, 40E-40, or 40E-41, F.A.C., shall meet all requirements for issuance of the applicable permit; and
- b. Secondary facilities for each residential, commercial, and industrial development exempt from SFWMD permitting pursuant to Chapter 40E-4, F.A.C., except an individual residential lot containing not more than two dwelling units, shall be designed and constructed on site, or otherwise be provided through authorized connection to off-site secondary facilities, so as to limit the discharge rate at the point of legal positive outfall to not more than the peak runoff rate produced by the site under pre-development conditions for both the three-year, one-hour and the 25-year, 72-hour rainfall events, and either:

- 1) Detain the greater of the first one inch of runoff or the total runoff from the three-year, one-hour rainfall event; or
  - 2) Retain the initial portion of runoff in an amount equal to one-half of that required to be detained.
2. No discharge of stormwater runoff resulting from rainfall up to and including the 25-year, 72-hour event shall take place from a development site except by means of one or more approved discharge structures, other than those existing inflows from off-site for which separate, approved means of conveyance through the site have been provided.
  3. Facilities for conveyance of discharge to each point of legal positive outfall shall be designed and constructed with adequate capacity to accommodate the combined flow from the applicable discharge structure(s) and all inflows from other contributory areas resulting from the 25-year, 72-hour rainfall event without overflow to adjacent lands.
  4. Except where bulk heading is approved in accordance with Article 4.D, EXCAVATION, each wet detention/retention facility designed for storage of stormwater runoff in an open impoundment shall have:
    - a. Side slopes no steeper than four(H): one(V) extending to a depth of at least two feet below the design control elevation;
    - b. Side slopes no steeper than two(H): one(V) from two feet below control elevation to the bottom of the facility; and
    - c. A continuous berm, at least 20 feet wide with a cross-slope no steeper than eight (H): one (V), graded adjacent to the shoreline. Where said berm abuts any residential lot, it shall be graded at an elevation not lower than the maximum design water surface elevation resulting from the three-year, 24-hour rainfall event. Along portions of the impoundment where the design water surface is less than 40 feet wide at control elevation a berm shall be required on only one side, provided that adequate legal and physical access is established from a minor street to each separate segment of the remaining berm.
  5. Dry detention/retention facilities designed for storage in open impoundments shall have side slopes no steeper than four(H): one(V).
  6. All normally exposed side slopes and maintenance berms of open impoundments shall be fully grassed or otherwise protected from erosion.
  7. Each piped inlet to an open impoundment shall have a concrete or sand-cement rip-rap endwall designed and constructed with suitable foundation for installation on the slope or bed of the impoundment as applicable. However, the endwall may be eliminated on inlets to wet detention impoundments where the pipe is installed with the crown at least two feet below the control elevation and with the pipe invert protruding at least two feet beyond the side slope.
  8. Stormwater runoff from pavement, roofs, and unpaved areas of compacted soil surfaces with no significant vegetative cover shall be directed over grassed, pervious soil surfaces as diffused flow prior to entering wet detention/retention facilities or dry detention facilities in order to promote infiltration, particulate deposition, nutrient removal, and interception of debris or other undesirable materials which may overload, pass through, cause nuisance conditions in, or increase maintenance needs of said facilities.
  9. In order to protect against overdrainage of surrounding lands, no control elevation shall be lower than the pre-development average annual mean water table elevation of the detention facility site.

**G. Stormwater Management and Maintenance Access Rights**

1. Each secondary system facility for detention or retention of stormwater runoff in an open impoundment shall be placed entirely within a water management tract dedicated or deeded to an acceptable entity responsible for operation and maintenance of the stormwater management system.
2. Except as otherwise provided pursuant to this Article, there is hereby required around each water management tract established for purposes of wet detention or retention in an open impoundment a lake maintenance easement a minimum of 20 feet in width and graded at a slope no steeper than eight (H): one (V), coinciding with the required maintenance berm. The width of the easement shall be measured from the point at which the grade is not steeper than eight (H): one (V). Lake maintenance from an abutting local street may be permitted by the County Engineer in accordance with good engineering practices. Access to a lake maintenance easement from at least one minor street shall be established as part of said easement or, when necessary, by separate express easement or other instrument of record. A lake maintenance easement shall be required on only one side of the water body or water management tract where the water surface at control elevation does not exceed 40 feet in width; provided, however, that elimination of said easement does not isolate any remaining lake maintenance easement from proper access. If the water surface at the control elevation is greater

than 40 feet wide, a lake maintenance easement shall be required on both sides. No lake maintenance easement shall be required behind bulkheads; provided, however, an easement not less than ten feet in width shall be provided behind bulkheads where necessary to provide access to outfalls and, further, that elimination of said portion of lake maintenance easement does not result in isolating any remaining lake maintenance easement from required access. In residential subdivision, lake maintenance easements, including required access, shall be established over common areas only, and shall not encroach residential lots.

3. Easements shall be provided where necessary at a width adequate to accommodate the stormwater management facilities. A minimum width of 12 feet shall be provided for underground storm drainage installations. Where swales are used, the width shall be adequate to accommodate the entire design section between tops of slope. Where canals or ditches are permitted, the width shall be adequate to accommodate drainage facilities plus 20 feet on one side for maintenance purposes. Drainage easements shall be provided to accommodate existing drainage of surface waters from off-site contributory areas. When a subdivision is traversed by existing canals, watercourses, streams, drainage ways or channels, there shall be provided a drainage easement or R-O-W conforming substantially with the lines of such watercourse and of such further width or construction or both as will be adequate for access, maintenance, and floodplain purposes.

#### **H. Certificate of Compliance for Lots**

When the finished lot grading required by Article 11.E.4.E.1, Lot and Building Site Drainage, Article 11.E.4.E.4, Parking Tract and Parking Area Drainage, is to be completed in conjunction with building construction, prior to issuance of the Certificate of Occupancy the developer shall submit to the Building Director a Certificate of Compliance from a State of Florida registered professional surveyor, engineer, or landscape architect. Such statement shall be in a form approved by the Building Department and shall state that lot grading was done in accordance with either the approved grading plan for the subdivision or, in the absence of such plan, in accordance with the applicable requirements of Article 11.E.4.E.1, Lot and Building Site Drainage, and Article 11.E.4.E.4, Parking Tract and Parking Area Drainage.

### **Section 5 Wastewater Systems**

#### **A. General Requirement**

Except in rural subdivisions, or where otherwise approved pursuant to Article 11.E.5.B.2, a sewage collection/transmission system with appropriate service connection to each lot shall be provided for connection to a central sewer system. Such system shall be designed and installed in accordance with the Department of Environmental Protection (DEP) requirements, applicable permits or approvals obtained from the utility responsible for the central sewer system, and the appropriate permits secured from the PBCHD.

#### **B. Individual System**

1. In rural subdivisions, a septic tank system is an acceptable method of sewage disposal for each lot, when permitted by the PBCHD as per the standards prescribed in Article 15.A, (ECR I)- Onsite Sewage Treatment and Disposal Systems.
2. In subdivisions other than rural subdivisions, and in which each lot has an area of at least one acre, a septic tank system is an acceptable method of sewage disposal for each lot, conditioned upon the following:
  - a. The subdivisions maximum build-out is 20 acres.
  - b. The applicable central wastewater system Utility Service Provider approving the use of septic tanks, based upon the Utilities determination that provision of central wastewater service to the subdivision would require all of the following:
    - 1) the installation of a wastewater lift station and force main; and
    - 2) the installation of more than half a mile of wastewater force main from an existing available public wastewater collection system to the nearest boundary of the subdivision;
  - c. The PBCHD permitting the use of septic tanks per the standards prescribed in Article 15.A, (ECR I)-Onsite Sewage Treatment and Disposal Systems.

### **Section 6 Potable Water Systems**

#### **A. General Requirement**

Except in rural subdivisions, a potable water distribution system with appropriate service connection to each lot shall be provided for connection to a central water system. Such system shall be designed and

installed in accordance with the DEP requirements, applicable permits or approvals obtained from the utility responsible for the central water system, and the appropriate permits secured from the PBCHD.

**B. Individual System**

In rural subdivisions, or where otherwise allowed, an individual well system is an acceptable method of providing potable water for each lot, when permitted by the PBCHD pursuant to the standards prescribed in Article 15.B, Environmental Control Rule II Drinking Water Supply Systems.

**Section 7 Utilities**

**A. Required Improvement**

All utilities, including power and light, telephone and telegraph, cable television, wiring to street lights, and gas shall be installed underground, unless such requirement is waived by the County Engineer, as provided in this Section. Utilities shall be constructed in easements as prescribed by this Section. The developer shall make arrangements for utilities installation with each person furnishing utility service involved.

**B. Easements**

Utility easements 12 feet wide shall be provided where necessary to accommodate all required utilities across lots and shall have convenient access for maintenance. Where possible, easements shall be centered on lot lines. Where possible, utility easements should be provided for underground utilities across the portion(s) of the lot abutting a street or parking area. When a utility easement is to abut a street, the width may be reduced to ten feet. Additional utility easements may be required by PBC when, in the opinion of the County Engineer, such easements are necessary for continuity of utility service between subdivisions or other development and where necessary for maintenance and service. Utility easements and drainage easements shall not be combined. Where crossings occur, drainage easements shall take precedent. Easements shall be coordinated with requisite utility authorities and shall be provided as prescribed by this Article for the installation of underground utilities or relocating existing facilities in conformance with the respective utility authority's rules and regulations.

**C. Exceptions to Underground Installation**

**1. Applicability**

This Section shall apply to all cables, conduits, or wires forming parts of an electrical distribution or communications system, including service lines to individual properties and main distribution feeder electrical lines delivering power to local distribution systems. This Section shall not apply to wires, conduits or associated and supporting structures whose exclusive function is to transmit or distribute electricity between subdivisions, generating stations, substations and transmission lines of other utility systems, or perimeter lines located adjacent to a subdivision.

**2. Standard Exception for Appurtenant, on the Ground Facilities**

Appurtenances such as transformer boxes, pedestal mounted terminal boxes, meter cabinets, service terminals, telephone splice closures, pedestal type telephone terminals or other similar "on the ground" facilities normally used with and as a part of the underground distribution system may be placed above ground, but shall be located so as not to constitute a traffic hazard.

**3. Exceptions Requiring Approval of County Engineer**

All other proposals for aboveground installation of utilities shall be submitted to the County Engineer at the time of the preliminary submittal. Such request shall be made in writing and noted on the construction plans. The County Engineer shall, at the time of the preliminary review, consider the request and all pertinent information, including but not limited to the construction plans, existing installations, and other information the County Engineer deems necessary. Any approval or denial pursuant to this Subsection shall be set forth in writing, which may be by separate statement to the developer and the developer's engineer or may be part of the County Engineer's response to the preliminary review.

**4. Convertibility**

Any new service which, by virtue of an approved waiver granted pursuant to this Section, is allowed to be supplied by overhead utilities shall be connected to a service panel that is convertible for underground utility service at a future date.

**D. Installation in Streets**

After the subgrade for a street has been completed, and before any material is applied, all underground work for the water mains, sanitary sewers, storm sewers, gas mains, telephone, electrical power conduits and appurtenances and any other utility shall be installed completely through the width of the street to the sidewalk area or provisions made so that the street will not be disturbed for utility installation. All

underground improvements installed for the purpose of future service connections shall be properly capped and backfilled.

## **Section 8 Fire-Rescue Services**

### **A. Required Improvement**

Fire hydrants shall be provided where central water systems are provided. Fire hydrants shall be provided in the manner prescribed in this Section.

### **B. Single Family Developments of Less than Five Units per Acre**

Fire hydrants shall be spaced no greater than 600 feet apart and not more than 300 feet to the center of any lot in the subdivision and shall be connected to mains no less than six inches in diameter. The system shall provide capability for fire flow of at least 700 gallons per minute in addition to a maximum day requirement at pressures of not less than 20 pounds per square inch. The system shall have the capability of sufficient storage or emergency pumping facilities to such an extent that the minimum fire flow will be maintained for at least four hours or the current recommendations of the insurance services office, whichever is greater.

### **C. Multiple Family Developments of Over Five Dwelling Units per Acre, Commercial, Institutional, Industrial or Other High Daytime or Nighttime Population Density Developments.**

In these areas fire hydrants shall be spaced no greater than 500 feet apart and the remotest part of any structure shall not be more than 300 feet from the hydrant and shall be connected to mains no less than six inches in diameter. Fire flow shall be provided at flows not less than 1200 gallons per minute in addition to a maximum day requirement at pressures of not less than 30 pounds per square inch.

### **D. Charges for Use**

Charges made for the use of the fire hydrant or water consumed there from when a fire protection authority uses the fire hydrant in the performance of its official duty shall be as regulated by the Public Service Commission.

## **Section 9 Subdivision Design and Survey Requirements**

### **A. Required Improvement**

The Developer shall install the required buffering and, when recording a plat, shall comply with Article 11.E.9.F, Survey Requirements, for setting of "P.R.M.s" and "P.C.P.s."

### **B. Buffering**

Residential developments shall be buffered and protected from adjacent expressways, arterials and railroad rights-of-way with a five foot limited access easement, which shall be shown and dedicated on the plat, except where access is provided by means of a marginal access road or where such expressway, arterial or railroad R-O-W abuts a golf course.

### **C. Blocks**

#### **1. General Considerations**

The length, width and shape of blocks shall be determined with due regard to:

- a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
- b. Zoning requirements as to lot size and dimensions;
- c. Need for convenient access, circulation, control and safety of vehicular and pedestrian traffic; and
- d. Limitations and opportunities of topography.

#### **2. Maximum Length**

Block lengths shall not exceed 1320 feet between intersecting streets. Provided, however, that greater lengths may be approved by the County Engineer on an individual basis after considering such factors as but not limited to, lot size, the ADT, number of through streets, street layout and other engineering considerations, in accordance with acceptable engineering practices.

### **D. Lots**

All lots shall have the area, frontage, width, and depth required by this Code or applicable zoning approval for the prevailing or approved use zone wherein said lots are located.

#### **1. Existing Structures**

When a subdivision is proposed upon land with existing structures that are proposed to be retained, lots are to be designed so as not to cause said existing structures to become nonconforming.

#### **2. Lots Abutting Major Streets**

When lots are platted abutting a major street or non-plan collector street, access shall be provided by and limited to local streets or residential access streets. No access from individual lots shall be permitted directly to a major street.

### **3. Through Lots**

Double frontage lots or through lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation. Where double frontage lots are developed they shall be buffered as required by this Code.

### **E. Minimum Safe Sight Distance and Corner Clips at Intersections**

Street lines at the intersection of two streets shall be connected by a diagonal line in accordance with current PBC standards for corner clips. Corner lots shall be designed to facilitate a safe intersection with respect to minimum stopping and turning sight distances in accordance with criteria prescribed in the most recent edition of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. A restriction shall be placed on the plat prohibiting structures or landscaping over 30 inches high within any additional safe sight area required to be established over an individual lot in order to accommodate unusual conditions in the design of the lot or alignment of adjacent streets, said height being measured from the street crown elevation at the intersection.

### **F. Survey Requirements**

#### **1. Permanent Reference Monuments (P.R.M.s)**

Where monuments occur within street pavement areas, they shall be installed in a typical water valve cover as prescribed in the current PBC Standards.

#### **2. Permanent Control Points (P.C.P.s) and Monuments**

Permanent control points and monuments according to F.S. § 177.091(9), shall be installed as follows.

##### **a. Installation Prior to Plat Recordation**

Where required improvements are constructed prior to recordation, the permanent control points and monuments shall be set prior to submission of the Final Plat and certified by the surveyor in accordance with Article 11.D.1.B.15.c, Certification of Surveyor.

##### **b. Installation After Plat Recordation**

Where required improvements are constructed after recordation, the permanent control points shall be set under the guaranties as required by Article 11.E.9, Subdivision Design and Survey Requirements. In such case, the surveyor's certificate shall comply with Article 11.D.1.B.15, Certification and Approvals. The signing surveyor shall provide the County Engineer with a copy of the recorded certification required by Article 11.D.1.B.7.f, as to his placement of the permanent control points and monuments.

## **CHAPTER F VARIANCES**

### **Section 1 Variances**

A variance from the literal or strict enforcement of the provisions of this Article may be granted by the Zoning Director in accordance with the provisions set forth in Article 2.B.3, Variances.

**Amendment History:** [Ord. 2005-002; February 2, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-013; September 4, 2007]



# ARTICLE 12

## TRAFFIC PERFORMANCE STANDARDS

	Page
<b>CHAPTER A GENERAL .....</b>	<b>9</b>
Section 1 Intent and Authority .....	9
A. Intent .....	9
B. Authority .....	9
Section 2 Definitions .....	9
A. Other Definitions .....	9
Section 3 Applicability .....	9
A. General .....	9
B. Credits Against Project Traffic .....	9
C. Non-Applicability .....	10
1. Local Government Applications .....	10
2. Development Order Time Limit Criteria .....	10
3. Entitlement .....	10
4. Special Events .....	10
5. Subsequent or Amendments to Development Orders .....	11
6. Vested Rights .....	11
7. Exceptions .....	11
8. Requirements .....	11
D. Municipal Determination of Previous Approval .....	11
1. Validity .....	11
2. Procedures .....	11
3. Timing .....	11
4. Additional Information .....	11
5. Period to File .....	11
6. Delivery .....	12
7. Appeals .....	12
8. Limitation on PBC's Review/Appeal .....	12
9. Completion of Previous Approvals .....	12
E. Municipal Concurrency Management System .....	12
<b>CHAPTER B STANDARD .....</b>	<b>12</b>
Section 1 General .....	12
Section 2 Project Buildout/Five Year Standard .....	12
A. Buildout Test - Test 1- Part One and Two .....	12
1. Part One – Intersections .....	12
2. Part Two – Links .....	13
B. Five Year Analysis - Test 2 .....	14
C. Level of Service Standard .....	15
Table 12.B.2.C-1 1A: LOS D Link Service Volumes .....	16
Table 12.B.2.C-2 1B: LOS D Intersection Thresholds .....	16
Table 12.B.2.C-3 1C: LOS D Speed Thresholds .....	17
Table 12.B.2.C-4 2A: LOS E- Link Service Volumes .....	17
Table 12.B.2.C-5 2B: LOS E Intersection Thresholds .....	17
Table 12.B.2.C-6 2C: LOS E Speed Thresholds .....	17

D.	Radius of Development Influence/Project Significance .....	17
	Table 12.B.2.D-7 3A: Radius of Development Influence .....	17
	Table 12.B.2.D-9 3C – Test One Levels of Significance .....	18
	Table 12.B.2.D-10 3D – Test Two Levels of Significance .....	18
E.	Phasing .....	19
F.	Reliance on Assured Road Construction .....	20
G.	Development of Regional Impact (DRI) .....	20
<b>CHAPTER C TRAFFIC IMPACT STUDIES.....</b>		<b>20</b>
Section 1	Traffic Impact Study .....	20
A.	Scope .....	20
B.	Criteria .....	20
1.	Level of Service (LOS) .....	21
2.	Radii of Development Influence .....	21
3.	Projected Buildout Period .....	21
4.	Project Phasing .....	22
5.	Peak Hours .....	22
6.	Off-Peak to Peak Season Factors.....	22
7.	Compliance .....	22
8.	Professional Services .....	22
9.	List .....	22
10.	Site Related Improvements.....	22
C.	Traffic Volume Components.....	22
1.	Existing Traffic - (Peak Season Peak Hour Traffic) .....	22
2.	Traffic Generation .....	23
3.	Traffic Assignment.....	24
4.	Background Traffic .....	24
5.	Assured Construction .....	24
Section 2	Conditions .....	25
<b>CHAPTER D PROCEDURE.....</b>		<b>25</b>
Section 1	Required Submission of Impact Study .....	25
A.	Application Procedure .....	25
B.	Review by County Engineer .....	25
C.	No Study Needed .....	25
1.	Residential .....	25
2.	Non-Residential .....	25
3.	Amendments .....	25
Section 2	Review of Traffic Impact Study .....	26
A.	County Engineer Review .....	26
B.	Municipal Review .....	26
C.	Prohibitions .....	26
D.	Appeals .....	26
Section 3	Approval of Traffic Impact Study .....	26
<b>CHAPTER E ENTITLEMENT .....</b>		<b>27</b>
Section 1	General .....	27
Section 2	Unincorporated Area .....	27
Section 3	Incorporated Area.....	27

Section 4	Discretion of Board .....	27
CHAPTER F	APPEALS.....	27
Section 1	Board .....	27
Section 2	Request/Notice .....	27
Section 3	Hearing .....	27
A.	Burden of Proof .....	28
B.	Reimbursement.....	28
C.	Quorum.....	28
D.	Decision.....	28
Section 4	Appeal from the TPSAB .....	28
Section 5	No Impairments of Judicial Rights or Remedies.....	28
CHAPTER G	AFFORDABLE HOUSING .....	28
Section 1	Applicability .....	28
A.	Applicability .....	28
B.	Definition .....	28
Section 2	Eligibility.....	28
	Table 12.G.2-11 – Ranges of Housing Opportunities.....	29
Section 3	Application Review of Special Methodologies Projects.....	29
A.	Submittal .....	29
B.	Review .....	29
	Table 12.G.3.B – 12 – Proportions of Households as Described by Income.....	30
Section 4	Approval .....	30
Section 5	Municipal and Department Coordination .....	30
Section 6	Workforce Housing and Affordable Housing .....	31
A.	Workforce Housing Program (WHP).....	31
B.	Affordable Housing Program (AHP) .....	32
CHAPTER H	CONSTRAINED FACILITIES.....	32
Section 1	Purpose and Intent .....	32
Section 2	Procedure .....	32
A.	General .....	32
B.	Applications .....	32
C.	Pre-application Conference.....	32
Section 3	Determination Criteria.....	33
Section 4	Determination.....	33
Section 5	Application to Modify or Eliminate Adopted Link or Intersection .....	33

A. Who May Apply .....	33
B. Contents .....	34
C. Criteria .....	34
D. Procedure/Extraordinary Vote.....	34
<b>CHAPTER I</b> <b>COASTAL RESIDENTIAL EXCEPTION .....</b>	<b>34</b>
Section 1     Intent .....	34
Section 2     Creation .....	35
Section 3     Traffic Impact Study Information .....	35
Section 4     Municipal Levels of Service.....	35
<b>CHAPTER J</b> <b>TRANSPORTATION CONCURRENCY MANAGEMENT AREAS (TCMA).....</b>	<b>35</b>
Section 1     Intent .....	35
Section 2     Area Wide Level of Service.....	35
Section 3     Procedure .....	36
<b>CHAPTER K</b> <b>TRANSPORTATION CONCURRENCY EXCEPTION AREAS (TCEA).....</b>	<b>36</b>
Section 1     Intent .....	36
Section 2     Area Types .....	36
Section 3     Criteria .....	37
Section 4     Procedure .....	37
Section 5     Traffic Impact Study Information .....	37
<b>CHAPTER L</b> <b>TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION.....</b>	<b>37</b>
Section 1     Intent .....	37
Section 2     Project Types .....	38
Section 3     Project Location .....	38
Section 4     Required Provisions to Promote Public Transportation .....	38
Section 5     Required Traffic Study .....	39
Section 6     Required Roadway Improvements .....	39
Section 7     Parking.....	39
<b>CHAPTER M</b> <b>FIVE-YEAR ROAD PROGRAM.....</b>	<b>39</b>
Section 1     Intent .....	39
Section 2     Description of Five-Year Road Program .....	39
Section 3     Monitoring of County's Adherence to and Implementation of the Adopted Five-Year Road Program .....	39

A. General .....	39
B. Independent Five-Year Road Program Oversight and Advisory Council .....	39
1. Council .....	39
2. Purpose and Functions .....	40
3. Activities .....	40
4. Administration .....	40
5. Reports .....	40
C. Review of the Oversight and Advisory Council .....	40
Section 4      Modification of Five-Year Road Program .....	41
A. Semi-annual Modification of Five-Year Road Program .....	41
B. Findings Required Prior to Deletion in the Adopted Five-Year Road Program .....	41
Section 5      Standards Five-Year Road Program .....	41
A. Funding .....	41
B. New Fifth Year .....	41
C. Projects on Schedule .....	41
Section 6      Effect of Failure of County to Adhere to And Implement its Adopted Five-Year Road Program .....	41
CHAPTER N      METHOD OF PRIORITIZING THOROUGHFARE IMPROVEMENTS .....	42
CHAPTER O      PROJECT AGGREGATION .....	42
Section 1      Applicability .....	42
Section 2      Aggregation Criteria .....	42
Section 3      Exceptions .....	43
Section 4      Procedure .....	44
Section 5      Traffic Impacts .....	44
Section 6      Traffic Concurrency .....	44
Section 7      Aggregation .....	44
CHAPTER P      OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM [Ord. 2006-036] .....	44
Section 1      Purpose and Intent .....	44
Section 2      Applicability .....	44
Section 3      Procedure .....	45
A. General .....	45
B. Application Requirements .....	45
C. Conditions of Approval .....	45
D. Condition Monitoring .....	45
E. Substitution of Alternative Strategies or Alteration of Existing Strategy at a Later Date .....	45
F. Time Limits .....	45
G. Municipal Review .....	45
Section 4      Mitigation Strategies .....	45
A. Strategy 1. Mixed Use Development Around Transit Corridors .....	45
1. Applicability .....	45

2. Qualifying Criteria .....	46
3. Implementation Timeframe .....	46
4. Monitoring and Enforcement .....	46
5. Credit Factor .....	46
B. Strategy 2. Mixed Use Development Around Transit Centers .....	46
1. Strategy .....	46
2. Qualifying Criteria .....	46
3. Implementation Timeframe .....	47
4. Monitoring .....	47
5. Credit Factor .....	47
C. Strategy 3. Feeder Transit Service to Rail Stations or Multi-Modal Transit Centers; New Commuter Bus Service; Local Bus/Shuttle Service; Employee Transit Passes .....	47
1. Strategy .....	47
2. Qualifying Criteria .....	47
3. Implementation Timeframe .....	48
4. Monitoring and Enforcement .....	48
5. Credit Factor .....	48
D. Strategy 4. Parking Management .....	48
1. Qualifying Criteria .....	48
2. Implementation Timeframe .....	49
3. Monitoring .....	49
4. Credit Factor .....	49
Table 12.P.4.D–13 - Strategy Four Credit Factor Calculation .....	49
E. Strategy 5. Ridesharing Programs .....	49
1. Qualifying Criteria .....	49
2. Monitoring .....	50
3. Implementation Timeframe .....	50
4. Credit Factor .....	50
Table 12.P.4.E–14 – Strategy Five Credit Factor Calculation .....	50
F. Strategy 6. Telecommuting Programs .....	50
1. Strategy .....	50
2. Qualifying Criteria .....	50
3. Implementation Timeframe .....	51
4. Monitoring .....	51
5. Credit Factor .....	51
Table 12.P.4.F–15 - Strategy Six Credit Factor Calculation .....	51
G. Strategy 7. Bicycle Parking Facilities .....	51
1. Strategy .....	51
2. Qualifying Criteria .....	51
Table 12.P.4.G-16 - Minimum Requirements for Bicycle Parking Facility .....	51
3. Implementation Timeframe .....	51
4. Monitoring & Enforcement .....	51
5. Credit Factor .....	51
Table 12.P.4.G–17 - Strategy Seven Credit Factor Calculation .....	52
H. Strategy 8. Provide Access Between Developments .....	52
1. Strategy .....	52
2. Qualifying Criteria .....	52
3. Implementation Timeframe .....	52
4. Monitoring and Enforcement .....	52
5. Credit Factor .....	52
I. Strategy 9. Provide Access To More Than One Road .....	53
1. Strategy .....	53
2. Qualifying Criteria .....	53
3. Implementation Timeframe .....	53
4. Monitoring .....	53
5. Credit Factor .....	53
J. Strategy 10. Low Generation Traffic Sensitive Uses .....	53
1. Strategy .....	53
2. Qualifying Criteria .....	54

3.	Implementation Timeframe .....	54
4.	Monitoring.....	54
5.	Credit Factor.....	54
	Table 12.P.4.J-18 - Strategy Ten Credit Factor Calculation.....	54
6.	Example .....	54
K.	Strategy 11. Intersection Modifications .....	54
1.	Strategy.....	54
2.	Qualifying Criteria.....	54
3.	Methodology for Analyzing Improvement .....	55
4.	Implementation Timeframe .....	55
5.	Monitoring and Enforcement .....	55
6.	Credit Factor.....	55
	Table 12.P.4.K-19 - Strategy 11 Credit Factor Calculation .....	55
7.	Pooling Improvement by Multiple Developments.....	55
8.	Example .....	55
L.	Strategy 12. Grade Separated Interchange Improvement .....	55
1.	Strategy.....	55
2.	Qualifying Criteria.....	55
3.	Implementation Timeframe .....	55
4.	Monitoring and Enforcement .....	55
5.	Credit Factor.....	56
M.	Strategy 13. Compressed Work Week/Non-Peak Hour Work Hours .....	56
1.	Strategy.....	56
2.	Qualifying Criteria.....	56
3.	Implementation Timeframe .....	56
4.	Monitoring and Enforcement .....	56
5.	Credit Factor.....	56
	Table 12.P.4.M-20-Strategy 13 Credit Factor Calculation .....	56
N.	Strategy 14. Additional Mitigation Fee Payment .....	56
1.	Strategy.....	56
2.	Qualifying Criteria/Implementation Timeframe.....	57
3.	Credit Factor.....	57
	Table 12.P.4.N-21 - Strategy 14 Credit Factor Calculation .....	57
4.	Example .....	57
Section 5	CRALLS Mitigation Strategies: Point System Methodology .....	57
	Table 12.P.5-22 – Point System Methodology .....	57
A.	Calculation to Determine Mitigation .....	57
	Table 12.P.5.A-23 – Calculation to Determine Mitigation .....	57
B.	Example Calculation .....	57
1.	Impact.....	57
2.	Mitigation Examples .....	57
CHAPTER Q	CHAPTER Q PROPORTIONATE FAIR-SHARE PROGRAM.....	58
Section 1	Purpose and Intent .....	58
Section 2	Applicability .....	58
Section 3	General Requirements .....	58
Section 4	Intergovernmental Coordination.....	58
Section 5	Application Process .....	58
Section 6	Determining Proportionate Fair-Share Obligation .....	59
Section 7	Impact Fee Credit for Proportionate Fair-Share Mitigation.....	60

Section 8      Proportionate Fair-Share Agreements .....60

Section 9      Appropriation of Fair-Share Revenues .....62

CHAPTER R    CHAPTER R CORRIDOR MASTER PLANS .....62

Section 1      General .....62

    A. Corridor Identification .....62

    B. Development and Implementation .....62

        1. Overview of the Study Process .....62

    C. Adoption by the County and Affected Municipalities .....62



## ARTICLE 12

### TRAFFIC PERFORMANCE STANDARDS

#### CHAPTER A GENERAL

##### Section 1 Intent and Authority

###### A. Intent

The BCC finds that safe, convenient, and orderly flow of vehicular traffic is necessary for the health, safety, welfare, and convenience of the public. It is the intent of this Article to ensure that roadways are in place and adequate to provide a Level of Service (LOS) that will provide safe, convenient, and orderly traffic flow.

It is the intent of this Article to implement the goals, objectives, policies, and standards of the Plan by amending and readopting the TPS Ordinance No. 90-40.

The BCC finds that the safe, convenient, and orderly flow of traffic will be achieved by the standards set forth herein.

Nothing in this Article shall preclude the BCC or other authority with the responsibility of issuing Development Orders from considering traffic, roadway, or Project conditions not specifically required by this Article or which are peculiar to the location, size, configuration, use, or relationship to the area of the proposed Project or the proposed Project itself; and to impose conditions necessary to serve the public interest.

###### B. Authority

The BCC has the authority to adopt this Article pursuant to Article VII, Sec. 1(g) and to Article VIII, Sec. 1, Fla. Const., the PBC Charter, F.S. §125.01 et seq., F.S. §163.3161, F.S. §163.3202 et seq., and Rule 9-J5, F.A.C.

##### Section 2 Definitions

See Art. 1.I, Definitions and Acronyms

###### A. Other Definitions

1. For purposes of this Article, except as specifically provided herein or unless the context clearly indicates otherwise, the terms defined in the Code of PBC, Florida, and the Plan shall have the meaning therein. In the event of a conflict between the Code and the Plan, the Plan shall prevail. The capitalization of defined terms herein is for the reader's convenience only. Failure to capitalize shall not be construed as an intent not to use the term in its defined meaning.

##### Section 3 Applicability

###### A. General

1. Unless otherwise provided herein, this Article shall apply to all Site-Specific Development Order's or any other official action of a Local Government having the effect of permitting the Development of land.
2. Applicability to Incorporated Areas. The PBC Charter provides authorization to the BCC to adopt this Article for roads which are "not the responsibility of any municipality." The major thoroughfare system identified in the Plan includes some roads which are the responsibility of a Municipality. The Charter precludes the applicability of this Article to roads that, while being on the Major Thoroughfare system, are the responsibility of a Municipality. Accordingly, in the case of setting the LOS this Article shall not apply so as to restrict the issuance of Development Orders adding traffic to roads which are the responsibility of a Municipality.

###### B. Credits Against Project Traffic

This Section establishes a method for calculating credits against Project Traffic that may apply when seeking to amend a Previously Approved Development Order, or when applying for a Site Specific Development Order on property, which has an existing use. The burden shall be on the applicant to demonstrate the eligibility and the amount of credit for a proposed Project.

1. Any proposed amendment to a Previously Approved Development Order shall receive a credit for Project Traffic subject to the provisions of this Section. The credit shall be calculated by applying current trip generation rates and pass-by rates to the land use or uses previously approved by the Site Specific Development Order. The credit shall be adjusted as necessary to account for changes in traffic distribution resulting from modifications to the Previously Approved Development Order. The credit shall be reduced as applicable based on any subsequent reduction of square footage or number of units built pursuant to master plan or site plan amendment, and in accordance with any subsequent amendment to applicable municipal rules, policies or land development regulations.
2. Any application for a Site Specific Development Order on property on which there is an existing use shall receive a credit against Project Traffic subject to the provisions of this Section. The credit shall be calculated by applying current trip generation rates and pass-by rates that would be generated by the most recent existing use at the time of application. The credit shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed Project. A proposed Project shall not be eligible for an existing use credit if the structure or land on the property has been discontinued or abandoned for more than five years prior to the time of application.
3. A Project shall be eligible for a 100 percent credit against Project Traffic if the Previously Approved or Previously Captured non-residential Project has received CO for interior tenant improvements for at least 80 percent of the gross leasable area for more than five years or the Previously Approved or Previously Captured residential Project has received building permits for 80 percent of the units as set forth in the master plan or site plan as applicable. **[Ord. 2007-013]**
4. An urban redevelopment project located within a defined and mapped existing urban service area shall not be subject to the standards of Chapter B of this Article, for up to 110 percent of the traffic generation of the previously existing development. The credit shall be calculated by applying current trip generation rates and pass-by rates that would be generated by the most recent existing use at the time of application. The credit shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed Project. A proposed Project shall not be eligible for an existing use credit if the structure or land on the property has been discontinued or abandoned for more than five years prior to the time of application. **[Ord. 2007-013]**

#### **C. Non-Applicability**

##### **1. Local Government Applications**

The standards of this Section shall not apply to Local Government-initiated district boundary changes as part of an area-wide review and district boundary-change program, or any district boundary changes to conform with the Local Government Plan which does not authorize Development.

##### **2. Development Order Time Limit Criteria**

This Section shall not apply to PBC initiated petitions to lower density/intensity under Development Order Time Limit Criteria in Article 2.E, MONITORING, of the Code. Nothing herein shall preclude the review of approvals under Development Order Time Limit Criteria, for consistency with this Section.

##### **3. Entitlement**

The standards of this Section shall not apply to Site Specific Development Orders not exceeding entitlement densities/intensities established in the Plan or Art. 12.E, Entitlement.

##### **4. Special Events**

The standards of this Section shall not apply to Site Specific Development Orders issued for special events as described below:

- a. For purposes of this Section, a special event is an activity which does not exceed three consecutive weeks a year, occurs no more frequently than once a year, and is open to the general public. It includes auto races; Fourth of July activities; parades; and festivals. It does not include recurring events such as baseball games, football games, concerts, races, and the like held in stadiums, amphitheaters, or other permanent facilities even if such facilities are used for special events. Each special event shall constitute a separate special event for purposes of calculating the number of weeks of the event. If the Plan is amended to provide more stringent provisions as to this exception, the Plan shall control.
- b. For the purposes of this Section, a special part time demand event is a development that does not have more than 200 scheduled events during any calendar year and does not put traffic on the roadway system during the 100 highest traffic hours.
  - 1) The 100 highest traffic hours for the area of the special part-time demand shall be determined by the County Engineer based on information from permanent count stations.
  - 2) The development shall not be permitted if the daily traffic generated during a scheduled event has an impact that exceeds five percent of the LOS D Standard Volume on a roadway on the Florida Intrastate Roadway System.

- 3) The development shall be restricted to areas identified as urban infill, urban redevelopment, existing urban service, or downtown revitalization areas in the Local Government's Comprehensive Plan.
  - 4) A traffic report shall be prepared that identifies the trip generation of the development, the modal split (if any), the location of the development, and the month and time of day of scheduled events. The Development Order for the development shall include monitoring and enforcement provisions restricting the development to the number and timing of the events.
- 5. Subsequent or Amendments to Development Orders**
- a. Subsequent Implementing Development Orders**  
The standards of this Article shall not apply to Site Specific Development Orders which are subsequent implementing Development Orders to Previously-Approved Site Specific Development Orders which were captured by this Section or Ordinance 90-6 (Traffic Performance Standards Municipal Implementation Ordinance), but which are required by Local Government as part of the Development approved under the captured or Previously-Approved Site Specific Development Order. Examples of these subsequent implementing Site Specific Development Orders are subdivision approvals and building permits issued in a planned unit development (PUD) where the PUD is a Previous Approval or met the requirements of this Article (either directly or through the Traffic Performance Standards Municipal Implementation Ordinance).
  - b. Amendments to Previously-Captured-Approvals**  
Amendments to Site Specific Development Orders which were captured by this Article or Ord. 90-6 (Traffic Performance Standards Municipal Implementation Ordinance) which do not increase the captured Site Specific Development Orders Net Trips or Net Peak Hour Trips on any Link or Major Intersection (including increases resulting from redistribution) shall not be subject to the standards of this Article. For purposes of this determination, the generation rates and capture rates of the captured Site Specific Development Order shall be updated to current generation and capture rates, if applicable, and shall be used to calculate whether there is any increase. If there is an increase, Net Trips shall be subject to the standards of this Article.
- 6. Vested Rights**  
Notwithstanding the provisions of this Article to the contrary, the requirements of this Article shall not apply in any manner to impair vested rights established pursuant to Florida law, to the extent that any Project, or portion thereof, is vested as against the requirements of this Article.
- 7. Exceptions**  
The standards of this Article shall not apply to Site Specific Development Orders for the Coastal Residential use as set forth in Article 12.I, COASTAL RESIDENTIAL EXCEPTION, the small 100 percent very low and low-income housing Project as set forth in Article 12.G, AFFORDABLE HOUSING and the special events, as set forth in Article 12.A.3.C.4, Special Events.
- 8. Requirements**  
The exceptions to the standards of this Article (LOS Standards) do not obviate the requirement to report the Site Specific Development Order, or provide the Traffic Impact Study (where required), to the County Engineer.
- D. Municipal Determination of Previous Approval**
- 1. Validity**  
Only Valid Site Specific Development Orders which meet the definition of Previous Approval shall be considered Valid Previous Approvals.
  - 2. Procedures**  
The Municipality shall establish procedures for determining what Previous Approvals have been granted. The procedures shall be at the sole discretion of the Municipality. The Municipality shall send its determination as to each Previous Approval to the Traffic Division of the County Engineer within 15 days of its determination.
  - 3. Timing**  
The County Engineer shall have ten working days, exclusive of tolled days, from the receipt of the determination of the Municipality to review and determine if additional information is required.
  - 4. Additional Information**  
If the County Engineer requests additional information, he shall have 30 days, exclusive of tolled days, from the receipt of the additional information to notify the property owner and Municipality as to, and file, an action for judicial review.
  - 5. Period to File**  
The Municipality's determination shall not be effective, and the period to file an action shall not commence, until either: (1) the County Engineer has not requested additional information within the

ten day period or, (2) if additional information is requested, the County Engineer has received all additional information requested.

**6. Delivery**

The documents sent pursuant to Article 12.A.3.D.2, Procedures and Article 12.A.3.D.4, Additional Information, shall be sent certified mail, return receipt requested, or hand delivered.

**7. Appeals**

The appeal or review shall be to a Court of competent jurisdiction and may be filed by any substantially affected person, including any Local Government.

**8. Limitation on PBC's Review/Appeal**

- a. The time frames set forth in Article 12.A.3.D.3, Timing, and Article 12.A.3.D.4, Additional Information, above as to PBC are jurisdictional. Any failure on the part of PBC to timely send the notification shall result in the municipality's determination being conclusive and binding.
- b. Clerical errors in long-standing otherwise Valid Site Specific Development Orders on which development commenced prior to February 1, 1990 shall not be grounds for appeal or review.
- c. Any Municipal determination that there is a Previous Approval on a Lot upon which building construction or infrastructure improvements have been made within the last three years which are consistent with the Development Order considered to be the Previous Approval shall not be appealed by PBC.
- d. Any Municipal determination that a Valid Site Specific Development Order (as determined by PBC) issued prior to February 1, 1990, and within three years prior to February 1, 1990, is a Previous Approval and shall not be appealed by PBC.

**9. Completion of Previous Approvals**

The Municipality shall complete its review and determination of all properties within its jurisdiction as to Previous Approvals by July 1, 1991.

**E. Municipal Concurrency Management System**

A Municipality may, with the consent of PBC, enter into an intergovernmental agreement with PBC whereby the Municipality, by a concurrency management ordinance, implements the standards and requirements of this Article at different points in the land development approval process than those set forth in this Article. The agreement and ordinance shall ensure that all Development is subject to the standards and requirements of this Article, and that data is forwarded to PBC for capacity management and review consistent with this Article.

**CHAPTER B STANDARD**

**Section 1 General**

There is hereby established a TPS for all Major Thoroughfares within PBC. Except as specifically provided in this Article, no Site Specific Development Order shall be issued for a proposed Project which would violate this standard. This standard consists of two tests. The first test relates to the Buildout Period of the Project and requires that the Project not add Traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Buildout Period. The second test relates to the evaluation of traffic five years in the future and requires that the Project not add Traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Five-Year Analysis Period. Total Traffic for Test 2 is based in part upon Background Traffic information from the TPS Database. Where a CRALLS service volume has been adopted, those volumes shall apply. Where a CRALLS service volume has been adopted for one or more of the LINKs that constitute the legs of the intersection, the allowable service volume for the intersection shall be calculated as follows: Allowable CRALLS intersection volume = [sum of CRALLS Link volume(s) or LINK LOS D volumes (for those LINKS without CRALLS), whichever is applicable, for all legs of intersection/(sum of Link LOS D volume(s) for all legs of intersection)] x 1400. For Test 2 purposes, LOS E volumes and a 1500 critical sum shall be used in the preceding formula for determination of the allowable CRALLS intersection volumes. [Ord. 2006-043] [Ord. 2007-013] [Ord. 2009-040]

**Section 2 Project Buildout/Five Year Standard**

**A. Buildout Test - Test 1- Part One and Two**

No Project shall be approved for Site Specific Development Order unless it can be shown to satisfy the requirement of Parts One and Two of Test 1 as outlined below. [Ord. 2009-040]

**1. Part One – Intersections**

This Part requires analysis of Major Intersections, within or beyond the Radius of Development Influence, where a Project's traffic is significant on a Link within the Radius of Development of Influence. For purposes of this Part One, Major Intersections also includes intersections of a Major Thoroughfare and a non-thoroughfare road or other point of access where: 1) the intersection is signalized or where projected traffic volumes warrant a signal; and 2) the non-thoroughfare approach is projected to carry at least 200 two-way, peak hour trips and, 3) the non-thoroughfare approach represents 20 percent or more of the intersection critical sum volume. **[Ord. 2005-002]**

- a. The following major intersections shall be analyzed: **[Ord. 2007-013]**
  - 1) The Major Intersections in each direction nearest to the point at which the Project's Traffic enters each Project Accessed Link, and where the Project Traffic entering and exiting the intersection is significant. The intersections analyzed shall not exceed two intersections per Project Accessed Link. **[Ord. 2007-013]**
  - 2) For a Project on Southern Boulevard, the Single Point Urban Interchange(s) on Southern Blvd. where it is the nearest Major Intersection to the point at which the Project's Traffic enters the Project Accessed Link and where the Project Traffic entering and exiting the intersection is significant. For purposes of determining significance of the traffic entering and exiting the intersection, the traffic entering and exiting the ramps shall be considered against the combined LOS D capacity of the ramps, which shall be 4,200 vehicles per hour. **[Ord. 2007-013] [Ord. 2009-040]**
  - 3) All Major Intersections where the Project Traffic comprises 10 percent or more of the Total Traffic on at least one approach. **[Ord. 2005-002] [Ord. 2007-013]**
- b. For signalized intersections that are not part of the SIS, SIS Connectors, FIHS, or TRIP funded facilities, analyze the Major Intersections using the Highway Capacity Manual (HCM) 1985 Planning Methodology (CMA). In the event that one or more intersections exceed the Critical Volume threshold identified in Table 12.B.2.C-2 1B or the intersections are part of the SIS, SIS Connectors, FIHS, or TRIP funded facilities, the applicant shall conduct the intersection analysis of those intersections using the HCM Operational Analysis using the most recent version of the HCM. **[Ord. 2007-013] [Ord. 2009-040]**
  - 1) The HCM CMA and Operational Analysis shall comply with the default input values published by the County Engineer no more frequently than twice per year. Revisions to the input values may be made subject to approval by the County Engineer to reflect actual or projected field conditions where substantial differences from the published values can be demonstrated. **[Ord. 2009-040]**
  - 2) If the intersection average total delay or the Critical Volume is at or below the thresholds identified in Table 12.B.2.C-2 1B, the Project passes Part One of Test 1 and continues with the Part Two – Link Analysis. If the intersection average total delay or the Critical Volume exceeds the thresholds identified in Table 12.B.2.C-2 1B, the Project fails Part One of Test 1. **[Ord. 2007-013] [Ord. 2009-040]**
- c. For unsignalized Major Intersections, the intersections shall be analyzed using the most recent version of the HCM Unsignalized Intersection Analysis and all minor movements of Rank 2 or higher shall operate at LOS E or better. In addition, a signal warrant analysis with Total Traffic for the intersection may be required by the County Engineer. **[Ord. 2009-040]**
  - 1) If a minor movement is not projected to operate at LOS E or better, then the applicant may make intersection improvements in accordance with applicable Palm Beach County or FDOT Design Standards to satisfy the LOS standard. If these improvements require signalization of the intersection and if signalization is expected to be warranted at any time up to 24 months after the Project's final certificate of occupancy, then the Project may also be required to fund signalization. If, with these improvements, all minor movements of Rank 2 or higher will operate at LOS E or better, the Project passes Part One of Test One. **[Ord. 2009-040]**
  - 2) If no geometric intersection improvements are determined to be feasible by the County Engineer, then the applicant shall agree to fund signalization of the intersection if warranted at any time up to 24 months after the Project's final certificate of occupancy. If the applicant is not willing to agree to fund signalization of the intersection if warranted, the Project fails Part One of Test One. **[Ord. 2009-040]**

## **2. Part Two – Links**

This Part requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is significant on a Link within the Radius of Development influence. The Total Traffic in the peak hour on the Link shall be compared to thresholds in Table 12.B.2.C-1 1A: LOS D Link Service Volumes, Peak Hour Traffic; two-way volume

threshold. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test 1. If the Total Traffic is higher than the threshold, then the Project fails Part Two. If the Project fails, the applicant may elect to complete a more detailed analysis as outlined below, to demonstrate compliance with Part Two. **[Ord. 2005 – 002]**

- a. Optional Analysis i., On all Links where the peak hour Total Traffic two way volume exceeds the Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Peak Hour Traffic two-way volume thresholds, the Peak Hour directional traffic volumes on each Link shall be compared to the thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Class II. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test 1. If the peak hour Total Traffic is higher than the threshold, then the Project fails. If the Project fails, optional analysis ii may be completed as outlined below, to demonstrate compliance with Part Two. **[Ord. 2007-013]**
- b. Optional Analysis ii, On all Links where the Total Traffic peak hour directional volumes exceed the thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Class II, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-1 1A: LOS D Link Service Volumes, Class I and the Major Intersections on each end of the failing Link shall be analyzed. If the project is on Southern Boulevard, the intersection created by the Single Point Urban Interchange shall not be considered the intersection at the end of the link since the intersection is actually not on Southern Boulevard. The Project should include the next intersection with Southern Boulevard for analysis and compliance. The Project shall pass Part Two of Test 1 if:**[Ord. 2005 – 002] [Ord. 2007-013]**
  - 1) the Total Traffic peak hour directional volume on the Link is less than the thresholds in Table 12.B.2.C-1, 1A: LOS D. Link Service Volumes Class I; and, **[Ord. 2007-013]**
  - 2) the intersections are below the 1,400 Critical Volume or below the Delay Threshold in Table 12.B.2.C-2 1B: LOS D Intersection Thresholds.  
If the Project fails Part Two of Test 1 using optional analysis ii but the intersections at the end of the failing link are below the 1,400 Critical Volume or below the Delay Threshold in Table 12.B.2.C-2,1B a more detailed analysis as outlined in Optional Analysis iii may be completed to demonstrate compliance with Part Two. **[Ord. 2005 – 002] [Ord. 2007-013]**
- c. Optional Analysis iii, On all Links where the Total Traffic peak hour; two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, but the intersections at the end of the Link did not exceed the 1,400 Critical Volume or the LOS D Intersection Threshold: **[Ord. 2007-013]**
  - 1) The HCM Arterial Analysis Operational methodology shall be conducted if the Buildout period is five years or fewer and the traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are less than or equal to two miles apart. For these Links, the Project shall demonstrate that the Total Traffic peak hour, directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS D as defined in Table 12.B.2.C-3, 1C: LOS D. Speed Thresholds. If the speed is lower than LOS D then the Project fails Part Two of Test 1. If the speed is equal to or higher than the LOS D speed threshold, then the Project shall pass Part Two of Test 1. **[Ord. 2005-002] [Ord. 2007-013]**
  - 2) If traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are more than two miles apart, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-1 1A: LOS D Link Service Volumes, Uninterrupted Flow. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part 2 of Test 1. If the Total Traffic is higher than the threshold, then the Project fails. **[Ord. 2007-013]**
  - 3) If the Buildout Period is greater than five years, the traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are less than or equal to two miles apart, and the Total Traffic peak hour; two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, then the Project fails Part Two of Test 1. **[Ord. 2007-013]**

#### **B. Five Year Analysis - Test 2**

No project shall be approved for a Site Specific Development Order unless it can be shown to satisfy the requirements of Test 2. This test requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is Significant on a Link within the Radius of Development Influence. This analysis shall address the Total Traffic anticipated to be in place at the end of the fifth year of the Florida Department of Transportation Five-Year Transportation

Improvement Program in effect at the time of traffic analysis submittal. The existing road network and State and County Five-Year Road Program improvements with construction scheduled to commence before the end of the Five-Year Analysis Period shall be the Test 2 Road Network assumed in the analysis. If the number of lanes is different in each direction of a Link, both directions shall be evaluated against the applicable standard. **[Ord. 2006-043]**

1. The Total Traffic in the peak hour on the Link shall be compared to thresholds in Table 12.B.2.C-4 2A: LOS E Link Service Volumes, Peak Hour Traffic; two-way volume threshold. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Test Two. If the Total Traffic is higher than the applicable threshold, then the project fails Test Two. If the Project fails, the applicant may elect to complete a more detailed analysis as outlined below, to demonstrate compliance with Test Two. **[Ord. 2006-043]**
  - a. Optional Analysis i. On all links where the peak hour Total Traffic exceeds the Table 12.B.2.C-4 2A, Peak Hour Traffic two-way volume thresholds, the Peak Hour directional traffic volumes on each link shall be compared to the thresholds in Table 12.B.2.C-4 2A Class II. If the Total Traffic is equal to or lower than the thresholds, the project shall pass Test Two. If the peak hour Total Traffic is higher than the threshold, then the project fails. If the project fails, Optional Analysis ii may be completed as outlined below, to demonstrate compliance with Test Two. **[Ord. 2006-043]**
  - b. Optional Analysis ii. On all links where the Total Traffic peak hour directional volumes exceed the thresholds in Table 12.B.2.C-4 2A, Class II, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-4 2A, Class I, and the Major Intersections on each end of the failing Link shall be analyzed. The Project shall pass Test 2 using this Optional Analysis if: **[Ord. 2006-043]** **[Ord. 2007-013]**
    - 1) the Total Traffic peak hour directional volume on the Link is less than the thresholds in Table 12.B.2.C-4 2A Class I; and **[Ord. 2006-043]**
    - 2) the intersections are below the 1500 Critical Volume or below the Delay Threshold in Table 12.B.2.C-5 2B for LOS E.  
If the project fails Test Two using Optional Analysis ii but the intersections at the end of the failing link are below the 1500 Critical Volume or below the Delay Threshold in Table 12.B.2.C-5 2B, a more detailed analysis as outlined in Optional Analysis iii may be completed to demonstrate compliance with Test Two. **[Ord. 2006-043]**
  - c. Optional Analysis iii. On all links where the Total Traffic peak hour two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, but the intersections at the end of a link did not exceed the 1500 Critical Volume or the LOS E Intersection Threshold: **[Ord. 2006-043]** **[Ord. 2007-013]**
    - 1) The HCM Arterial Analysis Operational methodology shall be conducted. if the traffic signals projected to be in place on the Link during the Five Year Analysis Period are less than or equal to two miles apart. For these links, the project shall demonstrate that the Total Traffic peak hour directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS E as defined in Table 12.B.2.C-6 2C. If the speed is lower than LOS E, then the project fails Test 2. If the speed is equal to or higher than the LOS E speed threshold, then the project shall pass Test 2. **[Ord. 2006-043]** **[Ord. 2007-013]**
    - 2) If traffic signals projected to be in place on the Link during the Five Year Analysis Period are more than two miles apart, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-4 2A: LOS E Link Service Volumes, Uninterrupted Flow. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Test 2. If the Total Traffic is higher than the threshold, then the Project fails. **[Ord. 2007-013]**
2. The Applicant may make link or intersection improvements in accordance with Palm Beach County or Florida Department of Transportation Design Standards, as applicable, in order to satisfy Test 2. If Test 2 could be technically satisfied by improving the deficient Link(s), the County Engineer may determine that such improvements will not satisfy Test 2 where such improvements do not result in additional capacity sufficient to solve the deficiency on the Major Thoroughfare Network or do not provide continuity based upon generally accepted traffic engineering principles. **[Ord. 2006-043]**

#### **C. Level of Service Standard**

1. The LOS D Standard Service Volumes as to Average Daily Traffic, Peak Hour Traffic two-way and Peak Season, Peak Direction (Test 1 for Links are set forth in Table 12.B.2.C-1 1A: LOS D Link Service Volumes. The LOS D thresholds relative to intersections are set forth in Table 12.B.2.C-2 1B: LOS D Intersection Thresholds. The LOS D threshold associated with the HCM arterial analysis in terms of speed is provided in Table 12.B.2.C-3 1C: LOS D Speed Thresholds.

2. The LOS E Standard Service Volumes for Average Daily Traffic, Peak Hour Traffic two-way and Peak Season, Peak Direction (Test 2 for Links) are set forth in Table 12.B.2.C-4 2A. LOS E Link Service Volumes, The LOS E thresholds relative to intersections are set forth in Table 12.B.2.C-5 2B, LOS E Intersection Thresholds. The LOS E thresholds associated with the HCM arterial analysis in terms of speed are provided in Table 12.B.2.C-6 2.C, LOS E Speed Thresholds. **[Ord. 2006-043]**
3. For roads on the SIS, SIS Connectors, FIHS, and TRIP-funded facilities, the LOS standard shall be LOS D in Urban Areas, LOS C in Transitioning Urban Areas, Urban Areas, or Communities; and LOS B in Rural Areas as adopted by the FDOT. This standard must be met for roadways on a peak hour/peak direction basis, in accordance with the methodologies specified in FDOT Rule 14-94. **[Ord. 2007-013]**
4. A different service volume may be adopted for a specific road or intersection as part of the Plan as a CRALLS. A required roadway improvement that is the subject of a development order condition may not be necessary due to the adoption of a CRALLS. An applicant with a Project that has a development order condition for a roadway improvement or is phased to the unnecessary roadway improvement may request the appropriate governing body to remove the applicable roadway phasing condition. The application may be approved provided that the concurrency reservation (for unincorporated Projects) or determination of the County Engineer (for municipal Projects) has been amended to delete the applicable roadway phasing condition.

**Table 12.B.2.C-1 1A: LOS D Link Service Volumes**

FACILITY TYPE		ADT	Peak Hour Two Way	Peak Season, Peak Hour, Peak Direction		
				(Class I)	(Class II)	Uninterrupted Flow
2 lanes undivided <sup>1</sup>	2L	12,300	1,170	690	650	1030
2 lanes one-way	2LO	19,600	1,870	2,230	2,050	
3 lanes two-way	3L	15,400	1,460	860	810	
3 lanes one-way	3LO	29,500	2,810	3,350	3,080	
4 lanes undivided <sup>1</sup>	4L	24,500	2,330	1,400	1,280	3490
4 lanes divided	4LD	32,700	3,110	1,860	1,710	3490
5 lanes two-way	5L	32,700	3,110	1,860	1,710	
6 lanes divided	6LD	49,200	4,680	2,790	2,570	5230
8 lanes divided	8LD	63,800	6,060	3,540	3,330	
4 lanes expressway	4LX	67,200	6,250	3,440	3,440	
6 lanes expressway	6LX	105,800	9,840	5,410	5,410	
8 lanes expressway	8LX	144,300	13,420	7,380	7,380	
10 lanes expressway	10LX	182,600	16,980	9,340	9,340	
<b>[Ord. 2005-002] [Ord. 2007-013]</b>						
Based on the FDOT Quality/ LOS Manual, 2002 edition.						
<sup>1</sup> Service volumes for "undivided" roadways assume no left turn lanes are available						

**Table 12.B.2.C-2 1B: LOS D Intersection Thresholds**

LOS	Critical Movement	HCM Operational Analysis
D	1,400	Greater than 35.0 to 55.0 Seconds of Delay
<b>Note:</b> The delay identifies seconds of delay greater than 35.0 and less than or equal to 55.0.		

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**Table 12.B.2.C-3 1C: LOS D Speed Thresholds**

Urban Street Class	I	II	III
Range of Free Flow Speeds (FFS)	55 to 45 miles per hour	45 to 35 miles per hour	35 to 30 miles per hour
Typical FFS	50 miles per hour	40 miles per hour	35 miles per hour
LOS	Average Travel Speed (Miles per Hour)		
D	Greater than 21 to 27	Greater than 17 to 22	Greater than 14 to 18
<b>Note:</b> speed values refer to a "range" of values that will achieve LOS D. For example speeds greater than 21 but less than or equal to 27 miles per hour will all be LOS D for a Class I roadway.			

**Table 12.B.2.C-4 2A: LOS E- Link Service Volumes**

FACILITY TYPE		ADT	Peak Hour	Peak Season, Peak Hour, Peak Direction		
			Two-Way			
				Class I	Class II	(Uninterrupted Flow)
2 lanes undivided <sup>1</sup>	2L	13,000	1,240	710	680	1410
2 lanes one-way	2LO	20,700	1,960	2,230	2,160	
3 lanes two-way	3L	16,300	1,550	890	850	
3 lanes one-way	3LO	31,100	2,950	3,350	3,250	
4 lanes undivided <sup>1</sup>	4L	25,900	2,450	1,400	1,350	3970
4 lanes divided	4LD	34,500	3,270	1,860	1,800	3970
5 lanes two-way	5L	34,500	3,270	1,860	1,800	
6 lanes divided	6LD	51,800	4,920	2,790	2,710	5960
8 lanes divided	8LD	67,000	6,360	3,540	3,500	
4 lanes expressway	4LX	76,500	7,110	3,910	3,910	
6 lanes expressway	6LX	120,200	11,180	6,150	6,150	
8 lanes expressway	8LX	163,900	15,240	8,380	8,380	
10 lanes expressway	10LX	207,600	19,310	10,620	10,620	
<b>[Ord. 2005 - 002] [Ord. 2007-013]</b>						
Based on the FDOT Quality/LOS Manual, 2002 edition						
<sup>1</sup> Service volumes for "undivided" roadways assume no left turn lanes are available.						

**Table 12.B.2.C-5 2B: LOS E Intersection Thresholds**

LOS	Critical Movement	HCM Operational Analysis
E	1500	Greater than 55.0 to 80.0 Seconds of delay
<b>Note:</b> The delay identifies seconds of delay greater than 55.0 and less than or equal to 80.0.		

**Table 12.B.2.C-6 2C: LOS E Speed Thresholds**

Urban Street Class	I	II	III
Range of Free Flow Speeds (FFS)	55 to 45 miles per hour	45 to 35 miles per hour	35 to 30 miles per hour
Typical FFS	50 miles per hour	40 miles per hour	35 miles per hour
LOS	Average Travel Speed (Miles per Hour)		
E	Greater than 16 to 21	Greater than 13 to 17	Greater than 10 to 14
<b>Note:</b> speed values refer to a "range" of values that will achieve LOS D. For example speeds greater than 21 but less than or equal to 27 miles per hour will all be LOS D for a Class I roadway.			

**D. Radius of Development Influence/Project Significance**

Table 12.B.2.D-7, 3A represents the Radius of Development Influence for the specific volume of the proposed Project's Net Trips. **[Ord. 2006-043] [Ord. 2007-013]**

**Table 12.B.2.D-7 3A: Radius of Development Influence**

Net External Peak Hour	Two-Way Trip Generation	Radius
1	thru 20	Directly accessed link(s) of first accessed major thoroughfare(s)
21	thru 50	0.5 miles
51	thru 100	1 mile
101	thru 500	2 miles
501	thru 1,000	3 miles
1,001	thru 2,000	4 miles
2,001	thru Up	5 miles
<b>[Ord. 2005-002] [Ord. 2006-043] [Ord. 2007-013]</b>		

**Table 12.B.2.D-9 3C – Test One Levels of Significance**

Facility	All Links (except I-95 and the Turnpike)	I-95/Turnpike
Significance Level	one percent LOS D within Radius, five percent LOS D outside Radius	five percent LOS D
[Ord. 2006-043]		

**Table 12.B.2.D-10 3D – Test Two Levels of Significance**

Facility	All Links (except I-95 and the Turnpike)	I-95/Turnpike
Significance Level	three percent LOS E within Radius, five percent LOS E outside Radius	five percent LOS E
[Ord. 2006-043]		

1. For Test 1, a Project must address those Links within the Radius of Development Influence on which its Net Trips are greater than one percent of the LOS D of the Link affected on a peak hour basis AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS D of the Link affected on a peak hour basis up to the limits set forth in Table 12.B.2.C-1 1A: LOS D Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS D of the Link affected on a peak hour basis up to the limits set forth in Table 12.B.2.C-1 1A: LOS D Link Service Volumes. **[Ord. 2006-043] [Ord. 2007-013]**
2. For Test 2, a Project must address those Links within the Radius of Development Influence on which its Net Trips are greater than three percent of the LOS E of the Link affected on a peak hour two-way basis up to the limits set forth in Table 12.B.2.C-4, 2.A: LOS E Link Service Volumes AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS E of the Link affected on a peak hour two-way basis up to the limits set forth in Table 12.B.2.C-4, 2A: LOS E Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS E of the Link affected on an Peak Hour basis up to the limits set forth in Table 12.B.2.C-4, 2.A: LOS E Link Service Volumes. **[Ord. 2006-043] [Ord. 2007-013]**
3. Pursuant to section 163.3180(6), Florida Statutes, any Project which is below the Significance level identified in Tables 12.B.2.D-9 3C on a Link within its Radius of Development Influence that has been identified as ineligible for de minimis exception by the Florida Department of Community Affairs (DCA) must still meet the requirements of Test One for that Link. This subsection shall not apply to a Project that consists of one single family home on an existing lot. **[Ord. 2007-013] [Ord. 2008-003]**
4. Transportation Element Policy 1.2-f.41, of the Palm Beach County Comprehensive Plan establishes a temporary CRALLS on certain roadway links for the exclusive use of Projects with insignificant impact on the identified links. In order to meet this Policy, all Projects seeking to use this temporary CRALLs must implement one of the mitigation requirements set forth below: **[Ord. 2008-003]**
  - a. Prior to issuance of the first building permit, Developer shall pay a one-time mitigation fee of \$ 36 per net Project peak hour trip on the affected temporary General CRALLS link or links. If more than one temporary General CRALLS link is impacted by Project traffic, then the cumulative number of Project peak hour trips on all affected links shall be used to calculate the mitigation fee. The mitigation fee rate per net Project peak hour trip is calculated as follows (assuming that the majority of peak hour trips on the roadway are commuter trips to and from work): **[Ord. 2008-003]**
    - 1) Annual cost of traffic congestion in South Florida (from 2007 Annual Urban Mobility Report, Texas Transportation Institute) = \$900 per motorist per year. **[Ord. 2008-003]**
    - 2) Estimated average length of temporary General CRALLS roadway link = One mile (based upon 2006 year General CRALLS list). **[Ord. 2008-003]**
    - 3) Estimated average length of Palm Beach County work trip = 12.5 miles (based upon U.S. Census Journey to Work average time of approximately 25 minutes for Palm Beach County and an average peak hour speed from 2001 National Household Travel Survey of approximately 30 MPH). **[Ord. 2008-003]**
    - 4) Project trip length on the affected temporary General CRALLS link is approximately one mile/12.5 miles = 0.08 of the total work trip length. **[Ord. 2008-003]**
    - 5) Annual congestion cost of Project peak hour trips on affected temporary General CRALLS link (since these links are identified once every year) = 0.08 x \$900 / year = \$72/ year. **[Ord. 2008-003]**

- 6) Annual congestion cost of Project peak hour trips attributable to each trip end (either production or attraction) = \$72 / year / two = \$36/ year **[Ord. 2008-003]**

These fees shall be deposited in a separate Fee Account for the roadway Link and shall be used to improve mobility on the affected temporary General CRALLS roadway Link. If Palm-Tran or Tri-Rail mass transit service is available within 0.25 mile walking distance of the main on-site building entrance (for non-residential developments) or within an average 0.25 mile walking distance of all housing units (for residential developments), then these fees shall be dispersed to either Palm-Tran or Tri-Rail for free transit passes for Project employees or residents. If no mass transit service is available within the 0.25 mile walking distance, then the fees shall be dispersed to South Florida Commuter Services to fund an ongoing on-site ridesharing program (for non-residential projects) or other affected General CRALLS link-related transportation demand management improvements (for residential projects), subject to the approval of the County Engineer. **[Ord. 2008-003]**

- b. Develop at a density or intensity which is fifty percent or less of the allowable maximum under the future land use designation. **[Ord. 2008-003]**.
- c. Develop a low generation traffic sensitive Project, which will generate fifty percent or less of the 2-way PM peak hour traffic expected under the general land use category permitted by right for the applicable zoning district (assuming the maximum FAR for non-residential land uses or maximum density for residential land uses). **[Ord. 2008-003]**
- d. Prepay fair share road impact fees in full within six months of the approval of the Project's initial development order or prior to the issuance of the first building permit, whichever shall first occur. **[Ord. 2008-003]**
- e. Provide inter-connectivity between complementary neighboring land uses for both vehicular and pedestrian cross-access. Such interconnectivity shall consist of an access easement on the parcel's plat, or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur. Prior to final master or site plan approval, the Developer shall obtain a reciprocal access easement or restrictive covenant from the adjacent property owner to complete the inter-connectivity. The development orders of the properties involved shall require the construction of the cross-access. **[Ord. 2008-003]**

These mitigation measures for the General CRALLS shall no longer be available for use by new developments approved after December 31, 2012. **[Ord. 2008-003]**

Table 12.B.2.D-9-3C identifies the thresholds for the purposes of defining project significance for Test 1. The LOS D thresholds shall mean those peak-hour two-way volumes listed in Table 12.B.2.C-1 1A. Table 12.B.2.D-10 4B identifies the Significance thresholds for Test 2. The LOS E thresholds shall be those Peak Hour volumes listed in Table 12.B.2.C-4 2A. **[Ord. 2006-043]**

#### **E. Phasing**

Phasing may be utilized by the Applicant to establish compliance with this standard if all of the following conditions are met:

- 1. The Proposed Project is able to comply with all the other Concurrency Requirements of the Plan in the unincorporated area.
- 2. The proposed phasing results in the proposed Project complying with the standards set forth in this Chapter.
- 3. The proposed phasing comports with the extent and timing of the Assured Construction.
- 4. The County Engineer confirms that construction is in fact Assured Construction.
- 5. For any Assured Construction which is to be completed by the Applicant as to the Unincorporated Area, the Applicant must agree in writing prior to approval of the Traffic Impact Study that a condition of approval must be imposed or an Agreement executed and sufficient Performance Security must be required; and as to the Incorporated Area either an Agreement must be executed by all parties prior to or concurrent with the issuance of the Site Specific Development Order, or the Site Specific Development Order must have as a condition the completion of the Assured Construction and timely posting of Performance Security. **[Ord. 2007-013]**
- 6. Building Permits for that portion of a Project approved with phasing which if standing alone would be the Entitlement phase of the Project may be issued notwithstanding the standards in this Chapter.
- 7. Conditions of the Development Order are imposed or an Agreement is entered which ensure permits are restricted in accordance with the phasing.
- 8. Phasing shall be controlled by the non-issuance of building permits. Phasing may not occur by issuing building permits for any of the phased units or square feet and withholding the CO, inspections, or other items subsequent to the issuance of building permits. Local Government may control phasing by a means prior to the issuance of building permits.

#### **F. Reliance on Assured Road Construction**

If a Project is approved or phased based on Assured Construction, Building Permits shall be granted for the phase or portion of the Project approved based on the Assured Construction no sooner than the award of a contract by a governmental agency for the construction of the improvement, or commencement of construction, subject to the following:

1. If intersection improvements are required to meet Test one and there is a scheduled road construction Project which would incorporate all or a portion of such intersection improvements, then the County Engineer, in his/her sole and exclusive discretion, may require payment for the cost of such intersection improvement provided all other requirements of the TPS have been satisfied. In that event, upon receipt of the payment, Building Permits shall be granted for a portion of the Project which is phased to such intersection improvements. The payment shall be based on a certified engineering estimate accepted by the County Engineer.
2. If the Assured Construction is in PBCs Five Year Road Program Ordinance as construction, or the FDOT Adopted Work Program for construction, and was relied upon for the issuance of the Site Specific Development Order and the construction is subsequently deleted from the PBC Five Year Road Program Ordinance, or the FDOTs Adopted Work Program, Building Permits for development that was phased to that Assured construction shall be issued, but not sooner than the end of the fiscal year construction was to commence. For purposes of this paragraph, "deleted" shall mean the elimination of the construction project, the material reduction in the scope of construction work or funding thereof (as it affects the construction project), the postponement of the construction project for more than two years (one year for projects approved prior to June 16, 1992) beyond the year the construction was originally programmed in PBCs Five-Year Road Program or the FDOTs Adopted Work Program. **[Ord. 2007-013]**
3. Three-Year Grace Period notwithstanding the requirements in this Subsection, a Project may receive a building permit if the required roadway improvements are in the first three years of PBCs Five-Year Road Program, and the Project is one of the following:
  - a. located in the residential exception Area per Transportation Element Policy 1.2-a;
  - b. located in the Glades communities, delineated as the areas in the Urban/Suburban (U/S) Tier immediately east of Lake Okeechobee, and the areas with urban densities in the rural towns of Lake Harbor and Canal Point;
  - c. located in the Redevelopment and Revitalization Overlay; or
  - d. the Project is a facility that is wholly owned and operated by State or local government, or a public or private school as defined in the Introduction and Administration Element of the Plan.

#### **G. Development of Regional Impact (DRI)**

Development Orders for a DRI with a Project buildout of more than five years may meet Test 1 based on Development Order conditions that phase building permits to the commencement of Assured Construction for the first five years of the Project and the construction of identified roadway Links in the 2020 Plan Network beyond the first five years of the Project. Any roadway improvement required beyond the first five years must be Assured Construction not less than three years before the date that the roadway improvement is required. No building permits within the DRI that are phased to a roadway improvement may be issued until the roadway improvement that the building permits are phased to is under construction.

Notwithstanding the provisions above, any Project which is a DRI, located east of I-95, which is phased to any single roadway Project costing in excess of \$15 million, may consider that roadway project to be under construction for the purpose of issuing building permits if the roadway project is in the first three years of an adopted work program. The DRI development order must include a condition that the roadway project must be under construction no more than three years after the CO (or functional equivalent) for the portion of the development that precipitated the need for the roadway project.

### **CHAPTER C TRAFFIC IMPACT STUDIES**

#### **Section 1 Traffic Impact Study**

##### **A. Scope**

A Traffic Impact Study shall be required for any proposed Project, except as set forth in Article 12.D.1.C, No Study Needed. It shall be presented concisely using maps whenever practicable; and shall state all assumptions and sources of information. **[Ord. 2007-013]**

##### **B. Criteria**

The following criteria shall be addressed:

**1. Level of Service (LOS)**

The Adopted LOS for Test 1 and Test 2, as applicable, for all Major Thoroughfares within the applicable Radius of Development Influence shall be used.

**2. Radii of Development Influence**

The traffic study shall use the Radius of Development Influence for Test 1 and Test 2. [Ord. 2007-013]

**3. Projected Buildout Period**

**a. Assumption**

The Buildout Period of the Project shall be set forth in the Traffic Impact Study and shall be subject to the review and approval of the County Engineer, based on the following criteria: [Ord. 2007-013]

- 1) The size, type and location of the proposed Project. [Ord. 2007-013]
- 2) Customary Buildout Periods for Projects of similar size, type, and location. [Ord. 2007-013]
- 3) Any other factors or conditions relevant to the specific Project, including special market conditions and schedules of Assured Construction. [Ord. 2007-013]

**b. Enforcement**

For enforcement purposes, the Buildout Period of the Project shall be deemed complete if any of the following is true: [Ord. 2007-013]

- 1) In the case of a non-residential project, final COs have been issued for interior tenant improvements for 80 percent of the gross leasable area. [Ord. 2007-013]
- 2) In the case of residential projects with: [Ord. 2007-013]
  - a) a Development Order issued on or before August 27, 2007; [Ord. 2007-013]
  - b) a project buildout condition of approval in the Development Order; and [Ord. 2007-013]
  - c) 80 percent or more of the total lots platted not more than four years after the expiration of the project buildout condition of approval in the Development Order, the completion of the proposed project shall be issuance of building permits for 50 percent + one of the total project units as set forth in the master plan or site plan as applicable. [Ord. 2007-013]
- 3) In the case of residential projects with: [Ord. 2007-013]
  - a) a Development Order issued on or before August 27, 2007; [Ord. 2007-013]
  - b) a project buildout condition of approval in the Development Order; and, [Ord. 2007-013]
  - c) less than 80 percent of the total lots platted no more than four years after the expiration of the project buildout condition of approval in the Development Order, the completion of the propose project shall be issuance of building permits for 80 percent of the total project units as set forth in the master plan or site plan as applicable. [Ord. 2007-013]
- 4) In the case of residential projects with: [Ord. 2007-013]
  - a) a Development Order issued on or before August 27, 2007; [Ord. 2007-013]
  - b) that do not have a project buildout condition of approval in the Development Order; and [Ord. 2007-013]
  - c) that have received building permits for 80 percent of the total project units as set forth in the master plan or site plan as applicable the project shall be deemed complete for the purposes of this section. [Ord. 2007-013]
- 5) In the case of residential projects with: [Ord. 2007-013]
  - a) a Development Order issued after August 27, 2007; and [Ord. 2007-013]
  - b) a buildout condition of approval in the Development Order, the completion of the proposed project shall be the issuance of building permits for 80 percent of the total project units as set forth in the master plan or site plan as applicable. [Ord. 2007-013]
- 6) For the purpose of implementing the aforementioned rules: [Ord. 2007-013]
  - a) residential projects which have received building permits for 50 percent or less of the total project units (as set forth in the master plan or site plan as applicable) as of the date of expiration of the buildout condition of approval shall not receive any additional building permits until such time as a time extension for the buildout condition of approval is approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request; [Ord. 2007-013]
  - b) residential projects which have received building permits for 80 percent or more of the total project units (as set forth in the master plan or site plan as applicable) as of the date of expiration of the buildout condition of approval shall be considered complete; [Ord. 2007-013]

- c) residential projects which have received building permits for at least 50 percent + one, but less than 80 percent, of the total projects units (as set for in the master plan or site plan as applicable) as of the date of expiration of the buildout condition of approval shall not receive any additional building permits until either: **[Ord. 2007-013]**
  - (1) 80 percent or more of the total lots have been platted no more than four years after the expiration of the project buildout condition of approval in the Development Order, in which case the project shall be deemed complete; **[Ord. 2007-013]**
  - (2) a time extension for the buildout condition of approval is approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. **[Ord. 2007-013]**

**4. Project Phasing**

The traffic study may reflect a proposed phasing schedule for the development of the proposed Project. This schedule shall address the time at which each phase will place traffic impacts on the Major Thoroughfares within the Radius of Development Influence and shall include the following:

**a. Generation**

Project traffic figures and assignments for each proposed phase; and

**b. Assured Construction**

Where the evaluation of phased traffic impact includes the effect of Assured Construction, sufficient information regarding the proposed construction to ensure that the roadways realistically will be constructed at the times stated.

**5. Peak Hours**

Generally, the study shall address the AM and PM Peak Hours, Total Peak Hour traffic, unless traffic characteristics dictate that only one of the Peak Hours is analyzed. In some cases, the County Engineer, may still require analysis of other Peak Hours where indicated by accepted traffic engineering principles. The total peak hours analyzed shall not exceed two in number.

- a. The afternoon Peak Hour between four and seven PM during the Peak Season shall be studied in all cases. Generally, the morning Peak Hour between six and nine AM during the Peak Season shall be also studied, unless higher volumes occur outside of the six to nine AM period at the intersection are observed. In that case other Peak Hours outside of the six to nine AM period during the Peak Season shall be used.
- b. Each AM and PM Peak Hour shall be the highest sum of the volume on the approaches to the intersection. It shall be the highest sum of four continuous 15-minute periods.
- c. Once the AM and PM Peak Hours are established, the Peak Hour Net Trips shall be assigned to the Major Intersection and Link for the Peak Hours studied.

**6. Off-Peak to Peak Season Factors**

Off-peak to peak season factors shall be established by the County Engineer for various areas of PBC based upon the best available data and generally accepted traffic engineering principles. Other factors based on generally accepted traffic engineering principles shall be used to update data where newer data cannot be obtained.

**7. Compliance**

The analysis must demonstrate compliance with the standards contained in Test One and Test Two.

**8. Professional Services**

The traffic study shall be prepared, sealed and signed by a qualified professional engineer, licensed to practice in the State of Florida and practicing traffic engineering.

**9. List**

A list of Municipalities within the proposed Project's Radius of Development Influence.

**10. Site Related Improvements**

In addition to the Link and intersection standards and studies, all peak hour(s) turning movements (including Pass-by trips) shall be shown and analyzed for all points where the Project's traffic meets the Project Accessed Links and other roads where traffic control or geometric changes may be needed, as determined by the County Engineer. Recommendations shall be made concerning signalization, turn lanes, or other improvements. PBC may require such improvements in the unincorporated areas to ensure the safe and orderly flow of traffic.

**C. Traffic Volume Components**

The traffic impact study shall address the Total Traffic volumes at the Project Buildout Year and the Five Year Analysis Period as outlined for Test 1 and Test 2. **[Ord. 2006-043] [Ord. 2007-013]**

**1. Existing Traffic - (Peak Season Peak Hour Traffic)**

Peak Hour Traffic, two-way and directional shall be counted by PBC during the Peak Season as defined in this Article. Where current data (collected no more than 30 months prior to submittal of the

Traffic Impact Study) are not available the Project shall conduct counts or upon approval by the County Engineer may establish the Peak Hour Traffic using approved K and D factors. [Ord. 2007-013]

**a. Counts**

The Applicant may provide traffic counts in accordance with accepted traffic engineering principles. Counts shall be made during any continuous two hour period on a weekday between 6:00 AM and 9:00 AM for any AM counts and 4:00 PM and 7:00 PM for PM counts. There shall be no counts on Fridays and legal holidays, unless otherwise authorized or required by the County Engineer, in accordance with accepted traffic engineering principles. All data are subject to review and acceptance by the County Engineer based upon accepted traffic engineering principles.

**b. Factors**

Where a Peak Season, Off-Peak Season or directional traffic count is not readily available, the count for the Link or Intersection may be established using factors established by the County Engineer for various areas of PBC based on the best available data and generally accepted traffic engineering principles. [Ord. 2007-013]

**2. Traffic Generation**

Traffic generated by the Project shall be computed in the following manner:

**a. Rates**

Trip generation rates presented in Table 13.H.4-20, Fair Share Road Impact Fee Schedule shall be used to calculate Average Daily Project trips. For peak hour Project trip generation and where no appropriate daily rates are listed in Table 13.H.4-20, Fair Share Road Impact Fee Schedule the rate equation or tables published in the latest edition of the ITE Trip Generation and Informational Report shall be used unless the County Engineer accepts that other standards provide a more accurate means to evaluate the rates of generation or if documentation is supplied by the Applicant which affirmatively demonstrates more accurate generation rates based on accepted engineering principles.

**b. Local Conditions**

The County Engineer shall publish, and update from time to time, trip generation rates for local conditions and, if applicable, these rates shall be used instead of the ITE rates.

**c. Similar Developments**

Actual traffic counts which establish the generation rate at three similar developments located in similar areas as the one proposed may be used if approved by the County Engineer in accordance with accepted traffic engineering principles. These counts shall be made for the weekdays (excluding legal holidays) as set forth in Article 12.C.1.B.5, Peak Hours, for each site and averaged.

**d. Internal Traffic**

It is acknowledged that some trips generated by mixed use Projects do not exit the Project or enter the Major Thoroughfare system. Unless approved by the County Engineer, credit against the trip generation of a proposed Project shall not exceed ten percent of the gross trip generation of the Project, not including internalization between Service Station and Convenience Store uses. Additionally, credit for any individual land use within the proposed Project shall not exceed ten percent of the gross trip generation for the land use, except as provided herein. Internalization between Service Station and Convenience Store uses is established at 32 percent of the gross trip generation of the Convenience Store use.

**e. Pass by Trips**

It is acknowledged that some trips generated by a proposed non-residential Project are from existing traffic passing the proposed Project and are not newly generated trips. Credit against the trip generation of the proposed Project may be taken for these trips up to the percentage shown in Article 13, IMPACT FEES, or the ITE manual when approved by the County Engineer. The study must detail: (1) all traffic generated from the Project, and (2) the number of Pass-By Trips subtracted from the traffic generated by the Project during the Buildout Period of the Project. Uses other than those listed in Article 13, IMPACT FEES, and any percentage credit proposed to be taken in excess of that shown in Article 13, IMPACT FEES, must be justified based on accepted traffic engineering principles to the satisfaction of the County Engineer as part of the required traffic study, based upon the peculiar characteristics and location of the proposed Project. Factors which should be considered in determining a different Pass-by rate include type and size of land use, location with respect to service population, location with respect to competing uses, location with respect to the surrounding Major Thoroughfare system, and

existing and projected traffic volumes. In no case shall the number of Pass-By Trips exceed 25 percent of Existing traffic plus Background Traffic on the Link, unless demonstrated otherwise to the satisfaction of the County Engineer based on generally accepted traffic engineering principles.

**3. Traffic Assignment**

Total Traffic shall be computed, and traffic assignments of the Net Trips made, for each Link and Major Intersection within the Projects Radius of Development Influence and Test 2 Radius of Development Influence in conformity with accepted traffic engineering principles for both Test 1, and Test 2. The assignments shall address phasing and cover the Buildout Period of the Project for Test 1 and a five year period for Test 2. [Ord. 2006-043]

**4. Background Traffic**

**a. General**

Existing traffic volumes will likely change during the Buildout Period of the proposed Project and during the five-year Test 2 analysis period. The traffic study must account for this change in traffic based on Background Traffic during the Buildout Period of the proposed Project and five-year Test 2 analysis periods. The Projection of Background Traffic shall be based upon the information set forth in the TPS Database, and shall be established in accordance with the requirements set forth in this Article and accepted engineering principles. This change in traffic shall be shown as it relates to the proposed phasing. The Projection of Background Traffic during the Buildout Period of the proposed Project and five-year Test 2 analysis period shall be based upon the TPS Database, and subject to the review and approval of the County Engineer, using the following criteria: [Ord. 2006-043]

- 1) Historical growth shown on tables of County Engineer;
- 2) Characteristics of growth in the Radius of Development Influence;
- 3) Extent of existing, approved, and anticipated development in the Radius of Development Influence;
- 4) Types and sizes of development in the area;
- 5) Traffic circulation in the area;
- 6) Major Projects' impact;
- 7) New and assured road construction.

**b. Historical Growth Tables**

Using the Historical Traffic Growth Tables of the County Engineer, the study shall forecast the change in traffic volumes based on Background Traffic within the proposed Project's Radius of Development Influence during the Buildout Period of the proposed Project. The Historical Growth Tables shall be based on historical daily traffic volumes. However, this change shall be applied on an average peak hour basis and a Peak Season, Peak Hours-Peak direction basis if optional analyses are selected. The effect of residential and non-residential projects shall be considered in projecting the increase or decrease in traffic volumes so as to ensure that there is no double counting or omission in Background Traffic. In using the historical growth tables, engineering judgment shall be used to take into account special circumstances such as the opening of a parallel road or a high traffic generation that may distort the growth trend. For Projects with a lengthy buildout time (five years or more) an area wide growth rate using a number of locations in the tables may be appropriate. No growth rate less than zero percent may be used without approval of the County Engineer when the growth rate is a negative. Zero percent shall be used unless approved by the County Engineer. [Ord. 2006-043] [Ord. 2007-013]

**c. TPS Database**

Using the TPS Database, all traffic from the unbuilt portion of Projects which have received a concurrency reservation prior to the County Engineer's approval of the proposed Project's traffic study which will add significant trips to any Link within the proposed Project's Radius of Development Influence during the Buildout Period of proposed Project shall be specifically accounted for in projecting Traffic for Test 1. For major intersections, the TPS Database shall specifically account for all Project Traffic volumes if at least one approach to the intersection has a Project Traffic volume greater than or equal to 1% of the adopted LOS D. No double counting of trips shall occur. For Test 2, only the traffic generated from the unbuilt portions of the Projects as set forth above which are projected to be built during the Five-Year Analysis Period shall be considered. [Ord. 2005-002] [Ord. 2006-043] [Ord. 2009-040]

**5. Assured Construction**

Assured Construction shall be considered completed as scheduled at the time of submittal of the Traffic Impact Study for the purpose of preparation of the study. Whether it is in fact Assured



Construction and the timing of the Assured Construction shall be subject to the confirmation of the County Engineer. The Traffic Impact Study shall specifically identify the need for phasing based on Assured Construction. **[Ord. 2007-013]**

## **Section 2      Conditions**

The Concurrency Reservation or Site Specific Development Order shall contain such conditions as are necessary to ensure compliance with this Article. The Local Governments, including the legislative and administrative boards, the DRO and officials, issuing Concurrency Reservations or Site Specific Development Orders are authorized to, and shall, impose such conditions. The Local Governments including the legislative and administrative boards, the DRO, and officials shall require where necessary to ensure compliance with this Section that an Agreement be executed prior to the issuance of the Site Specific Development Order. Performance Security shall be required to ensure compliance with the conditions or performance under the Agreement or condition of approval. The Agreement or conditions of approval shall be binding on the owner, its successors, assigns, and heirs; and it, or notice thereof, shall be recorded in the Official Records of the Clerk of the Circuit Court in and for PBC, Florida.

## **CHAPTER D    PROCEDURE**

### **Section 1      Required Submission of Impact Study**

#### **A.    Application Procedure**

Prior to acceptance of any application for a Site Specific Development Order in the unincorporated area, or issuance of a Site Specific Development Order in the incorporated area, a non-refundable application fee established by the BCC from time to time to defray the actual cost for processing the application, shall be submitted along with the Traffic Impact Study or documentation sufficient to establish that the application is not subject to the standards of this Article.

In order to receive a time extension pursuant to Article 2.E, MONITORING, the applicant shall be required to submit either: **[Ord. 2007-013]**

1. A new Traffic Impact Study that meets the standards of this Article in effect at the time the extension is requested, or **[Ord. 2007-013]**
2. Documentation sufficient to establish that the Project with the additional time provided by the extension meets the standards of this Article in effect at the time the extension is requested. **[Ord. 2007-013]**

#### **B.    Review by County Engineer**

The County Engineer or Municipal Engineer, as applicable, shall review the information submitted pursuant to this Article and determine whether the proposed Project complies with this Article. In the unincorporated area the County Engineer shall coordinate with the Planning Division whether the Site Specific Development Order meets the other Concurrency Requirements of the Plan. The procedures set forth in the Adequate Public Facilities Chapter, shall control; except as to any appeals from this Article, in which case Article 12.F, APPEALS, of this Article shall control. Nothing herein or in the Adequate Public Facilities Chapter shall preclude direct informal communication between the County Engineer and the Applicant or his agents. In the Unincorporated Area, a statement that an application for a Site Specific Development Order is being considered shall be sent to any Municipality within the proposed Project's Radius of Development Influence 30 days prior to the issuance of the Site Specific Development Order for all proposed Projects generating more than 100 Gross Peak Hour Trips. The statement shall be sent by U.S. Mail, or hand delivered.

#### **C.    No Study Needed**

##### **1.    Residential**

New Residential Projects generating fewer than or equal to 20 Gross Peak Hour Trips based on PBCs adopted trip generation rates shall not be required to submit a Traffic Impact Study. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer in accordance with generally accepted traffic engineering principles.

##### **2.    Non-Residential**

Non-residential Projects generating less than or equal to 20 Gross Peak Hour Trips based on PBCs adopted trip generation's rates shall not be required to submit a Traffic Impact Study. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer or in accordance with generally accepted traffic engineering principles.

##### **3.    Amendments**

Projects generating less than or equal to 20 Gross Peak Hour Trips based on PBCs adopted trip generations rates shall not be required to submit a Traffic Impact Study for an amendment, provided the total Project, including the amendment, does not exceed 20 Gross Peak Hour Trips. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer in accordance with generally accepted traffic engineering principles.

## **Section 2      Review of Traffic Impact Study**

### **A. County Engineer Review**

On all proposed Projects having more than 100 Gross Peak Hour Trips, the County Engineer shall have sole authority for reviewing Traffic Impact Studies for purposes of determining compliance with this Article.

### **B. Municipal Review**

On all other proposed Projects the Municipality shall perform such review unless the Municipality provides in writing, delivered to the County, that the Municipality elects to require review by the County Engineer. If the Municipality elects to perform the review, it shall be done by a Municipal Engineer. The review shall be in accordance with the requirements of this Article. In the case of Municipal review, 30 days prior to approval of the application for the Site Specific Development Order, the Traffic Impact Study, along with the determination of the reviewing traffic engineer, shall be sent to the County Engineer, c/o Traffic Division, 2300 North Jog Road, West Palm Beach, Florida, 33411. A statement that the Municipality is considering an application for a Site Specific Development Order shall also be sent to any Municipality within the Project's Radius of Development Influence involved 30 days prior to issuance of the Site Specific Development Order for all proposed Projects generating more than one 100 Gross Peak Hour Trips. All documents under this Article shall be sent by U.S. Mail, or hand delivered.

### **C. Prohibitions**

1. In the case of all Site Specific Development Order issued by the DRO, no application shall be certified for inclusion on the DRO agenda if issuance of the Site Specific Development Order would be prohibited by this Article.
2. In the case of all other Site Specific Development Orders in the unincorporated area, no application shall be accepted if issuance of the Site Specific Development Order would be prohibited by this Article.
3. In all cases in the unincorporated area if the Site Specific Development Order does not meet the other Concurrency Requirements of the Plan, no application shall be certified for inclusion on an agenda of a reviewing body or accepted, as the case may be, except as otherwise provided by Article 2.F, CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD).
4. In the case of all Site Specific Development Order in the incorporated area, no Site Specific Development Order shall be issued if such issuance would be prohibited by this Article. In no case shall the Site Specific Development Order be issued prior to 30 days following delivery of the notice in accordance with Article 12.D.2.B, Municipal Review.

### **D. Appeals**

Determinations of the County Engineer or Municipal Engineer must be in writing and any denial shall state the reasons thereof. Determinations of denial may be appealed pursuant to Article 12.F, APPEALS.

## **Section 3      Approval of Traffic Impact Study**

When the County Engineer has found the proposed Traffic Impact Study to comply with the requirements of this Article, the County Engineer shall issue an approval letter to the applicant with copies to the appropriate local governing bodies. This approval letter shall contain, at a minimum, a summary of the project, its impacts on the surrounding roadway network, and any conditions of approval necessary to ensure compliance with this Article. The approval letter shall be valid no longer than one year from date of issuance, unless an application for a Site Specific Development Order has been approved, an application for a Site Specific Development order has been submitted, or the approval letter has been superseded by another approval letter for the same property. **[Ord. 2007-013] [Ord. 2009-040]**

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## **CHAPTER E                    ENTITLEMENT**

### **Section 1            General**

The BCC recognizes that a reasonable and beneficial economic use of property should be afforded a property owner. This Section is intended to implement the provisions in the Plan that allows a reasonable and beneficial economic use of property while minimizing trip generation.

### **Section 2            Unincorporated Area**

As to the Unincorporated Area, a Site Specific Development Order may be issued for a Project not exceeding entitlement density or intensity set forth in the Plan, provided the order is otherwise consistent with the requirements of the Plan and land development regulations of PBC.

### **Section 3            Incorporated Area**

As to the Incorporated Area, a Site Specific Development Order may be issued for a Project not exceeding entitlement density or intensity as set forth in the Plan. As to residential land uses it shall be based on the densities set forth in Figure 2 of the Land Use Element of the Plan, that correspond to the Municipal density in its Comprehensive Plan, with any density exceeding 18 dwelling units per acre receiving the entitlement level set forth in the five to 18 du-per-acre range. As to commercial and industrial, entitlement shall be two and one-half percent of the maximum square footage of floor area allowed under the land use category or zoning district of the Municipality.

### **Section 4            Discretion of Board**

The BCC may exceed the limitations set forth in the Plan upon a determination by the Board that the limitations permitted by the Article would likely constitute a taking of land for public use for which compensation would have to be paid pursuant to law. This Section may only be exercised upon the special petition of the property owner to the BCC which affirmatively demonstrates by substantial competent evidence that no other economically feasible land use which would generate less traffic for the subject property is available because of: (1) this Article; (2) the nature of the land uses in the area; (3) the size and configuration of the property; and (4) other relevant factors. The BCC shall receive the advice of the County Attorney and the County Administrator, and any other person it deems appropriate in exercising its discretion under this Section. If the subject Lot is in the Incorporated Area, the BCC shall consider the advice, if any, of the Municipality in which the Lot is located.

## **CHAPTER F    APPEALS**

### **Section 1            Board**

Except as specifically provided in this Article, appeals from the decisions of the County Engineer or Municipal Engineer, and from all traffic engineering decisions, shall be taken to the TPSAB. Appeals may be brought by the Applicant, any Municipality within the Project's Radius of Development Influence, and the County. The TPSAB shall consist of the Director of the MPO, a professional traffic engineer employed by a municipality as a traffic engineer, a professional traffic engineer employed by another Florida County, a professional traffic engineer employed by the FDOT, District IV, and a professional traffic engineer who generally represents developers. Any individual serving on the TPSAB shall not be a person who participated in the decision being appealed, or who works for or is retained by a party to the appeal or a person who would be directly affected by the matter being appealed or the Proposed Project to which the appeal relates.

### **Section 2            Request/Notice**

The appeal shall be requested in writing within 30 days of the decision of the County Engineer or Municipal Engineer, as applicable. The written request for the appeal shall state the grounds for objection. The appellant shall be given written notice of the date, time and place of the TPSAB's consideration of the appeal. The appeal shall be limited to the issues raised in the objection.

### **Section 3            Hearing**

**A. Burden of Proof**

The appellant shall present all relevant information to the TPSAB. The appellant shall have the burden of affirmatively demonstrating that the decision of the County Engineer or Municipal Engineer was in error. The County Engineer or Municipal Engineer shall be entitled to present information.

**B. Reimbursement**

Members shall serve without compensation but shall be reimbursed in accordance with PBC rules and regulations.

**C. Quorum**

A quorum shall consist of three members and a decision shall be made by affirmative vote of a majority of the members.

**D. Decision**

The TPSAB shall base its decision on the requirements of this Section and accepted traffic engineering principles. It shall state the reasons for the decision. A decision shall be rendered within 60 days of receipt of the written request for appeal.

**Section 4 Appeal from the TPSAB**

The decision of the TPSAB may be appealed by petition for writ of certiorari to the Fifteenth Judicial Circuit Court by either the Applicant or a Local Government within 30 days of the decision. Consideration shall be limited to the record established before the TPSAB.

**Section 5 No Impairments of Judicial Rights or Remedies**

Nothing in this Section shall be construed as a limitation on the rights or remedies of any person. Appeals from decision of persons other than the County Engineer or Municipal Engineer, and traffic engineering decisions, shall be by appropriate action to a court of competent jurisdiction, except as provided otherwise by law, including this Section.

**CHAPTER G AFFORDABLE HOUSING**

**Section 1 Applicability**

**A. Applicability**

This Chapter applies to "Projects to Provide Affordable Housing." Income limits for purposes of this shall be as set forth in the Plan, Housing Element, using the median income as established by the U.S. Department of Housing and Urban Development, Subsection 8 Income Guidelines, West Palm Beach - Boca Raton - Delray Beach, Florida.

**B. Definition**

Affordable housing shall be that housing where mortgage payments, taxes, insurance, and utilities on owner-occupied housing; and contract-rent and utilities on renter-occupied; is less than or equal to 30 percent of the applicable Adjusted Gross Income as described in the preceding paragraph.

**Section 2 Eligibility**

In order to be eligible for Traffic Concurrency Relief under this Section, a Project must provide one of the following:

- A. Mixed housing which enhances or balances the proportions of very low and low income and market-rate housing within the surrounding area as designated by a sector. A sector is defined in the Supporting Document of Transportation Element of the Plan and is provided here for convenience. A sector is "...a geographic area that shall include and be relative to the size and location of the proposed development. It shall consist of one or more neighborhoods that contain a school, an integrated network of residential and collector streets bounded by arterial roads, civic uses, and localized shopping and employment opportunities. The sector will include a minimum of one census tract but shall not extend beyond important physical boundaries which may include a major arterial roadway or wildlife refuge." **[Ord. 2005 – 002]**
- B. Meet the requirements of Art. 5.G.1. Workforce Housing Program and Section 6, below. **[Ord. 2005 – 002]**
  1. A mixed housing Project shall not exacerbate an existing imbalance of very low/low income housing opportunities within the sector of the proposed development, but shall achieve an economic balance

of households, as measured by household income, within a designated sector and shall promote the following ranges of housing opportunities:

**Table 12.G.2-11 – Ranges of Housing Opportunities**

Very low (up to 50 percent of the median)	10 - 40 percent
Low (from 50 percent to 80 percent of the median)	10 - 40 percent
Moderate (from 80 percent to 120 percent of the median)	20 - 70 percent
Middle (from 120 percent to 150 percent of the median)	10 - 20 percent
High (over 150 percent of the median)	05 - 30 percent
<b>[Ord. 2005-002]</b>	

### **Section 3      Application Review of Special Methodologies Projects**

#### **A. Submittal**

An application shall be submitted, in duplicate, to the Planning Division to be considered for traffic concurrency under this Special Methodologies Section. The form of this application shall be prepared by the Planning Division, in coordination with the Commission on Affordable Housing.

1. The application shall be reviewed for sufficiency by the Planning Division, and the applicant shall be notified of any deficiencies within five working days of receipt of the application. Further processing of the application shall be suspended until the required items and information are provided.

#### **B. Review**

The complete application shall be reviewed by both the Planning Division and the Commission on Affordable Housing staff who shall determine if a Project qualifies as either a 100 percent very low and low Housing Project or a Mixed Housing Project.

1. When determining whether a Project qualifies as a Mixed Housing Project, the staff shall consider the following factors:
  - a. Whether or not the Project complies with, at least, the minimum standards for a development of its size as identified in the traffic performance standards exemption criteria in the Transportation Element Policy 1.2-b of the Plan. This involves scoring a minimum number of points awarded relative to the Project's size and development characteristics meeting certain performance standards, these standards include affordability, accessibility, quality of design, resource protection, environmental quality, neighborhood compatibility, safety, pedestrian and vehicular circulation, parking, open space, parks and landscaping.
  - b. Whether the Project furthers the balance of housing opportunities within a sector by providing units which meet the minimum required housing in the very low, low and moderate categories determined by the existing percentage of very low, low and moderate income housing in that sector. The following table shows the proportions of households as described by income:
2. When determining whether a Project qualifies as a Workforce Housing Project, the staff shall meet the requirements of Art. 5.G.1. Workforce Housing Program and Section 6, below. **[Ord. 2005 – 002]**

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**Table 12.G.3.B – 12 – Proportions of Households as Described by Income**

Income Category	Percent of Affordable Housing Existing Within a Sector and Minimum Very Low and Low Housing Required *, **				
	Existing	Under 20 percent	20-40 percent	40-50 percent	Over 50 percent
Very Low And Low	Required	40 percent	30 percent	20 percent	10 percent
<b>Percent of Moderate Income Housing Existing Within a Sector and Minimum Moderate Housing Required</b>					
Moderate and Above	Existing	Under 20 percent	20-60 percent	Above 60 percent	
	Required	20 percent	10 percent	0 percent	
<b>[Ord. 2005 – 002]</b>					
<p>* The distribution of very low and/or low required in a Project is 50 percent of each type of housing with the exception of Projects with only owner-occupied units which shall be required only to provide low income units. These Projects may fulfill the minimum requirement of very low and low-income units with the provision of all low income units.</p> <p>** Minimum percentages as applied to a number of units to be constructed will be rounded down to the nearest whole unit number or one unit, whichever is greater.</p> <p><b>Note:</b> The Commission of Affordable Housing, in conjunction with the Planning Division, shall identify and periodically update the criteria to be used for evaluating the appropriate mix of very low, low, and other housing in a Project that is to be reviewed for compliance with the Special Methodologies provisions. Upon request, this information shall be made available to an applicant.</p>					

#### **Section 4      Approval**

- A. In the event the Project is found to qualify as a Mixed Housing Project, the Planning Director shall notify the County Traffic Engineer that this Project need not meet the LOS Standards if the Project Traffic is less than or equal to three percent of the Average Daily Traffic LOS D Standard on any Link; provided however, that the cumulative traffic from Mixed Housing Projects on any Link does not exceed three percent of Adopted LOS D Standard. **[Ord. 2005 – 002]**
- B. The relief provided under this special Methodology Section shall be considered in determining whether or not there are adequate road facilities for this Project in accordance with this Code. In the event that is a determination of sufficiency, any Concurrency reservation issued by the Zoning Director for the Project must include a condition prohibiting the issuance of a Development Order until a covenant is recorded in the Public Records of PBC as outlined in the paragraph below. **[Ord. 2005 – 002]**
- C. The applicant shall prepare a covenant approved by the Commission on Affordable Housing, determined to be legally sufficient by the County Attorney. The covenant, to be recorded in the public records of PBC, shall guarantee, for a period of at least ten years for single family housing and 20 years for multi-family housing rental units, how the affordability shall be maintained for units required to be very low and moderate income (pursuant to income categories and definitions of the Plan, Housing Element). The period of time these units will remain affordable shall commence from the date of the issuance of the final CO for the first required affordable unit built in the Project. The covenant shall be recorded in the Public Records of the Clerk of the Court for PBC prior to final DRO approval of the site plan. For a mixed housing project located within a municipality the covenant shall be recorded in the Public Records of the Clerk of the Circuit Court for PBC prior to the issuance of any building permit by the municipality. **[Ord. 2005 – 002]**

#### **Section 5      Municipal and Department Coordination**

- A. In the event that a Project being proposed is in part or wholly within a municipality, the Planning Director shall provide the appropriate officials of the city with the conditions upon which the Project is to receive traffic concurrency. The Planning Division shall coordinate with the municipal staff to ensure that the issuance of certificates of occupancy for the required housing complies with the covenanted requirements and conditions.
- B. The Traffic Division shall be responsible for monitoring the exempted traffic under the Special Methodologies for the LOS standard for Links impacted by the specific type, i.e. for mixed housing developments. The respective limit is three percent for any impacted Link on the PBCs thoroughfare network. The Traffic Engineer shall determine whether the Project traffic, when added to all other existing approved Projects' traffic exempted under the Special Methodologies procedures, exceeds the limits for exempted volume for the mixed housing development. **[Ord. 2005 – 002]**

- C. The Traffic Engineer shall inform the Planning Director, prior to the certification of the Project at the DRO, when a Special Methodologies application has been approved for the traffic exemption from the applicable LOS standard. The Planning Director shall include this information in the review of an application for development certification at the DRO for a Project to be built in unincorporated PBC.
- D. The Commission of Affordable Housing shall monitor the Project for compliance with the required covenant.

## **Section 6      Workforce Housing and Affordable Housing**

### **A. Workforce Housing Program (WHP)**

TE Policy 1.2-b of the Plan allows special methodologies to be applied for WHP projects. The projects net trips associated with the non-WHP units attributable to the standard density and all non-residential land uses shall be subject to the 1% of adopted level-of-service (including Florida Strategic Inter-modal System [SIS]). The project's net trips associated with all remaining residential units of the project (including WHP units) shall be subject to a 5% of adopted level-of-service significance level in determining compliance with TPS. To address any adverse impacts on SIS facilities, any development significantly impacting SIS facilities shall be required to address their full impacts on the SIS facilities. [Ord. 2005 – 002] [Ord. 2006-055] [Ord. 2010-005]

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**B. Affordable Housing Program (AHP)**

TE Policy 1.2-b of the Plan allows special methodologies to be applied for AHP projects. The project's net trips associated with the units attributable to the standard density and all non residential land uses shall be subject to the 1% of adopted level-of-service significance level. The project's net trips associated with the entire project (including any bonus density units) shall be subject to the 5% adopted level-of-service significance level in determining compliance with the Traffic Performance Standards. To address any adverse impacts on SIS facilities, any development significantly impacting SIS facilities shall be required to address their full impacts on the SIS facilities. [Ord. 2010-005]

**CHAPTER H    CONSTRAINED FACILITIES**

**Section 1        Purpose and Intent**

It is recognized by the BCC that some Links and Major Intersections are not planned to be widened to width, laneage, or geometrics that can accommodate Traffic from the density/intensity and location of land uses at the Generally-Adopted LOS. Links and Major Intersections which are improved (or presumed to be improved under Test 2) to their ultimate width, laneage, and geometrics as contemplated by the Thoroughfare R-O-W Protection Map are, by definition, Constrained Facilities. Which of those Constrained Facilities cannot accommodate future Development at the Generally Adopted LOS, and what should be done to remedy the situation, requires thorough study, comprehensive data, and close scrutiny of the various policies involved. This Section is intended to ensure thorough review of application for a CRALLS. It is declared to be the minimum review and procedure necessary to ensure an appropriate level of review.

**Section 2        Procedure**

**A. General**

Constrained Facilities shall not automatically receive a reduced LOS. Determinations of whether a reduced LOS shall be set on a Constrained Facility, and what that LOS should be, shall be made by the BCC.

**B. Applications**

Applications for a reduced LOS on a Constrained Facility shall be made to the BCC through the Planning Director for initial review by the Land Use Advisory Board (LUAB), containing such information relating to the criteria of this Section as the LUAB requires. The application shall be forwarded to all affected Local Governments, the County Engineer, the FDOT, District IV, in the case of State Highways, and the MPO. The MPO shall review the proposal for technical traffic engineering purposes and consistency with its adopted plan. The advice of the MPO shall be considered by the LUAB and the BCC when considering an application for a reduced LOS. The application shall propose the reduced LOS sought for Test 1 and Test 2. It need not be an entire range. The level of data and study needed for existing and Future Land Use to review an application for a CRALLS designation shall be determined in the pre-application conference. The decision shall be made by the County Engineer based upon the Major Thoroughfare Links and Major Intersections involved, (whether they are or will be collectors, minor arterials, or principal arterials), the extent of the proposed lowering of the LOS, the size of the area affected, the extent to which the affected area is built out to its ultimate FLU, and the amount and quality of existing data and planning.

**C. Pre-application Conference**

The applying Local Government shall contact the Planning Director prior to making application, notifying the Director of the Local Government's intent to make application under this Article 12.H.2.B, Applications. The Director shall set a pre-application conference prior to accepting an application. The conference shall include representatives of the: (1) Local Government making application; (2) County including the Planning Division and County Engineering; (3) FDOT, District IV; (4) Treasure Coast Regional Planning Council; and (5) MPO. The purpose of the pre-application conference shall be to identify the issues for consideration, the likely impact of the proposal, the assumptions and changes

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made in socio-economic data (including justification for such), the application requirements (including which should be waived, if any), and to coordinate review. The level of data and study needed for existing and FLU, and the proposed CRALLS, to review the proposed application shall be determined in the pre-application conference. The decision shall be made by the County Engineer based upon the magnitude of the proposed CRALLS, the difference from existing and FLU, the extent of the proposed lowering of the LOS, the amount and quality of existing data and planning, the size of the area affected, the extent to which the affected area is built out, and the Major Thoroughfare Links and Major Intersections involved (whether they are or will be collectors, minor arterials, or principal arterials).

### **Section 3      Determination Criteria**

In determining whether a Constrained Facility shall have a reduced LOS and, if so, what that LOS should be, and any conditions that shall be imposed, the applicant, the MPO, LUAB, and the BCC shall consider the following public policy criteria:

- A. Cause of the constraint; e.g., whether the lineage or geometrics are insufficient to accommodate Projected traffic as a result of concerns relating to physical limitations, fiscal limitations, environmental areas, aesthetics, historically significant development, or the character-of-area or neighborhood and the impact of adding lanes or changing the geometrics on such concerns.
- B. When more than one cause is identified, the extent to which each contributes to the constraint shall be considered.
- C. Existence of, or proposed, "reliever" facilities and the proximity and continuity of such, and the extent to which they presently, or are Projected to, relieve the Constrained Link.
- D. The existing and Projected volume-to-capacity ratio given the adopted FLUE of Local Governments' comprehensive plans.
- E. The extent of vested Development Orders, and non-vested land use, zoning district designations, or Development Orders.
- F. The impact on the ability of Local Governments to allow Development consistent with their comprehensive plans; and the interjurisdictional compatibility of the various Local Government comprehensive plans as related to the Constrained Facility.
- G. The practicability of adjusting land uses, zoning districts, and uses therein.
- H. The impact on the ability of the overall Major Thoroughfare system in the area affected to function at the Generally Adopted LOS.
- I. The length of the Constrained Link(s).
- J. The option of modifying the Plan, including the Thoroughfare R-O-W Identification Map, or other regulations to add lanes, improve geometrics or reliever facilities.
- K. Whether modifications can be made that would add capacity, and how much capacity would be added.

### **Section 4      Determination**

The BCC may adopt a reduced LOS and shall specifically establish the LOS on the Constrained Link, if reduced. When the BCC makes a determination that a reduced LOS is appropriate on a Constrained Facility, it shall be designated a CRALLS. The Plan shall be modified to set this LOS. A reduced LOS need not necessarily be a whole range; it may be a portion of a range. Any proposed reduction in the LOS on a State Constrained Facility shall be coordinated with and approved by the State in accordance with Florida law.

It is recognized that detailed and comprehensive transportation planning has not yet been completed for all of PBC. This transportation planning will involve balancing the transportation system to the land use as to density/intensity and location. This balancing will involve, in part, adjusting the levels of service on the Major Thoroughfare system. It will be achieved through the work of the MPO's work in updating the Model, and improving the data. Theoretically, once this balancing is completed, the need for CRALLS would not be necessary, unless amendments to land uses are made, or R-O-W widths or lanes are reduced. Accordingly, once the system is balanced through the work on the Model and data, the criteria shall be revisited to ensure that the criteria take into account this balancing.

### **Section 5      Application to Modify or Eliminate Adopted Link or Intersection**

#### **A. Who May Apply**

Only a Local Government may apply to the BCC to amend the adopted width, proposed geometrics, or number of lanes of, or to eliminate a Link or Major Intersection improvements.

## **B. Contents**

The application shall contain a detailed and comprehensive traffic evaluation of all affected Links and Major Intersections, taking into account existing, committed, and FLU development.

## **C. Criteria**

The following criteria shall be considered by the BCC in considering whether a Link's lanes, proposed geometrics, a Major Intersection's proposed geometrics or the R-O-W width adopted in the Plan should be amended or a Link should be eliminated:

1. Whether improvements are proposed to the Link or Major Intersection under consideration.
2. Whether improvements are proposed to reliever Links or Major Intersections and the extent that such a reliever would impact traffic on the Link under consideration.
3. The physical characteristics of the property adjacent to the Link or Major Intersection under consideration.
4. The character of the area businesses or neighborhood adjacent to the Link or Major Intersection under consideration, and the extent of impact on such.
5. The Projected cost of adding additional capacity to the Link or Major Intersection, or reliever facilities and the amount of capacity that would be added.
6. The existing and Projected volume-to-capacity of the Link and the surrounding Major Thoroughfares before and after the proposed modification.
7. The Projected revenue for improving the Major Thoroughfare system and the likely priority of various improvements to the Major Thoroughfare system.
8. Environmental character and the extent of impact on such.
9. Historical significance and the extent of impact on such.
10. Aesthetics and the extent of impact on such.
11. Amount of existing R-O-W, and cost to obtain additional R-O-W.
12. Impact on the provision of other public facilities.

## **D. Procedure/Extraordinary Vote**

1. When an application is made to eliminate a Link, narrow the adopted width of a Link, modify the proposed geometrics of a Link, or Major Intersection, in a manner that would reduce capacity, or reduce the number of lanes in the Plan, and that elimination, narrowing, modification, or reduction would materially impede: (1) the ability to achieve the Adopted LOS on the particular Link or Major Intersection, or the Major Thoroughfare system; or (2) the ability of Local Governments to allow Development consistent with their FLU Elements of their plans; the BCC shall require a review and determination of whether a reduced LOS (CRALLS designation) should be set on the Link or other Links before the BCC's eliminating the Link, narrowing the R-O-W width, modifying the proposed geometrics, or reducing the number of lanes. In such a case, eliminating the Link, narrowing the width or reducing the number of lanes shall require a majority-plus-one vote of the members of the BCC. No elimination of the Link, narrowing of the width, or modifying of the proposed geometrics in a manner that would reduce capacity, or reducing the number of lanes on a Link shall be effected until any necessary adjustments are made to: (1) the Major Thoroughfare system (including capacity improvements or lower the levels of service, as appropriate); (2) or the land uses have been made to accommodate the elimination, narrowing, modification, or reduction.
2. If it is clear that no impediment to: (1) achieving the adopted LOS; or (2) Local Governments' allowing Development consistent with the FLUE of their plans would result, the BCC may, by a majority vote of its members narrow the adopted width, modify the proposed geometrics of a Link, or Major Intersection, or reduce the number of lanes in the Plan without LUAB review. Nothing herein shall require CRALLS review, application to the LUAB, or notice to any Local Government for minor modifications to the proposed Major Thoroughfare system which do not reduce capacity of the Link, Major Intersection, or Major Thoroughfare System. Nothing herein shall require LUAB review for waivers of expanded intersection requirements or R-O-W protection pursuant to Policy 2-d of the Transportation Element of the Plan.

## **CHAPTER I COASTAL RESIDENTIAL EXCEPTION**

### **Section 1 Intent**

The Coastal Residential exception to the LOS requirements of this Article promotes urban infill and deters urban sprawl. It also promotes redevelopment. It provides closer proximity of residential uses to commercial uses and employment bases, thereby reducing the impact on the overall Major Thoroughfare system, pollution, the use of fossil fuels and other resources, and the travel time and needs of the public. Because it applies only to the

incorporated area, it also promotes annexation of unincorporated areas. Therefore, the public benefits of an uncrowded and efficient road system promoted by this Article are also promoted generally (but not necessarily on a specific Link or Major Intersection) by the creation of a Coastal Residential exception to the LOS requirements of this Article. The Coastal Residential exception may also result in more integration in the PBC School system.

## **Section 2      Creation**

Because of these public benefits there is hereby established pursuant to Policy 1.2-a of the Transportation Element of the Plan a Coastal Residential exception which shall be within the Incorporated Area east of I-95, north of the Broward County line, west of the Atlantic Ocean (excluding the barrier island), and south and east of a boundary from I-95 along PGA Boulevard to Prosperity Farms Road, then north to the western prolongation of the northern boundary of Juno Isles, then east to a point 600 feet west of U.S. 1, then north to the northern boundary of Juno Beach, then east to the Atlantic Ocean. It shall also be the incorporated area bounded on the south by the north boundary of the Jupiter Hospital, and its eastern and western prolongation between the Atlantic Ocean and Military Trail; bounded on the west by Military Trail and its northern prolongation to the North Fork of the Loxahatchee River, then meandering northwest along the northeast shore of the North Fork of the Loxahatchee River to the Martin County Line; bounded on the north by the Martin County Line; and bounded on the east by the Atlantic Ocean, excluding the barrier island. It shall allow such residential Projects, and the residential portion of mixed use Projects that otherwise meet the standards of this Article, in incorporated areas to receive a Site Specific Development Order notwithstanding the standards of this Article. The Coastal Residential Exception shall not apply to conditions or limitations placed on residential Projects or the residential component of mixed use projects that are located within the boundaries of a Transportation Concurrency Exemption Area as designated pursuant to Chapter L of this Article. **[Ord. 2005 – 002]**

## **Section 3      Traffic Impact Study Information**

The Applicant shall submit a traffic study providing Traffic Generation, Assignment throughout the Test One Radius of Development Influence and Projections of future traffic at the site access. Traffic Impact Studies for mixed use Projects must provide separate distributions and assignments for the residential and non-residential components.

## **Section 4      Municipal Levels of Service**

Nothing in this Article shall be construed as derogating the requirement under F. S. Chapter 163, or Rule 9J-5, F.A.C. that Municipalities set the LOS on PBC and State roads consistent with the PBC and State LOS to the maximum extent feasible.

# **CHAPTER J      TRANSPORTATION CONCURRENCY MANAGEMENT AREAS (TCMA)**

## **Section 1      Intent**

The purpose and intent of this optional alternative transportation concurrency approach is to promote infill development within selection portions of urban areas in a manner that supports the provision of more efficient mobility alternatives, including public transit. As a coordinated approach to land use and transportation development, the use of an area wide LOS standard and an accommodation and management of traffic congestion may be employed. A TCMA is a compact geographic area within existing or proposed multiple, viable alternative travel paths, or modes for common trips.

## **Section 2      Area Wide Level of Service**

An area wide LOS standard may be established for specific facilities in common corridors within a TCMA. The area wide Level of Service standard must be maintained, as a basis for the issuance of Development Order's and permits within the TCMA. The area wide LOS standard may only be established for facilities on common corridors with similar functions, serving common origins and destinations.

- A. The designation of a TCMA and the establishment of an area wide LOS standard must be supported by data and analysis which:
  1. Demonstrate that the TCMA is compatible with and furthers the various portions and elements of the Plan. When in a municipality, the data and analysis shall also demonstrate that the TCMA is compatible with and furthers the various portions and elements of the local government's Comprehensive Plan.

2. Provide justification for the size and boundary of the TCMA for consistency with the purpose of promoting the stated purpose of a TCMA.
  3. Demonstrate that the TCMA contains an integrated and connected network of roads and provides multiple, viable alternative travel paths, or modes for common trips.
  4. Demonstrate the basis for establishing the area wide LOS standard and determine the existing and Projected transportation facilities and services requirements that will support the requested area wide LOS standards.
  5. Demonstrate that the area wide LOS standard and other transportation services and programs will support infill development and redevelopment.
  6. Demonstrate that the planned roadway improvements and other transportation services and programs will accomplish mobility within and through the TCMA. The programs may include, but not be limited to Transportation System Management (TSM), Transportation Demand Management (TDM), and incentives to promote public transit such as parking policies and provisions for intermodal transfer.
  7. Identify the impacts on other local governments, if any.
- B. The local government shall establish and maintain an internally consistent transportation, land use, and capital improvement planning program. These programs shall be sufficient to meet and maintain the established area wide LOS standard.

### **Section 3 Procedure**

- A. At least 30 days prior to a local government submitting a Plan Amendment for a TCMA, a pre-application conference shall be held. This pre-application meeting will be coordinated with the Planning Director. It will include representatives from the local government initiating the Plan Amendment, the County Traffic Division and Planning Division, the MPO, the FDOT, District IV, and the Treasure Coast Regional Planning Council.
- B. Another conference shall be held with the representatives identified above within 30 days of receipt by the initiating local government of the state planning agency's Objection, Recommendation and Comments Report.
- C. The TCMA shall not become effective until the following actions are taken:
  1. The BCC finds the designation of the TCMA to be consistent with the Plan.
  2. The BCC finds the area wide LOS standard to be appropriate, and can be maintained.
  3. The BCC adopts an amendment to the Plan establishing the TCMA.
  4. A final order is issued by the DCA finding the amendment or amendments in compliance.

## **CHAPTER K TRANSPORTATION CONCURRENCY EXCEPTION AREAS (TCEA)**

### **Section 1 Intent**

The purpose and intent of this flexible transportation concurrency option approach is to reduce the adverse impact transportation concurrency may have on urban infill development and redevelopment and the achievement of other goals and policies of the state comprehensive plan, such as promoting the development of public transportation. Under limited circumstances, it allows exceptions to the standards of this Article in defined urban areas. The exceptions provide flexibility for concurrency management in order to encourage the application of a wide range of planning strategies that correspond with the local circumstances of a specific geographic area. The exceptions apply to all land uses and development and types of facilities within the expressly excepted area.

### **Section 2 Area Types**

A local government must designate a TCEA in its comprehensive plan. A TCEA will be allowed only in one of the following areas:

- A. A specific geographic area delineated in the local government comprehensive plan for urban infill development. Such an area shall meet the following requirements:
  1. The area shall contain no more than ten percent developable vacant land. Developable vacant land shall not include water bodies and land designated for conservation use, natural reservations, public road R-O-W, public recreation sites, or other areas or uses designated in the local government's comprehensive plan as unavailable for development.
  2. For areas where residential uses are the dominant types of uses, comprising greater than 60 percent of the developed land, the average residential density shall be at least five dwelling units per gross residentially developed acre of land.

3. For areas where nonresidential uses are the dominant types of uses, comprising greater than 60 percent of the developed land, the average nonresidential intensity shall be at least a FAR of 1.0 per gross nonresidentially developed acre of land.
4. If neither residential nor nonresidential uses comprise more than 60 percent of the developed land, then both the existing residential uses and nonresidential uses shall meet the appropriate density and intensity criteria prescribed in Article 12.K.2.A.2 and Article 12.K.2.A.3 above. The term "gross developed acre" shall include all uses associated with the predominant land use including roads, parking, drainage, open space, landscaping, and other support facilities.
- B. A specific geographic area delineated in the local government comprehensive plan for urban redevelopment. The urban redevelopment area must be within an urban infill area or within an existing urban service area that does not contain more than 40 percent developable land.
- C. A specific geographic area delineated in the local government Plan for downtown revitalization within the designated central business district.

### **Section 3      Criteria**

- A. The designation of a TCEA must be supported by data and analysis which:
  1. Demonstrate that the TCEA is compatible with and furthers the various portions and elements of the Plan. When in a municipality, it shall also demonstrate that the TCEA is compatible with and furthers the various portions and elements of the local government's Plan.
  2. Provide justification for the size and boundary of the TCEA for consistency with the purpose of promoting the stated purpose of a TCEA.
  3. Identify the impacts on other local governments, if any.
- B. To implement the TCEA, the local government's comprehensive plan must contain guidelines and policies which specify programs to meet the transportation needs of the TCEA. The guidelines may contain a wide range of strategies that include: timing and staging plans, parking control and pricing policies, TSM, TDM, incentives to promote public transit, and the utilization of creative financing tools for the provision of transportation services and facilities.
- C. The guidelines and policies and programs to implement the TCEA must demonstrate by supporting data and analysis, including short and long-range traffic analysis, that consideration has been given to the impacts of the proposed development within the TCEA on the FIHS and SIS. **[Ord. 2009-040]**

### **Section 4      Procedure**

- A. At least 30 days prior to a local government transmitting a Plan Amendment for a TCEA to the DCA, a pre-application conference shall be held. This pre-application meeting will be coordinated with the Planning Director. It will include representatives from the local government initiating the Plan amendment, PBC Traffic Division and Planning Division, the MPO, the FDOT, District IV, and the Treasure Coast Regional Planning Council.
- B. Another conference shall be held with the representatives identified above within 30 days of receipt by the initiating local government of the state planning agency's Objection, Recommendation and Comments Report.
- C. The TCEA shall not become effective until the following actions are taken:
  1. The BCC finds the designation of the TCEA to be consistent with the Plan.
  2. The BCC adopts an amendment to the Plan establishing the TCEA.
  3. A final order is issued by the DCA finding the amendment or amendments in compliance.

### **Section 5      Traffic Impact Study Information**

A traffic study providing Traffic Generation, Assignment throughout the Test 1 Radius of Development Influence and Projections of future traffic at the site access must be submitted to PBC for proposed Project within the limits of a TCEA.

## **CHAPTER L   TRANSPORTATION CONCURRENCY   EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION**

### **Section 1      Intent**

The purpose and intent of this Chapter is to allow a local government to grant an exception from the concurrency requirements for transportation facilities for Projects which promote public transportation. F. S. § 163.3164(28)

defines Projects that promote public transportation as those that “directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or Projects that include fixed-rail or transit terminals as part of the building, and Projects which are transit-oriented and designed to complement reasonably proximate planned or existing public facilities”. Under limited circumstances, it allows exceptions to the standards of this Article in defined urban areas. The exception requires that Projects establish meaningful facilities and programs that promote public transportation.

## **Section 2 Project Types**

This exception is limited to Projects that meet the requirements of Article 12.L.2.A and Art. 12.L.2.B, below:

- A. The Project must be determined to be a Project which promote economic development through job creation. At a minimum, the Project shall be 200 acres in size, and create, at Project build-out, not less than 5,000 jobs at the Project site.
  1. For a Project located in the unincorporated area, the BCC shall make a determination that the jobs created shall be of a type and within a salary range that promote economic development.
  2. For a Project located in the incorporated area, the BCC and the municipal Commission shall make determinations that the jobs created shall be of a type and within a salary range that promote economic development.
- B. The Project must be developed, owned, and operated by a not-for-profit agency. The Project and agency shall provide essential public services. At a minimum, the Project shall be 20 acres in size, and create, at build-out, not less than 2,000 jobs at the Project site.
  1. For a Project located in the unincorporated area, the BCC shall make a determination that the Project and agency provide essential public services.
  2. For a Project located in the incorporated area, the BCC and the municipal Commission shall make determinations that the Project and agency provide essential public services.
- C. A Project that meets the requirements of Article 12.L.2.A or Article 12.L.2.B above may be a mixed-use Project, incorporating residential and/or commercial components. However, in no event shall residential and/or commercial retail uses combine to comprise more than 45 percent of the square footage of the GFA.

## **Section 3 Project Location**

This exception is limited to Project that meet the following location criteria:

- A. The Project shall not be located within the Coastal High Hazard Area.
- B. All Projects must be located within PBC's U/S Tier and be adjacent to (i.e., abutting or separated only by other public or governmental R-O-W) the Tri-County Commuter Rail Authority line, or be adjacent to a street which is served by Palm Tran.

## **Section 4 Required Provisions to Promote Public Transportation**

All Projects shall, at a minimum, provide all of the following transportation amenities:

- A. The Project shall provide a site to Tri-Rail at the Project site, adjacent to the Tri-Rail tracks, for a station platform, ticket booth, and parking for at least 400 automobiles. When a Project is not adjacent to Tri-Rail, it shall provide a bus stop facility capable of handling two or more Palm Tran buses at a time with a covered waiting area of sufficient size to accommodate at least two percent of its employees.
- B. The Project shall provide a financial incentive in the form of a subsidy of at least 50 percent of the annual ticket cost to at least five percent of the persons employed at the Project site for riding Tri-Rail and/or Palm Tran to and from the Project site for a minimum of 200 working days per year. As an alternative, the development may provide equivalent funds directly to Palm Tran to subsidize this service.
- C. The Project shall provide a ride-sharing information service to persons employed at the Project site.
- D. The Project shall provide emergency transportation to those employees using mass transit, ride sharing, or other alternative modes of transportation (i.e. bicycles or pedestrian).
- E. The Project shall apply access management techniques along all roadways fronting the Project.
- F. The Project shall provide external pedestrian access to the Project, as well as an internal pedestrian system, accommodating persons with disabilities, as well as persons using alternative modes of transportation to the automobile.
- G. The Project shall enter into an agreement with PBC to provide the provisions to promote public transportation detailed in Article 12.L.4.A, Article 12.L.4.B, Article 12.L.4.C and Article 12.L.4.D above, in perpetuity. The Project will submit an annual monitoring report to the Palm Beach Planning Director that

demonstrates that the requirements in Article 12.L.4.A, Article 12.L.4.B, Article 12.L.4.C and Article 12.L.4.D above are being met. Each annual report shall be due on the anniversary of the first CO.

#### **Section 5 Required Traffic Study**

Projects utilizing this exemption will submit a traffic study that is consistent with all of the provisions of this Article. They shall also provide a transportation analysis that illustrates their impact on the FIHS and SIS to ensure that those impacts are considered in the approval process. [Ord. 2009-040]

#### **Section 6 Required Roadway Improvements**

Projects utilizing this exemption may be required to provide roadway, intersection, and/or signalization improvements to minimize their impact on the road network. These improvement will be determined by the County Engineer.

#### **Section 7 Parking**

Projects meeting the above requirements may apply for parking reductions pursuant to applicable codes.

### **CHAPTER M FIVE-YEAR ROAD PROGRAM**

#### **Section 1 Intent**

The BCC of PBC Florida finds that the 1990 Traffic Performance Code adopted by Article 12.A, GENERAL, through Article 12.L, TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION is premised on PBCs commitment to adhere to and implement the adopted PBC Five-Year Program Ordinance, referred to as "Five-Year Road Program" in this Article and the 1989 PBC Plan, as amended, (referred to as "Plan in this Section"). PBCs failure to maintain its commitment to adhere to and implement its adopted Five-Year Road program as set forth in this Article 12.M.1, Intent, shall result in a review and reconsideration of the adopted LOS contained in Article 12, TRAFFIC PERFORMANCE STANDARDS, and in the Plan.

#### **Section 2 Description of Five-Year Road Program**

The Five-Year Road Program was adopted by the BCC of PBC by Ord. No. 85-40. In that ordinance, as amended, and in the Plan, PBC adopted a reasonably attainable program of roadway construction for a five-year period and matched the construction of Projects with Projected funding. Ord. No. 85-40, as amended, further provides that prior to December of each year, the BCC shall consider the Ordinance to modify the list of Projects to create a viable list of funded Projects for the succeeding five years. The modification to the Five-Year Road Program shall continue to include, at a minimum, a description of the Road Project, the type of road construction required, and the amount of money to be spent each fiscal year for plan preparation, R-O-W acquisition, and actual construction.

#### **Section 3 Monitoring of County's Adherence to and Implementation of the Adopted Five-Year Road Program**

##### **A. General**

PBC's adherence to and the effectiveness of its implementation of the adopted Five-Year Road Program shall be monitored by the Independent Five-Year Road Program Oversight and Advisory Council. (Referred to as "Oversight and Advisory Council").

##### **B. Independent Five-Year Road Program Oversight and Advisory Council**

###### **1. Council**

An Oversight and Advisory Council is hereby created and established, consisting of nine members. One member shall be selected from each of the six disciplines listed below so that all the disciplines are represented, and appointed by the BCC of PBC:

- a. construction management;
- b. civil engineering;
- c. operations research/systems analysis;
- d. finance/certified public accounting;
- e. economist; and

f. legal or general business.

Three members shall be selected from the general public; one from each of the following geographic areas:

- 1) North PBC - bounded on the west by State Road 7 and a line being the Projection north of the centerline of State Road 7; bounded on the south by Southern Boulevard.
- 2) South PBC - bounded on the west by State Road 7 and on the north by Southern Boulevard.
- 3) West PBC - bounded on the east by State Road 7.

The members shall be appointed at large by a majority vote of the BCC, and shall be PBC residents. They shall serve two year terms; provided that the initial term only of the members from construction management, civil engineering, operations research/systems analysis, finance/certified public accounting, and North PBC shall be one year. Any member missing three consecutive meetings may be replaced by the BCC, with the new appointment filling the unexpired term of the member replaced.

## **2. Purpose and Functions**

The purpose of the Oversight and Advisory Council is to function both as a resource for both the County Engineer and the BCC in matters of the Five-Year Road Program implementation; to detect potential problems with PBC road building programs; to recommend to the BCC suggested corrective actions relating to any such problems so identified; to strengthen the confidence of the public and industry of PBC in the road transportation improvement program; to generally monitor whether there is adherence to the adopted LOS standards and the Five-Year Road Program schedule.

## **3. Activities**

To implement the functions stated in Article 12.M.3.B.2, Purpose and Functions, the members of the Oversight and Advisory Council are directed:

- a. To aid in the review of the policies, procedures, and programs for use by the County Engineer for implementation of the Five-Year Road Program.
- b. To monitor whether the preparation of plans for road and bridge construction is on schedule.
- c. To monitor whether the preparation of plans for R-O-W acquisitions and abandonments is on schedule.
- d. To monitor the progress of road construction.
- e. To monitor the collection and expenditure of all road reviews, including impact fees.
- f. To monitor whether there is adherence to the adopted LOS for the major thoroughfare system and the Five-Year Road Program Schedule.
- g. To monitor the impact of this Article on the level of development activity by comparison to other communities.
- h. To review and recommend funding sources, mechanisms, and mixes of funding to improve the major thoroughfare system.
- i. To perform such other duties as the BCC shall direct; provided that the Oversight and Advisory Council shall not be involved in recommending changes to, or the adoption of, the annual Five Year Road Program or the management of the Engineering Department.

## **4. Administration**

- a. The Office of the County Administrator shall provide such administrative staff and assistance as is required for the Oversight Advisory Council to perform its duties and functions.
- b. All PBC departmental directors shall cooperate with the Oversight Advisory Council to the fullest extent.

## **5. Reports**

- a. adopted Five-Year Road Program. This report shall contain a detailed report on the status of each Project in the Five-Year Road Program, including the proposed commencement and completion. The County Engineer shall submit a report by April 30 and October 30 each year to the Oversight and Advisory Council detailing the status of the PBCs implementation of its dates of all programmed activities within each quarter of each fiscal year and the likelihood of meeting those dates.
- b. The Oversight and Advisory Council shall meet at least quarterly to conduct the tasks contained in Article 12.M.3.B.3, Activities. The Oversight and Advisory Council may submit reports to the BCC regarding actual as opposed to planned performance and shall respond to other requests from the BCC. **[Ord. 2009-040]**

## **C. Review of the Oversight and Advisory Council**

The need for, and tasks of, the Oversight and Advisory Council shall be reviewed approximately June 1, 1992 and every two years thereafter.



## **Section 4      Modification of Five-Year Road Program**

### **A. Semi-annual Modification of Five-Year Road Program**

The deletion of construction Projects from the Five-Year Road Program may be done no more frequently than twice a year. For purposes of this Section "deletion of a construction Project" shall mean the elimination of the construction Project, the failure to let a road construction contract, the removal of or failure to establish funding of the construction Project, the material reduction in the scope of work or funding (as it affects the construction Project), or the postponement of the construction Project in the Five-Year Road Program for more than two years beyond the year the construction was originally programmed in the 1988-92 Five-Year Road Program or in the Five-Year Road Program in which the construction was first added after 1987. It does not include delays associated with R-O-W acquisition as a result of judicial decision, redesign after the contract has been let, construction, or other delays not under the control of PBC.

### **B. Findings Required Prior to Deletion in the Adopted Five-Year Road Program**

Prior to approving the deletion of any construction Project from the County's Five-Year Road Program, the BCC must find; 1) that the deletion of the construction Project will not result in any Link or intersection on the road network operating at greater than the Adopted LOS as defined in this Article if such Link would not have operated at greater than the Adopted LOS as defined in this Article had the Project been constructed as originally programmed in the adopted Five-Year Road Program; and 2) that no Project which was approved and phased based upon such Assured Construction would be denied Building Permits because of the deletion of the construction. If both findings can be made, then the construction Project may be eliminated by a majority vote except, if the Project is in the current fiscal year, in which case a majority plus one vote is required. If only the second finding can be made, then a Project not in the current fiscal year could be deleted by a majority plus one vote. However, in no case may a Project be deleted when the second finding cannot be made.

Notwithstanding the above, a Project may be deleted if an equivalent substitute Project replaces the original Project, in the same fiscal year. An equivalent substitute Project is a roadway Project in the same area that will serve substantially the same trips as the original Project. This substitution may be made by a majority plus one vote.

## **Section 5      Standards Five-Year Road Program**

Concurrent with the adoption of the annual Five-Year Road Program, the BCC shall determine whether PBC has adhered to and implemented its Five-Year Road Program. In order to make the determination that PBC had adhered to and implemented its adopted Five-Year Road Program, the BCC must find the following based upon substantial competent evidence:

### **A. Funding**

The amount of funding of the current fiscal year of the Five-Year Road Program is, at a minimum, as contemplated in the Plan and the Five-Year Road Program.

### **B. New Fifth Year**

The new fifth year being added to the Five-Year Road Program with Projects added to the Five-Year Road Program at a rate contemplated in the Plan.

### **C. Projects on Schedule**

Fewer than 20 percent of the programmed road construction Projects (on a line item basis) from the preceding fiscal year over which PBC has control are more than 12 months behind schedule.

## **Section 6      Effect of Failure of County to Adhere to And Implement its Adopted Five-Year Road Program**

If the BCC does not continue to fund the Five-Year Road Program in accordance with the Plan, or does not continue to add Projects to the Five-Year Road Program at a rate contemplated in the Plan, as corrected, updated, or modified as permissible in F.S. §163.3177(3)(b); or construction Projects consisting of 20 percent or more of the programmed construction Projects (on a line item basis) from the preceding fiscal year over which PBC has control are more than 12 months behind schedule as determined after the effective date of this Section, above, the BCC shall review the adopted LOS to determine whether it is realistic, adequate, and financially feasible.

## **CHAPTER N METHOD OF PRIORITIZING THOROUGHFARE IMPROVEMENTS**

PBC shall undertake data collection and review of such regarding Major Intersection capacity and Peak Hour Link capacity, along with ADT capacity. It shall use this information in programming Major Thoroughfare system improvements in the Five-Year Road Program.

The objective shall be to effectively spend available funds so as to maximize capacity, balancing the amount of capacity added, the cost of improvements, the time the improvements will be utilized, and the "expandability" of those improvements to the ultimate section of road. Volume to ADT capacity ratios shall be the preliminary criterion for prioritizing funding of improvements. Due consideration shall be given to the amount of area opened up for development as a result of the various improvements. Deferral or elimination of Link improvements made unnecessary as a result of: (1) other Major Thoroughfare system improvements, such as intersection improvements; or (2) refined capacity analysis, shall not be considered the deletion of a road improvement, unless the deletion is of a Project scheduled for construction of the first year of the Five-Year Road Program or was scheduled for construction in the first year of a previous Five-Year Road Program. When evaluating whether a particular improvement should be deleted from the Five-Year Road Improvement Program, due consideration shall be given to previous reliance of improvements scheduled in the Five-Year Road Program.

In addition, the analysis shall identify improvements to relieve traffic demands on all deficient facilities which are not included in the Five-Year Road Program. PBC shall estimate traffic volumes to be on the roadway network at the end of the last year in the Five-Year Road Program and determine what additional improvements will be needed to meet those future traffic demands. These plans will be developed initially in 1991 and presented to the BCC annually in conjunction with the review and approval of the Five-Year Road Program, beginning in 1992. Consideration will be given to staging improvements by constructing intersection improvements or other spot roadway improvements such that maximum roadway system and funding efficiency are achieved. These improvements shall be included in the analysis but will not be required to be identified for construction in a certain year.

## **CHAPTER O PROJECT AGGREGATION**

### **Section 1 Applicability**

This Chapter concerning Project aggregation shall apply only to a Lot in existence on or after March 31, 2003 or to a Project with a Development Order, an Agreement, or both, approved after March 31, 2003 that is subject to a condition of approval that expressly provides for Project aggregation. This subsection shall not apply to Developments located within a designated Community Redevelopment Area (CRA) or "urban infill" area as defined in F.S. § 163.3164.

### **Section 2 Aggregation Criteria**

Two or more land uses, or group of land uses, or land development activity or activities, or amendment(s) thereto (hereafter "Developments"), which require a Development Order(s), represented by their owners or developers to be separate Developments, shall be aggregated and treated as a single Project when each of the following criteria in paragraphs (1) through (3) is met.

- A. The Developments generate more than 500 peak hour, two-way trips when aggregated.
- B. The same Person owns or has a significant legal or equitable interest or an option to obtain significant legal or equitable interest in each Development. A "significant legal or equitable interest" means that the same Person has an interest or an option to obtain an interest of more than 25 percent in each Development for the following types of interests: (1) a fee simple estate; (2) a leasehold estate of more than 30 years duration; (3) a life estate, or (4) similar equitable, beneficial or real property interests in the Developments. A lessor's interest in a lease of more than 30 years is not a significant legal or equitable interest.
- C. The Developments are part of a unified plan of development as evidenced by meeting at least two of the following:
  1. There is a period of two years or less between the issuance of the first building permit, or issuance of a Development Order if the first building permit has not been issued, for one Development and subsequent traffic concurrency application for another Development. This subparagraph shall apply only if any portion of the parcels that contain the Developments: a) presently share a common boundary; or b) previously shared a common boundary or existed as a single parcel within two years from the date the earliest of the Developments received traffic concurrency approval.

2. The Developments are physically proximate to one other. Two or more Developments shall be considered "physically proximate" when any portion of two or more Developments is contiguous or separated by a road R-O-W or public canal easement of 140 feet or less.
3. A master plan or series of plans or drawings exists covering the Developments sought to be aggregated which have been submitted to a local general-purpose government, SFWMD, local drainage or improvement special district, the Army Corps of Engineers, the FDEP, or the Division of Florida Land Sales, Condominiums, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan which aggregates Developments; or
4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the Developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government, SFWMD, local drainage or improvement special district, the Army Corps of Engineers, the FDEP, the Division of Florida Land Sales, Condominiums, and Mobile Homes, or the Public Service Commission. "Sharing of infrastructure" means the voluntary joint use by two or more Developments of internal roadways, internal recreational facilities or parks, amenities, or water, sewage or drainage facilities specifically constructed to accommodate the Developments sought to be aggregated. Shared infrastructure does not include:
  - a. Any joint or shared use of private or public infrastructure specifically required under an established policy of general applicability as set forth under a comprehensive plan adopted pursuant to F.S. Chapter 163, an adopted local government ordinance or resolution, state statute or by adopted rule of regional or state regulatory agencies;
  - b. Any joint or shared use of public recreational facilities or parks so long as they were not conveyed by a person with a significant legal or equitable interest in the Developments sought to be aggregated;
  - c. Any joint or shared use of publicly financed drainage or stormwater management facilities, roadways or water or sewer facilities which were not constructed or financed specifically to accommodate the Developments considered for aggregation; or
  - d. Design features, financial arrangements, donations, or construction that is specified in and required by an Agreement between PBC and two or more Developments;
  - e. Cross access or shared driveways.
5. There is a common advertising scheme or promotional plan in effect for the Developments sought to be aggregated. "Common advertising scheme or promotional plan" means any depiction, illustration, or announcement which indicates a shared commercial promotion of two or more Developments as components of a single Development and is designed to encourage sales or leases of property.

### **Section 3      Exceptions**

This Chapter concerning Project Aggregation is intended to prevent the division of one large Project into several smaller Projects in order to circumvent the purpose of this Article, not to aggregate separate and discrete Projects. Certain activities and circumstances, including the following, shall not be used by the County Engineer to aggregate two or more Developments:

- A. Activities undertaken leading to the adoption or amendment of any Plan element described in part II of F. S. Chapter 163.
- B. The sale of unimproved parcels of land, where the seller does not retain significant legal or equitable interest in the future development of the parcels.
- C. The fact that the same lender has a financial interest, including one acquired through foreclosure, in two or more parcels, so long as the lender is not an active participant in the planning, management, or development of the parcels in which it has an interest.
- D. Drainage improvements that are not designed to specifically accommodate the Developments sought to be aggregated.
- E. Use of the same real estate broker to market and sell two or more Developments.
- F. Agreements to authorize owners or developers to pool impact fees or impact-fee credits, or to enter into front-end agreements or other financing arrangements by which they collectively agree to design, finance, donate, or build such public infrastructure, facilities, or services.
- G. Nothing herein shall prevent the development of a portion of a parcel owned by one Person where no unified plan of development for the remainder of the parcel, or portion thereof, is evidenced.

## **Section 4 Procedure**

- A. In order to aggregate two or more Developments pursuant to this Chapter, the County Engineer shall provide written notice of intent to aggregate. This notice shall be delivered by certified mail to all affected applicants seeking traffic concurrency approval. The notice of intent to aggregate shall: identify the Developments sought to be aggregated; explain the effect of aggregation on the Developments in the event a final determination has been made by PBC to aggregate the Developments; and indicate that an affected current owner may appeal the decision of the County Engineer pursuant to Article 12.D, PROCEDURE, of this Article.
- B. If the County Engineer's notice of intent to aggregate is not appealed, or if the TPSAB, or a court of competent jurisdiction, ultimately affirms the decision of the County Engineer to aggregate, the Developments shall be considered a single Project for the purposes of traffic concurrency. Once aggregated, the applicant or applicants seeking traffic concurrency approval shall prepare and submit to the County Engineer a single Traffic Impact Study that analyzes the aggregated Developments as a single Project. The Traffic Impact Study shall be subject to the review and procedural standards set forth in Article 12.A.1.A, Intent, of this Code. Such review and procedural standards shall not affect the terms and conditions of an already approved Development Order, a prior Agreement, or both, related to traffic concurrency approval of an aggregated Development.

## **Section 5 Traffic Impacts**

This Chapter shall be applied only for the purpose of evaluating the traffic impacts of a Project pursuant to the requirements of this Article 12, TRAFFIC PERFORMANCE STANDARDS.

## **Section 6 Traffic Concurrency**

The application materials used for Traffic Concurrency approval shall be amended to require an applicant to state whether or not the Project is subject to aggregation as set forth in this Chapter.

## **Section 7 Aggregation**

Portions of this Chapter concerning aggregation are based on the aggregation regulations for DRI, codified in F.S. § 380.0651, and Rule 9J-2, F.A.C. Unless the context clearly indicates otherwise, the terms used in this Chapter shall have the same meaning and application as those terms that are provided for in the state regulation.

## **CHAPTER P OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM [Ord. 2006-036]**

### **Section 1 Purpose and Intent**

The purpose of the Okeechobee Boulevard CRALLS Point System is to provide a means for approving new land development/redevelopment projects that will have significant traffic impacts on Okeechobee Boulevard, but will provide acceptable mitigation for those impacts. In the case of Okeechobee Boulevard, there are few undeveloped properties without development approvals that could still have significant traffic impact on the roadway. To allow for reasonable and beneficial economic use of these properties, the PBC BCC has determined that Okeechobee Boulevard from Military Trail to Royal Palm Beach Boulevard is a constrained roadway facility where significant traffic impacts from new development can be evaluated at a lower LOS standard than what is normally allowed. The mitigation of impacts for Okeechobee Boulevard by the Strategies contained in this Point System will be accomplished in the following ways: **[Ord. 2006-036]**

- A. Reduction of single occupant vehicle trips by encouraging ridesharing, diversion to alternate travel modes, and telecommuting. **[Ord. 2006-036]**
- B. Reduction of peak hour vehicle trips by shifting these trips to other time periods. **[Ord. 2006-036]**
- C. Reduction of land use densities and intensities for proposed development/redevelopment. **[Ord. 2006-036]**
- D. Increase in land use densities and intensities for proposed development/redevelopment only in cases where land use mix maximizes internal trip capture and promotes feasibility of mass transit modes. **[Ord. 2006-036]**

### **Section 2 Applicability**

In addition to the standards imposed by this Article, all proposed Projects with significant Project Traffic on the Okeechobee Boulevard corridor from Royal Palm Beach Boulevard to Military Trail shall be subject to the Okeechobee Boulevard CRALLS Point System. [Ord. 2006-036]

### **Section 3 Procedure**

#### **A. General**

Applicants must choose from 14 mitigation strategies set forth in this Chapter to accumulate points necessary for Development Order approval. Point totals shall be calculated pursuant to the point system methodology. Applicants meeting the minimum required point totals will receive traffic concurrency approval provided all of the other standards of this Article have been met. [Ord. 2006-036]

#### **B. Application Requirements**

Applications must include a Traffic Study demonstrating compliance with Test One and Test Two of this Article. Applications must also include a study identifying the mitigation strategies to be used by the Project, and a calculation of total points earned as a result. Applications shall initially be submitted to the County Engineer for review and comment to determine completeness. An application shall be found complete if it contains sufficient and accurate data and analysis for the County Engineer to determine whether or not the application complies with this Chapter. Any deficiencies in the completeness of an application identified by the County Engineer must be corrected and resubmitted in order for the application to be considered. [Ord. 2006-036]

#### **C. Conditions of Approval**

PBC shall impose conditions of approval and the recording of restrictive covenants as necessary to ensure compliance with the requirements of this Chapter. All conditions of approval shall be made part of the Traffic Concurrency and Development Order approved by the County or municipality, as the case may be. [Ord. 2006-036]

#### **D. Condition Monitoring**

Development order conditions imposed upon projects in the unincorporated area will be monitored by the County Engineer. For development orders imposed upon projects within municipalities, monitoring reports with prescribed format and documentation shall be submitted to the relevant municipality, as well as the County Engineer as required in Section 4 of this Chapter. Failure to meet the requirements of any strategy, any condition of approval imposed pursuant to this Chapter, or any monitoring report required by this Chapter, may result in enforcement action including but not limited to Code Enforcement actions and actions to modify or revoke the concurrency approval, Development Order, or both. [Ord. 2006-036]

#### **E. Substitution of Alternative Strategies or Alteration of Existing Strategy at a Later Date.**

If the property owner wishes to alter an existing strategy or substitute another mitigation strategy or strategies after receiving initial Development Order conditions of approval for qualification under the Point System, then an application for a Development Order amendment must be filed for approval by PBC. For Projects located in municipalities, alteration or substitution of alternative strategies must be reviewed and approved by the County Engineer before the application for Development Order amendment is submitted to the municipality. If an approvable mitigation strategy of equivalent or greater points is substituted, or if the County Engineer determines that an alteration of an existing strategy provides mitigation equal to or greater than originally approved, the development will not need to qualify again for approval under the Point System. [Ord. 2006-036]

#### **F. Time Limits**

Each approval shall be subject to specific time limitations. Expiration of the concurrency or failure to commence development as set forth in Table 2.E.3.B, Time Limitation of Development Order for Each Phase, will result in actions to modify or revoke the concurrency approval, Development Order, or both. If revoked, the capacity reserved will be returned to the system. [Ord. 2006-036]

#### **G. Municipal Review**

Notwithstanding the peak hour trip threshold set forth in Art. 12.D, Procedure, projects located in municipalities that require the Okeechobee Boulevard CRALLS in order to meet the County Traffic Performance Standards shall be subject to the requirements of this Chapter. Additional land use regulations may be imposed by the municipality in conjunction with point system review. [Ord. 2006-036]

### **Section 4 Mitigation Strategies**

#### **A. Strategy 1. Mixed Use Development Around Transit Corridors**

##### **1. Applicability**

This strategy consists of providing a mixed-use development near a transit corridor. (This strategy cannot be combined with Strategy 2.) [Ord. 2006-036]

**2. Qualifying Criteria**

- a. The transit corridor must be no more than ¼ mile walking distance from the nearest building entrance, and must include ADA accessible pedestrian pathways and provide access to transit services and adjoining uses. [Ord. 2006-036]
- b. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. [Ord. 2006-036]
- c. A Master Plan or Site Plan must be developed to show how parcels will integrate with one another, and to dictate the build-out timeframe. [Ord. 2006-036]
- d. Uses must be identified within the Master Plan or Site Plan. [Ord. 2006-036]
- e. The Master Plan or Site Plan shall be approved as part of the Development Order. [Ord. 2006-036]
- f. Minimum floor area ratio must be 0.5 per net acre. [Ord. 2006-036]
- g. Minimum residential floor area must equal 60 percent of total and net residential trips must constitute at least one-quarter of total net AM or PM trips for the development. [Ord. 2006-036]
- h. Non-residential land uses shall include retail or a combination of retail and office or industrial, with retail constituting a minimum of 10 percent of the total floor area for all land uses. Retail uses shall constitute a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a local, collector or arterial street. [Ord. 2006-036]

**3. Implementation Timeframe**

The implementation timeframe will be defined as part of the Master Plan/Development Order. Master Plans and Development Orders for phased developments must include interim qualifying criteria consistent with the above criteria. At each phase of development, before CO will be granted, the interim criteria must be met. [Ord. 2006-036]

**4. Monitoring and Enforcement**

- a. At the conclusion of each phase of development, the County Engineer must confirm that the interim or final criteria are met prior to issuance of the first CO for the following phase. [Ord. 2006-036]
- b. As part of the development approval process, a restrictive covenant must be recorded against all parcels of the development indicating the minimum and maximum percentages allowed for each land use. PBC shall be granted the authority to enforce the covenants, along with other parties, if any, to be determined during development review. PBC shall not allow the conversion of uses that would result in a project's failure to meet specified requirements. [Ord. 2006-036]
- c. By April 1 of each year, starting April 1 after the first full year after the first CO, the developer, or their agent, must supply a service report to the County Engineer as well as municipality if applicable, identifying the uses on site and the percentage or square footage each use encompasses. [Ord. 2006-036]
- d. Two years following Project Buildout, the developer, owner or agent as appropriate may request alteration of existing strategy or substitution of alternative strategies pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

**5. Credit Factor**

- a. 0.4 for FAR 0.5 or higher per net acre, and at least 60 percent of the total square footage must be dedicated to residential use; [Ord. 2006-036]
- b. 0.6 for FAR 0.75 or higher per net acre, and at least 70 percent of the total square footage must be dedicated to residential use; or [Ord. 2006-036]
- c. 0.8 for FAR 1.0 or higher per net acre, and at least 80 percent of the total square footage must be dedicated to residential use. [Ord. 2006-036]

**B. Strategy 2. Mixed Use Development Around Transit Centers**

**1. Strategy**

This strategy consists of developing a mixed-use project near a transit center located on a transit corridor as either a unified or parcelized development. This strategy cannot be combined with Strategy 1. [Ord. 2006-036]

**2. Qualifying Criteria**

- a. The transit center must be no more than ¼ mile walking distance from the nearest building entrance, and must include ADA accessible pedestrian pathways and provide access to transit services and adjoining uses. [Ord. 2006-036]

- b. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. [Ord. 2006-036]
- c. A Master Plan must be developed to show how parcels will integrate with one another, and to dictate the build-out timeframe. [Ord. 2006-036]
- d. Uses must be identified within the Master Plan. [Ord. 2006-036]
- e. Minimum floor area ratio must be 0.5 per net acre. [Ord. 2006-036]
- f. Minimum residential floor area must equal 60 percent of total and net residential trips must constitute at least one-quarter of total net AM or PM trips for the development. [Ord. 2006-036]
- g. Non-residential land use shall include retail or a combination of retail and office or industrial, with retail constituting a minimum of 10 percent of the total floor area for all land uses. Retail uses shall constitute a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a local, collector or arterial street. [Ord. 2006-036]

### **3. Implementation Timeframe**

The implementation timeframe will be defined as part of the Master Plan or Development Order. Master Plans and Development Orders for phased developments must include interim qualifying criteria consistent with the above criteria. At each phase of development, before CO will be granted, the interim criteria must be met. [Ord. 2006-036]

### **4. Monitoring**

- a. At the conclusion of each phase of development, the County Engineer must confirm that the interim or final criteria are met prior to issuance of the first CO for the following phase. [Ord. 2006-036]
- b. As part of the development approval process, a restrictive covenant must be recorded against all parcels of the development indicating the minimum and maximum densities and intensities allowed for each land use. PBC shall be granted the authority to enforce the covenants, along with other parties, if any, to be determined during development review. PBC shall not allow the conversion of uses that would result in a project's failure to meet specified requirements. [Ord. 2006-036]
- c. By April 1 of each year, starting April 1 after the first full year after the first CO, the developer, or their agent, must supply a service report to the County Engineer as well as municipality if applicable, identifying the uses on site and the percentage or square footage each use encompasses. [Ord. 2006-036]
- d. Two years following Project Buildout, the developer, agent or property owner as appropriate may request alteration of existing strategies or substitution of alternative strategies pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

### **5. Credit Factor**

- a. 0.6 for FAR of 0.5 or higher per net acre, and at least 60 percent of the total square footage must be dedicated to residential use; [Ord. 2006-036]
- b. 0.8 for FAR of 0.75 or higher per net acre, and at least 70 percent of the total square footage must be dedicated to residential use or [Ord. 2006-036]
- c. 1.0 for FAR of 1.0 or higher per net acre, and at least 80 percent of the total square footage must be dedicated to residential use. [Ord. 2006-036]

## **C. Strategy 3. Feeder Transit Service to Rail Stations or Multi-Modal Transit Centers; New Commuter Bus Service; Local Bus/Shuttle Service; Employee Transit Passes**

### **1. Strategy**

This strategy consists of providing feeder service between the project site and a rail station or multi-modal transit center, providing new commuter bus service between the project site and residential areas, providing local or shuttle bus service between the project site and major employers in the Okeechobee Boulevard corridor, or offering all employees free transit passes for commuting to and from work. [Ord. 2006-036]

### **2. Qualifying Criteria**

- a. Developers must specify dedicated funding commitments to provide for direct costs of feeder services or transit passes for a minimum of 2 years, or make a fair-share contribution to be determined by and paid to the appropriate local transit agency for new or expanded services. [Ord. 2006-036]
- b. Vehicles must be classified as either buses or minibuses. [Ord. 2006-036]
- c. The transit service must be no more than ¼ mile walking distance from the nearest building entrance. [Ord. 2006-036]

- d. The project site plan must include provisions for transit service infrastructure, including pick-up/drop-off areas and transit circulation plans. Additionally, pedestrian connectivity between the transit stop infrastructure and the primary use of the development that complies with ADA criteria must be specified. **[Ord. 2006-036]**
- e. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. **[Ord. 2006-036]**
- f. Combining this strategy with Strategy 4, Parking Management, is encouraged. **[Ord. 2006-036]**
- g. Proposed route(s) shall be subject to approval by PBC in consultation with PalmTran. **[Ord. 2006-036]**
- h. Proposed service associated with a non-residential site shall be operated at a minimum during the AM and PM peak hours during which the majority of site employees commute to and from work on all weekdays that the business(es) at the project site is open. Proposed service associated with a residential site shall be operated at a minimum during the highest AM peak hour and highest PM peak hour on all weekdays that major employment centers along the Okeechobee corridor are open. **[Ord. 2006-036]**

### **3. Implementation Timeframe**

This strategy must be in place one year from date of issuance of final certificate of occupancy for a single building project and one year from date of issuance of certificate of occupancy equaling 50 percent completion of a multiple building project. **[Ord. 2006-036]**

### **4. Monitoring and Enforcement**

- a. The transit service is specified as part of a Master Plan or Site Plan, and the Development Order. Annual documentation of marketing efforts, funding, and participation for the free transit pass program shall be provided to the Palm Beach County Engineer. **[Ord. 2006-036]**
- b. Two years following Project Buildout, the project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. **[Ord. 2006-036]**
- c. By April 1 of each year, starting April 1 after the first full year after initiation of the transit service, the developer, or their agent, must supply a report to the County Engineer as well as municipality if applicable, identifying average daily and weekly ridership, the number of employees from the project using the service, fees charged and revenues collected, and an evaluation of service operation with potential recommendations to increase the use of the service. **[Ord. 2006-036]**

### **5. Credit Factor**

- a. .05 for subscription bus service that operates with at least 50 percent employer subsidy; **[Ord. 2006-036]**
- b. .05 for feeder service/transit passes on routes with 30-minute peak hour headways; **[Ord. 2006-036]**
- c. .10 for feeder service/transit passes on routes with 20-minute peak hour headways; **[Ord. 2006-036]**
- d. .15 for feeder service/transit passes on routes with 10-minute peak hour headways; or **[Ord. 2006-036]**
- e. A 50 percent credit bonus will be given for feeder service that is operated with a peak headway as shown above and at least one-hour non-peak hour headways for a total period of at least 12 hours each weekday. The credit will double for feeder services offered free to the general public (not just site employees or residents). **[Ord. 2006-036]**

## **D. Strategy 4. Parking Management**

Parking Management Strategy applies only to employee parking for non-residential projects of at least 50,000 sf building area and mixed use projects with non-residential components of at least 50,000 sf building area. This strategy consists of the following: **[Ord. 2006-036]**

### **1. Qualifying Criteria**

- a. Parking lot must clearly identify separate parking areas for employees and customers, if any. Separate parking areas, including areas for employee preferred parking, shall be delineated on the Site Plan. **[Ord. 2006-036]**
- b. Notwithstanding Article 6, Parking, or other jurisdiction parking requirements, at least ten percent of the minimum number of parking spaces required by the applicable County or municipal code must be eliminated from the portion of the lot reserved for employees. **[Ord. 2006-036]**
- c. Employees who drive to work must pay a daily fee of six dollars to park in the lot. The parking spaces for these employees must be located at the most remote point from the nearest building entrance relative to all other parking spaces. Employees who fail to pay the fee or park in an



unauthorized space shall be subject to penalties including a fine equal to double the daily fee imposed, and in cases of repeated violations, towing. [Ord. 2006-036]

- d. All fees and penalties collected from the employees who pay to park must be deposited in a separate parking fee fund. Moneys in the fund shall be used to reduce traffic impacts by offering payments to employees who use public transportation or Vanpools in accordance with Strategy 5, Ridesharing Programs, offering payments to provide or fund in part shuttle service for employees in accordance with Strategy 3, Feeder Transit Service to Rail Stations or Multi-Modal Transit Centers; New Commuter Bus Service; Local Bus/Shuttle Service; Employee Transit Passes, or both. [Ord. 2006-036]
- e. Employees who rideshare do not pay a daily fee to park and may park in spaces designated for ridesharing participants. Because of the above relationships, this Strategy should be combined with Strategy 5, Ridesharing Programs. [Ord. 2006-036]
- f. Applicant must specify a dedicated funding commitment from a source other than the parking fee to provide on-site monitoring and parking fee fund management. [Ord. 2006-036]

## 2. Implementation Timeframe

Parking lot configuration must be in place at the time of CO for any phase of the project. Implementation timeframes for parking fees and use of parking fees to reduce traffic impacts shall be specified in the Development Order but in no event shall full implementation occur more than six months after Project Build-out. [Ord. 2006-036]

## 3. Monitoring

- a. Beginning April 1 after the first full year of program, and every April 1 thereafter, the applicant, or successor in interest, must provide to the County Engineer an annual report. The annual report shall at a minimum contain monthly and cumulative statistics providing: [Ord. 2006-036]

- 1) The number of total employees employed during each month and average number for the calendar year; [Ord. 2006-036]
- 2) The number of employees who paid parking fees; [Ord. 2006-036]
- 3) The number of employees who participated in ridesharing or shuttle programs; [Ord. 2006-036]
- 4) The amount of fees collected; [Ord. 2006-036]
- 5) A report on the expenditure of the fees and fund balance at the end of each month and calendar year; [Ord. 2006-036]
- 6) An on-site monitoring report providing average number of rideshare vehicles and paid parking vehicles in the lot each month, and the number of vehicles cited for improperly parking or parking without paying a fee per month.

The report shall also include copies of all materials used in the project informing employees of the strategy including lot regulations, daily fees, and opportunities for ridesharing, public transportation and shuttle service as appropriate. [Ord. 2006-036]

- b. Two years following Project Build-out, the developer, owner or agent as appropriate may request alteration of existing strategy or substitution of alternative strategies pursuant to Art. 12.P.3.F, Time Limits. In the event a substitution is authorized, all funds collected under this Strategy shall be deposited in the Okeechobee Boulevard Mitigation Fee Trust Fund established in Strategy 14, Additional Mitigation Fee Payment. [Ord. 2006-036]

## 4. Credit Factor

Credit factor shall be calculated in accordance with Table 12.P.4.D-13, Strategy Four Credit Factor Calculation.

Table 12.P.4.D-13 - Strategy Four Credit Factor Calculation	
Credit Factor =	$\frac{P}{10 \times (\text{square root of } S)}$
P	= number of parking spaces eliminated by parking management.
S	= total size of non-residential building area in 1,000 sf
[Ord. 2006-036]	

## E. Strategy 5. Ridesharing Programs

Ridesharing Programs shall apply only to non-residential projects and non-residential portions of mixed use projects with 20 or more employees. [Ord. 2006-036]

### 1. Qualifying Criteria

- a. At least 15 percent of the project employees must participate in Ridesharing within nine months of Project Buildout or as otherwise specified in the Master Plan. The Master Plan shall specify an

- alternate, backup mitigation strategy or corrective/incentive plan to be implemented if after nine months, 15 percent of the project employees do not participate in Ridesharing. [Ord. 2006-036]
- b. Projects must identify and fund a Ridesharing coordinator to assist participants, promote and facilitate the Ridesharing Program, and track performance of the Ridesharing Program for monitoring purposes. As an alternative, the Project may elect to participate in the existing South Florida Commuter Services ridesharing program by paying an annual membership fee. [Ord. 2006-036]
  - c. Applicants must identify a dedicated funding commitment to fund all aspects of the Ridesharing Program. This funding commitment shall include a commitment to provide at least a 50 percent subsidy of the out-of-pocket cost of any employee vanpool utilizing the South Florida Vanpool program. [Ord. 2006-036]
  - d. Preferential parking must be allocated for Ridesharing Program participants. Preferential parking spaces must be located closest to building entrances, with the exception of reserved spaces required by the ADA and delineated on the Site Plan. [Ord. 2006-036]
  - e. Combining this strategy with Strategy 4, Parking Management, is encouraged. [Ord. 2006-036]
  - f. No credit shall be received for Strategy 5, Ridesharing Programs, for those employees qualifying for credit under the non-peak hour work hours part of Strategy 13, Compressed work Week/Non-Peak Hour Work Hours. [Ord. 2006-036]
- 2. Monitoring**
- a. Beginning April 1 after the first full year of program, and every April 1 thereafter, the applicant, or successor in interest, must provide to the County Engineer an annual report. The annual report must be certified by an independent financial auditor and shall at a minimum contain monthly and cumulative statistics providing: [Ord. 2006-036]
    - 1) The number of total employees employed during each month and average number for the calendar year; [Ord. 2006-036]
    - 2) The number of employees who participated in Ridesharing; [Ord. 2006-036]
    - 3) The number of days each employee participated in Ridesharing per reporting period, and [Ord. 2006-036]
    - 4) An accounting detailing the amount expended to fund the Ridesharing Program, including coordinator salary and amounts spent on promoting and monitoring the Ridesharing Program.

The report shall also include copies of all materials used in promoting the Ridesharing Program. [Ord. 2006-036]
  - b. Two years following Project Build-out, the developer, owner or agent as appropriate may request alteration or substitution of strategies pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]
- 3. Implementation Timeframe**
- This Strategy must be fully implemented within nine months of Project Build-out, or as otherwise set forth in the Master Plan or Site Plan. [Ord. 2006-036]
- 4. Credit Factor**
- Credit factor shall be calculated in accordance with Table 12.P.4.E-14, Strategy Five Credit Factor Calculation.

**Table 12.P.4.E-14 – Strategy Five Credit Factor Calculation**

Credit Factor =		$\frac{E \times 2 \times D/5}{50 \times (\text{square root of } S)}$
E	=	number of on-site employees that are required to participate
D	=	number of weekdays per week that employees are required to participate
S	=	number total size of non-residential building area in 1000 sf
[Ord. 2006-036]		

**F. Strategy 6. Telecommuting Programs**

**1. Strategy**

This strategy applies only to larger employers implementing formal policies, based on specific criteria, to allow and encourage employees to telecommute. [Ord. 2006-036]

**2. Qualifying Criteria**

- a. Project must be an employer of at least 20 people. [Ord. 2006-036]
- b. Project must develop a formal policy and contract between employees and managers. The Policy shall identify which job categories are suitable for telecommuting, and what employees must do to participate. [Ord. 2006-036]

- c. Employees must participate in the telecommuting program an average of at least two weekdays per week. [Ord. 2006-036]
- d. The projected level of participation, i.e., the number of employees participating and days per week telecommuting, must be established in the Master Plan or Site Plan and maintained. [Ord. 2006-036]
- e. Combining this strategy with Strategy 5, Ridesharing Programs, is encouraged. [Ord. 2006-036]
- 3. Implementation Timeframe**  
One year from Project Buildout to meet projected level of participation, or as otherwise specified in the Master Plan or Site Plan. [Ord. 2006-036]
- 4. Monitoring**
  - a. By April 1 of each year, starting April 1 after the first full year after initiating the program, the owner, developer, or their agent, must supply a service report to the County Engineer, identifying the number of employees from the development participating in the program and the number of days each employee telecommutes. This Monitoring Report shall also include a copy of the telecommuting policy and copies of each of the signed telecommuting contracts entered during the reporting period. [Ord. 2006-036]
  - b. Two years following initiation of this strategy, the project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]
- 5. Credit Factor**  
Credit factor shall be calculated in accordance with Table 12.P.4.F-15, Strategy Six Credit Factor Calculation.

**Table 12.P.4.F-15 - Strategy Six Credit Factor Calculation**

Credit Factor = $\frac{E \times 2 \times D/5}{50 \times (\text{square root of } S)}$	
E	= number of on-site based employees that telecommute
D	= number of weekdays per week that employees telecommute
S	= number total size of non-residential building area in 1000 sf
[Ord. 2006-036]	

**G. Strategy 7. Bicycle Parking Facilities**

**1. Strategy**

This strategy consists of providing secure bicycle parking at residential and non-residential developments. [Ord. 2006-036]

**2. Qualifying Criteria**

Minimum requirements for Bicycle Parking Facility shall be in accordance with the table below:

**Table 12.P.4.G-16 - Minimum Requirements for Bicycle Parking Facility**

Use Type	Number of Parking Spaces
Commercial, Retail and Institutional	1 bicycle space per 25 vehicle parking spaces
Multi-Family and Mixed Use Development	1 bicycle space per 4 dwelling units

[Ord. 2006-036]

- a. The secure bicycle parking facility must be provided within 75 feet of the entrance to buildings that cyclists will most likely use. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. All bicycle parking facilities shall be covered and may be fully enclosed. [Ord. 2006-036]
- b. Combining this strategy with Strategy 4, Parking Management, is encouraged. [Ord. 2006-036]
- 3. Implementation Timeframe**  
Secured bicycle facility must be completed prior to issuance of the first CO. [Ord. 2006-036]
- 4. Monitoring & Enforcement**  
When this strategy is used, the provision of bicycle facilities, including the number and general location, shall be included in the Development Order/Master Plan. [Ord. 2006-036]
- 5. Credit Factor**  
Credit factor shall be calculated in accordance with Table 12.P.4.G-17, Strategy Seven Credit Factor Calculation, below:

**Table 12.P.4.G–17 - Strategy Seven Credit Factor Calculation**

Credit Factor =	$\frac{0.5 (P_B)}{2 (P_T) + 9 (R_U)}$
$P_B$	= number of bicycle parking spaces created per above qualifying criteria a) and b)
$P_T$	= total number of non-residential parking spaces
$R_U$	= total number of residential housing units
[Ord. 2006-036]	

**H. Strategy 8. Provide Access Between Developments**

**1. Strategy**

- a. This strategy applies to vehicle and pedestrian connections between adjacent Projects and encourages the use of such interconnections to reduce the need to access abutting roadways. The credit factor is based on the standard internalization criteria used by the Traffic Division. [Ord. 2006-036]
- b. For projects on a CRALLS roadway, the credit will be based on the reduction of trips on the CRALLS roadway. Projects not directly on a CRALLS roadway will receive one-half the credit amount. [Ord. 2006-036]

**2. Qualifying Criteria**

- a. The connection between the adjacent parcels must be conveniently located and designed to accommodate both vehicles and pedestrians. [Ord. 2006-036]
- b. The pedestrian connection must be ADA accessible. [Ord. 2006-036]
- c. Pedestrian connections between adjacent parcels or between building clusters within a single parcel shall be provided at a minimum of every 500 feet of building frontage or property line, and should be designed and located to maximize access to roadway corridors, transit stops, and parking areas. [Ord. 2006-036]
- d. The cross access easement shall be shown on the parcel's plat, or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur. A letter of agreement from the adjacent property owner shall be provided at the time of application in order to initially qualify for use of this strategy. If the Project is subsequently approved conditioned upon implementation of this strategy, the condition shall require a reciprocal cross access easement at the same location on the adjacent property be recorded prior to the issuance of the first CO for the Project. Pedestrian crossings should incorporate treatments that provide the highest degree of visibility and safety for pedestrians. Recommended treatments include countdown signals, in-pavement lighting at crosswalks, raised pedestrian crosswalks, curb bulb-outs, and other traffic calming measures. These treatments should be applied where suitable, with special emphasis given in locations where pedestrians will cross collector and arterial roadways, and in parking and circulation areas of large developments. [Ord. 2006-036]
- e. The cross access must be provided in addition to any other cross access required by government land development regulations or driveway permit conditions. [Ord. 2006-036]
- f. Access for pedestrian use only will receive a reduced credit factor as set forth in Art. 12.P.4.H.5, Credit Factor, below. [Ord. 2006-036]

**3. Implementation Timeframe**

The precise timetable shall be determined as part of the Development Order approval process but the cross access easements on both properties must be in place, as depicted on the plat or in the restrictive covenant, prior to issuance of the first CO for the Project. [Ord. 2006-036]

**4. Monitoring and Enforcement**

Since providing access between developments is part of the Development Order/Master Plan, Code Enforcement or the Metropolitan Planning Organization Bicycle/Pedestrian Coordinator or other County departments, as appropriate, shall be able to inspect the cross-access connection at any time. [Ord. 2006-036]

**5. Credit Factor**

- a. Project where the first directly accessed LINK is a CRALLS roadway: [Ord. 2006-036]
  - 1) 0.1 of smaller retail for retail to retail; [Ord. 2006-036]
  - 2) 0.1 of residential for residential to retail; [Ord. 2006-036]
  - 3) 0.1 of office for office to retail; and [Ord. 2006-036]
  - 4) 0.05 of office for office to residential [Ord. 200-036]
- b. Project where the first directly accessed LINK is not on CRALLS roadway: [Ord. 2006-036]
  - 1) 0.05 of smaller retail for retail to retail; [Ord. 2006-036]

- 2) 0.05 of residential for residential to retail; [Ord. 2006-036]
- 3) 0.05 of office for office to retail; and [Ord. 2006-036]
- 4) 0.025 of office for office to residential [Ord. 2006-036]
- c. The credit factor for pedestrian only connections shall be one-tenth of the above numbers. [Ord. 2006-036]

**I. Strategy 9. Provide Access To More Than One Road**

**1. Strategy**

- a. This strategy applies to properties that have access to two or more thoroughfare roadways, either directly, via non-thoroughfare roadways, or via shared access with an adjacent property. It is intended to allow better distribution of traffic onto the major roadway system as compared to projects with single access. [Ord. 2006-036]
- b. For Projects that directly access a CRALLS roadway, the credit is associated with the reduction of trips on the CRALLS roadway. The secondary access must be an alternative to access to a CRALLS roadway. For Projects that do not directly access a CRALLS roadway, the access must be on two or more thoroughfare roadways. These projects will receive a lesser credit. [Ord. 2006-036]

**2. Qualifying Criteria**

- a. Secondary access must be at an existing median opening to qualify for the full credit. If there is no median opening, the credit will be 50 percent less. Full credit shall be given if a median opening will be established concurrent with development. [Ord. 2006-036]
- b. The secondary access must be designed to accommodate both vehicles and pedestrians. [Ord. 2006-036]
- c. The secondary access for the pedestrian connection must be ADA accessible. [Ord. 2006-036]
- d. The access easement should be shown on the parcel's plat, or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur. [Ord. 2006-036]
- e. The secondary access must be provided in addition to any secondary access required by government land development regulations or driveway permit. [Ord. 2006-036]
- f. For projects not on CRALLS roadways, the secondary access will not necessarily reduce traffic on the CRALLS roadway, but will better distribute Project Traffic on the roadway system. The credit factor is reduced by 50 percent in these cases. [Ord. 2006-036]
- g. Secondary access shall meet the access management requirements of the municipality, County, or FDOT, as applicable; if not, then it must have been granted a variance from the access management requirements prior to qualifying for credit. [Ord. 2006-036]
- h. The secondary access may be an access point onto the CRALLS roadway that aligns with another thoroughfare and thus allows dispersion of some project traffic without impacting the CRALLS roadway except at the intersection. [Ord. 2006-036]

**3. Implementation Timeframe**

The precise timetable shall be determined as part of the Development Order approval process but the easement must be in place, as depicted on the plat or in the restrictive covenant, no later than issuance of the first CO for the Project. [Ord. 2006-036]

**4. Monitoring**

The project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

**5. Credit Factor**

- a. 1.0 at median opening for access to thoroughfare secondary to CRALLS roadway; [Ord. 2006-036]
- b. 0.5 not at median openings for access to thoroughfare secondary to CRALLS roadway; [Ord. 2006-036]
- c. 0.2 at median opening to another thoroughfare for projects not on CRALLS roadway; [Ord. 2006-036]
- d. 0.1 not at median opening to another thoroughfare for projects not on CRALLS roadway; or [Ord. 2006-036]
- e. 0.4 for access onto CRALLS roadway that aligns with full median opening with another thoroughfare. [Ord. 2006-036]

**J. Strategy 10. Low Generation Traffic Sensitive Uses**

**1. Strategy**

This strategy consists of developing the project with a low generation traffic sensitive use, with the intent of reducing traffic congestion. [Ord. 2006-036]

## 2. Qualifying Criteria

- Credit will be given for this Strategy only if credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]
- Restrictive covenants on the parcel shall be filed describing the uses and associated densities and intensities that are allowed. [Ord. 2006-036]
- The Master Plan or Site Plan shall identify, on a building and parcel basis, the building areas allocated to specific land uses for the development. [Ord. 2006-036]

## 3. Implementation Timeframe

Determined during concurrency review. [Ord. 2006-036]

## 4. Monitoring

By April 1 of each year, starting April 1 after the first full year after occupying the site, the developer, or their agent, must supply a use report to the County Engineer, identifying uses, and their densities and intensities, active on the site.

Two years following Project Buildout, the project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

## 5. Credit Factor

- Credit shall be determined by multiplying by three the percent reduction (expressed as a decimal) in two-way peak hour trips as compared to the typical average net external two-way peak hour trips per gross acre for development in the area per the land use designation as of the effective date of adoption of this Section. The typical development density and intensities based on an analysis of existing developments in area of CRALLS are as follows: [Ord. 2006-036]
  - Residential: as per maximum allowable under land use designation. [Ord. 2006-036]
  - Retail Commercial: 0.18 gross lot area coverage by buildings. [Ord. 2006-036]
  - Office: 0.16 gross lot area coverage by buildings. [Ord. 2006-036]
  - Industrial: 0.22 gross lot area coverage by buildings. [Ord. 2006-036]
  - Institutional: 0.09 gross lot area coverage by buildings. [Ord. 2006-036]
- 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 requested use under the applicable zoning district. [Ord. 2006-036]
- Credit factor shall be calculated in accordance with Table 12.P.4.J-18, Strategy Ten Credit Factor Calculation, below:

**Table 12.P.4.J-18 - Strategy Ten Credit Factor Calculation**

Credit Factor =	$\frac{3 \times (T_A - T_P)}{T_A}$
$T_A$	= average net external 2-way peak hour trips per gross acre in area for applicable land use designation
$T_P$	= project net external 2-way peak hour trips per gross acre
[Ord. 2006-036]	

## 6. Example

- Proposed self-storage development of 60,000 sf on 10-acre parcel with industrial land use designation = 0.14 gross lot area coverage [Ord. 2006-036]
- Average industrial gross lot area coverage = 0.22 [Ord. 2006-036]
- Project net external 2-way PM peak hour trips per gross acre =  $(60 \times .26) / 10 = 1.56$  trips/gross acre [Ord. 2006-036]
- Average Net 2-way PM peak hour trips per gross acre =  $0.98 \times (0.22 \times 10 \times 43,560/1000) / 10 = 9.39$  trips/gross acre [Ord. 2006-036]
- Credit Factor =  $3 \times [(9.39 - 1.56)/9.39] = 2.5$  [Ord. 2006-036]

## K. Strategy 11. Intersection Modifications

### 1. Strategy

This strategy consists of improvements to signalized intersections on the CRALLS roadway. The intersection modification can include additional turn lanes or additional through lanes. [Ord. 2006-036]

### 2. Qualifying Criteria

- a. This strategy applies only to intersections projected to exceed a critical sum of 1200 during either the AM or PM peak hour by Project Buildout. [Ord. 2006-036]
  - b. Credit will only be given for this Strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]
  - c. Credit will not be given for that portion of the intersection modification that is required to mitigate just the traffic impacts of the proposed development. [Ord. 2006-036]
- 3. Methodology for Analyzing Improvement**  
The intersection will be analyzed using the "sum of critical movements" approach as detailed in Art. 12.B, Standard. [Ord. 2006-036]
- 4. Implementation Timeframe**  
Determined during Site Plan review. [Ord. 2006-036]
- 5. Monitoring and Enforcement**  
When this strategy is used, the provision of intersection modifications shall be included in the Development Order as well as the Master Plan or Site Plan. The project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]
- 6. Credit Factor**  
Equal to five times the percentage reduction (expressed as a decimal) of the "sum of critical movement" in the operation of the intersection during either the AM or PM peak hour. The reduction in the critical movement sum is calculated without considering the component of traffic attributable to the proposed development itself. Credit factor shall be calculated in accordance with Table 12.P.4.K-19, Strategy 11 Credit Factor Calculation, below:

**Table 12.P.4.K-19 - Strategy 11 Credit Factor Calculation**

Credit Factor =	$5 \times (1 - CS_M / CS_E)$
$CS_M$ =	the existing sum of critical movements for the intersection
$CS_E$ =	the sum of critical movements for the intersection after the modification
[Ord. 2006-036]	

- 7. Pooling Improvement by Multiple Developments**  
Multiple developments may pool their resources to implement an intersection improvement if the combined trips from the developments do not exceed the improvement to the intersection. In this case, the credit will be given proportionately according to each development's contribution. [Ord. 2006-036]
- 8. Example**  
An intersection has an existing "sum of critical movements" of 1500. A proposed improvement will result in a "sum of critical movements" of 1350. The improvement is  $5 \times [1 - (1350/1500)] = 5(1 - 0.9) = 0.5$ . [Ord. 2006-036]
- L. Strategy 12. Grade Separated Interchange Improvement**
- 1. Strategy**  
This strategy consists of dedicating R-O-W for a proposed grade separated interchange or interchange modification. [Ord. 2006-036]
  - 2. Qualifying Criteria**
    - a. The interchange improvement must be approved by the Florida Department of Transportation District 4, PBC and/or Florida's Turnpike District, as appropriate. [Ord. 2006-036]
    - b. Credit will only be given for this Strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]
    - c. The dedication of R-O-W must be in addition to what is required by government land development regulations and must not be site-related. [Ord. 2006-036]
  - 3. Implementation Timeframe**  
Determined during Site Plan review. [Ord. 2006-036]
  - 4. Monitoring and Enforcement**  
When this strategy is used, the provision of grade separated interchange improvements shall be included in the Palm Beach County Comprehensive Plan on either the Thoroughfare Right of Way Identification Map or Adopted Long Range Plan Map and the area to be dedicated shall be designated in the project's Development Order/Master Plan. The project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

**5. Credit Factor**

(Percentage of total required grade separated interchange improvement R-O-W dedicated by developer expressed as a decimal). [Ord. 2006-036]

**M. Strategy 13. Compressed Work Week/Non-Peak Hour Work Hours**

**1. Strategy**

A work site policy implementing a work schedule for full-time (i.e. working at least 35 hours per week) employees for a less than 5-day work week by extending hours of work during the remaining work days, with start and end work times that fall outside the normal AM (7 to 9 AM) and PM (4 to 6 PM) peak hours. [Ord. 2006-036]

**2. Qualifying Criteria**

- a. 20 percent or more of on-site employees must be working the compressed work week schedule. [Ord. 2006-036]
- b. Either the start or end work time or both must fall outside the normal AM and PM peak hours of on-street traffic. [Ord. 2006-036]
- c. The work schedules for the affected on-site employees need to be documented on an annual basis. [Ord. 2006-036]
- d. Projects must include an on-site coordinator to assist participants in the program, as well as to facilitate program performance tracking and reporting. [Ord. 2006-036]
- e. Project must develop a formal policy and contract between employees and managers that shall identify which job categories are eligible for the compressed work week/non-peak work hours option. [Ord. 2006-036]
- f. Project must be an employer of 20 or more people. [Ord. 2006-036]
- g. For those employees qualifying for credit under the non-peak hour work hours' part of Strategy 13, Compressed Work Week/Non-Peak Work Hours, no credit shall be received for Strategy 5, Ridesharing Programs. [Ord. 2006-036]

**3. Implementation Timeframe**

One year from date of issuance of the first CO for the Project. [Ord. 2006-036]

**4. Monitoring and Enforcement**

- a. By April 1 of each year, starting April 1 after the first full year after initiating the program, the owner, developer, or their agent, must supply a report to the County Engineer identifying the number of employees from the development participating in the program and the total number of employees employed during the reporting period, and the work schedules of each participant. This Monitoring Report shall also include a copy of the compressed work week policy and copies of each of the signed compressed work week contracts entered during the reporting period. The County Engineer shall analyze the data for compliance with the Development Order. If the program fails to meet the plan's specified criteria within one year of Project Buildout, the owner, developer, or agent shall undertake remedial action, or institute an alternate mitigation strategy. [Ord. 2006-036]
- b. Two years following initiation of the strategy, the project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

**5. Credit Factor**

Credit factor shall be calculated in accordance with Table 12.P.4.M-20, Strategy 13 Credit Factor Calculation, below:

**Table 12.P.4.M-20-Strategy 13 Credit Factor Calculation**

Credit Factor =		$\frac{E \times (D + H/(5-D))}{50 \times (\text{square root of } S)}$
E	=	number of on-site based employees that participate in program
D	=	number of weekdays per week that the employees do not have to drive to work due to their participation in program
H	=	number of peak hours per week on workdays during which participating employees will not drive to work
S	=	size of project in 1,000 sf
[Ord. 2006-036]		

**N. Strategy 14. Additional Mitigation Fee Payment**

**1. Strategy**

This strategy involves the payment of mitigation fees in excess of the amount required by the Code for road impact fees. These fees shall be deposited in a separate Okeechobee Boulevard Mitigation



Fee Account and shall be used by the BCC to fund road improvements or other Programs designed to improve traffic flow in the Okeechobee Boulevard corridor. [Ord. 2006-036]

**2. Qualifying Criteria/Implementation Timeframe**

- a. Prepayment of the additional mitigation fees shall be required prior to issuance of the first building permit. [Ord. 2006-036]
- b. Credit will only be given for this Strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]

**3. Credit Factor**

Credit factor shall be calculated in accordance with Table 12.P.4.N-21, Strategy 14 Credit Factor Calculation, below:

**Table 12.P.4.N-21 - Strategy 14 Credit Factor Calculation**

0.001 X (additional amount of payment in \$1000s) + 0.005 X (percentage excess payment above required impact fee expressed as whole number --- up to a maximum of 100 percent)
[Ord. 2006-036]

**4. Example**

A project with a road impact fee of \$132,000 agrees to pay 100% of its fee as an additional mitigation fee payment. The project will thus qualify for a credit factor of  $(0.001 \times 132) + (0.005 \times 100) = 0.632$  [Ord. 2006-036]

**Section 5 CRALLS Mitigation Strategies: Point System Methodology**

The following section outlines the methodology for a preliminary point system to be used in conjunction with CRALLS Mitigation Strategies. This system operates within the context of PBC's Traffic Performance Standards, in that it assigns trips impacting CRALLS facilities as part of the overall trip generation function. Once those assigned trips are understood and classified, a weighting factor can be applied to reflect the intensity of mitigation required by the developer. The "credit factor" used in this system corresponds to the sum of the credit factors derived from the mitigation strategies utilized.

**Table 12.P.5-22 – Point System Methodology**

CRALLS Facilities Assigned Trips (Net 2-way peak-hour trips)	Weighting Factor	Minimum Points Needed to Fulfill Mitigation (divide assigned trips by 10)
1 – 100	5	<=10
101 – 200	10	11 – 20
201 – 400	20	21 – 40
401 – 800	40	41 – 80
801 – 1000 <sup>1</sup>	80	81 – 100

**Note:**

- <sup>1</sup> Net 2-way peak hour trips in excess of this number shall be categorized and assigned weighting factors in a proportionate manner to the above table. [Ord. 2006-036]

**A. Calculation to Determine Mitigation**

The method of calculation to determine mitigation shall be in accordance with Table 12.P.5.A-23, Calculation to Determine Mitigation, below:

**Table 12.P.5.A-23 – Calculation to Determine Mitigation**

$\frac{\text{Number of assigned trips}^1 \times \text{credit factor}}{\text{weighting factor}} = \text{Points earned}$
<sup>1</sup> The assigned trips include only those trips that are impacted by the specific mitigation strategy.
<b>Note:</b>
All credit factor calculations for each strategy are to be rounded off to the nearest one-hundredth prior to summing them to derive total points. [Ord. 2006-036]

**B. Example Calculation**

**1. Impact**

- a. Development will impact 100 trips onto CRALLS facility [Ord. 2006-036]
- b. Developer needs 10 points to achieve CRALLS mitigation [Ord. 2006-036]

**2. Mitigation Examples**

- a. Developer chose to implement an access to thoroughfare secondary to CRALLS roadway: **[Ord. 2006-036]**

100 * .10	= 20 points
0.5	
[Ord. 2006-036]	

- b. Developer chose to implement a feeder route with 30-minute headways: **[Ord. 2006-036]**

100 * .05	= 10 points
0.5	
[Ord. 2006-036]	

## **CHAPTER Q CHAPTER Q PROPORTIONATE FAIR-SHARE PROGRAM**

### **Section 1 Purpose and Intent**

The purpose of this ordinance is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with §163.3180(16), F.S. **[Ord. 2006-043]**

### **Section 2 Applicability**

The Proportionate Fair-Share Program shall apply to all Projects that fail to meet the standards of this Article on a collector or arterial road that is not the responsibility of a municipality, or that fail to meet the standards of this Article on a transportation facility maintained by FDOT pursuant to the requirements of Section 3. The Proportionate Fair-Share Program does not apply to Developments of Regional Impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., or to projects exempted from this Article. **[Ord. 2006-043]**

### **Section 3 General Requirements**

- A. An applicant may choose to satisfy the transportation concurrency requirements of Palm Beach County by making a proportionate fair-share contribution, pursuant to the following requirements: **[Ord. 2006-043]**
1. The proposed development is consistent with the comprehensive plan and applicable land development regulations. **[Ord. 2006-043]**
  2. The road improvement necessary to maintain the adopted LOS is specifically identified for construction in the five-year schedule of capital improvements in the CIE of the Plan and identified for construction in the adopted Five-Year County Road Program. **[Ord. 2006-043]**
- B. Any improvement project proposed to meet the developer's fair-share obligation must meet Palm Beach County's design standards for locally maintained roadways and those of the FDOT for the state highway system. **[Ord. 2006-043]**

### **Section 4 Intergovernmental Coordination**

Pursuant to policies in the Intergovernmental Coordination Element of the Plan, Palm Beach County shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose. **[Ord. 2006-043]**

### **Section 5 Application Process**

- A. In the event of a lack of capacity to satisfy transportation concurrency, the applicant shall have the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 3. If the impacted facility is on the SIS, then the FDOT shall be notified and invited to participate in a pre-application meeting. **[Ord. 2006-043]**

- B. Eligible applicants shall submit an application to the County Engineer on a form provided for by the County Engineer. The County may establish an application fee that does not exceed the cost to the County of reviewing the application. **[Ord. 2006-043]**
- C. The County Engineer shall review the application and certify that the application is sufficient and complete within 15 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section 3, then the applicant will be notified in writing of the reasons for such deficiencies within 15 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. **[Ord. 2006-043]**
- D. Pursuant to §163.3180(16) (e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement. **[Ord. 2006-043]**
- E. When an application is deemed sufficient, complete, and approved pursuant to ULDC Art. 12.B, Standard, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the County Engineer or the applicant and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of an eligible application. **[Ord. 2006-043]**
- F. No proportionate fair-share agreement will be effective until approved by the County. **[Ord. 2006-043]**

## Section 6 Determining Proportionate Fair-Share Obligation

- A. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities. **[Ord. 2006-043]**
- B. A Project eligible for participation under the Proportionate Fair-Share Program shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation. **[Ord. 2006-043]**
- C. The methodology used to calculate a Project's proportionate fair-share obligation shall be as provided for in §163.3180(12), F.S., as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.

OR

Proportionate Fair-Share =  $\sum [((\text{Development Trips}_i) / (\text{SV Increase}_i)) \times \text{Cost}_i]$

Where:

Development Trips<sub>i</sub> = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per TPS;

SV Increase<sub>i</sub> = Service volume increase provided by the eligible improvement to roadway segment "i" per Section 3;

Cost<sub>i</sub> = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering review, inspection, administration, and physical development costs directly associated with construction at the anticipated cost, including contingencies, in the year it will be incurred. **[Ord. 2006-043]**

- D. For the purposes of determining proportionate fair-share obligations, the County Engineer shall determine improvement costs based upon the actual and/or anticipated cost of the improvement in the year that construction will occur. **[Ord. 2006-043]**

- E. If the County has accepted an improvement proposed by the applicant, then the value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the County Engineer or other method approved by the County Engineer. **[Ord. 2006-043]**
- F. If the County has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the Property Appraiser, or at the option of the applicant, by fair market value established by an independent appraisal approved by the County at no expense to the County. This appraisal shall assume no approved development plan for the site. All right-of-way dedicated must be part of a roadway segment that triggered the deficiency per TPS, and must not be site-related. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the County at no expense to the County. If the estimated value of the right-of-way dedication proposed by the applicant based on a County approved appraisal is more than the county estimated total proportionate fair share obligation for the development, then the County will give the applicant road impact fee credit for the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations. **[Ord. 2006-043]**

## **Section 7      Impact Fee Credit for Proportionate Fair-Share Mitigation**

- A. Proportionate fair-share contributions shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by Article 13, Impact Fees. **[Ord. 2006-043]**
- B. Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement as they become due pursuant to Article 13, Impact Fees. Once the credit has been exhausted, payment of road impact fees shall be required for each permit issued. The impact fee credit shall be established when the proportionate fair-share contribution is received by the County, or when the fair-share amount is secured by Performance Security. **[Ord. 2006-043]**
- C. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed project. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed project cannot be transferred to any other project. **[Ord. 2006-043]**

## **Section 8      Proportionate Fair-Share Agreements**

- A. Upon execution of a proportionate fair-share agreement ("Agreement"), the applicant shall receive a certificate of concurrency approval. Should the applicant fail to apply for a development permit within 12 months, then the Agreement shall be considered null and void, and the applicant shall be required to reapply. **[Ord. 2006-043]**
- B. Payment of the proportionate fair-share contribution is due in full no later than issuance of the first building permit, and shall be non-refundable. If the payment is submitted more than six months from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to Section 6 and adjusted accordingly. **[Ord. 2006-043]**
- C. In the event an Agreement requires the applicant to build one or more road improvements, all such improvements must be commenced prior to issuance of a development permit and assured by a binding agreement that is accompanied by a Performance Security sufficient to ensure the completion of all required improvements. It is the intent of this Section that any required improvements be completed before issuance of certificates of occupancy. **[Ord. 2006-043]**
- D. Dedication of necessary R-O-W for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the first building permit but shall not include a building permit issued for a dry model. **[Ord. 2006-043]**
- E. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation. **[Ord. 2006-043]**
- F. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs paid to Palm Beach County will be non-refundable. **[Ord. 2006-043]**

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- G. Palm Beach County may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility. [Ord. 2006-043]

## **Section 9      Appropriation of Fair-Share Revenues**

- A. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the CIE, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may be used as the 50 percent local match for funding under the FDOT TRIP, or any other matching requirement for State and Federal grant programs as may be allowed by law. [Ord. 2006-043]
- B. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or Impact Fee Benefit Zone that would mitigate the impacts of development pursuant to the requirements of Section 3.B.2. [Ord. 2006-043]

## **CHAPTER R      CHAPTER R      CORRIDOR MASTER PLANS**

### **Section 1      General**

The County and affected municipalities shall develop individual corridor master plans to address each projected corridor failure in corridors identified in the Comprehensive Plan Transportation Element Policy 1.1n, where the adopted Level of Service may not be achieved pursuant to the 2025 Transportation System for Palm Beach County, Highway Component, prepared by the Metropolitan Planning Organization (hereinafter referred to as the "MPO Model"). Once a Corridor Master Plan (hereinafter referred to as "CMP") has been adopted by the County and any affected municipality for a particular corridor, no project which is Significant on that corridor shall be approved for development by the County or affected municipality unless the project meets the requirements of that Corridor Master Plan. [Ord. 2007-013]

#### **A. Corridor Identification**

A corridor subject to CMP shall consist of a series of continuous Major Thoroughfare Links, two or more of which exceed a volume to capacity ratio of 1.0 as projected by the MPO model. All corridors subject to this section are identified in the Comprehensive Plan. [Ord. 2007-013]

#### **B. Development and Implementation**

Corridor Master Plans shall initially be prepared by designated representatives of the County and any affected municipalities. Corridor Master Plans shall be based generally upon the following Outline: [Ord. 2007-013]

1. Overview of the Study Process
  - a. Study Purpose and objectives [Ord. 2007-013]
  - b. Identification of study area [Ord. 2007-013]
  - c. Corridor History [Ord. 2007-013]
  - d. Agency Coordination [Ord. 2007-013]
  - e. Public notice and participation of affected property owners [Ord. 2007-013]
  - f. Decision chronology [Ord. 2007-013]
2. Corridor problems and needs [Ord. 2007-013]
3. Evaluation Criteria and Methodology [Ord. 2007-013]
4. Development and Analysis of Detailed Alternatives [Ord. 2007-013]
5. Financial Analysis to determine the Preferred Alternative [Ord. 2007-013]
6. Action Plan [Ord. 2007-013]

#### **C. Adoption by the County and Affected Municipalities**

1. The Corridor Master Plan must be adopted and implemented by the County and any affected municipalities in order for the terms of the Plan to be enforceable within their respective jurisdictions. If there are outstanding issues that the County and municipal representatives not agree to in the initial draft of the CMP, these issues shall be documented by setting forth the areas of disagreement, the positions of the representatives participating, and any alternatives and compromises offered. [Ord. 2007-013]
2. The draft Corridor Master Plan will be presented to the governing body of the County and each affected municipality for review and comment. If there are also outstanding issues identified by the staffs, the areas of disagreement will also be presented to the respective elected

Boards/Commissions for input on how the disagreement should be resolved. If there are remaining unresolved issues identified pursuant to sections C.1., C.2., or C.5, the elected officials shall appoint a negotiator to speak for that local government. **[Ord. 2007-013]**

3. The designated negotiators shall meet in an attempt to resolve those issues. If agreement is reached, the Corridor Master Plan shall be finalized and presented to the local governments for adoption pursuant to section C.5. **[Ord. 2007-013]**
4. If outstanding issues remain after the negotiators meet, the parties will schedule a joint mediation meeting of the elected bodies to attempt to resolve those issues. A facilitator/mediator shall chair the meeting. If the parties cannot agree to a facilitator/mediator, the parties will request that the Treasure Coast Regional Planning Council either assist them in selecting a facilitator/mediator or actually select the facilitator/mediator. **[Ord. 2007-013]**
5. The Corridor Master Plan shall be finalized to include all the items agreed upon by the parties. The Corridor Master Plan shall be presented to the County and each affected municipality for adoption. If any additional areas of disagreement are identified in the adoption process, the local government raising the issue shall present a written report to the other jurisdictions detailing the area of disagreement and reasons for the disagreement. If this occurs, the report will be presented to the other parties. If all of the other parties do not agree to the requested change to the Corridor Master Plan, each local government shall appoint a negotiator as set forth in section C.3. to resolve the issue. **[Ord. 2007-013]**
6. The Corridor Master Plans shall become effective upon adoption by all of the appropriate local governments. **[Ord. 2007-013]**

**Amendment History:**

**[Ord. 2003 – 067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-036; August 29, 2006] [Ord. 2006-043; September 1, 2006] [Ord. 2006-055; December 1, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2010-005; February 2, 2010]**

# ARTICLE 13

## IMPACT FEES

Page

<b>CHAPTER A</b>	<b>GENERAL</b>	<b>5</b>
<b>Section 1</b>	<b>Intent, Authority and Findings</b>	<b>5</b>
A.	Intent	5
B.	Authority	5
C.	Findings	5
D.	Definitions	5
<b>Section 2</b>	<b>Applicability</b>	<b>5</b>
<b>Section 3</b>	<b>Exemptions</b>	<b>5</b>
<b>Section 4</b>	<b>Imposition of Fee</b>	<b>6</b>
A.	New Land Use	6
B.	Expansion, Replacement or Change of Use of Existing Land Uses	6
<b>Section 5</b>	<b>Computation of Impact Fee</b>	<b>6</b>
A.	General	6
B.	Impact Fee Schedule	6
C.	Land Uses Not Specified in Impact Fee Schedule	6
D.	Mixed Use	6
E.	Errors and Omissions	7
F.	Biennial Review	7
<b>Section 6</b>	<b>Independent Fee Calculation Study</b>	<b>7</b>
A.	General	7
B.	Submission of Application	7
C.	Contents of Application	7
D.	Determination of Sufficiency	7
E.	Action by Impact Fee Coordinator	8
1.	Impact Fees Other Than Roads	8
2.	Road Impact Fees	8
3.	Responsibility of Feepayer	8
4.	Decision in Writing	8
F.	Covenant Running with the Land	8
G.	Appeal	8
<b>Section 7</b>	<b>Collection and Administrative Fees</b>	<b>9</b>
A.	Timing and Collection of Payment	9
1.	Collected at Building Permit or Other Development Order	9
2.	Municipality May Require Direct Payment to County	9
3.	Municipalities are Collecting Agents	9
B.	Administrative Fees	9
C.	Fees Transferred to Trust Funds	9
1.	Fees Collected by County	9
2.	Fees Collected by Municipalities	9
D.	Record Keeping	10
E.	Impact Fee Coordinator to Furnish Information and Advice to the Municipalities	10



<b>Section 8</b>	<b>Benefit Zones and Trust Funds.....</b>	<b>10</b>
A.	Establishment of Benefit Zones.....	10
B.	Establishment of Trust Funds.....	10
<b>Section 9</b>	<b>Use of Impact Fees.....</b>	<b>10</b>
A.	Investment in Interest Bearing Accounts .....	10
B.	Limitation Within Benefit Zones.....	10
C.	Expenditures Shall Benefit New Development.....	10
D.	Non Lapsing .....	10
E.	Annual Capital Facility Programs .....	10
<b>Section 10</b>	<b>Refunds .....</b>	<b>10</b>
A.	General .....	10
1.	Non-Commencement of Construction .....	10
2.	Untimely Encumbrance .....	11
3.	Computational or Clerical Errors and Omissions .....	11
B.	Procedure to Obtain Refund.....	11
1.	Submission of Application.....	11
2.	Contents of Application.....	11
3.	Determination of Sufficiency .....	11
4.	Action by Impact Fee Coordinator .....	12
<b>Section 11</b>	<b>Credits .....</b>	<b>12</b>
A.	General .....	12
1.	Submission of Application.....	12
2.	Redevelopment of Existing Building/Change in Land Use.....	12
3.	Special District Assessments.....	12
4.	In-Kind Contributions .....	12
5.	Credits for Contributions to Local Governments Other Than PBC.....	14
6.	Special Provisions for Park Credits.....	14
7.	Special Provisions for School Credits.....	14
8.	Special Provisions for Road Credits.....	16
9.	Application of Credits.....	17
10.	Special Allocation of Credits .....	17
B.	Appeal .....	18
C.	Time to Claim Credit – Responsibility of Feepayer.....	18
<b>Section 12</b>	<b>Covenants .....</b>	<b>18</b>
<b>Section 13</b>	<b>Vesting.....</b>	<b>18</b>
<b>Section 14</b>	<b>Action if Impact Fees are Unpaid.....</b>	<b>18</b>
A.	Negotiable Instrument is Invalid .....	18
B.	Lien .....	18
C.	Withholding Development Orders .....	18
D.	Notification Construction Industry Licensing Board.....	18
<b>CHAPTER B</b>	<b>COUNTY DISTRICT, REGIONAL, AND BEACH PARKS IMPACT FEE .....</b>	<b>19</b>
<b>Section 1</b>	<b>Imposition of Fee.....</b>	<b>19</b>
<b>Section 2</b>	<b>Schedule of Lower Fees for Municipalities.....</b>	<b>19</b>
<b>Section 3</b>	<b>Fee Schedule.....</b>	<b>19</b>

A. Benefit Zones .....	21
1. Establishment of Benefit Zones .....	21
2. Identification of Benefit Zones .....	22
B. Establishment of Trust Funds .....	22
C. Use of Park Impact Fees .....	22
CHAPTER C    FIRE-RESCUE IMPACT FEE .....	23
Section 1    Imposition of Fee .....	23
Section 2    Fee Schedule .....	24
Section 3    Benefit Zones .....	24
A. Establishment of Benefit Zone .....	24
1. Benefit Zone 1 .....	24
2. Benefit Zone 2 .....	24
Section 4    Establishment of Trust Fund .....	24
Section 5    Use of Fire-Rescue Impact Fees .....	25
CHAPTER D    LIBRARY IMPACT FEE .....	27
Section 1    Imposition of Fee .....	27
Section 2    Fee Schedule .....	27
Section 3    Benefit Zone .....	27
A. Establishment of Benefit Zone .....	27
1. Benefit Zone 1 .....	27
2. Benefit Zone 2 .....	27
Section 4    Establishment of Trust Funds .....	27
Section 5    Use of Library Impact Fees .....	27
CHAPTER E    LAW ENFORCEMENT IMPACT FEE .....	28
Section 1    Imposition of Fee .....	28
Section 2    Fee Schedule .....	29
Section 3    Benefit Zones .....	30
A. Establishment of Benefit Zones .....	30
1. Area and Services in Benefit Zone 1 .....	30
2. Area and Services in Benefit Zone 2 .....	30
3. Area and Services in Benefit Zone 3 .....	30
Section 4    Establishment of Trust Funds .....	30
Section 5    Use of Law Enforcement Impact Fees .....	31
CHAPTER F    PUBLIC BUILDINGS IMPACT FEE .....	32
Section 1    Imposition of Fee .....	32
Section 2    Fee Schedule .....	33

Section 3	Benefit Zone .....	33
A.	Establishment of Benefit Zone .....	33
Section 4	Establishment of Trust Funds .....	33
Section 5	Use of Public Buildings Impact Fees .....	34
CHAPTER G	SCHOOL IMPACT FEE .....	35
Section 1	Imposition of Fee .....	35
Section 2	Fee Schedule .....	35
Section 3	Benefit Zones .....	35
A.	Establishment of Benefit Zones .....	35
1.	Benefit Zone 1 .....	35
2.	Benefit Zone 2 .....	35
3.	Benefit Zone 3 .....	35
4.	Benefit Zone 4 .....	35
5.	Benefit Zone 5 .....	35
B.	Identification of Benefit Zones .....	35
Section 4	Establishment of Trust Funds .....	36
Section 5	Use of School Impact Fees .....	36
CHAPTER H	ROAD IMPACT FEES .....	37
Section 1	Imposition of Fee .....	37
Section 2	Fee Schedule .....	38
Section 3	Land Uses Not Specified in Fee Schedule .....	38
Section 4	Use of Road Impact Fee Funds .....	38
Section 5	Benefit Zones .....	40
Section 6	Establishment of Trust Funds .....	40
CHAPTER I	SOLID WASTE IMPACT FEE" .....	42
Section 1	Imposition of fee .....	42
Section 2	Fee Schedule .....	42
Section 3	Benefit Zones .....	42
A.	Establishment of Benefit Zones .....	42
Section 4	Establishment of Trust Funds .....	43
Section 5	Use of Solid Waste Impact Fees .....	43

# ARTICLE 13

## IMPACT FEES

### CHAPTER A GENERAL

#### Section 1 Intent, Authority and Findings

##### A. Intent

This article is intended to implement and be consistent with the Comprehensive Plan and to regulate the use and development of land. It is the intent of PBC that new development shall bear a proportionate share of the cost of capital expenditures necessary to provide park, fire-rescue, library, law enforcement, public building, schools and road capital facilities in PBC as is contemplated in the Plan. Impact fees shall not be used to collect more than is necessary to fund such capital facilities. The impact fees in this article are based on the Impact Fee Report, as amended, which establish a fair and equitable allocation of costs and recognize past and future payments from new development, as well as credits for in-kind contributions, and municipal provision of like facilities under certain circumstances. Funds collected from impact fees shall not be used to replace existing capital facilities or to fund existing deficiencies, but only to provide for new capital facilities which are necessitated by new development.

##### B. Authority

The provisions of this Article are authorized by Art. VIII, Sec. 1(g), Fla. Const., F.S. § 125.01 et seq., F.S. §163.3161 et seq., F.S. §1011.19, and F.S. §380.06, Sec. 1.3(2), the PBC Charter, and the Capital Improvements Element of the Plan. In addition, the provisions of this Article are necessary for the implementation of the Plan. The inclusion of certain capital facilities in these impact fees shall not be construed as a limitation on the authority of PBC to impose impact fees for additional capital facilities consistent with Florida law. [Ord. 2005-047]

##### C. Findings

PBC finds that the provisions of this Article are land development regulations which are: necessary for the implementation of the Plan; needed to ensure that developments of regional impact are assessed impact fees under F.S. §380.06; innovative land development regulations authorized by F.S. §163.3202(3); necessary to ensure the coordination of new development and the provision of capital facilities, especially sites for new schools; a mandatory responsibility of PBC under the Local Government Comprehensive Planning and LDR Act, §163.3161 et seq.; and necessarily and reasonably related to the public health, safety and welfare.

##### D. Definitions

See Art. 1.I, Definitions and Acronyms

#### Section 2 Applicability

This Article shall apply to the unincorporated area of PBC and to the municipalities in PBC to the extent permitted by the PBC Charter and Art. VIII, § 1(g), Fla. Const., unless otherwise expressly stated in this Article.

#### Section 3 Exemptions

The following development shall be exempt from payment of respective impact fees, as applicable:

- A. Any development that results in no new impact on a capital facility for which the impact fee is assessed.
- B. The construction of accessory buildings or structures which will not produce new additional impact on a capital facility over and above that produced by the principal building or use of the land.
- C. For the purpose of School Impact Fees, the construction of adult only residences that meet the Fair Housing Act exemption codified at 42 U.S.C. 3607, as may be amended; provided, however, that the feepayer files a Declaration of Restrictive Covenants prepared and signed by the Impact Fee Coordinator which prohibits persons nineteen years of age or younger from residing in the residence for more than 60 days per calendar year. The School Impact Fee Declaration of Restrictive Covenants must be filed with the Clerk of the 15th Judicial Circuit Court. [Ord. 2005-047]
- D. The construction of publicly owned and operated governmental buildings or facilities.

All applications for exemption must be approved by the Impact Fee Coordinator. A final decision of the Impact Fee Coordinator may be appealed pursuant to Article 13.A.6.G, Appeal. All applications for

exemption must be made in writing to the Impact Fee Coordinator prior to building permit issuance. In the event that the fee payer wishes to obtain building permits prior to the Impact Fee Coordinator's final approval, the fee payer may apply for the exemption and deposit the required impact fee assessment into an escrow account, pursuant to an escrow agreement in a form provided for by the Impact Fee Coordinator. PBC may assess a reasonable fee not to exceed its actual cost in processing the escrow agreement to be paid by the fee payer.

## **Section 4      Imposition of Fee**

### **A. New Land Use**

Any new land development creating an impact on any public facility as defined in this Code shall be required to pay impact fees in the amount and manner set forth in this article to help regulate the new land development's impact on those public facilities. No building permit for any land development requiring payment of an impact fee pursuant to this article shall be issued until the impact fee has been paid by the feepayer. No building permit for any land development requiring payment of an impact fee pursuant to this Article shall be renewed or extended until the impact fee in effect at the time of the renewal or extension has been paid by the fee payer; provided, however, that additional impact fees will not be required where the development has completed and passed all applicable rough inspections for the proposed building permit. For those land uses that do not require a building permit, the impact fee shall be paid prior to issuance of a development order that initiates impact on public facilities. Payment of the impact fee shall not relieve the fee payer from the obligation to comply with Article 2.F, CONCURRENCY, or any other portion of this Code. [Ord. 2005-047]

### **B. Expansion, Replacement or Change of Use of Existing Land Uses**

Any existing land use that is expanded, replaced, or changed shall be required to pay impact fees based on the new or additional impact as a result of the expansion, replacement or change of use. The feepayer may be eligible for credit for the existing land use pursuant to Article 13.A.11.A.1, Submission of Application.

## **Section 5      Computation of Impact Fee**

### **A. General**

At the option of the feepayer, the amount of the impact fee may be determined either by the Impact Fee schedules for each impact fee component as provided for in this Article, or by an independent calculation pursuant to Article 13.A.6, Independent Fee Calculation Study. If the amount of the impact fee for the land use is not determined in the Impact Fee schedule and the feepayer opts not to conduct an independent calculation, the impact fee shall be determined by the Impact Fee Coordinator as described in this Article. [Ord. 2005-047]

### **B. Impact Fee Schedule**

The impact fees in the Impact Fee schedules have been calculated using the data and methodologies described in the Impact Fee Report, as amended. Impact fees are applicable to new development in unincorporated PBC and the municipalities within PBC, and the impact fee schedules establish impact fees based on the proportional impacts of, and benefits to, new development on and from capital facilities provided by PBC and the School Board.

### **C. Land Uses Not Specified in Impact Fee Schedule**

Except for road impact fees, if the type of land development for which a building permit or other appropriate permit is applied, is not specified on the impact fee schedule, the Impact Fee Coordinator shall use the impact fee applicable to the most nearly comparable type of land use on the fee schedule. For road impact fees, the Impact Fee Coordinator shall select the most comparable type of land use from the most current edition of Trip Generation, a publication of the Institute of Transportation Engineers (ITE). The Impact Fee Coordinator shall follow the procedure pursuant to Article 13.A.6, Independent Fee Calculation Study. [Ord. 2005-047]

### **D. Mixed Use**

For mixed use development where there is a development order expressly identifying the type and proportion of uses within the development, the impact fee shall be determined by applying the fee schedule to the uses and proportions of use specified in the development order. For mixed use development where there is no development order specifically limiting the type and proportion of uses within the development, the impact fee shall be determined using the fee schedule for the most intense use.

**E. Errors and Omissions**

Errors and omissions, including computational and clerical errors, identified within four years of building permit issuance may be subject to correction by the affected parties, including the feepayer. Computational or clerical errors do not excuse the affected parties, including the feepayer, from paying all impact fees due. [Ord. 2005-047]

**F. Biennial Review**

Biennially beginning in January 1994, the Impact Fee Coordinator shall recommend to the BCC whether any changes should be made to the fee schedules to reflect changes in the factors that affect the fee schedules. This recommendation shall be as a result of a review of the data from which the fee schedules are calculated. The purpose of this review is to evaluate the level of service for each impact fee component to determine whether it should be adjusted based on changed conditions, to analyze the effects of inflation and other cost factors on the actual costs of capital facilities, to assess any changes in credits and generation rates and to ensure that the impact fee charged new land use activity impacting capital facilities will not exceed its pro rata share for the reasonably anticipated costs of capital facilities necessitated by the new land development.

**Section 6 Independent Fee Calculation Study**

**A. General**

If a feepayer opts not to have the impact fee determined according to the fee schedule, then the feepayer shall, at the feepayer's expense, prepare and submit to the Impact Fee Coordinator an independent fee calculation study for the proposed land use. An independent fee calculation study for road impact fees shall be submitted simultaneously to the Impact Fee Coordinator and the County Engineer. The independent fee calculation study shall follow the methodologies used in the Impact Fee Report. The independent fee calculation study shall be conducted by a professional in impact analysis. An independent fee calculation study for road impact fees shall be conducted by a professional in road impact fee analysis or by a registered engineer. The burden shall be on the feepayer to provide the Impact Fee Coordinator all relevant data, analysis and reports which would assist the Impact Fee Coordinator in determining whether the impact fee should be adjusted.

**B. Submission of Application**

The application for an independent calculation study shall be submitted to the Impact Fee Coordinator, except that an independent calculation study for road impact fees shall be submitted simultaneously to the Impact Fee Coordinator and the County Engineer. In the event that the feepayer wishes to obtain building permits prior to the Impact Fee Coordinator's final approval, the feepayer may submit an application and deposit impact fees as set forth in the impact fee schedule into an escrow account, pursuant to an escrow agreement in a form provided for by the Impact Fee Coordinator. A feepayer failing to submit an independent fee calculation study, or, if necessary, an executed escrow agreement to the Impact Fee Coordinator prior to permit issuance is deemed to have waived the right to an impact fee adjustment based on the independent fee calculation study.

**C. Contents of Application**

The application shall be in a form established by the Impact Fee Coordinator and made available to the public. The independent fee calculation study shall follow the methodologies used in the Impact Fee Report. A feepayer wishing to perform an independent fee calculation study for road impact fees shall prepare a traffic impact analysis, which shall include, as appropriate, documentation of:

1. Trip generation rates appropriate for the proposed land use;
2. Trip distribution and traffic assignments;
3. Trip length data appropriate for the proposed land use;
4. Any other trip data employed in the independent fee calculation that is appropriate for the proposed land development; and
5. Economic documentation included, but not limited to:
  - a. Costs for roadway construction, including the cost of right-of-way, design, and engineering appropriate for the necessary road improvements.
  - b. Credits attributable to the proposed land use for roadway improvements which can be expected to be available to replace the portion of the service volume used by the traffic generated by the proposed land development.
  - c. The shortfall when the credits attributable to the proposed land use are considered.

**D. Determination of Sufficiency**

The Impact Fee Coordinator shall determine if the application is sufficient within five working days of its receipt. If the Impact Fee Coordinator determines the application is not sufficient, a written notice shall be

mailed to the applicant specifying the deficiencies. No further action shall be taken on the application until the deficiencies are remedied.

**E. Action by Impact Fee Coordinator**

**1. Impact Fees Other Than Roads**

For other than road impact fees, within ten working days after the application is determined to be sufficient, the Impact Fee Coordinator shall review the application, and if the application clearly demonstrates by the methodology described in the Impact Fee Report that the proposed land will use capital facilities less than that projected in the impact fee component, the Impact Fee Coordinator shall appropriately adjust the impact fee.

**2. Road Impact Fees**

For road impact fees, within 15 working days after the application is determined to be sufficient, the County Engineer shall review the application and, if the application clearly demonstrates (using the formulae described in this Article) that the proposed land use will create fewer trips than projected in the road impact fee component. The County Engineer shall make a written recommendation to the Impact Fee Coordinator on adjusting the road impact fee. If the Impact Fee Coordinator concurs, the Impact Fee Coordinator shall appropriately adjust the impact fee within five working days of receipt of the County Engineer's recommendation. [Ord. 2005-047]

**3. Responsibility of Feepayer**

The burden shall be on the feepayer to provide all relevant data, analysis and reports which would assist the Impact Fee Coordinator and, in the case of roads, the County Engineer in making a determination of the appropriate impact fee. The analysis and report must be based on generally accepted methods and the formulas for the specific impact fee component in the Impact Fee Report, or in the case of roads, the methods and formulas described in this Article and below in Article 13.H, ROAD IMPACT FEES. A feepayer wishing to provide additional information after submitting the initial independent fee calculation study must do so no later than 30 days after the date of the Impact Fee Coordinator's determination of sufficiency. The Impact Fee Coordinator will not accept additional information relevant to an independent fee calculation study after this deadline. If the impact fee is adjusted the feepayer shall provide a copy of the Impact Fee Modification Certificate at the time of permit issuance. Failure to provide a copy of the certificate at the time of permit issuance shall constitute a waiver of any adjusted impact fee. [Ord. 2005-047]

**4. Decision in Writing**

The decision of the Impact Fee Coordinator to adjust or to refuse to adjust the impact fee shall be in writing and shall be transmitted to the applicant by certified mail within five days of the decision. An approved adjustment shall be issued in the form of an "Impact Fee Modification Certificate" which shall include information regarding:

- a. Project location and name if available;
- b. square footage of project;
- c. adjusted trip generation; and
- d. property control numbers.

**F. Covenant Running with the Land**

The Impact Fee Coordinator shall require that a covenant running with the land be executed and recorded in the official records of the Clerk of the Circuit Court on the development's land before the building permit is issued in cases where:

1. The independent fee calculation is based on a use of land having a lesser impact than set forth in the impact fee schedule; or
2. The development could be put to a use having a greater impact than that proposed in the independent fee calculation study without being required to secure a permit or approval for the use; or
3. For such other reasons that make a covenant necessary to ensure compliance with this Article.

**G. Appeal**

1. Any applicant may appeal the decision of the Impact Fee Coordinator by filing an appeal with the Impact Fee Appeals Board (IFAB) within 15 working days of a decision by the Impact Fee Coordinator. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the applicant seeks to rely. The Impact Fee Coordinator may establish a reasonable fee to be paid by the applicant upon filing an appeal. This fee shall not exceed the cost to the County in processing the appeal. [Ord. 2005-047]
2. The Impact Fee Coordinator shall schedule an appeal before the Impact Fee Appeals Board no later than 90 working days after an appeal has been filed. The Impact Fee Appeals Board shall notify the applicant within 15 working days of the hearing and invite the applicant or the applicant's

representative to attend the hearing. Any of the time limitations set forth in this paragraph may be waived upon mutual agreement of the Impact Fee Coordinator and the party filing the appeal.

3. At the hearing, the IFAB shall provide the applicant and the Impact Fee Coordinator an opportunity to present testimony and evidence, provided such information was part of the review before the Impact Fee Coordinator. The IFAB shall reverse the decision of the Impact Fee Coordinator only if there is substantial competent evidence in the record that the Impact Fee Coordinator erred from the standards in this Section.
4. Any aggrieved party, including PBC, may appeal an order of the Impact Fee Appeals Board to the Fifteenth Judicial Circuit Court of PBC. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review of the record created before the Board. PBC may assess a reasonable impact fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. §119.07, as amended from time to time.

## **Section 7 Collection and Administrative Fees**

### **A. Timing and Collection of Payment**

#### **1. Collected at Building Permit or Other Development Order**

The person applying for issuance of a building permit shall pay the impact fee to the PZB Department, or to the person designated by a municipality to collect the fee (if the municipality is collecting the fee), prior to the issuance of a building permit, or if a building permit is not required, prior to issuance of the development order that authorizes development which places impact on capital facilities for which impact fees are charged.

#### **2. Municipality May Require Direct Payment to County.**

A municipality who is reviewing its own applications for development permits may opt to have PBC collect the impact fees, pursuant to interlocal agreement. If PBC is the permitting authority for the municipality by interlocal agreement, no additional interlocal agreement is necessary for PBC to collect impact fees for permits issued for that municipality. If PBC collects the impact fees, the municipality shall not be entitled to the administrative fee. PBC shall not charge the municipality for collecting the impact fee. The municipality shall be responsible for ensuring that all impact fees are paid before issuing any building permit or other permit.

#### **3. Municipalities are Collecting Agents**

Municipalities collecting impact fees under this section are acting only as collecting agents for PBC. Such municipalities shall be responsible to PBC for the proper collection and remittance of impact fees, but shall not be liable for the inadvertent miscalculation of impact fee amounts.

### **B. Administrative Fees**

The local government collecting the impact fee shall be entitled to retain six percent of the funds collected as an administrative fee to cover the costs associated with the collection of the impact fees. [Ord. 2008-015]

### **C. Fees Transferred to Trust Funds**

#### **1. Fees Collected by County**

All impact fees collected by the County, less the two percent administrative fee, shall be properly identified by benefit zone for each impact fee component and transferred daily for deposit in the appropriate impact fee trust fund to be held in separate accounts for each impact fee component and each benefit zone.

#### **2. Fees Collected by Municipalities**

##### **a. On Time Remittance**

All impact fees collected by the municipalities, less the administrative fee, shall be remitted to the County Finance Department within 15 calendar days following the month in which the impact fees are collected. One draft may be used to remit the funds to PBC. Funds received from the municipalities shall be deposited promptly in the appropriate impact fee trust fund. [Ord. 2008-015]

##### **b. Late Remittance**

In the event a municipality fails for two or more consecutive months or for any three months in a calendar year period to remit impact fees by the 25th calendar day of the month following the end of the month in which the impact fees are collected, the municipality shall pay simple interest at the statutory rate on the entire amount collected but not yet remitted to PBC. Interest shall accrue beginning the first day of the month following the end of the month in which the affected impact fees were collected by the municipality. For the purposes of this Section, funds shall be



considered to have been remitted to PBC on the date postmarked, if transmitted by certified mail with the proper postage. [Ord. 2005-047]

**c. Transfer of Receipts**

If receipts are transferred in accordance with this Section, the municipalities may retain any interest earned on impact fees collected prior to the transfer of the funds to PBC in addition to the administrative fee to offset the costs of collecting, remitting and accounting for the funds. [Ord. 2005-047] [Ord. 2008-015]

**D. Record Keeping**

Records shall be maintained by all local governments to ensure proper accounting controls. PBC shall have the authority to audit the records of any municipality to ensure the procedures and standards of this Section are being met by the municipality. Public reports on impact fees shall be provided by the Impact Fee Coordinator on at least an annual basis and distributed to each municipality. Such reports will account for receipts of impact fees for each impact fee, by benefit zone and municipality, and encumbrances and expenditures of the funds by benefit zone.

**E. Impact Fee Coordinator to Furnish Information and Advice to the Municipalities**

The Impact Fee Coordinator shall furnish such information and advice to the municipalities necessary to ensure proper collection, remittance, accounting, controls and auditability.

**Section 8 Benefit Zones and Trust Funds**

**A. Establishment of Benefit Zones**

One or more impact fee benefit zones are hereby established for each impact fee component, as set forth on this Article. [Ord. 2005-047]

**B. Establishment of Trust Funds**

Separate impact fee trust funds for each impact fee benefit zone for each impact fee component are hereby established for the purpose of earmarking all impact fees so that all expenditures of impact fees sufficiently benefit new development in the benefit zone from which the impact fees were collected.

**Section 9 Use of Impact Fees**

**A. Investment in Interest Bearing Accounts**

All impact fees on deposit in the trust funds shall be invested in interest bearing sources, and the income derived shall be applied to the applicable trust fund.

**B. Limitation Within Benefit Zones**

Impact fees collected shall be used exclusively for new capital facilities for the impact fee component within the impact fee benefit zones from which the impact fees were collected, except that if an impact or traffic analysis made by a professional experienced in impact analysis and approved by the Impact Fee Coordinator demonstrates that a planned development substantially impacts the need to expand the capacity of specific public capital facilities in another benefit zones, then impact fees paid by that planned development may be expended on those specific capital facilities in another benefit zones.

**C. Expenditures Shall Benefit New Development**

Impact fees shall be used only for capital facility costs for which the impact fees are levied and which add capacity needed to serve new development.

**D. Non Lapsing**

The respective trust funds shall be non-lapsing.

**E. Annual Capital Facility Programs**

Annually, the County Administrator shall present to the BCC a proposed capital improvement program for each public facility for which an impact fee is charged, assigning funds, including any accrued interest, from the several impact fee trust funds to specific improvement projects and related expenses. Monies, including any accrued interest not assigned in any fiscal period shall be retained in the same impact fee trust funds until the next fiscal period, except as provided by the refund provisions of this Article.

**Section 10 Refunds**

**A. General**

**1. Non-Commencement of Construction**

If a building permit or other permit requiring payment of an impact fee expires or is canceled or revoked, the structure has not been completed, and no certificate of occupancy has been issued, or if the permit is modified prior to completion of construction so as to change the land use or structure to one of lower impact than that on which the permit was originally issued, and the impact fee paid for

approval of the permit has not been encumbered or spent by PBC, then the feepayer or a successor in interest to the real property shall be entitled to a refund if an application for refund is submitted within one year of the permit's expiration, cancellation, revocation or modification, or of the event giving rise to the refund and within three years of the payment of the impact fee, except that PBC shall retain an additional two percent of the impact fee to offset the costs of administering the refund.

**2. Untimely Encumbrance**

**a. Untimely Encumbrance**

Notwithstanding Article 13.A.10.A.1, Non-Commencement of Construction, above, if PBC fails to encumber the impact fees paid by the feepayer by the end of the calendar quarter immediately following six years from the date the impact fees are paid, and fails to spend the impact fee within nine years of the end of the calendar quarter in which the impact fees are paid, the feepayer or a successor in interest shall be entitled to a refund except that PBC shall retain an additional two percent of the impact fee to offset the costs of refund. The feepayer or successor in interest shall submit an application for refund to the Impact Fee Coordinator, within one year following the end of the calendar quarter in which the right to a refund occurs. In determining whether the impact fee paid by the feepayer has been encumbered or spent, monies in the trust funds shall be considered to be expended on a first in, first out basis; that is, the first impact fees paid shall be considered the first monies withdrawn.

**b. Notification of Potential Refund**

If more than five percent of the impact fees collected in any fiscal year within any trust fund are unencumbered after the end of the sixth fiscal year following the fiscal year in which the impact fees were collected, PBC shall notify the present owners of lands for which the unencumbered impact fees were paid of the possibility of a refund. Any claim for a refund of impact fees shall be deemed waived if application for a refund is not received within six months of the mailing or delivery of such notice.

**3. Computational or Clerical Errors and Omissions**

During the period of time specified in this Article for the correction of errors and omissions, the feepayer or a successor in interest to the real property against which an impact fee was incorrectly assessed through computational or clerical error may request a refund from the Impact Fee Coordinator in the manner set forth in paragraph B of this Section. **[Ord. 2005-047]**

**B. Procedure to Obtain Refund**

**1. Submission of Application**

An application for refund shall be submitted to the Impact Fee Coordinator on a form provided by the Impact Fee Coordinator.

**2. Contents of Application**

The application shall be in a form established by the Impact Fee Coordinator and made available to the public, and shall contain the following:

**a. Receipt**

A copy of the dated receipt issued for payment of the impact fee;

**b. Permit**

If the refund is requested due to non-commencement of construction, and the permit was issued by PBC, the building permit or other permit for which the impact fees were paid;

**c. Evidence**

If the refund is requested due to non-commencement of construction, evidence that the applicant is the feepayer or a successor in interest to the feepayer;

**d. Documents**

If the refund is requested due to the County's failure to encumber or spend funds, a notarized sworn statement that the applicant is the current owner of the land for which the impact fee was paid, a certified copy of the current deed, and a copy of the most recent ad valorem tax bill; If refund is requested due to computational or clerical error, evidence sufficient to demonstrate overpayment including but not limited to receipt indicating payment, building permit application, impact fee tables in effect at the time of payment and such other evidence deemed appropriate by the Impact Fee Coordinator. **[Ord. 2005-047]**

**e. Cancellation of Permit**

If relevant, proof from the municipality that the permit has been canceled, and a copy of the permit issued by the municipality; and **[Ord. 2008-015]**

**f. Date Fund Forwarded**

If relevant, the date on which the municipality forwarded the funds to PBC.

**3. Determination of Sufficiency**

The Impact Fee Coordinator determines if the application is sufficient within five working days.

**a. Sufficiency**

If the Impact Fee Coordinator determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the deficiencies. No further action shall be taken on the application until the deficiencies are remedied.

**b. Notification**

If the application is determined sufficient, the Impact Fee Coordinator shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this Article.

**4. Action by Impact Fee Coordinator**

Within 45 working days after the application is determined sufficient, the Impact Fee Coordinator shall review and approve or deny the application based upon the standards in Article 13.A.10, Refunds. The decision of the Impact Fee Coordinator may be appealed pursuant to Art. 13.A.6.G, Appeal. [Ord. 2008-015]

**a. Appeal**

**1) Regulation**

The decision of the Impact Fee Coordinator may be appealed pursuant to Article 13.A.6.G, Appeal.

**Section 11 Credits**

**A. General**

Credit against impact fees shall be given to the feepayer or a successor in interest to the property for the following, as limited or permitted by specific provisions of this Section.

**1. Submission of Application**

All applications for credit must be approved by the Impact Fee Coordinator. An application for credit shall be on a form provided by the Impact Fee Coordinator. In the event that the feepayer wishes to obtain building permits prior to the Impact Fee Coordinator's final approval, the feepayer may submit an application and deposit impact fees as set forth in the impact fee schedule into an escrow account, pursuant to an escrow agreement in a form provided for by the County. A final decision of the Impact Fee Coordinator may be appealed pursuant to Article 13.A.6.G, Appeal.

**2. Redevelopment of Existing Building/Change in Land Use**

**a. Determination**

Where alteration, expansion or replacement of a building or unit, or a change in land use which involves any increase in the number of units or square footage, or a change in use resulting in new impacts on a capital facility for which the impact fee is assessed, existing use credit shall be given for the number of existing units or square footage based upon the previous land use and applied against impact fees otherwise due. The burden of verifying the previous land use and units or square footage as applicable shall be on the feepayer.

**b. Certification**

The feepayer shall provide to the local government issuing the building permit a certification of an architect, engineer, surveyor, contractor, or the building official having jurisdiction, setting forth the square footage of the existing building. In the case of an addition to an existing residential building, the feepayer, at the feepayer's sole option, may pay the impact fee for the addition as if it alone were a new building rather than provide the certification setting forth the square footage of an existing building.

**c. Abandoned Use**

A use of a structure or land which has been abandoned shall be considered existing for the purposes of calculating existing use credit pursuant to this Section. The burden of verifying the previous land use and units or square footage as applicable shall be on the feepayer.

**3. Special District Assessments**

Where, upon prior approval by PBC, the same new capital facility is provided by a special district rather than PBC and the feepayer is assessed for the new capital facility, the County shall by interlocal agreement with the special district, apply the impact fees collected from the benefited property to retire debt issued by the district to finance the capital facility.

**4. In-Kind Contributions**

In-kind contributions made by a development to PBC shall be credited against the development's impact fees, but only to the impact fee component for which the in-kind contribution is made. For example, credits received for a park contribution may be applied only against park impact fees and

not against fire-rescue impact fees. Civic Site dedications accepted by the County shall be eligible for a Public Buildings Impact Fee credit in the event a particular use is not identified by the County at DRO certification. No credit shall be given for in-kind contributions that are not new capital facilities or which were not made for capital facilities costs. [Ord. 2008-015]

**a. Time for Giving of Credit**

Credit shall be given for land at such time as marketable title in fee simple absolute is conveyed to the County, free of encumbrances with such documentation and requirements set by the BCC or the County Administrator for the acceptance of real property. Credit shall be given for personal property at such time as a bill of sale absolute and, where applicable, title for such property is delivered to PBC. Credit shall be given at such time as the funds are delivered to PBC. In the case of in kind road facility contribution, credit will be given when the construction is completed and accepted by PBC. Credit against road impact fees may be given before completion of the specified roadway construction if the fee payer posts security in form and amount acceptable to the County Engineer. In no event shall the amount of credit given exceed the actual cost of the construction determined by the County Engineer and the Impact Fee Coordinator to be eligible for road impact fee credit. [Ord. 2005-047]

**b. In-Kind Contributions Made Prior to October 1, 1989, for Facilities Other Than Roads**

In the case of in-kind contributions other than road facilities made to PBC prior to October 1, 1989, and except as specifically provided in the development order or Development Agreement, the value of the in-kind contribution at the time of its conveyance, dedication, construction, placement, delivery or remittance shall be apportioned between building permits for which a complete application was made prior to October 1, 1989 and building permits in the development which remain to be issued and for which no complete application was made as of October 1, 1989. The portion of the value allocated to building permits made on or after October 1, 1989, shall be adjusted to its present value as of October 1, 1989, using a compound interest rate of six percent per year, compounded quarterly. Only that portion of the contribution allocated to building permits for which a complete application was filed on or after October 1, 1989, shall be credited against impact fees. For the purpose of apportioning the contribution between uses and square footage or dwelling units, the number of permits shall be determined using the most recently approved master plan or site plan, the size and use of the buildings proposed for the remainder of the development, the effect of other land development regulations on the feepayer's ability to complete the development as proposed, and other information deemed relevant by the Impact Fee Coordinator. If the conveyance, dedication, construction, placement, delivery or remittance was required to be made prior to October 1, 1989, pursuant to a condition in a development order, a Development Agreement, or otherwise required by a local government, the value of the conveyance shall be established as of the required date of contribution. The present value of the contribution as of October 1, 1989 shall be established at six percent per year from the required date of the contribution. The apportionment of the value of the contribution to building permits shall be based on the date on which the contribution was to have been made. At the option of the feepayer, any remaining credit may be adjusted by the percentage change in the cost of the capital facility when PBC reviews capital facilities costs in the review and update process.

**c. In-Kind Contributions for Road Facilities Prior to March 1, 1989**

In-kind contributions for road facilities from developments in municipalities not previously subject to road impact fees shall be apportioned according to the provisions in Article 13.A.11.A.4.b, In-Kind Contributions Made Prior to October 1, 1989, for Facilities Other Than Roads, except that the effective date for apportionment of the credit shall be March 1, 1989.

**d. In-Kind Contributions Made after October 1, 1989, Except Road Facility Contributions**

The standards of this section shall apply to the valuation of any in-kind contribution made after October 1, 1989, except as provided elsewhere in this article.

**e. Valuation of In Kind Road Facility Contribution**

If the value of the in-kind contribution increase (as evidenced by an increase in Road Impact Fee rates) between the time of the in-kind contribution and the time of the issuance of a building permit, the developer may apply for additional credit by submitting an independent calculation to the Impact Fee Coordinator, for review by the PBC Engineering Department. Such application must be made within six months of the effective date of a road impact fee increase, or this right shall be waived. The independent calculation must be prepared by a state registered engineer or a professional in impact analysis and must demonstrate that the current cost of reproducing the road construction has increased and therefore the value of the in-kind contribution has

correspondingly increased. Any additional credit shall not exceed the percentage of increase of the road impact fee.

**5. Credits for Contributions to Local Governments Other Than PBC**

Contributions of or for new capital facilities to a local government other than PBC or by a special district may be given only upon an application to the Impact Fee Coordinator. Approval of the Impact Fee Coordinator must be obtained prior to the contribution. The Impact Fee Coordinator, after consultation with the agency charged with supervising the provision of the new capital facility, shall determine whether the contribution shall receive a credit based on the following standards. [Ord. 2005-047]

**a. Consistency**

Consistency with the Plan as to the cost, location, and size of the facility and its timing.

**b. Amount**

The amount that would be spent by PBC if it were to construct the same new capital facility.

**c. Extent**

The extent to which the new capital facility provides the same or similar functions as the new capital facility for which the credit is sought.

**d. Continuity**

The extent of control that PBC has in ensuring that the new capital facility will continue to provide the same or similar functions.

**e. Availability**

Whether the new capital facility is open or available to all persons regardless of residency.

**f. Plans**

The short and intermediate-range plans of the agency which would receive the impact fee funds regarding the timing, location, cost and size of the new capital facility.

**g. Impact**

The impact of encouraging new development in the area that would be served by the new capital facility or the ability of local government or the special district to provide other needed infrastructure and services.

**h. Pattern**

The pattern of development and its relationship to other development, infrastructure, and resources that could result from encouraging new development.

**i. Budget**

The budget of PBC and other local governments, and the allocation of revenues within those local governments.

**6. Special Provisions for Park Credits**

No credit shall be given for park contributions or dedications required by Art. 5.D.2.B, Community and Neighborhood Park Recreation Standards. No such contribution or dedication shall be used for County District, Regional or Beach Parks. Contributions for County Parks resulting from Article 2.F, CONCURRENCY, shall be credited as provided above. In-kind contributions of capital facilities which are not County District, Regional, or Beach Parks, if accepted by the County, shall be provided partial credit as follows: [Ord. 2005-047]

**a. Forty to Sixty Acres**

75 percent of the value at the time of conveyance, dedication, construction, placement, delivery or remittance shall be credited in accordance with the other provisions of this Section for contributions for or of County parks less than 60 acres but equal to or more than 40 acres;

**b. Twenty to Forty Acres**

50 percent of the value at the time of conveyance, dedication, construction, placement, delivery or remittance shall be credited in accordance with the other provisions of this Section for contributions for or of County parks less than 40 acres but equal to or more than 20 acres;

**c. Twenty Acres or Less**

25 percent of the value at the time of conveyance, dedication, construction, placement, delivery or remittance shall be credited in accordance with the other provisions of this Section for contributions for or of County parks less than 20 acres.

**7. Special Provisions for School Credits**

**a. General**

Dedications of land for use as school may, if accepted by the School Board, be credited against school impact fees. The School Board or the Superintendent shall have responsibility for evaluating, according to the standards contained herein, a proposed dedication under this subsection. An application for a dedication credit shall be in a form prescribed by PBC, and shall

contain such information as to guide the School Board and Superintendent in reviewing the application for consistency with these standards. If any credit against any school impact fees is given, the dedication shall be credited in an amount equal to its full fair market value at the time of dedication, and shall not exceed the full dedication cost. The proposed dedication shall comply with, and be reviewed considering, the following standards.

**1) Location**

The proposed dedication shall be located so as to provide the greatest access to students. If a single development will not generate sufficient students to fill a school, it should be located so as to be easily accessible to students from neighboring areas.

**2) Distance**

The proposed dedication shall create an appropriate distance between existing or planned schools: one mile for elementary schools, two miles for middle schools, and three miles for high schools.

**3) Hazards**

The proposed dedication and surrounding areas shall be free from health or safety hazards and shall be protected against noise, air pollution and/or odors.

**4) Access**

The proposed dedication shall be accessible from two different streets, with one street preferably a collector street. This standard shall be waived for elementary or middle schools if access is available on one street from two directions. Dedications should not be located on arterial roads; however, if such dedications are proposed, they may be considered if provision is made for the construction of overpasses or pedestrian lights. The construction of median cuts, left turn lanes and storage lanes shall be practicable to facilitate access to the proposed dedication by buses and automobiles.

**5) Safe Transit**

The proposed dedication shall be located so as to facilitate safe transit to neighboring areas by sidewalks, walkways and/or bike paths.

**6) Services**

The proposed dedication shall be evaluated for the availability of central water and sewer, electricity and phone services and for its proximity to fire hydrants.

**7) Entrances**

All proposed dedications shall allow at least two separate entrances for school buses and staff; high school dedications shall also provide separate entrances for students and parent drop off. All dedications shall allow for adequate parking for buses; elementary and middle school dedications shall allow for parking for one hundred twenty staff automobiles, high schools dedications shall allow for 225 staff and 425 student parking spaces.

**8) Minimum Size/Dimensions**

In addition to providing sufficient area to accommodate on site retention of stormwater, proposed school dedications shall be of the following minimum sizes and shall have the following minimum dimensions: elementary schools shall have a minimum site size of 15 acres, with a minimum 780 feet of frontage and 840 feet of depth; middle schools shall have a minimum site size of 25 acres, with a minimum frontage of 800 feet and a depth of 1360 feet; high schools shall have a minimum site size of 50 acres, with a minimum frontage of 1200 feet and a depth of 1800 feet.

**9) Bus Stops**

When the school dedication is located within a residential development, provision of a circulation system or turnaround area with a 90 foot diameter shall be available so that buses need not back up to leave the development. Bus stop locations, preferably located adjacent to a public area such as a park, shall be provided so that buses do not have to enter the development.

**10) Consistency**

The dedication shall be examined for consistency of the proposed use with applicable comprehensive plans, land development regulations, and concurrency provisions.

**b. Consideration and Acceptance by School Board**

All applications for a school credit shall be reviewed and a response issued by the Superintendent or the School Board within 60 working days of the submission of the application. If the request is approved, the Superintendent shall notify the Impact Fee Coordinator, and if other than PBC, the local government issuing the development permit. The Impact Fee

Coordinator shall determine the value of the credit. No credit shall be given until the dedication is conveyed to the School Board in accordance with this section. [Ord. 2005-047]

**c. Conveyance to the School Board**

To convey dedications to the School Board, the feepayer shall provide, at no cost to the School Board and in a form approved by the School Board's attorney, the following documents.

**1) Abstract of Title**

A complete and current abstract of title together with a title insurance commitment to insure the property in a sum agreed to by the School Board, such to be delivered to the School Board;

**2) Warranty Deed**

A warranty deed, along with sufficient funds to record the deed, to be delivered to the School Board or the title insurance agent.

**3) Taxes**

Evidence that taxes for the current year have been placed in escrow pursuant to F.S. 196.295, as amended, or that the taxes have been paid.

**4) Insurance**

A completed title insurance policy issued subsequent to the recording of the deed and the escrow of taxes.

**d. Return of School Dedication**

In the event that a dedication accepted by the School Board is not utilized within ten years of its conveyance, the grantor may request that the dedication be reconveyed by the School Board to the grantor, in which case the School Board shall reconvey the dedication.

**8. Special Provisions for Road Credits**

**a. General**

The feepayer may elect to propose construction of a portion of the major road network system in addition to any required site related improvements. The feepayer shall submit the proposed construction along with a certified engineer's cost estimate to the Impact Fee Coordinator, with a copy to the County Engineer. The County Engineer shall determine if the proposed construction is eligible for road impact fee credit, based on the following criteria:

- 1) The proposed road construction must be on the major road network;
- 2) The proposed road construction must not be site-related improvements;
- 3) The proposed road construction must be required to meet the requirements of TPS for the development as defined in Article 12, TRAFFIC PERFORMANCE STANDARDS.

Exceptions to criterion number three above may only be made upon approval of the BCC. No exceptions shall be made to criteria one and two. If the proposed road construction meets the criteria for credit, the County Engineer shall determine the amount of credit to be given, and the timetable for completion of the proposed construction, and shall recommend the approval and the amount of credit to the Impact Fee Coordinator.

**b. Credits for Construction Within Site**

Where a proposed major road network runs through a development and where the feepayer is required to construct two lanes of the road, the feepayer may elect, upon submission of a certified cost estimate to the Impact Fee Coordinator and upon the recommendation of the County Engineer and the approval of the Impact Fee Coordinator, to construct more than two lanes and receive credit for the additional cost of the additional lanes constructed. In addition to all other site-related improvements, the primary two lanes within the site's boundaries shall be considered site-related.

**c. Other Costs Credited**

**1) Off-Site Right-Of-Way Acquisition**

The cost of major road network rights-of-way acquired at the cost of the feepayer shall be credited where the right-of-way is outside of the site, and not site related. The costs shall be approved by the County Engineer and the Impact Fee Coordinator based upon the appraised value of the land acquired. The credit shall not exceed the appraiser's approved value, except in the event that a settlement of, or in lieu of, condemnation results in payment in excess of the appraiser's value, in which case credit shall not exceed the amount paid. Cost incurred by PBC in acquiring such off-site right-of-way which are paid for by the feepayer shall be credited to the feepayer.

**2) Plan Preparation**

Costs of plan preparation for major road network construction shall be credited if approved by the County Engineer and the Impact Fee Coordinator based upon reasonable costs associated with the preparation of such plans.

**3) Costs Creditable**

Credit shall be given only for the cost of plans preparation, off-site R-O-W acquisition, and/or construction.

**9. Application of Credits**

The credit shall be applied to the respective full impact fee associated with the first building permits issued for the development for which complete application was made on or after October 1, 1989, or if the credit is for roads, the date upon which the road impact fee was effective within the development, until the credit is exhausted. After such exhaustion the remainder of the impact fee for which a credit was obtained shall be paid in full. The credit shall be calculated and applied in dollar amounts and not in number of permits.

**10. Special Allocation of Credits**

Provided that the conditions of this Subsection are satisfied, the fee payer making an in-kind contribution, or its heirs, assigns or successors in interest, may have all or some portion of the resulting credit allocated to specific parcels within the benefited development.

**a. Past Administrative Practices to Continue**

Notwithstanding any other provisions of this subsection, if fair share contributions have been prorated or assigned to a portion of a development through past practices, no application for a special allocation need be made, provided that a covenant is executed in accordance with Art. 13.A.11.A.10.e, Covenant, below.

**b. Application for Special Allocation**

Unless expressly prohibited by a development order, any feepayer who makes an in-kind contribution may petition the BCC for a special allocation of the respective impact fee credit by filing an application with the Impact Fee Coordinator. Only one special allocation shall be made for each in-kind contribution made by the feepayer. **[Ord. 2005-047]**

**1) Parcels Identified**

The application shall state the purpose for which the special allocation is desired and shall clearly identify by legal description the specific parcel or parcels of land within the development to which the credit is allocated; and

**2) Notice Requirements**

**a) Mailing**

Prior to scheduling the application for a Special Allocation for consideration by the BCC, the Applicant shall, at its own cost, provide appropriate courtesy notice to all owners of record of any undeveloped land within the affected development. The courtesy notice shall be by certified mail, return receipt requested, to the person whose name appears in the last approved ad valorem tax records of the PBC Property Appraiser's Office. The notice shall briefly state the nature of the Special Allocation application and request the recipient to submit, to the Impact Fee Coordinator within no more than 15 days of receipt, any relevant information the recipient may have bearing on the Applicant's right to a Special Allocation.

**b) Advertisement**

In addition, the Applicant at its own cost shall place a notice of the proposed Special Allocation in a newspaper of general circulation within PBC. Such notice shall appear no later than 10 days prior to a final decision by the BCC to grant or deny the application. The costs of advertisement shall be borne by the Applicant.

**c. The Approval Process**

The BCC shall approve the application for a special allocation provided that.

**1) No Bona Fide Claim Presented**

No substantial, competent evidence is presented by a third party that would constitute prima facie evidence of a bona fide claim to any portion of the impact fee credit assigned to the affected development.

**d. Application Fee Provided**

The BCC may establish a reasonable fee for processing of applications for special allocations. Any such fee duly established by the BCC shall be paid at the time the application for special allocation is submitted.

**e. Covenant**



The applicant shall execute a covenant supported by separate consideration from PBC. This covenant shall provide that the applicant, its heirs assigns and successors in interest shall indemnify hold harmless, and defend PBC against any and all claims for credits not received by other owners or developers of undeveloped land within the planned development. A joinder and consent of the mortgagee of the land benefited by the special allocation, if any, supported by separate consideration shall also be executed in recordable form acceptable to the County Attorney. The Impact Fee Coordinator shall, at the sole expense of the applicant, record the instruments in the official records of the Clerk of the Circuit Court in and for PBC.

**B. Appeal**

The decision of the Impact Fee Coordinator may be appealed pursuant to Article 13.A.6.G, Appeal.

**C. Time to Claim Credit – Responsibility of Feepayer**

Any claim for credit as established in Article 13.A.11, Credits, must be made by submitting application for credit, or, if necessary, executing an escrow agreement with the County no later than at the time of building permit issuance. Any claim not so made shall be deemed waived.

**Section 12 Covenants**

Where necessary to ensure compliance with the provisions of this Article, the Impact Fee Coordinator shall require that a covenant be executed by the feepayer holding the fee simple interest in the land, and mortgagee as appropriate. The covenant shall recite this Article and the facts and reasons underlying its execution. It shall set forth restrictions on the land and the terms and conditions under which it may be released.

**Section 13 Vesting**

Only the existence of a building permit that has not been rendered invalid and voidable shall vest a feepayer against any changes in the amount of impact fees exacted. No vesting against changes in the amount of impact fees shall result from the issuance of any development order, other than as set forth in this Subsection.

**Section 14 Action if Impact Fees are Unpaid**

**A. Negotiable Instrument is Invalid**

In the event impact fee funds which were paid by check, draft or other negotiable instrument do not clear, the building permit or development order authorizing the development for which impact fees were paid shall be suspended. The local government which issued the building permit or development order shall send by certified mail notice to the applicant using a form provided by the County. If the impact fees, together with any charges for the checks not clearing, are not paid within ten working days following mailing of the notice, the building permit or development order shall be of no further force and effect for purposes of this Code and a stop work order shall be issued and not lifted until such time as the fair share fees are paid.

**B. Lien**

If through error, omission, or intent, impact fees are not paid in full, PBC may file a lien against the land containing the development for which the impact fees are due in an amount equal to the amount unpaid, together with statutory interest accruing from 30 calendar days following the date written notice by certified mail, return receipt requested, is sent to the developer, permittee, or the then present property owner. Notice of the lien shall be recorded in the official records of the Clerk of the Circuit Court for PBC. The lien shall have priority over all liens, mortgages and encumbrances, except taxes. No lien shall be recorded later than three years following the date on which the building permit is issued for the development against which impact fees are due, although the debt shall remain. If the lien remains unpaid for more than 30 calendar days following the recording of the notice, it may be foreclosed in the manner provided by state law for the foreclosure of mortgages on real property. [Ord. 2005-047]

**C. Withholding Development Orders**

In the event that any impact fee is unpaid, no further development order shall be issued for the land for which the impact fees remain unpaid, and no development order shall be issued until any previously owed impact fees, together with day interest owing, along with any current impact fees, are paid.

**D. Notification Construction Industry Licensing Board**

In the event that any building permittee who is a contractor certified by the PBC Construction Licensing Board fails to pay an impact fee for which the permittee is responsible, the County Attorney shall file a verified written complaint with the PBC Construction Licensing Board recommending disciplinary action as is provided by the laws of Florida, Chapter 489, as amended. The verified complaint shall contain a summary of the fees owed and the efforts made by PBC to collect the impact fees.

## CHAPTER B COUNTY DISTRICT, REGIONAL, AND BEACH PARKS IMPACT FEE

### Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on County District, Regional, and Beach Parks in accordance with Article 13.A.4, Imposition of Fee, and this Chapter. **[Ord. 2005-047]**

### Section 2 Schedule of Lower Fees for Municipalities

Special provisions establishing a schedule of lower fees for municipalities providing like capital facilities are set forth in this Section pursuant to Art. I of the PBC Charter. For purposes of this Section, "like capital facilities" is broadly construed so as to include partial "credits" for municipal parks which are not district, regional or beach parks but which perform a similar function. Municipal schedules are based upon a sliding scale depending on the size and function of the municipal park facilities and the extent of access to beaches based upon the shoreline management plan standards.

### Section 3 Fee Schedule

The fee schedule for County District, Regional and Beach Parks is established beginning in Table 13.B.3-2, Parks and Recreation Fee Schedule for Unincorporated PBC. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

The schedules are as follows:

**Table 13.B.3-1 - Municipal Park Credit Schedule**

	District	Beach	Regional
Unincorporated	100 percent	100 percent	100 percent
Schedule A	100 percent	100 percent	100 percent
Schedule B	75 percent	100 percent	100 percent
Schedule C	50 percent	100 percent	100 percent
Schedule D	25 percent	100 percent	100 percent
Schedule E	0 percent	100 percent	100 percent
Schedule F	100 percent	75 percent	100 percent
Schedule G	75 percent	75 percent	100 percent
Schedule H	50 percent	75 percent	100 percent
Schedule I	25 percent	75 percent	100 percent
Schedule J	0 percent	75 percent	100 percent
Schedule K	100 percent	50 percent	100 percent
Schedule L	75 percent	50 percent	100 percent
Schedule M	50 percent	50 percent	100 percent
Schedule N	25 percent	50 percent	100 percent
Schedule O	0 percent	50 percent	100 percent
Schedule P	100 percent	25 percent	100 percent
Schedule Q	75 percent	25 percent	100 percent
Schedule R	50 percent	25 percent	100 percent
Schedule S	25 percent	25 percent	100 percent
Schedule T	0 percent	25 percent	100 percent
Schedule U	100 percent	0 percent	100 percent
Schedule V	75 percent	0 percent	100 percent
Schedule W	50 percent	0 percent	100 percent
Schedule X	25 percent	0 percent	100 percent
Schedule Y	0 percent	0 percent	100 percent

Where the percentage shown in each column represents the percentage of the total net cost of the park impact fee which must be paid for district, beach and regional parks.

**Table 13.B.3-2 - Parks and Recreation Fee Schedule for Unincorporated PBC**  
**Effective 12:01 AM, 08/20/2008**

<b>Land Use Type (Unit) Residential Units By Size</b>	<b>Persons Per Unit</b>	<b>Cost Per Unit</b>	<b>Credits</b>	<b>Park Impact Fee</b>	<b>Discount</b>	<b>Net Park Impact Fee</b>
Dwelling unit, 800 sq. ft. and under	1.792	\$1,504.11	\$297.75	\$1,206.36	\$232.75	\$973.61
Dwelling unit, 801 – 1,399 sq. ft.	2.168	1,819.48	360.18	1,459.30	281.56	1,177.74
Dwelling unit, 1,400 – 1,999 sq. ft.	2.479	2,080.02	411.76	1,668.26	321.87	1,346.39
Dwelling unit, 2,000 – 3,599 sq. ft.	2.835	2,378.93	470.93	1,908.00	368.13	1,539.87
Dwelling unit, 3,600 sq. ft. and over	3.113	2,611.89	517.04	2,094.85	404.18	1,690.67
Hotel/Motel Per Room	0.875	734.25	145.35	588.90	95.15	493.75

[Ord. 2008-015]

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**Table 13.B.3-3 - Parks and Recreation Impact Fee Schedule for Schedule "A" Municipalities\***  
**Effective 12:01 AM, 08/20/2008**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling Unit, 800 sq. ft. and under	1.792	\$1,504.11	\$297.75	\$1,206.36	\$232.75	\$973.61
Dwelling Unit, 801 – 1,399 sq. ft.	2.168	1,819.48	360.18	1,459.30	281.56	1,177.74
Dwelling Unit, 1,400 – 1,999 sq. ft.	2.479	2,080.02	411.76	1,668.26	321.87	1,346.39
Dwelling Unit, 2,000 – 3,599 sq. ft.	2.835	2,378.93	470.93	1,908.00	368.13	1,539.87
Dwelling Unit, 3,600 sq. ft. and over	3.113	2,611.89	517.04	2,094.85	404.18	1,690.67
Hotel/Motel Per Room	0.875	734.25	145.35	588.90	95.15	493.75

[Ord. 2008-015]

\*Schedule "A" municipalities consist of Atlantis, Cloud Lake, Glen Ridge, Village of Golf, Gulfstream, Haverhill, Highland Beach, Hypoluxo, Lake Clark Shores, Lake Park, Loxahatchee Groves, Manalapan, Mangonia Park, Ocean Ridge, Palm Springs, South Palm Beach, and Tequesta.

**Table 13.B.3-4 - Parks and Recreation Impact Fee Schedule for Schedule "C" Municipalities\***  
**Effective 12:01 AM, 08/20/2008**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.792	\$1,319.22	\$281.44	\$1,038.03	\$220.55	\$817.48
Dwelling unit, 801 – 1,399 sq. ft.	2.168	1,596.02	340.49	1,255.68	266.79	988.89
Dwelling unit, 1,400 – 1,999 sq. ft.	2.479	1,824.97	389.33	1,435.49	305.00	1,130.49
Dwelling unit, 2,000 – 3,599 sq. ft.	2.835	2,087.04	445.25	1,641.77	348.83	1,292.94
Dwelling unit 3,6000 sq. ft. and over	3.113	2,291.70	488.91	1,802.55	389.99	1,419.56
Hotel/Motel Per Room	0.875	644.15	137.42	506.73	92.15	414.58

[Ord. 2008-015]

\*Schedule "C" municipalities consist of Greenacres, North Palm Beach, Palm Beach Gardens, Royal Palm Beach, Wellington, and West Palm Beach.

**Table 13.B.3-5 - Parks and Recreation Impact Fee Schedule for Schedule "U" Municipalities\***  
**Effective 12:01 AM, 08/20/2008**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.792	\$1,188.71	\$269.95	\$927.15	\$196.00	\$731.15
Dwelling unit, 801 – 1,399 sq. ft.	2.168	1,438.12	326.60	1,121.55	237.10	884.45
Dwelling unit, 1,400 – 1,999 sq. ft.	2.479	1,644.42	373.45	1,282.15	271.05	1,011.10
Dwelling unit, 2,000 – 3,599 sq. ft.	2.835	1,880.57	427.08	1,466.40	310.00	1,156.40
Dwelling unit 3,6000 sq. ft. and over	3.113	2,064.98	468.95	1,610.00	340.36	1,269.64
Hotel/Motel Per Room	0.875	580.42	131.81	452.60	81.81	370.79

[Ord. 2008-015]

\*Schedule "U" municipalities consist of Briny Breezes, Jupiter Inlet Colony, Juno Beach, Lantana, and Palm Beach Shores.

**Table 13.B.3-6 - Parks and Recreation Impact Fee for Schedule "W" Municipalities\***  
**Effective 12:01 AM, 08/20/2008**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.792	\$1,013.14	\$254.50	\$ 758.82	\$183.79	\$575.03
Dwelling unit, 801 – 1,399 sq. ft.	2.168	1,225.72	307.90	917.93	222.34	695.59
Dwelling unit, 1,400 – 1,999 sq. ft.	2.479	1,401.55	352.07	1,049.37	254.17	795.20
Dwelling unit, 2,000 – 3,599 sq. ft.	2.835	1,602.82	402.63	1,200.17	290.70	909.47
Dwelling unit 3,6000 sq. ft. and over	3.113	1,760.00	442.12	1,317.70	319.16	998.54
Hotel/Motel Per Room	0.875	494.70	124.27	370.43	78.81	291.62

[Ord. 2008-015]

\*Schedule "W" municipalities consist of Boca Raton, Boynton Beach, Delray Beach, Lake Worth, Palm Beach, Jupiter, and Riviera Beach.

#### **A. Benefit Zones**

##### **1. Establishment of Benefit Zones**

Four (4) park impact fee benefit zones are hereby established as follows:

##### **a. Benefit Zone 1 (North)**

Beginning at the water's edge of the Atlantic Ocean and the northern boundary of PBC as described in F.S. §7.50, "County Boundary"; thence

- 1) Westerly along said north boundary to the west line of Range 39 East; thence
- 2) Southerly along said west line to the SFWM District Levee 8 Canal; thence
- 3) Southeasterly along said Levee 8 Canal to the south line of Township 42 South; thence
- 4) Easterly along said south line to the west line of Range 42 East; thence
- 5) Northerly along said west line to SR-710 (Beeline Highway); thence
- 6) Southeasterly along said SR-710 to Port Road (8th Street); thence
- 7) Easterly along said Port Road and its easterly extension to the Intracoastal Waterway; thence
- 8) Northerly along the Intracoastal Waterway to the Lake Worth inlet and east to the Atlantic Ocean; thence
- 9) Northerly along the water's edge of the Atlantic Ocean to the point of beginning.

**b. Benefit Zone 2 (Central)**

Beginning at the water's edge of the Atlantic Ocean and SR-804 (Boynton Beach Blvd.) extended; thence

- 1) Westerly along SR-804 and its extension to the SFWM Levee 7 Canal; thence
- 2) Northerly along said Levee 7 Canal to the centerline of Old State Road 80; thence
- 3) Westerly along said centerline of State Road 80 to the intersection of the centerline of U.S. Highway 98; thence
- 4) Northwesterly along said centerline of U.S. Highway 98 to the west line of Range 40 East; thence
- 5) North along the west line of Range 40 East to the south line of Township 42 South; thence
- 6) Easterly along said south line to the west line of Range 42 East; thence
- 7) Northerly along said west line to SR-710 (Beeline Highway); thence
- 8) Southeasterly along said SR-710 (Beeline Highway) to Port Road (8th Street); thence
- 9) Easterly along said Port Road and its easterly extension to the Intracoastal Waterway; thence
- 10) Northerly along the Intracoastal Waterway to the Lake Worth Inlet and east to the Atlantic Ocean; thence
- 11) Southerly along the water's edge of the Atlantic Ocean to the point of beginning.

**c. Benefit Zone 3 (South)**

Beginning at the waters edge of the Atlantic Ocean and SR-804 (Boynton Beach Boulevard) extended; thence

- 1) Westerly along SR-804 and its extension to the SFWM District Levee 7 Canal; thence
- 2) Southerly and southeasterly along said Levee 7 Canal, Levee 39 Canal and Levee 36 Canal to the south boundary line of PBC as described in Fla. Stat. Sec. 7.50, "County Boundary;" thence
- 3) Easterly along said boundary line to the water's edge of the Atlantic Ocean; thence
- 4) Northerly along said water's edge to the point of beginning.

**d. Benefit Zone 4 (Glades)**

Zone 4 is bounded on the north by the Martin County line; on the East by the Western boundaries of Zones 1, 2, and 3; on the South by the Broward County line; and on the West by the Hendry County line.

**2. Identification of Benefit Zones**

The park benefit zones are shown in Figure 13.B.1.C-1, Park Benefit Zones. No park impact fee is exacted in Benefit Zones 4 because (1) development in that benefit zones is overwhelmingly isolated from eastern PBC; (2) no new capital facilities for parks are required during the planning horizon upon which the park impact fee in Benefit Zone 4 is based, except for district park capital facilities; and (3) credits to development in Benefit Zone 4 for other assessments funding park capital facilities equal or exceed the impact fee associated with district parks in Benefit Zone 4.

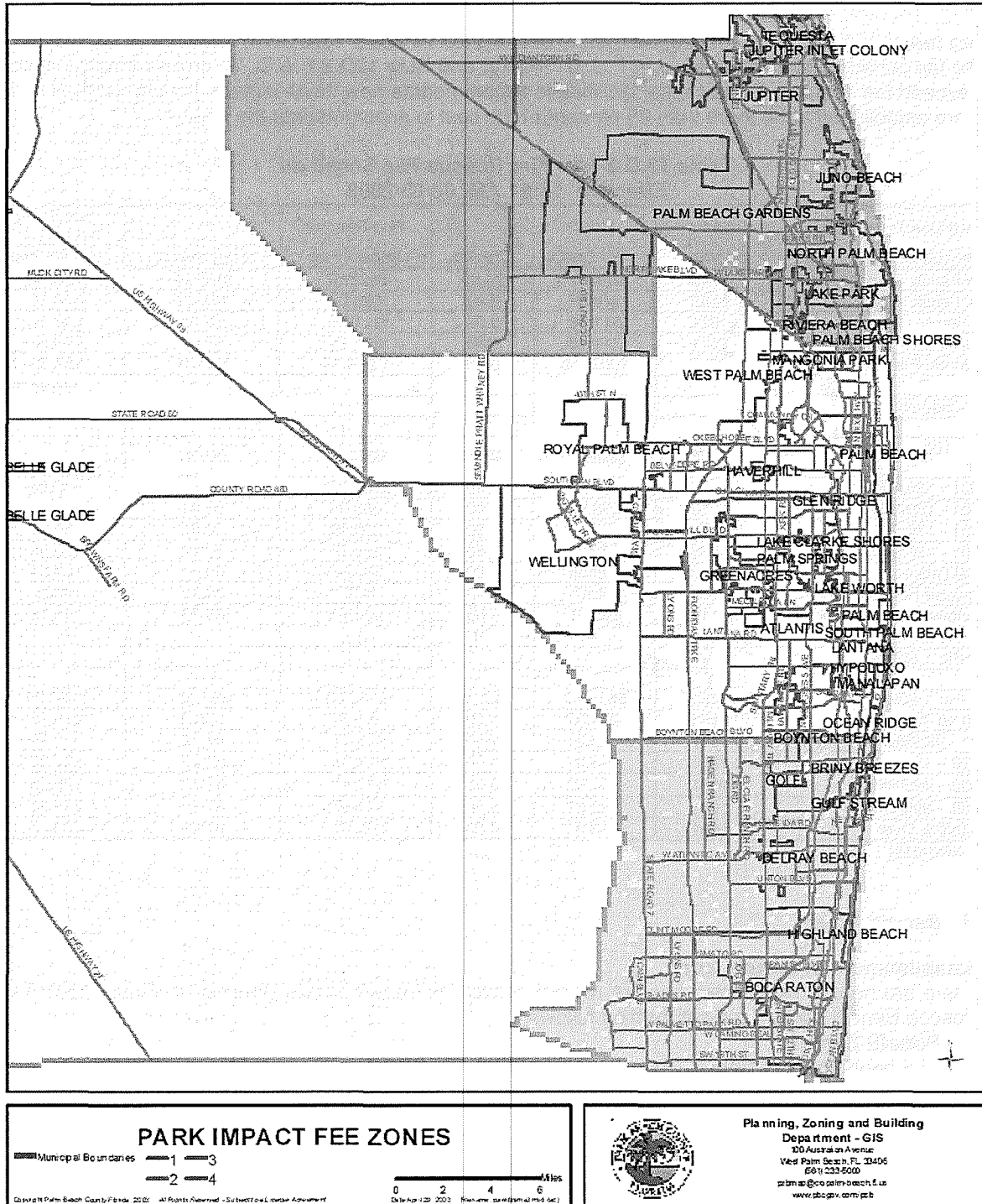
**B. Establishment of Trust Funds**

There are hereby established separate park impact fee trust funds, one for each park impact fee benefit zone.

**C. Use of Park Impact Fees**

Impact fees paid pursuant to this Section shall be encumbered and spent only in conformance with Article 13.A.9, Use of Impact Fees.

Figure 13.B.1.C-1 - Park Benefit Zones



## CHAPTER C FIRE-RESCUE IMPACT FEE

### Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on fire-rescue services in accordance with Article 13.A.4, Imposition of Fee, and this Section.

## Section 2 Fee Schedule

The impact fee schedule for fire-rescue services is established in Table 13.C.2-14, Impact Fee Schedule. Land uses in the fee schedule shall be defined in F.S. §195.073, and Rule 12D-8 F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

**Table 13.C.2-14 – Fire Rescue Fee Schedule**  
**Effective 12:01 AM, 08/20/2008**

Land Use Type (Unit)	Calls For Service	Cost Per Unit	Credits	Fire-Rescue Impact Fee	Adjustment	Net Fire-Rescue Impact Fee
<b>Residential Units, by Type</b>						
Single Family Detached	0.3745	\$698.07	\$0.00	\$698.07	\$169.62	\$528.45
Single Family Attached	0.3745	698.07	0.00	698.07	169.62	528.45
Multi-Family	0.1671	311.48	0.00	311.48	63.06	248.42
Mobile Home	0.1671	311.48	0.00	311.48	63.06	248.42
Hotel/Motel Per Room	0.6910	1,288.15	0.00	1,288.15	333.51	954.64
Non-Residential						
Office 100,000 sq. ft. & Under	0.1078	\$200.95	\$0.00	\$200.95	\$50.41	\$150.54
100,001 - 125,000 sq. ft.	0.1078	200.95	0.00	200.95	50.41	150.54
125,001 - 150,000	0.1078	200.95	0.00	200.95	50.41	150.54
150,001 - 175,000	0.1078	200.95	0.00	200.95	50.41	150.54
175,001 - 199,999	0.1078	200.95	0.00	200.95	50.41	150.54
Medical Office	0.1078	200.95	0.00	200.95	50.41	150.54
Warehouse Per 1,000 sq. ft	0.0399	74.37	0.00	74.37	20.29	54.08
Gen. Industrial Per 1,000 Ft	0.1110	206.91	0.00	206.91	61.73	145.18
Retail Per 1,000 Sq. Ft.						
Retail Per 1,000 Sq. Ft.	0.1681	\$313.37	\$0.00	\$313.37	\$87.12	\$226.25
80,000 sq. ft. & Under	0.1681	313.37	0.00	313.37	87.12	226.25
80,001 - 99,999	0.1681	313.37	0.00	313.37	87.12	226.25
100,000 – 199,999	0.1681	313.37	0.00	313.37	87.12	226.25
200,000 – 499,999	0.1681	313.37	0.00	313.37	87.12	226.25
500,000 – 999,999	0.1681	313.37	0.00	313.37	87.12	226.25
1,000,000 & Over	0.1681	313.37	0.00	313.37	87.12	226.25

[Ord. 2008-015]

## Section 3 Benefit Zones

### A. Establishment of Benefit Zone

There are hereby established two fire rescue impact fee benefit zones identified in Figure 13.C.5-2, Fire Rescue Benefit Zones, and set forth as follows:

#### 1. Benefit Zone 1

The boundaries of Benefit Zone 1 correspond to the PBC Fire-Rescue Municipal service Taxing Unit, excluding Royal Palm Beach and those portions of the County in Benefit Zone 2. [Ord. 2005-047]

#### 2. Benefit Zone 2

The boundaries of Benefit Zone 2 shall be PBCs Northern, Western and Southern borders on the North, West, and South, respectively; and the Western border of Range 40 E and the SFWM District Levee 40 on the East. No fire rescue impact fees shall be collected at this time in Benefit Zone 2 because there is no identified need for additional fire rescue capital facilities due to new development during the planning horizon on which this impact fee is based.

## Section 4 Establishment of Trust Fund

There is hereby established a separate impact fee trust funds for the impact fee benefit zones described in Art. 13.C.3.A, Establishment of Benefit Zone.

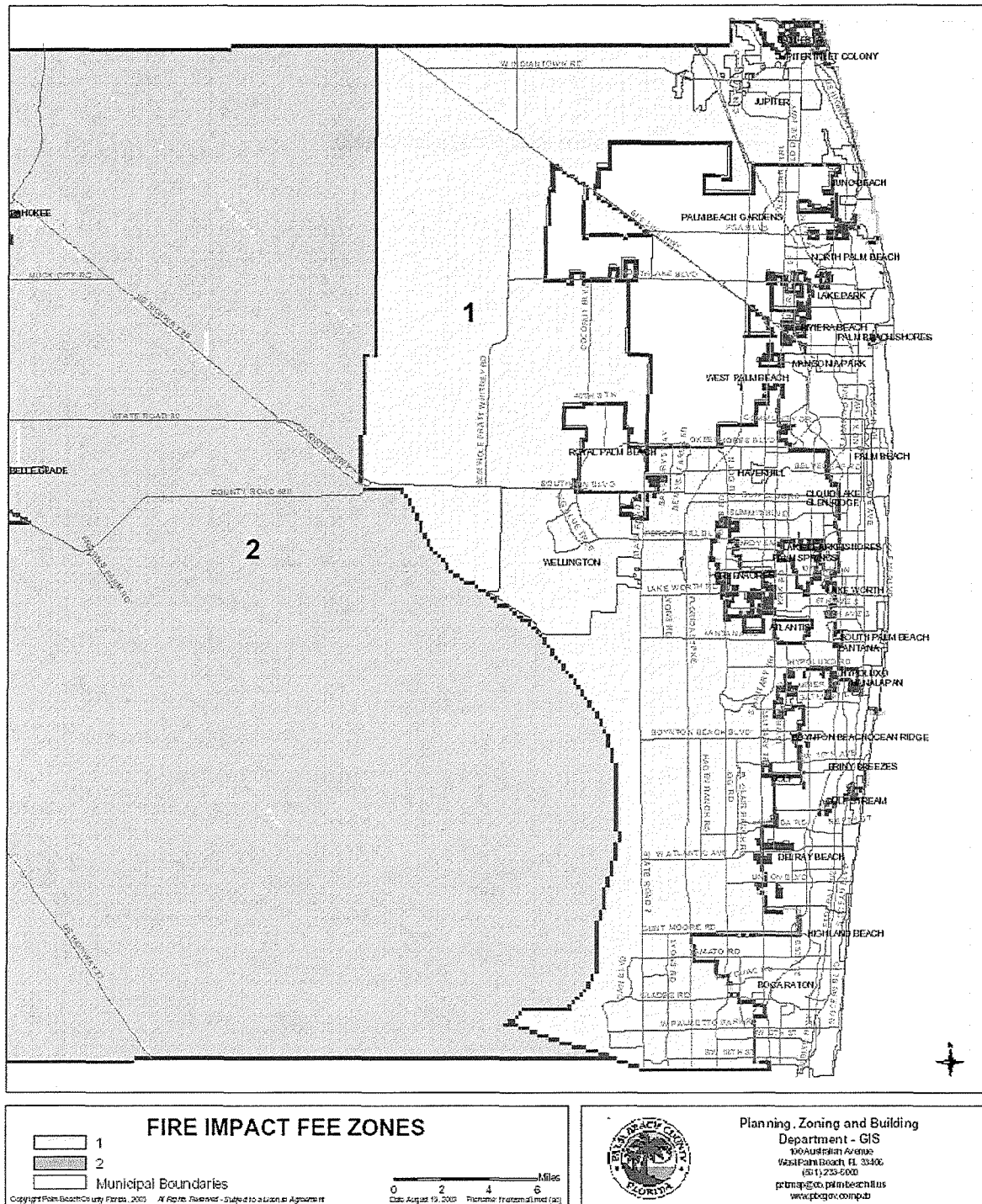
## **Section 5 Use of Fire-Rescue Impact Fees**

Impact fees paid pursuant to this Section shall be encumbered and spent only in conformance with Article 13.A.9, Use of Impact Fees.

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Figure 13.C.5-2 - Fire Rescue Benefit Zones



## CHAPTER D LIBRARY IMPACT FEE

### Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on fire-rescue services in accordance with Article 13.A.4, Imposition of Fee, and this Section.

### Section 2 Fee Schedule

The fee schedule for library services is established in Table 13.D.2-15, Library Fee Schedule. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

**Table 13.D.2-15 - Library Fee Schedule**  
**Effective 12:01 AM, 08/20/2008**

Land Use Type (Unit)	Functional	Cost		Library		Net
Residential Units by sq. ft	Population	Per Unit	Credits	Impact Fee	Discount	Library Impact Fee
Dwelling units:						
800 sq. ft. and Under	1.792	\$200.72	\$73.05	\$127.67	\$25.98	\$101.69
801 - 1,399	2.168	242.80	88.37	154.43	31.41	123.02
1,400 - 1,999	2.479	277.57	101.03	176.54	35.91	140.63
2,000 - 3,599	2.835	317.46	115.54	201.92	41.08	160.84
3,600 and Over	3.113	348.55	126.86	221.69	45.10	176.59

[Ord. 2008-015]

### Section 3 Benefit Zone

#### A. Establishment of Benefit Zone

There are hereby established two library impact fee benefit zones identified in Figure 13.D.5-3, Library Benefit Zones, and set forth as follows:

##### 1. Benefit Zone 1

The boundaries of Benefit Zone 1 consists of unincorporated PBC and those municipalities that are part of the Library Taxing District (municipalities include: Atlantis, Briny Breezes, Cloud Lake, Glen Ridge, Golfview, Greenacres City, Haverhill, Hypoluxo, Juno Beach, Jupiter, Jupiter Inlet Colony, Lake Clarke Shores, Mangonia Park, Ocean Ridge, Palm Beach Gardens, Palm Beach Shores, Royal Palm Beach, South Palm Beach, Tequesta and Village of Golf) excluding that porting of the County in Benefit Zone 2.

##### 2. Benefit Zone 2

The boundaries of Benefit Zone 2 shall be PBCs Northern, Western and Southern borders on the North, West, and South, respectively; and the Western border of Range 40 E and SFWM District Levee 40 on the East. No library impact fees shall be collected at this time in Benefit Zone 2 because there is no identified need for additional library capital facilities due to new development during the planning horizon on which this impact fee is based.

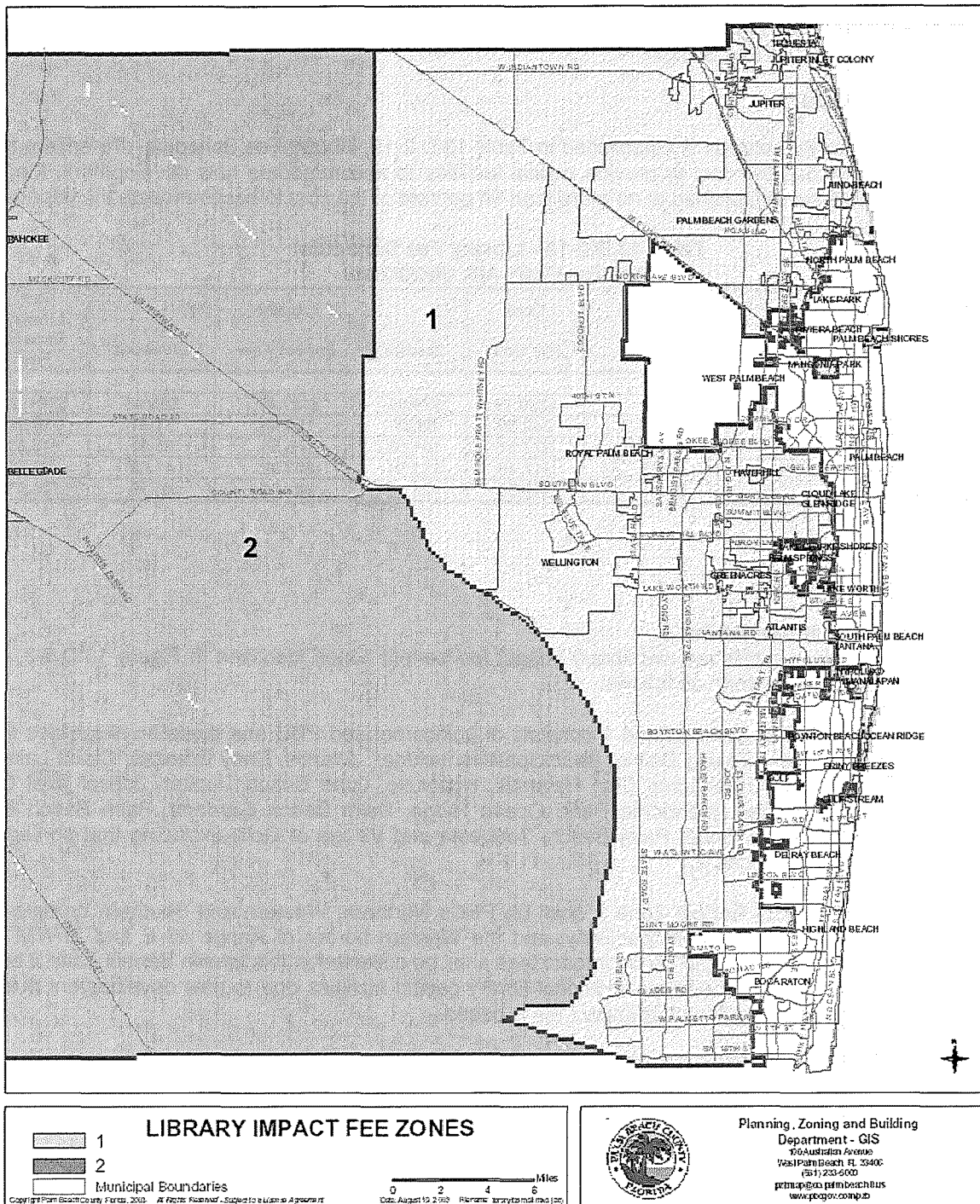
### Section 4 Establishment of Trust Funds

There is hereby established a library impact fee trust funds for the benefit zones described in Article 13.D.3, Benefit Zone.

### Section 5 Use of Library Impact Fees

Impact fees paid pursuant to this Section shall be encumbered and spent only in conformance with Article 13.A.9, Use of Impact Fees.

Figure 13.D.5-3 - Library Benefit Zones



## CHAPTER E LAW ENFORCEMENT IMPACT FEE

### Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on law enforcement services in accordance with Article 13.A.4, Imposition of Fee, and this Section.

## Section 2 Fee Schedule

The fee schedules for law enforcement services are established in Table 13.E.2-16, Law Enforcement Fee Schedule for Countywide Services Benefit Zone 1, and Table 13.E.2-17, Law Enforcement Patrol Fee Schedule for Unincorporated PBC Benefit Zone 2. Land uses in the fee schedule shall be as defined in F.S. § 195.073, and Rule 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

**Table 13.E.2-16 - Law Enforcement Fee Schedule for Countywide Services Benefit Zone 1  
Effective 10/01/1997**

Land Use Type (Unit) Residential units by sq. ft.	Service Calls	Cost Per Unit	Credits	Enforcement Impact Fee	Discount	Enforcement Impact Fee
Dwelling units, 800 sq. ft. and Under	0.9580	\$2.09	\$5.12	\$0.00	\$0.00	\$0.00
Dwelling unit, 801 - 1,399 sq. ft.	1.1260	2.46	6.02	0.00	0.00	0.00
Dwelling unit, 1,400 - 1,999 sq. ft.	1.3240	2.89	7.08	0.00	0.00	0.00
Dwelling unit, 2,000 - 3,599 sq. ft.	1.5390	3.36	8.23	0.00	0.00	0.00
Dwelling unit, 3,600 sq. ft. and Over	1.7050	3.73	9.12	0.00	0.00	0.00
Hotel/Motel	0.3500	0.76	1.87	0.00	0.00	0.00
<b>Non-Residential per 1,000 sq. ft.</b>						
<b>Office:</b>						
100,000 sq. ft. & Under	1.1690	\$2.55	\$6.25	\$0.00	\$0.00	\$0.00
100,001 - 125,000	1.1020	2.41	5.90	0.00	0.00	0.00
125,001 - 150,000	0.9230	2.02	4.94	0.00	0.00	0.00
150,001 - 175,000	0.9040	1.98	4.84	0.00	0.00	0.00
175,001 - 199,999	0.9040	1.98	4.84	0.00	0.00	0.00
200,000 & Over	0.8770	1.92	4.69	0.00	0.00	0.00
Medical Office	1.6520	3.61	8.84	0.00	0.00	0.00
Warehouse Per 1,000 Ft	0.2610	0.57	1.40	0.00	0.00	0.00
Gen. Industrial Per 1,000 Ft.	0.5020	1.10	2.69	0.00	0.00	0.00
<b>Retail Per 1,000 sq. ft.</b>						
80,000 sq. ft. & Under	1.9750	\$4.31	\$10.57	\$0.00	\$0.00	\$0.00
80,001 - 99,999	2.1070	4.60	11.27	0.00	0.00	0.00
100,000 - 199,999	2.1900	4.78	11.72	0.00	0.00	0.00
200,000 - 499,999	2.1890	4.78	11.71	0.00	0.00	0.00
500,000 - 999,999	2.2460	4.91	12.01	0.00	0.00	0.00
1,000,000 & Over	2.3000	5.07	12.30	0.00	0.00	0.00

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**Table 13.E.2-17 – Law Enforcement Patrol Fee Schedule for Unin.  
PBC Benefit Zone 2  
Effective 12:01 AM, 08/20/2008**

Land Use Type (Unit) Residential units by sq. ft.	Service Calls	Cost Per Unit	Credits	Law Enforcement Impact Fee	Discount	Net Law Enforcement Impact Fee
Single Family, Detached	2.693	\$183.68	\$5.14	\$178.54	\$8.93	\$169.61
Single Family, Attached	2.693	183.68	5.14	178.54	8.93	169.61
Multi-Family	0.736	50.20	1.41	48.79	2.44	46.35
Mobile Home	0.736	50.20	1.41	48.79	2.44	46.35
Hotel/Motel	0.859	58.60	1.64	56.96	2.85	54.11
<b>Non-Residential per 1,000 sq. ft</b>						
<b>Office:</b>						
100,000 & Under	1.032	\$70.39	\$1.97	\$68.42	\$4.11	\$64.31
100,001 - 125,000	1.032	70.39	1.97	68.42	4.11	64.31
125,001 - 150,000	1.032	70.39	1.97	68.42	4.11	64.31
150,001 - 175,000	1.032	70.39	1.97	68.42	4.11	64.31
175,001 - 199,999	1.032	70.39	1.97	68.42	4.11	64.31
200,000 & Over	1.032	70.39	1.97	68.42	4.11	64.31
Medical Office	1.032	70.39	1.97	68.42	4.11	64.31
Warehouse Per 1,000 Ft.	0.236	16.07	0.45	15.62	1.79	13.83
Gen. Industrial Per 1,000 Ft.	0.078	5.29	0.15	5.14	0.26	4.88
<b>Retail Per 1,000 Ft.</b>						
80,000 & Under	1.031	\$70.30	\$1.97	\$68.33	\$3.42	\$64.91
80,001 - 99,999	1.031	70.30	1.97	68.33	3.42	64.91
100,000 - 199,999	1.031	70.30	1.97	68.33	3.42	64.91
200,000 - 499,999	1.031	70.30	1.97	68.33	3.42	64.91
500,000 - 999,999	1.031	70.30	1.97	68.33	3.42	64.91
1,000,000 & Over	1.031	70.30	1.97	68.33	3.42	64.91
	1.031	70.30	1.97	68.33	3.42	64.91

[Ord. 2008-015]

Includes Cloud Lake, Haverhill, Glen Ridge, and Village of Golf.

### Section 3 Benefit Zones

#### A. Establishment of Benefit Zones

There are hereby established three Law Enforcement Impact Fee benefit zones identified in Figure 13.E.5-4, Law Enforcement Benefit Zones, and set forth as follows.

##### 1. Area and Services in Benefit Zone 1

Benefit Zone 1 shall consist of the entire PBC, including both the unincorporated area and all municipalities. Countywide functions for which impact fees are charged in this zone include the crime laboratory, warrants divisions, marine enforcement, K-9 unit, and organized crime bureau. No credits for municipal law enforcement activities are applied for these services.

##### 2. Area and Services in Benefit Zone 2

Benefit Zone 2 shall include the unincorporated portions of PBC and those municipalities which do not provide road patrol services, including Cloud Lake, Haverhill, Glen Ridge, and Village of Golf and excluding those portions of the County in Benefit Zone 3. Impact fees paid in these areas support law enforcement functions otherwise met by municipal law enforcement services, though all law enforcement functions of the Sheriff are Countywide. The use of this district allows credit for municipal law enforcement services. [Ord. 2005-047]

##### 3. Area and Services in Benefit Zone 3

Benefit Zone 3 shall include PBCs Northern, Western, and Southern borders on the North, West, and South respectively; and the Western border of Range 40 E and the SFWM District Levee 40 on the East. No law enforcement impact fees shall be collected at this time in Benefit Zone 3 because there is no identified need for additional law enforcement capital facilities due to new development during the planning horizon on which this impact fee is based.

### Section 4 Establishment of Trust Funds

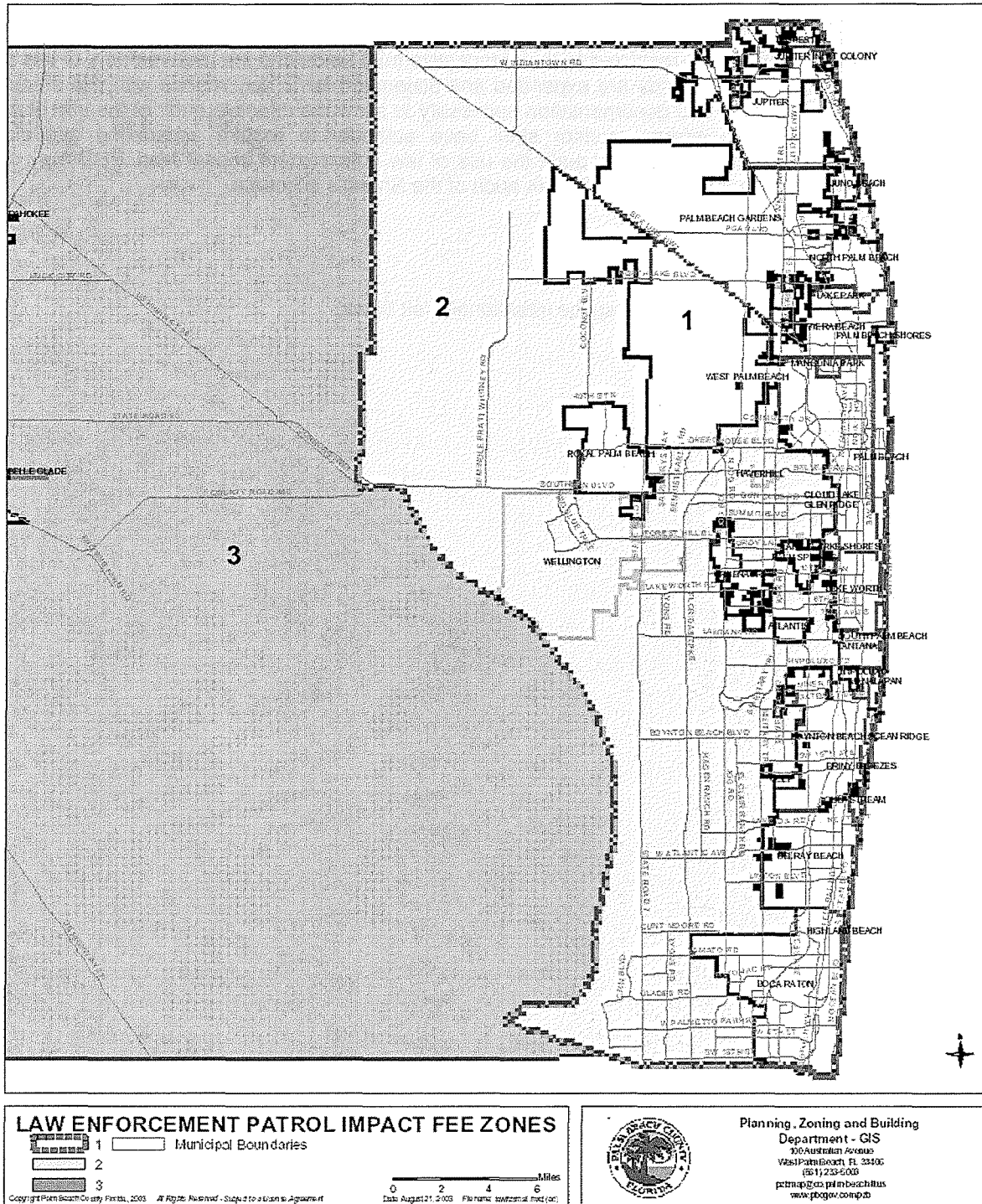
There are hereby established separate impact fee trust funds for each impact fee benefit zones described in Article 13.E.3, Benefit Zones.

#### **Section 5 Use of Law Enforcement Impact Fees**

The Sheriff shall identify in the Sheriff's budget those new capital facilities for which law enforcement impact fees shall be spent. The funds shall remain restricted to their respective trust funds and the requirements of this article, and the Sheriff shall ensure that the funds are expended and accounted for in accordance with this article. The Sheriff shall maintain such records and documentation necessary to allow the effective audit of the use of the law enforcement impact fees. PBCs internal auditor shall have authority to require accounting controls and documentation, and shall have the authority to audit the use of law enforcement impact fees. PBC may require special impact fee reports by the auditor performing an audit of the Sheriff's accounts.

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Figure 13.E.5-4 - Law Enforcement Benefit Zones



## CHAPTER F PUBLIC BUILDINGS IMPACT FEE

### Section 1 Imposition of Fee



Impact fees are imposed upon all land uses creating an impact on public buildings in accordance with Article 13.A.4, Imposition of Fee, and this Section.

## Section 2 Fee Schedule

The fee schedule for public buildings is established in Table 13.F.2-18, Public Buildings Fee Schedule. Land uses in the fee schedule shall be as defined in F.S. § 195.073, and Rule 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

**Table 13.F.2-18 – Public Buildings Fee Schedule  
Effective 12:01 AM, 08/20/2008**

Land Use Type (Unit) Residential units by Sq. Ft.	Functional Population	Cost Per Unit	Credits	Public Buildings Impact Fee	5 percent Discount	Net Public Buildings Impact Fee
Dwelling unit, 800 sq. ft. and Under	0.8960	\$884.00	\$377.00	\$506.98	\$413.63	\$93.35
Dwelling unit, 801 - 1,399 sq. ft.	1.0840	1,070.00	456.00	613.35	500.41	112.94
Dwelling unit, 1,400 - 1,999 sq. ft.	1.2390	1,223.00	522.00	701.05	571.99	129.06
Dwelling unit, 2,000 - 3,599 sq. ft.	1.4170	1,398.00	597.00	801.76	654.21	147.55
Dwelling unit, 3,600 sq. ft. & Over	1.5560	1,536.00	655.00	880.42	718.36	162.06
Hotel/Motel Per Room	0.3500	345.00	147.00	198.04	160.17	37.87
Non-Residential per 1,000 Sq. Ft.						
Office						
50,000 & Under	0.801	\$790.00	\$337.00	\$453.23	\$366.58	\$86.65
50,001 - 99,999	0.878	866.00	370.00	496.79	401.81	94.98
100,000 - 149,999	1.095	1,081.00	461.00	619.57	501.11	118.46
150,000 - 199,999	1.067	1,053.00	449.00	603.73	488.30	115.43
200,000 - 399,999	1.053	1,039.00	443.00	595.81	481.90	113.91
400,000 - 499,999	1.044	1,030.00	440.00	590.71	477.77	112.94
Medical Office	1.702	1,680.00	717.00	963.03	778.91	184.12
Warehouse Per 1,000 sq. ft.	0.218	215.00	92.00	123.35	99.76	23.59
Gen. Industrial Per 1,000 sq. ft.	0.450	444.00	189.00	254.62	205.93	48.69
Retail Per 1,000 Sq. Ft.						
50,000 Ft. & Under	2.055	\$2,028.00	\$865.00	\$1,162.76	\$940.45	\$222.31
50,001 - 99,999	2.003	1,977.00	843.00	1,133.33	916.64	216.69
100,000 - 199,999	1.983	1,957.00	835.00	1,122.02	907.50	214.52
200,000 - 299,999	2.177	2,148.00	917.00	1,231.79	996.28	235.51
300,000 - 399,999	2.196	2,167.00	925.00	1,242.54	1,004.97	237.57
400,000 - 499,999	2.218	2,189.00	934.00	1,254.99	1,015.05	239.94

[Ord. 2008-015]

## Section 3 Benefit Zone

### A. Establishment of Benefit Zone

There is hereby established two public building impact fee benefit zones identified in Figure 13.F.5-5, Public Building Benefit Zones, and set forth as follows:

1. The boundary of Benefit Zone 1 consists of the entire PBC, including both the incorporated and unincorporated areas of the County and excluding the areas of the County in Benefit Zone 2. [Ord. 2005-047]
2. The boundary of Benefit Zone 2 shall include PBCs Northern, Western and Southern borders on the North, West and South respectively; and the Western border of Range 40 E and the SFWM District Levee 40 on the East. No public building impact fees shall be collected at this time in Benefit Zone 2 because there is no identified need for additional public building capital facilities due to new development during the planning horizon on which this impact fee is based.

## Section 4 Establishment of Trust Funds

There is hereby established a separate impact fee trust funds for the impact fee benefit zones described in Article 13.F.3, Benefit Zone.



Fees paid pursuant to this Section shall be encumbered and spent only in conformance with Article 13.A.9, Use of Impact Fees.

**PUBLIC BUILDING IMPACT FEE ZONES**

1  
2

Municipal Boundaries

0 2 4 6 Miles

Date: August 21, 2002 File: pbrm02a.mxd

Planning, Zoning and Building  
Department - GIS  
700 Administration Avenue  
West Palm Beach, FL 33406  
(561) 224-5000  
pbrm@gis.palmbeachflus  
www.pbrm.gov

## CHAPTER G SCHOOL IMPACT FEE

### Section 1 Imposition of Fee

Impact fees are imposed upon all development creating an impact on schools in accordance with Article 13.D.4, Establishment of Trust Funds, and this Section.

### Section 2 Fee Schedule

The fee schedules for school impact fees are established in Table 13.G.2.-19, School Fee Schedule. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

**Table 13.G.2-19 – School Fee Schedule**  
**Effective Date 5:00 PM, 01/12/2006**

Residential units By Square Footage	Average Total Occ.	Occupancy Ages 5-17	School Impact	School Impact Fee	Discount	Net School Impact Fee
Dwelling unit, 800 sq. ft and under	1.725	0.113	0.096	\$806.60	\$40.33	\$766.27
Dwelling unit, 801 - 1,399 sq. ft	2.087	0.286	0.243	2,032.91	101.65	1,931.26
Dwelling unit, 1,400 - 1,999 sq. ft.	2.386	0.428	0.364	3,046.00	152.30	2,893.70
Dwelling unit, 2,000 - 3,599 sq. ft.	2.729	0.592	0.503	4,208.34	210.42	3,997.92
Dwelling unit, 3,600 sq. ft. and over	2.996	0.719	0.611	5,114.18	255.71	4,858.47

[Ord. 2005-047]

### Section 3 Benefit Zones

#### A. Establishment of Benefit Zones

There are hereby established five school impact fee benefit zones set forth as follows.

##### 1. Benefit Zone 1

The boundaries of Benefit Zone 1 shall be PBC's Northern boundary on the North, the Beeline Highway/Port Road/8th Street East to Lake Worth, North along the Intracoastal Waterway to the Lake Worth Inlet and East to Atlantic Ocean on the West and South; and the Atlantic Ocean on the East.

##### 2. Benefit Zone 2

The boundaries of Benefit Zone 2 shall be Beeline Highway/Port Road/8th Street East to Lake Worth, North along the Intracoastal Waterway to the Lake Worth Inlet and East to the Atlantic Ocean on the North; State Road 7 and its extension on the West; SR-804 (Boynton Beach Boulevard) and its extension on the South; and the Atlantic Ocean on the East.

##### 3. Benefit Zone 3

The boundaries of Benefit Zone 3 shall be SR-804 (Boynton Beach Boulevard) and its extension on the North; SFWM District Levee 40 on the West; PBC's Southern boundary on the South; and the Atlantic Ocean on the East.

##### 4. Benefit Zone 4

The boundaries of Benefit Zone 4 shall be PBC's Northern border and Beeline Highway on the North; the Western border of range 40 E on the West; SFWM District Levee 40 and Northwest 2nd Avenue (Boynton Beach) and its extension on the South; and State Road 7 and its extension on the East.

##### 5. Benefit Zone 5

The boundaries of Benefit Zone 5 shall be PBC's Northern, Western and Southern borders on the North, West, and South, respectively; and the Western border of Range 40 E and the SFWM District Levee 40 on the East.

#### B. Identification of Benefit Zones

The school impact fee benefit zones are identified in Figure 13.G.5-6, School Benefit Zones. No school impact fees shall be collected at this time in Benefit Zone 5 because there is no identified need for additional schools due to new development during the planning horizon on which this impact fee is based.

#### **Section 4 Establishment of Trust Funds**

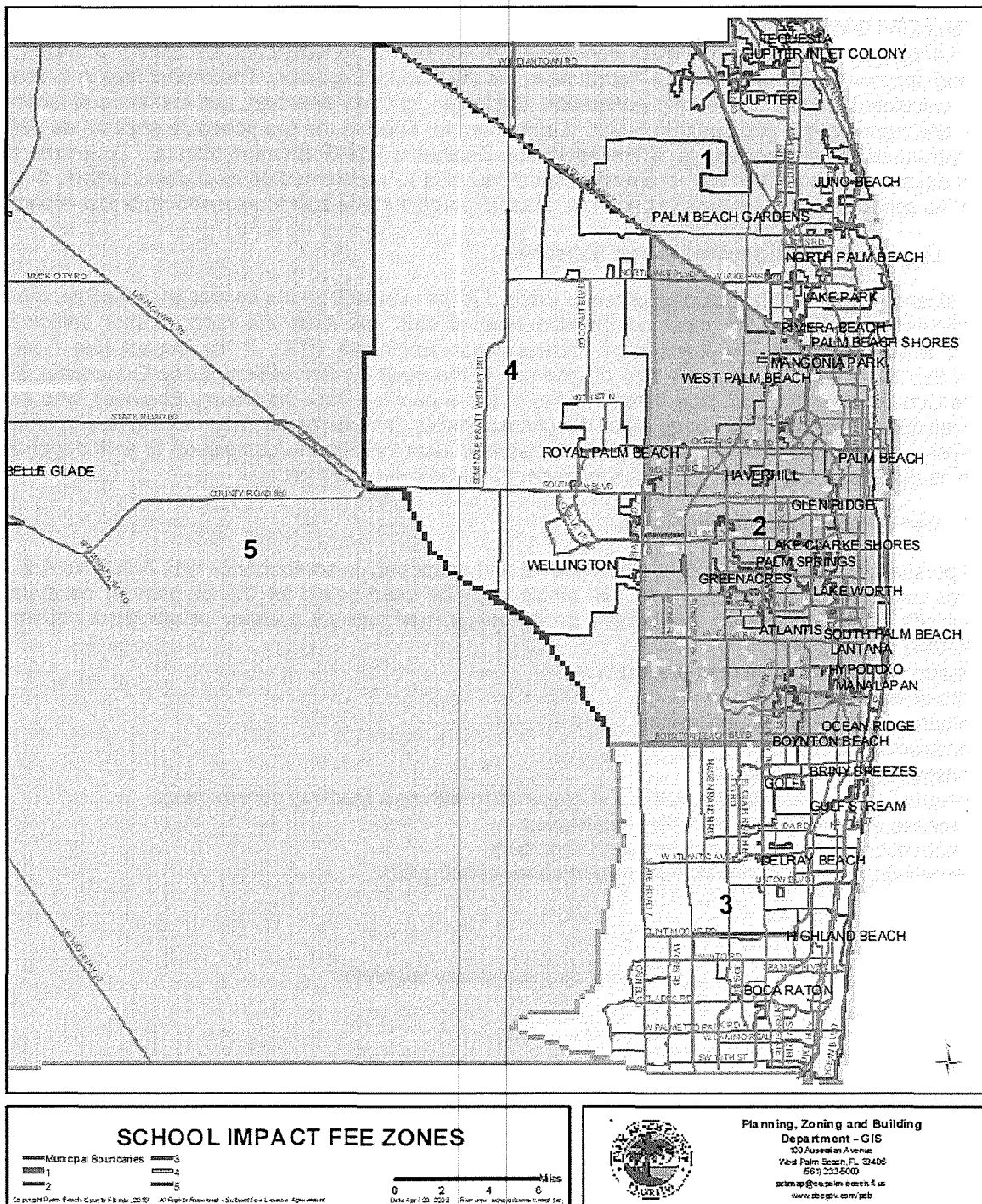
There are hereby established separate impact fee trust funds for each impact fee benefit zone.

#### **Section 5 Use of School Impact Fees**

School impact fees shall be appropriated by the BCC and remitted to the School Board following the Clerk's pre-audit of such funds. The funds shall remain restricted to their respective School Board trust funds and the requirements of this Article, and the School Board shall ensure that the funds are expended and accounted for in accordance with the provisions of this article. The County's internal auditor shall have the authority to require certain internal accounting controls and documentation, and shall have the authority to audit the expenditure of the funds.

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Figure 13.G.5-6 - School Benefit Zones



## CHAPTER H ROAD IMPACT FEES

### Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on road facilities in accordance with Art. 13.A.4, Imposition of Fee, and this Section.

## **Section 2 Fee Schedule**

At the option of the feepayer, the amount of the impact fee may be determined by the fee schedule, established in Table 13.H.4-20, Fair Share Road Impact Fee Schedule, or by the independent calculation provided by the feepayer and approved by the Impact Fee Coordinator and the County Engineer. The impact fees in the schedule have been calculated using accepted trip generation, trip length, capture/diversion, and capital road facility costs standards, and applying the appropriate credits. Land uses not listed in the fee schedule shall be as defined in the most current edition of the Institute of Transportation Engineers Trip Generation Manual. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

## **Section 3 Land Uses Not Specified in Fee Schedule**

If the type of land use for which a building permit is applied is not specified on the impact fee schedule, the Impact Fee Coordinator shall select the most comparable type of land use from the most current edition of Trip Generation, a publication of The Institute of Transportation Engineers (ITE). If the Impact Fee Coordinator determines that there is no comparable type of land use in the most current edition of Trip Generation, then the Impact Fee Coordinator shall request a determination of the impact fee from the County Engineer, who shall use the best available traffic generation data, other trip characteristics data, costs per lane mile data, and credit data. The feepayer may challenge the County Engineer's determination through the completion of an independent fee calculation study pursuant to Article 13.A.6, Independent Fee Calculation Study.

## **Section 4 Use of Road Impact Fee Funds**

Fees paid pursuant to this Article shall be encumbered and spent only in conformance with Article 13.A.9, Use of Impact Fees collected in accordance with this article shall be used solely for the purpose of construction or improving roads, streets, highways and bridges on the major road network system, including but not limited to:  
**[Ord. 2005-047]**

- A. Design and construction plan preparation;
- B. right-of-way acquisition;
- C. construction of new through lanes;
- D. construction of new turn lanes;
- E. construction of new bridges;
- F. construction of new drainage facilities in conjunction with new roadway construction;
- G. purchase and installation of traffic signalization;
- H. construction of new curbs, medians and shoulders;
- I. relocating utilities to accommodate new roadway construction.

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**Table 13.H.4-20 – Fair Share Road Impact Fee Schedule**  
**Effective 12:01 AM, 08/20/2008**

Type of Land Development Activity	Official Daily Trip Generation Per Rate Dwelling Unit or Area	Pass-By Trip Rate (percentage)	Gross Impact Fee	Discount	Net Road Impact Fee Per Unit
<b>Residential:</b>					
Single family detached (per unit)	10	0 percent	\$11,335.40	\$6,513.84	\$4,821.56
Single family Attached (per unit)	7	0 percent	7,942.00	4566.91	3,375.09
Congregate Living Facility (per unit)	2.15	0 percent	2,422.00	1,385.66	1,036.34
Mobile Home (in mobile home park)	5	0 percent	5,668.00	3257.22	2,410.78
Over 55 Restricted SFD-Detached	8	0 percent	9,097.00	5,239.75	3,857.25
Over 55 Restricted Attached Home	6	0 percent	6,823.00	3,930.06	2,892.94
<b>Nonresidential per 1000 sq. ft.:</b>					
Drive-in Bank	265.21	63 percent	\$37,138.00	\$14,120.93	\$23,017.07
Mini-Warehouse	2.50	10 percent	849.00	467.29	381.71
Hotel per room	8.92	10 percent	3,030.00	1,668.07	1,361.93
Movie Theater per seat	1.76	5 percent	637.00	354.14	282.86
Racquet Club per court	40.50	5 percent	14,550.00	8,040.89	6,509.11
Church/Synagogue	9.11	5 percent	3,274.00	1,809.85	1,464.15
Day Care Center	79.26	50 percent	15,009.00	6,092.01	8,916.99
Quality Restaurant	89.95	25 percent	25,525.00	13,236.85	12,288.15
High Turnover Sit-Down Restaurant	130.34	10 percent	44,381.00	26,575.14	17,805.86
New Car Sales	37.50	15 percent	12,067.00	6341.40	5,725.60
Office Building-Medical	36.13	10 percent	12,309.00	6,792.57	5,516.43
Hospital	16.78	10 percent	5,697.00	3,134.98	2,562.02
Nursing Home	3.72	10 percent	1,274.00	706.02	567.98
Warehouse (per 1,000 sq. ft.)	4.96	10 percent	1,700.00	942.69	757.31
General Industrial (Light)	6.97	10 percent	2,363.00	1,298.80	1,064.20
<b>General Office:</b>					
10,000 sq. ft.	22.60	10 percent	\$7,700.00	\$4,249.34	\$3,450.66
50,000 sq. ft.	15.59	10 percent	5,305.00	2,924.68	2,380.32
100,000 sq. ft.	13.27	10 percent	4,517.00	2,490.90	2,026.10
150,000 sq. ft.	12.08	10 percent	4,125.00	2,280.59	1,844.41
200,000 sq. ft.	11.30	10 percent	3,851.00	2,125.67	1,725.33
400,000 sq. ft.	9.62	10 percent	3,274.00	1,805.18	1,468.82
500,000 sq. ft.	9.14	10 percent	3,124.00	1,728.47	1,395.53
600,000 sq. ft.	8.76	10 percent	2,969.00	1,631.49	1,337.51
700,000 sq. ft.	8.45	10 percent	2,881.00	1,590.90	1,290.10
800,000 sq. ft.	8.19	10 percent	2,789.00	1,538.52	1,250.48

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**Table 13.H.4-20 – Fair Share Road Impact Fee Schedule – Continued**  
**Effective 12:01 AM, 08/20/2008**

Type of Land Development Activity	Official Daily Trip Generation Per Rate Dwelling Unit or Area	Pass-By Trip Rate (percentage)	Gross Impact Fee	Discount	Net Road Impact Fee Per Unit
<b>General Commercial Retail:</b>					
10,000 sq. ft. & Under	155.09	71 percent	\$16,978.00	\$3,243.85	\$13,734.15
50,000 sq. ft.	87.31	49 percent	16,824.00	8,965.89	7,858.11
75,000 sq. ft.	75.54	44 percent	15,917.00	9,045.37	6,871.63
100,000 sq. ft.	68.17	41 percent	15,218.00	8,962.01	6,255.99
200,000 sq. ft.	53.22	33 percent	13,489.00	8,408.25	5,080.75
300,000 sq. ft.	46.05	28 percent	12,487.00	7,927.93	4,559.07
400,000 sq. ft.	41.56	25 percent	11,826.00	7,557.82	4,268.18
500,000 sq. ft.	38.37	22 percent	11,277.00	7,200.76	4,076.24
600,000 sq. ft.	35.96	20 percent	10,852.00	6,898.86	3,953.14
800,000 sq. ft.	32.45	17 percent	10,218.00	6,416.03	3,801.97
1,000,000 sq. ft.	29.96	14 percent	9,733.00	6,006.09	3,726.91
1,200,000 sq. ft.	28.07	12 percent	9,338.00	5,643.19	3,694.81
<b>Non-Residential Short Trips:</b>					
Fast Food Restaurant	496.12	60 percent	\$37,528.00	\$15,600.67	\$21,927.33
Service Station per fueling position	168.56	70 percent	9,583.00	4,164.85	5,418.15
Convenience Store	737.99	70 percent	41,862.00	18,140.24	23,721.76
Pharmacy with Drive Thru	92.70	50 percent	8,760.00	4,290.41	4,469.59
<b>The cost per vehicular trip is:</b>					
		<b>Gross</b>	<b>Net</b>		
Residential:	6 mile trip length	\$1,133.54	\$482.16		
Non-Residential:	2 mile trip length	377.85	160.72		
Non-Residential, short trip:	1 mile trip length	188.92	80.36		

[Ord. 2008-015]

\*\*Interpolation between impact fee amounts presented in the examples is acceptable in lieu of the calculation for that development whose square footage is in the range between example square footages. The formulae are as follows:

- Office  

$$\text{Total Daily Trips} = \text{Ln}(T) = 0.768 \text{ Ln}(X) + 3.654$$

$$T = \text{Total Daily Trips}, X = \text{Area in 1,000 sq. ft.}, \text{Ln} = \text{Natural Logarithm}$$
- General Commercial  

$$\text{Total Daily Trips} = \text{Ln}(T) = 0.643 \text{ Ln}(X) + 5.866$$

$$T = \text{Total Daily Trips}, X = \text{Area in 1,000 sq. ft.}, \text{Ln} = \text{Natural Logarithm}$$
- Pass-by percent Formula (for general commercial).  

$$\text{Pass-by percent} = [0.9449 - (0.1161 * \text{Ln}(A))] * 100\%$$

$$A = \text{Area in 1,000 sq. ft. of leasable area}$$

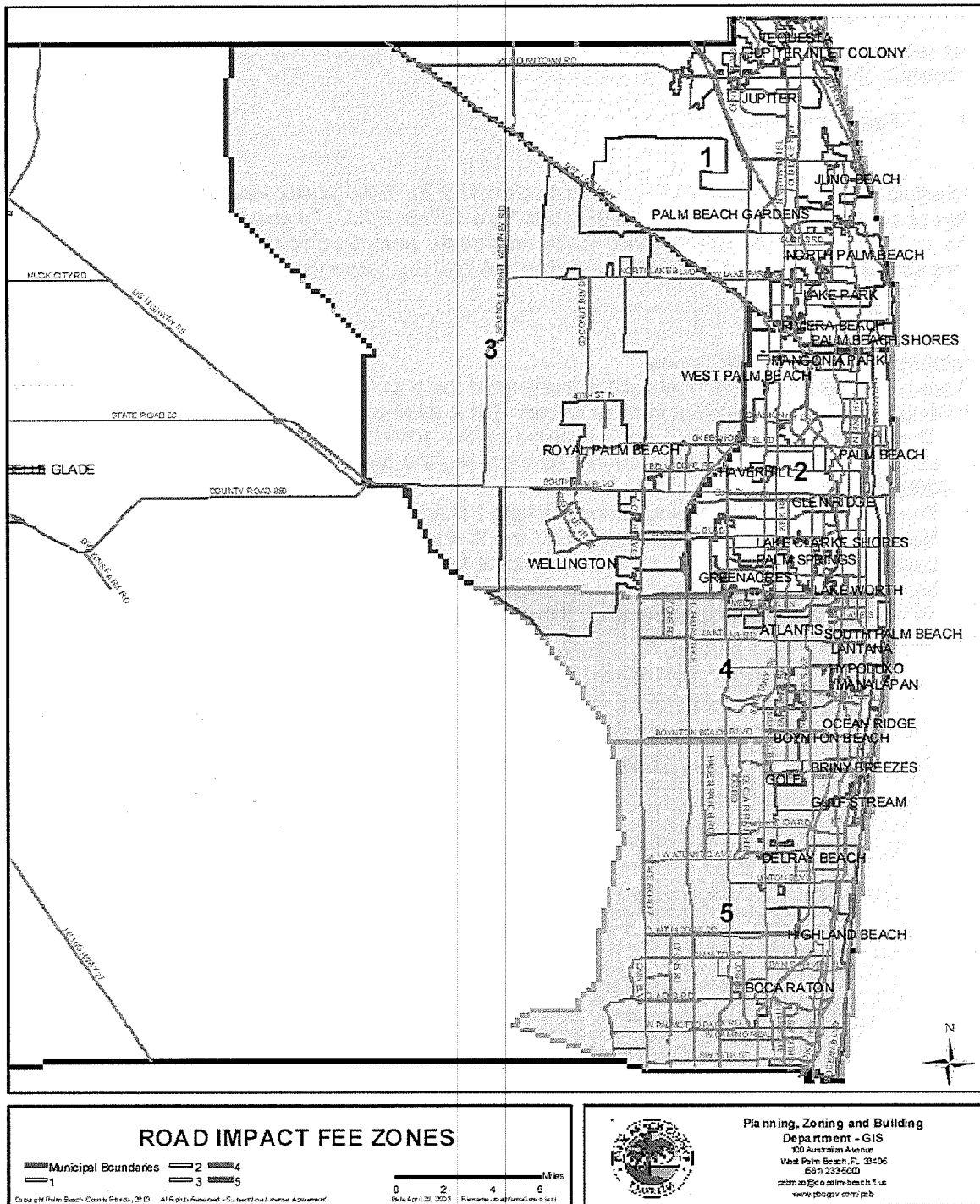
## Section 5 Benefit Zones

Road impact fee benefit zones are hereby established as shown in Figure 13.H.6-7, Road Benefit Zones, and incorporated herein by reference.

## Section 6 Establishment of Trust Funds

There are hereby established separate road impact fee trust funds, one for each road impact fee benefit zones as shown in Figure 13.H.6-7, Road Benefit Zones.

Figure 13.H.6-7 - Road Benefit Zones





## **CHAPTER I    SOLID WASTE IMPACE FEE"**

### **Section 1        Imposition of fee**

Impact fees are imposed upon all land uses creating an impact on solid waste facilities in accordance with Art. 13.A.4, Imposition of Fee, and this Section. **[Ord. 2008-015]**

### **Section 2        Fee Schedule**

The fee schedule for solid waste is established in Table 13.I.2-21, Solid Waste Fee Schedule. Land uses in the fee schedule shall be as defined in F.S. §195.073, and Rule 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact. **[Ord. 2008-015]**

### **Section 3        Benefit Zones**

#### **A. Establishment of Benefit Zones**

There is hereby established two solid waste impact fee benefit zones identified in Figure 13.I.5-8, Public Building Benefit Zones, and set forth as follows: **[Ord. 2008-015]**

1. The boundary of Benefit Zone 1 consists of the entire PBC, including both the incorporated and unincorporated areas of the County and excluding the areas of the County in Benefit Zone 2. **[Ord. 2008-015]**
2. The boundary of Benefit Zone 2 shall include PBCs Northern, Western and Southern borders on the North, West and South respectively; and the Western border of Range 40 E and the SFWM District Levee 40 on the East. No solid waste impact fees shall be collected at this time in Benefit Zone 2 because there is no identified need for additional solid waste capital facilities due to new development during the planning horizon on which this impact fee is based. **[Ord. 2008-015]**

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**Table 13.I.2-21 – Solid Waste Fee Schedule**  
**Effective 8:00 AM, 07/15/2008**

Land Use Type (Unit)	Waste Generation Tons Per Day	Capital Cost		Gross Solid Waste	5 percent	Net Solid Waste
Residential units by Sq. Ft.			Credits	Impact Fee	Discount	Impact Fee
Single Family	0.0063	\$765.56	\$377.00	\$506.98	\$25.35	\$481.63
Multi family ft.	0.0023	282.67	456.00	613.35	61.34	552.01
Dwelling unit, 1,400 - 1,999 sq. ft	0.0054	659.56	522.00	701.05	35.05	666.00
Non-Residential per 1,000 Sq. Ft.						
Office						
10,000	Med	\$836.51	\$733.33	\$103.18	\$5.16	\$98.02
50,000	Med	836.51	733.33	103.18	5.16	98.02
100,000	Med	836.51	733.33	103.18	5.16	98.02
150,000	Med	836.51	733.33	103.18	5.16	98.02
200,000	Med	836.51	733.33	103.18	5.16	98.02
400,000	Med	836.51	733.33	103.18	5.16	98.02
Medical Office	Med	836.51	733.33	103.18	5.16	98.02
Warehouse Per 1,000 sq. ft.	Med	836.51	733.33	103.18	5.16	98.02
Gen. Industrial Per 1,000 sq. ft	Med	836.51	733.33	103.18	5.16	98.02
Retail Per 1,000 Sq. Ft.						
50,000	Med	\$836.51	\$733.33	\$103.18	\$5.16	\$98.02
100,000	Med	836.51	733.33	103.18	5.16	98.02
150,000	Med	836.51	733.33	103.18	5.16	98.02
200,000	Med	836.51	733.33	103.18	5.16	98.02
400,000	Med	836.51	733.33	103.18	5.16	98.02
500,000	Med	836.51	733.33	103.18	5.16	98.02
600,000	Med	836.51	733.33	103.18	5.16	98.02
Pharmacy with Drive Thru	High	4,460.10	3,909.97	550.13	27.51	522.62
Fast Food Restaurant	High	4,460.10	3,909.97	550.13	27.51	522.62
Service Station Per Fueling Stn	High	4,460.10	3,909.97	550.13	27.51	522.62
Convenience Retail	High	4,460.10	3,909.97	550.13	27.51	522.62

[Ord. 2008-015]

#### **Section 4 Establishment of Trust Funds**

There is hereby established a separate impact fee trust funds for the impact fee benefit zones described in Art. 13.I.3, Benefit Zones. [Ord. 2008-015]

#### **Section 5 Use of Solid Waste Impact Fees**

Fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.I.5-8, Use of Impact Fees. [Ord. 2008-015]

#### **Amendment History:**

[Ord. 2003-070, December 22; 2003] [Ord. 2005-047; October 3, 2005] [ Ord. 2008-015; May 29. 2008]

# ARTICLE 14

## ENVIRONMENTAL STANDARDS

	Page
<b>CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION.....</b>	<b>7</b>
Section 1 Purpose and Intent .....	7
Section 2 Definitions .....	7
Section 3 STPZ/STPO – Sea Turtle Protection Ordinance .....	7
Section 4 Applicability .....	7
Section 5 Authority .....	7
Section 6 Jurisdiction .....	7
Section 7 De Minimis.....	8
Section 8 Sea Turtle Protection Lighting Plan .....	8
Section 9 Criteria for STLP Approval .....	9
2. Use of Window Treatments at Multifamily Residential Properties: .....	9
Section 10 Inspection Required .....	10
Section 11 Standards for Existing Beachfront Lighting .....	10
A. Adjustment to Essential Lighting .....	10
B. Reduction of Indirect Lighting on the Beach.....	11
C. Lighting for Pedestrian Traffic .....	11
D. Use of Window Treatments .....	11
E. Special Lighting Restrictions during the Nesting Season .....	11
F. Recommended Corrective Action .....	11
G. Enforcement and Implementation of Corrective Measures .....	11
Section 12 Standards for Dune Crossovers .....	11
A. Information Sign Requirements .....	11
1. Sign Posting Responsibility .....	11
2. Sign Maintenance Requirements .....	11
3. Sign Removal .....	12
Section 13 Standards for SPZ .....	12
Section 14 Appeals .....	12
Section 15 Fees.....	12
Section 16 Violations.....	12
Section 17 Enforcement.....	12
<b>CHAPTER B WELLFIELD PROTECTION .....</b>	<b>13</b>

<b>Section 1</b>	<b>Purpose and Intent .....</b>	<b>13</b>
<b>Section 2</b>	<b>Definitions .....</b>	<b>13</b>
<b>Section 3</b>	<b>Applicability .....</b>	<b>13</b>
	<b>A. General .....</b>	<b>13</b>
	<b>B. Review and Permitting Procedures .....</b>	<b>13</b>
<b>Section 4</b>	<b>Effective Date .....</b>	<b>13</b>
	<b>A. Effective Date .....</b>	<b>13</b>
	<b>B. Time of Review.....</b>	<b>13</b>
	<b>C. Certification of Compliance.....</b>	<b>13</b>
	<b>D. Screening of Occupational License.....</b>	<b>13</b>
	<b>E. Zone 1 Activities .....</b>	<b>13</b>
	<b>F. Interdepartmental Coordination.....</b>	<b>14</b>
<b>Section 5</b>	<b>Exemption .....</b>	<b>14</b>
	<b>A. General Exemptions .....</b>	<b>14</b>
	<b>1. Application.....</b>	<b>14</b>
	<b>2. Fee .....</b>	<b>14</b>
	<b>3. Procedure .....</b>	<b>14</b>
	<b>4. General Exemption Activities and Criteria .....</b>	<b>14</b>
	<b>B. Special Exemptions.....</b>	<b>15</b>
	<b>1. Criteria.....</b>	<b>16</b>
	<b>2. Procedures .....</b>	<b>16</b>
<b>Section 6</b>	<b>Zones of Influence .....</b>	<b>17</b>
	<b>A. Maps .....</b>	<b>17</b>
	<b>1. Amendments .....</b>	<b>17</b>
	<b>2. Basis.....</b>	<b>17</b>
	<b>3. Review.....</b>	<b>18</b>
	<b>4. Boundaries .....</b>	<b>18</b>
	<b>5. Interpretation of Boundaries.....</b>	<b>18</b>
	<b>6. Reference Raw Water Analysis to be Completed for Each Well .....</b>	<b>18</b>
	<b>B. Protection of Future Wellfields .....</b>	<b>18</b>
	<b>C. Prohibitions and Restrictions .....</b>	<b>18</b>
	<b>1. Zone 1.....</b>	<b>18</b>
	<b>2. Zone 2.....</b>	<b>19</b>
	<b>3. Zone 3.....</b>	<b>21</b>
	<b>4. Zone 4.....</b>	<b>22</b>
	<b>D. Other Requirements and Liabilities .....</b>	<b>23</b>
	<b>E. Domestic Wastewater and Stormwater Treatment.....</b>	<b>23</b>
	<b>1. Sanitary Sewer Mains .....</b>	<b>23</b>
	<b>2. Exfiltration Systems.....</b>	<b>23</b>
	<b>3. Retention/Detention Ponds .....</b>	<b>24</b>
	<b>4. Percolation Ponds.....</b>	<b>24</b>
	<b>5. Land Application of Domestic Wastewater Effluent.....</b>	<b>24</b>
	<b>6. Onsite Sewage Disposal Systems.....</b>	<b>24</b>
	<b>F. Spill Assessment and Remediation.....</b>	<b>24</b>
<b>Section 7</b>	<b>Wellfield Protection (Operating and Closure Permits) .....</b>	<b>24</b>
	<b>A. General .....</b>	<b>24</b>
	<b>B. Applications .....</b>	<b>25</b>

1. Operating Permit .....	25
2. Closure Permit.....	25
3. Permit Conditions .....	26
4. Bond Required .....	26
5. Clean-up and Reimbursement .....	26
<b>Section 8 Appeals .....</b>	<b>27</b>
A. General .....	27
B. Matters for Review and Time for Filing .....	27
<b>Section 9 Petition for Compensation.....</b>	<b>27</b>
A. Filing .....	27
B. Contents of Petition .....	27
C. Hearing on Petition.....	27
D. Review and Evaluation Criteria .....	28
1. Cessation or Move .....	28
2. Change In Operations .....	28
E. Classes of Impact for Which Compensation May Be Granted.....	28
1. Actual Reasonable Relocation Expenses.....	28
2. Actual Reasonable Modification of Operation Expenses .....	28
3. Actual Direct Losses of Tangible Personal Property .....	28
4. In Lieu of Actual Moving Expenses.....	29
5. Exclusions on Moving Expenses and Losses .....	29
6. Payment and Release of Obligation.....	29
7. Appeal .....	29
<b>Section 10 Transfers and Changes In Ownership.....</b>	<b>30</b>
<b>Section 11 Trade Secrets .....</b>	<b>30</b>
<b>Section 12 Fees.....</b>	<b>30</b>
A. Filing Fee .....	30
B. Wellfield Protection Operating Permit Fee .....	30
C. Closure Permit Fee .....	30
D. Permit Transfer Fee .....	30
E. Special Exemption Fee .....	30
F. General Exemption Fee.....	30
G. Annual Permit Renewal Fee .....	30
H. Late Fee .....	30
<b>Section 13 Revocation and Revision of Permits and Exemptions .....</b>	<b>32</b>
A. Revocation .....	32
B. Revision .....	32
C. Spills .....	32
D. Revocations of Exemptions .....	32
E. Notice .....	32
F. Appeals.....	32
G. Other Remedies .....	32
<b>Section 14 Violations, Enforcement and Penalties .....</b>	<b>32</b>
<b>Section 15 Groundwater And Natural Resources Protection Board (GNRPB) .....</b>	<b>32</b>
<b>Section 16 Additional Enforcement Measures .....</b>	<b>33</b>

Section 17	PBC Pollution Recovery Trust Fund .....	33
CHAPTER C	VEGETATION PRESERVATION AND PROTECTION .....	33
Section 1	General .....	33
A.	Goals .....	33
Section 2	Definitions .....	33
Section 3	Purpose .....	33
Section 4	Applicability .....	33
Section 5	Authority .....	33
Section 6	Approval Required Unless Exempt .....	33
Section 7	Application, Process, and General Standards .....	34
A.	Approval of Initial Construction of Single Family Residential Parcels .....	34
B.	Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and Agriculture of 10 Acres in Size or Greater .....	34
1.	Requirements and Process .....	34
2.	Standards of Approval .....	35
3.	Establishing Native Upland Preserves .....	36
4.	Surplus Native Vegetation .....	38
5.	Mitigation or Restoration .....	38
C.	Standards of Issuance .....	38
Section 8	Exemptions .....	38
A.	Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or Bonafide Agricultural Operations .....	39
B.	Fencing .....	39
C.	Forest Management Activities .....	39
D.	Improval Parcels .....	39
E.	Landscape Plant Removal .....	39
F.	Lot Clearing Provisions .....	39
G.	Mitigation or Enhancement Projects .....	39
H.	Natural Emergencies .....	39
I.	Parks and Recreation .....	39
J.	Preserve Management Activities .....	39
K.	Pruning .....	39
L.	Utilities, Water Control, Water Management Districts, and Road R-O-W .....	39
M.	Survey or Other Test Required .....	40
Section 9	Removal of Prohibited Invasive Non-Native Vegetation .....	40
Section 10	Fees .....	40
Section 11	Appeals .....	40
A.	Hearing Officer .....	40
1.	Submittal .....	40
2.	Hearing .....	40
3.	Judicial Relief .....	40

<b>Section 12</b>	<b>Violations.....</b>	<b>41</b>
A.	Violations.....	41
B.	Enforcement.....	41
C.	Pollution Recovery Trust Fund .....	41
D.	Restoration.....	41
<b>Section 13</b>	<b>Natural Areas and Preserve Areas .....</b>	<b>41</b>
A.	Natural Areas .....	41
B.	Special Preservation Protection Standards.....	42
<b>CHAPTER D</b>	<b>PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE .....</b>	<b>42</b>
<b>Section 1</b>	<b>Purpose and Intent .....</b>	<b>42</b>
<b>Section 2</b>	<b>Definitions .....</b>	<b>42</b>
<b>Section 3</b>	<b>Applicability .....</b>	<b>42</b>
<b>Section 4</b>	<b>Authority .....</b>	<b>42</b>
<b>Section 5</b>	<b>Protection of Natural Areas:.....</b>	<b>42</b>
<b>Section 6</b>	<b>Removal of Prohibited Invasive Non-Native Vegetation .....</b>	<b>43</b>
<b>Section 7</b>	<b>Exemptions .....</b>	<b>43</b>
<b>Section 8</b>	<b>Enforcement.....</b>	<b>43</b>
<b>APPENDIX 1</b>	<b>GENERIC SUBSTANCES LIST .....</b>	<b>45</b>
<b>APPENDIX 2</b>	<b>OPERATING AND CLOSURE PERMIT BONDS.....</b>	<b>45</b>
<b>APPENDIX 3</b>	<b>BEST MANAGEMENT PRACTICES FOR THE CONSTRUCTION INDUSTRY .....</b>	<b>46</b>
<b>APPENDIX 4</b>	<b>ORGANIC PRIORITY POLLUTANTS .....</b>	<b>47</b>
<b>APPENDIX 5</b>	<b>MINIMUM STANDARDS FOR SEWER PIPE FITTINGS.....</b>	<b>48</b>
A.	Ductile Iron Pipe and Fittings for Gravity Sewer and Force Main Application .....	48
B.	Polyvinyl Chloride Pipe (PVC) and Fittings for Gravity and Sewer Force Main Applications .....	48
1.	Gasketed Joint Pipe.....	48
C.	Coatings .....	48
D.	Leakage Tests .....	48
E.	Manholes .....	48
<b>APPENDIX 6</b>	<b>PROHIBITED INVASIVE NON-NATIVE VEGETATION .....</b>	<b>49</b>
<b>APPENDIX 7</b>	<b>INVASIVE NON-NATIVE VEGETATION .....</b>	<b>49</b>
<b>APPENDIX 8</b>	<b>SPECIMEN TREE LIST .....</b>	<b>49</b>
<b>APPENDIX 9</b>	<b>INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES .....</b>	<b>50</b>
<b>APPENDIX 10</b>	<b>NATURAL AREAS .....</b>	<b>51</b>
<b>APPENDIX 11</b>	<b>PROHIBITED VEGETATION REMOVAL SCHEDULE .....</b>	<b>52</b>

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# ARTICLE 14

## ENVIRONMENTAL STANDARDS

### CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

#### Section 1 Purpose and Intent

The purpose of this Chapter is to reduce impacts of coastal lighting and beach obstructions on sea turtles and prohibit the removal of sand from the beach/dune system. [Ord. 2009-040]

#### Section 2 Definitions

See Art. 1.I, Definitions and Acronyms

#### Section 3 STPZ/STPO – Sea Turtle Protection Ordinance

This Chapter shall be known as the PBC Sea Turtle Protection and Sand Preservation Standards. It repeals and replaces PBC Ordinances 72-12, 78-20, 87-13 and 90-2.

#### Section 4 Applicability

- A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas of PBC, and shall set restrictions, constraints and requirements to preserve and protect sea turtles, sea turtle habitat and beach/dune sediments.
- B. PBC funds for dune restoration or shore protection projects in municipalities shall be contingent upon this Chapter being fully enforced or the adoption and enforcement of an equally stringent or more stringent ordinance by a municipality. Funding determinations shall be based on ERM's review and acceptance or rejection of a municipality's replacement ordinance, as well as a review of permits and variances and enforcement notices issued pursuant to the municipal ordinance.
- C. This Chapter shall apply to any coastal lighting activity that has the potential to adversely impact sea turtles in PBC within the limits of jurisdiction. This Chapter shall also apply to any sand removal or degradation that has the potential to adversely impact the unique sediments which comprise the coastal beach/dune system in PBC within the limits of jurisdiction.

#### Section 5 Authority

This Chapter is adopted under the authority of F.S. 125.01 et seq.

#### Section 6 Jurisdiction

- A. ERM shall have regulatory authority over coastal lighting and alterations to the beach/dune system. This Chapter establishes two zones of jurisdiction: the Sea Turtle Protection Zone (STPZ) and the Sand Preservation Zone (SPZ). The STPZ extends from three miles offshore of the Atlantic Ocean and along inlet shorelines to a line 600 feet landward of the mean high water line. The SPZ extends from the mean high water line of the Atlantic Ocean to 600 feet landward.
- B. The STPZ is established for the purpose of minimizing and controlling coastal lighting. Incorporated areas of PBC which have a Sea Turtle Protection Ordinance (STPO) in effect shall not be subject to the provisions of this Chapter which pertain to coastal lighting.
- C. The SPZ is established for the purposes of maintaining the volume and quality of beach sand presently existing within the beach/dune system. The unique characteristics of the sediments contained in the existing beaches and dunes of PBC require the preservation of these materials within the beach/dune system. Incorporated areas of PBC which have provisions in effect to preserve beach/dune sediments shall not be subject to the provisions of this Chapter which pertain to Sand Preservation.
- D. Within the limits of jurisdiction of the STPZ as defined in this Chapter, no person, firm, corporation, municipality, special district or public agency shall perform new building construction or install any new artificial lighting on any property that, in whole or in part, is seaward of a line 600 feet landward of the mean high water line without first having obtained an approved Sea Turtle Protection Lighting Plan (STLP) from ERM as provided for in this Chapter. Existing beachfront lighting causing direct or indirect

illumination within the STPZ as defined herein shall comply with Article 14.A.11, Standards for Existing Beachfront Lighting. **[Ord. 2009-040]**

- E. Within the limits of jurisdiction of the SPZ as defined in this Chapter, no person, firm, corporation, municipality, special district or public agency shall remove any beach or dune sediments from their property or from the SPZ without first complying with Article 14.A.13, Standards for SPZ.
- F. Beach obstructions are exempt from the requirements of this Article. However, this exemption shall not be in effect during sea turtle nesting season (March 1 – October 31) unless the structures are removed daily from the beach from sunset until two hours following sunrise or after completion of a dedicated independent sea turtle nesting survey by a Marine Turtle Permit Holder. Beach obstructions shall be removed from the beach or placed in a single row as close to the toe of the dune as possible in an area that does not impact native vegetation or significantly affect sea turtles. Exemptions under this provision are not intended to authorize any violation of F.S. § 379.2431 or any of the provisions of the Endangered Species Act of 1973, as may be amended. (Ord. No. 05-27, § 3.QQ) **[Ord. 2006-036] [Ord. 2009-040]**

## **Section 7 De Minimis**

Those projects for which ERM provides a written determination that there will be no significant adverse environmental impacts. Approvals may include but are not limited to: removal of a light source whether approved or not approved; reduction in light intensity of a light source; installation of a light source within the STPZ which is not directly or indirectly visible from the beach. **[Ord. 2009-040]**

## **Section 8 Sea Turtle Protection Lighting Plan**

- A. A STLP approval is required for all new building construction and new artificial lighting proposed within the limits described in Section 6.D. A STLP shall be approved by ERM prior to the issuance of a building permit by the PZB or the local building department. **[Ord. 2009-040]**
- B. Applications shall be made on a form approved by ERM. ERM may make use of forms already in use by the State of Florida and/or federal agencies.
- C. ERM may attach conditions to any STLP approval where such conditions are deemed reasonably necessary to protect sea turtles.
- D. Any application received that is substantially the same as a previous application that has been denied by ERM shall also be denied without further processing.
- E. Any site or property owner that is subject to or recipient of a notice of violation or notice of noncompliance that remains unresolved shall not be issued an ERM STLP approval.
- F. STLP approval shall not be issued or processed until the application fee and any and all information necessary to fully understand the extent, nature, and potential impacts of a proposed lighting plan are received by ERM. Such information may include, but is not limited to:
  - 1. A completed application form;
  - 2. An explanation of the necessity and purpose of the proposed lighting;
  - 3. Photographs of existing conditions which may include aerial photographs;
  - 4. Plans showing profile and plan views depicting all light fixture locations, the elevations of proposed and existing structures, proposed and existing vegetation, beach/dune profiles and pertinent topographic information; and
  - 5. Electrical, building and landscape plans shall be submitted illustrating all exterior lights and windows within jurisdictional boundaries. Light and window tinting information shall include: **[Ord. 2009-040]**
    - a. The location, number, wattage, elevation, orientation, light fixture cut sheets, photometric illustrations and all type(s) of proposed artificial light sources. **[Ord. 2006-036]**
    - b. Protective/mitigative measures to minimize lighting impacts on sea turtles, including measures to prevent direct and indirect illumination that is visible from the beach. **[Ord. 2009-040]**
    - c. Window tinting specifications for all windows and doors within line of sight of the beach including percentage of visible light transmittance (see definition of tinted glass).
- G. When an application is made for a STLP approval in common areas of a multi-family residential site (i.g., condominiums, apartments, townhouses, villas, etc.), the representative association, or all of the homeowners as a group, shall be the applicant. ERM shall not process an application made by one unit owner in a multi-family setting where the work is proposed on lands designated as, or can reasonably be considered to be, common areas.
- H. Upon receipt of an application and appropriate application fee, ERM shall have 30 days to request any additional information. Within 30 days of receipt of such additional information, ERM may request only that information needed to clarify such additional information or to answer new questions raised by, or

directly related to, such additional information. No time clocks of this Section shall begin until the appropriate application fee is received.

- I. If ERM does not make a request for additional information within 30 days of receipt of an application or requested information, the application shall be deemed complete upon receipt.
- J. If an applicant fails to respond to an ERM request for an application fee, or any additional information, within 60 days, the application may be denied without prejudice. However, ERM may grant an extension of time as is reasonable necessary to fulfill the request for additional information.
- K. Upon receipt of a completed application and fee, ERM shall have 90 days to take final action unless the applicant agrees in writing to a time extension or waiver of this requirement. Final agency action shall be approval of a STLP, denial of a STLP, or conditional approval of STLP. Failure by ERM to take final action within 90 days shall result in the authorization of the proposed work with standard limiting conditions.
- L. Any application containing false information may be rejected and any STLP approval granted based upon false information may be revoked.
- M. ERM STLP approvals may be issued with a duration period that is reasonably necessary to complete the project not to exceed five years.
- N. Any substantial modification to a complete application, or a STLP approval, shall require an amended application form and an additional application fee and shall restart all time periods of this Section.

## **Section 9      Criteria for STLP Approval**

- A. A STLP approval may be issued pursuant to this Chapter provided that the applicant provides to ERM reasonable assurance that there shall be no adverse impacts to sea turtles, sea turtle nesting, and sea turtle habitat, and that the following criteria will be met:
  1. Any and all light fixtures shall be designed to be the minimum level necessary for safety and will be positioned such that they do not cause direct or indirect illumination that is visible from the beach. **[Ord. 2009-040]**
    - a. All outdoor lighting and exterior lighting shall be directed downwards. No lights shall be directed upwards. **[Ord. 2009-040]**
    - b. Filters shall be prohibited. **[Ord. 2009-040]**
    - c. All exterior fixtures on the seaward and the shore perpendicular sides of the building (and the landward side of the building if they are visible from the beach) shall be well shielded and full cut-off. **[Ord. 2009-040]**
    - d. Long wave length lights that produce light that measures greater than 570 nanometers, shall be used for all coastal construction visible from and adjacent to the beach. Bright white light, such as metal halide, halogen, fluorescent, mercury vapor and incandescent lamps will not be approved. Shorter wavelength lights will only be approved in areas where direct or indirect illumination is not visible from the beach. **[Ord. 2009-040]**
  2. **Use of Window Treatments at Multifamily Residential Properties:**  
In common areas of a multi-family residential property, window treatments that are sufficient to prevent direct or indirect illumination visible from the beach shall be required on all windows visible from the beach within jurisdictional boundaries. **[Ord. 2009-040]**
  3. ERM determines that coastal lighting alternatives and modifications to lessen impacts are infeasible; and
  4. ERM determines that the cumulative impacts of the subject lighting project and other similar lighting projects will also meet the criteria of this Article. **[Ord. 2009-040]**
- B. Measures that may be implemented to protect sea turtles include: elimination, modification or alteration of all proposed and/or existing exterior lights that cause illumination which is directly or indirectly visible from the beach. **[Ord. 2009-040]**
- C. All lighting installed after September 2, 1987 in unincorporated PBC and in municipalities that do not have a STPO in effect shall comply with the following standards:
  1. Artificial public or private light source shall not cause illumination which is directly or indirectly visible from the beach where it may deter adult female sea turtles from nesting or disorient hatchlings; **[Ord. 2009-040]**
  2. The installation of coastal lighting shall reflect the standards and mitigative measures published in the current state-of-the-art manual pertaining to coastal lighting and sea turtle conservation available at ERM (Witherington, Blair E. & Eric R. Martin, Understanding, Assessing and Resolving Light-pollution Problems on Sea Turtle Nesting Beaches, Florida Marine Research Institute Technical Report, Florida Department of Environmental Protection, 2000). **[Ord. 2009-040]**

3. Any and all light fixtures shall be designed and/or positioned such that they do not cause illumination which is directly or indirectly visible from the beach. **[Ord. 2009-040]**
4. All lights on balconies shall be eliminated or shielded from the beach. Proposed balcony lights which do not meet standard Art. 14.A.9.C.1, above shall not be authorized. **[Ord. 2005 – 002] [Ord. 2009-040]**
5. Artificial lighting for decorative or accent purposes shall not be authorized within the zone of jurisdiction unless it will not be directly or indirectly visible from the beach. **[Ord. 2009-040]**
6. Lighting used in parking lots shall be: **[Ord. 2009-040]**
  - a. Set on a base which raises the source of light no higher than 48 inches off the ground unless the lighting does not cause illumination or is not directly or indirectly visible from the beach. **[Ord. 2009-040]**
  - b. Positioned and/or shielded such that the source of light is not visible from the beach and does not cause illumination directly or indirectly visible from the beach. **[Ord. 2009-040]**
7. Sign lighting may be authorized provided it illuminates an area less than 15 square feet and meets the criteria of standard Article 14.A.9.C.1, above.
8. Permanent firepits shall be positioned and/or shielded to ensure that the source of illumination is not directly or indirectly visible from the beach. Maximum flame height shall be determined at final inspection. **[Ord. 2009-040]**
9. Open fires on the beach shall be prohibited during Sea Turtle Nesting season. **[Ord. 2005 – 002]**
10. Tinted glass or any window film applied to window glass which meets the defined criteria for tinted glass, shall be installed on all windows and doors within line of sight of the beach.
11. Pool deck lights and underwater pool lights shall be turned off while the pool is closed at sunset during sea turtle nesting season, March 1st – October 31st. The use of an automatic timer shall be acceptable only for pool lighting. **[Ord. 2009-040]**

## **Section 10 Inspection Required**

- A. Prior to the issuance of a Certificate of Occupancy (CO) by the PZB or local building department, each facility shall be inspected for compliance as follows:
  1. Upon completion of the construction activities, a State of Florida registered architect, landscape architect, environmental professional or professional engineer shall conduct a site inspection which includes a night survey with all the beachfront lighting turned on to the highest illumination levels. **[Ord. 2009-040]**
  2. The inspector shall prepare and report the inspection finding in writing to ERM, identifying:
    - a. the date and time of initial inspection;
    - b. the extent of compliance with this Chapter and the approved STLP;
    - c. all areas of potential and observed noncompliance with this Chapter;
    - d. any action(s) taken to remedy observed noncompliance and date remedy will be implemented, if applicable; and
    - e. the date(s) and time(s) of remedial inspection(s), if applicable.
  3. The inspector shall sign and seal the inspection report which includes a certification that:
    - a. the beachfront lighting has been constructed in accordance with this Chapter;
    - b. the inspector observed the project area at night with all lights operating;
    - c. the beachfront lighting does not cause direct or indirect illumination that is visible from the beach at the time of the night inspection; and **[Ord. 2009-040]**
    - d. the beachfront light sources within the jurisdictional boundaries are not directly or indirectly visible from the beach at the time of the night inspection.

## **Section 11 Standards for Existing Beachfront Lighting**

### **A. Adjustment to Essential Lighting**

Changing coastal conditions (including but not limited to erosion, renourishment, vegetation impacts, etc.), may necessitate retrofitting light fixtures. Installation of a new fixture shall require an approved Sea Turtle Lighting Plan (STLP) that must comply with Article 14.A. 9, Criteria for STLP Approval. Retrofits to existing fixtures shall be designed and/or positioned to ensure that they do not cause illumination that is directly or indirectly visible from the beach. **[Ord. 2006-036] [Ord. 2009-040]**

**B. Reduction of Indirect Lighting on the Beach**

The installation and maintenance of ground level barriers including dense native vegetation is strongly encouraged and may be required to reduce the amount of lighting striking the beach/dune system. [Ord. 2009-040]

**C. Lighting for Pedestrian Traffic**

Lights illuminating beach access points, dune crossovers, beach walkways, piers or any other structure designed for pedestrian traffic shall be the minimum level necessary to maintain safety and shall be located and shielded such that lights and their illumination are not directly or indirectly visible from the beach. [Ord. 2009-040]

**D. Use of Window Treatments**

To prevent interior lights from illuminating the beach, window treatment shall be required on all windows visible from the beach within jurisdictional boundaries. Blackout draperies or shadescreens are preferred. Alternatively or additionally, window tint may be applied to beachfront windows. The turning out of all unnecessary interior lights during the nesting season is strongly encouraged.

**E. Special Lighting Restrictions during the Nesting Season**

Effective May 1, 1988, and continuously throughout each nesting season (March 1 through October 31), external light sources that are directly or indirectly visible from the beach shall be disconnected or otherwise modified to comply with this Chapter. [Ord. 2009-040]

**F. Recommended Corrective Action**

The following measures can be used to reduce or eliminate the effects of any exterior lighting on hatchlings and nesting sea turtles:

1. permanently remove the light fixture; [Ord. 2006-036]
2. disconnect the light fixture; [Ord. 2006-036]
3. reposition the light fixture so the point source of light is no longer visible from the beach; [Ord. 2006-036]
4. replace light fixtures having an exposed light source with light fixtures containing recessed light sources or shields; [Ord. 2006-036]
5. replace non-directional light fixtures with directional light fixtures pointing down and away from the beach; [Ord. 2006-036]
6. replace light fixtures having translucent or transparent coverings with light fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the light fixture on seaward side so the light source is not visible from the beach; [Ord. 2006-036]
7. replace pole lamps with low profile, low-level luminaries so that the light source is not visible from the beach;
8. plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
9. construct an ornamental structural barrier to shield light source from the beach; and
10. modify the light fixture by adding a shield. [Ord. 2006-036]

**G. Enforcement and Implementation of Corrective Measures**

In areas where compliance with the lighting conditions of this article are not evidenced, non-compliant property owners shall be required to implement appropriate corrective measures, developed in consultation with ERM to correct negative impacts to sea turtles. Corrective measures shall be implemented in addition to applicable penalties and fines. Any corrective program implemented as a result of noncompliance with lighting conditions of this article shall remain in effect until such time that acceptable beachfront lighting is achieved. [Ord. 2009-040]

**Section 12 Standards for Dune Crossovers**

**A. Information Sign Requirements**

Permanent sea turtle information signs shall be conspicuously posted by applicable jurisdictions at all public beach access points provided with dune crossovers. The information signs shall be standardized by ERM.

**1. Sign Posting Responsibility**

Sea turtle information signs shall be encouraged at all new private beach access points provided with dune crossovers. Signage shall be the responsibility of the property owner.

**2. Sign Maintenance Requirements**

Standardized sea turtle information signs shall be maintained in perpetuity such that information printed on the signs remains accurate and legible and the signs positioned such that they are conspicuous to persons at all public beach access points provided with dune crossovers.

**3. Sign Removal**

Removal of the information signs by anyone other than those authorized by ERM is prohibited.

**Section 13 Standards for SPZ**

- A. There shall be no net loss of sand from the SPZ. Sand temporarily excavated from the SPZ shall be returned to the SPZ. Sand shall be returned to the SPZ prior to the issuance of a building department CO where a CO is required, or within six months of the excavation for projects which do not require a CO. In addition, the sand may not be degraded by mixing with any sediment, soil, or material, such that it will not meet the definition for beach compatible sand as defined. **[Ord. 2009-040]**
- B. Sediment analysis of existing beach/dune and any proposed fill material to be mixed with the existing sand may be required by ERM. Written notification must be provided to ERM (attention: ERM Coastal Geologist) prior to removal of sand from the SPZ.

**Section 14 Appeals**

Any affected party may appeal a final determination of ERM pursuant to Article 14.C, Appeals.

**Section 15 Fees**

- A. Fees shall be required as established by the approved fee schedule. **[Ord. 2009-040]**
- B. Fees shall be non-refundable and nontransferable.
- C. All application fees paid by check shall be made payable to the BCC.

**Section 16 Violations**

- A. An unapproved lighting source illuminated during the night which is directly or indirectly visible from the beach.
- B. An approved lighting source which has experienced a change in conditions such that it is no longer in conformance with this Chapter. Conditions may include but are not limited to: increase of intensity or direction of the light source; failure to maintain proper shielding, addition or modification of adjacent structures; modification of background colors of the structure; or modification of height of vegetation, width or height of dune or width of beach.
- C. Installation of beachfront light fixtures in the limits described in Section 6.D, without ERM approval. **[Ord. 2009-040]**
- D. Submittal to ERM of any signed and sealed lighting inspection report containing false information.
- E. Removal of sand from the SPZ without first supplying written notification to ERM.
- F. Degrading sand by mixing with sediment, soil, or material such that it will not meet the definition for beach compatible sand.
- G. Alterations which result in a net loss of sand from the SPZ.
- H. Failure to comply with the requirements of this Chapter or any approval granted or authorized hereunder.
- I. Traversing a natural dune by a pedestrian within 200 feet of a public dune walkover.
- J. Any lighting projects or alterations which would have been in violation of PBC Ordinances No. 72-12, 78-20, 87-13 or 90-2, as amended, during its effective period, shall continue to be violations under this Chapter but shall be subject to prosecution under the terms of PBC Ordinance No. 72-12, 78-20, 87-13 or 90-2 as amended.

**Section 17 Enforcement**

- A. In order to enforce compliance with the provisions of this Chapter, ERM may issue a cease and desist order or require that a building permit or CO be withheld. Violations of the provisions of this Chapter shall be punishable by one or more of the following:
  - 1. triple application fees for STLP approvals not obtained prior to violations involving activities which would otherwise have been authorized as determined by ERM;
  - 2. enforcement procedures as outlined in Article 10.C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD ; or

3. notwithstanding, the enforcement procedures set forth above, PBC shall not be prevented from enforcing the provisions of this Chapter by any other measures allowable by law, including but not limited to, F.S. Chapters 125 and 162, as may be amended.
- B. All monies collected as civil penalties for violations of this Chapter shall be deposited in the Pollution Recovery Trust Fund.

## **CHAPTER B WELLFIELD PROTECTION**

### **Section 1 Purpose and Intent**

- A. The purpose and intent of this Chapter is to protect and safeguard the health, safety, and welfare of the residents and visitors of PBC by providing criteria for regulating and prohibiting the use, handling, production and storage of certain deleterious substances which may impair present and future public potable water supply wells and wellfields.

### **Section 2 Definitions**

See Art. 1.I, Definitions and Acronyms

### **Section 3 Applicability**

#### **A. General**

The provisions of this Chapter shall be effective within the incorporated and unincorporated areas of PBC, and shall set restrictions, constraints and prohibitions to protect present and future public potable water supply wells and wellfields from degradation by contamination of deleterious substances.

#### **B. Review and Permitting Procedures**

No building permit or business tax receipt for any nonresidential activity shall be issued by PBC or any city located within PBC that would allow development or construction in Zones 1, 2, 3, or 4 that is contrary to the restrictions and provisions provided in this Chapter. Permits or business tax receipts issued in violation of this Chapter confirm no right or privilege on the grantee and such invalid permit or licenses will not vest rights. **[Ord. 2007-013]**

### **Section 4 Effective Date**

#### **A. Effective Date**

The requirements and provisions of this Chapter shall apply immediately upon and after March 7, 1988 to all new nonresidential activities. An existing activity is one for which a building permit or business tax receipt had been issued by the appropriate jurisdiction prior to March 7, 1988 and which had not expired on or before March 7, 1988, or for which a completed building permit or business tax receipt application had been filed and accepted with the appropriate jurisdiction prior to March 7, 1988. All other activities shall be deemed "new." **[Ord. 2007-013]**

#### **B. Time of Review**

Any application for a building permit for a nonresidential development or residential development greater than 25 units or nonresidential development subject to review by an advisory planning body and approval by the local governing authority or zoning board of appeals that includes property wholly or partially within Zones 1, 2, 3, or 4, of a wellfield shall include requirements of ERM. These requirements shall be as follows:

1. Notification by the local governing authority of the location of the property in Zones 1, 2, 3, or 4 and notarized letter from applicant admitting acceptance of notification. Notification shall be prepared by ERM providing details of Zones, prohibitions, and measures required for compliance; or
2. Submittal of application to ERM for notification.

#### **C. Certification of Compliance**

Any application submitted for a business tax receipt for any use within Zones 1, 2, 3, or 4 of an incorporated or unincorporated area shall require certification by ERM that the use meets the applicable requirements of this Article. **[Ord. 2007-013]**

#### **D. Screening of Occupational License**

It shall be the duty of each local agency to screen all applications for Zones 1, 2, 3, or 4 business tax receipts. **[Ord. 2007-013]**

#### **E. Zone 1 Activities**

ERM shall provide a list to all local agencies of potentially prohibited operations in Zone 1.

#### **F. Interdepartmental Coordination**

Copies of building permits for residential uses containing more than 25 units, all nonresidential projects, and all occupational licenses issued for Zones 1, 2, 3, or 4 shall be submitted to ERM on a weekly basis, or upon issuance by the appropriate issuing authority.

### **Section 5      Exemption**

#### **A. General Exemptions**

A general exemption application and an operating permit issued pursuant to the provisions of Article 14.B.6.C.2, Zone 2, shall be filed with ERM for any nonresidential activity claiming a general exemption to these regulations under Article 14.B.5.A.4.a, Fire, Police, Emergency Medical Services and PBC Emergency Management Center, Article 14.B.5.A.4.b, Utilities in Zone 1, and Article 14.B.5.A.4.f, Retail/Wholesale Sales Activities. No new nonresidential facilities shall be permitted into Zone 1 after March 7, 1988 if the new nonresidential facility stores, handles, produces or uses any Regulated Substance.

##### **1. Application**

A general exemption application shall contain a concise statement detailing the circumstances which the applicant believes would entitle him or her to a general exemption pursuant to Article 14.B.5.A, General Exemptions.

##### **2. Fee**

A fee shall be required as established by the approved fee schedule.

##### **3. Procedure**

Within 30 working days of receipt of an application for a general exemption, ERM shall inform the applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then ERM shall provide to the applicant a written statement by certified mail or hand delivery requesting the additional information required. The applicant shall inform ERM within ten working days of the date of the written statement of intent to either furnish the information or have the application processed as originally submitted. ERM shall have 90 working days from the date that the sufficiency determination was rendered or the date of receipt of additional requested information to act upon the application.

##### **4. General Exemption Activities and Criteria**

###### **a. Fire, Police, Emergency Medical Services and PBC Emergency Management Center Facilities**

Existing fire, police, emergency medical services and PBC emergency management center facilities are exempt from the Zone 1 prohibitions set forth in Article 14.B.6.C.1, Zone 1, provided that an operating permit for such uses is obtained pursuant to Article 14.B.7.B.1, Operating Permit.

###### **b. Utilities in Zone 1**

Existing utilities as of July 25, 1991 shall be exempt, except for the maintenance and refueling of vehicles, from the Zone 1 prohibitions set forth in Article 14.B.6.C.1, Zone 1, provided that an operating permit for such uses is obtained pursuant to Article 14.B.7.B.1, Operating Permit.

###### **c. Continuous Transit**

The transportation of any Regulated Substance through Zones 1, 2, 3, or 4 shall be exempt from the provisions of this Chapter, provided that the transporting motor vehicle is in continuous transit. The transport of such substances through existing permanent pipelines is also exempt, provided that the currently authorized use or uses are not changed, and provided that leak detection and monitoring as approved by ERM are employed. No general exemption or operating permit application is required except that an operating permit is required to establish the leak detection and monitoring requirements for said existing pipelines. Any new pipelines constructed through Zones 1, 2, or 3 and carrying Regulated Substances shall be provided with secondary containment, leak detection and monitoring as approved by ERM.

###### **d. Vehicular and Lawn Maintenance Fuel and Lubricant Use**

The use in a vehicle or lawn maintenance equipment of any Regulated Substance solely as fuel in that vehicle or equipment fuel tank or as a lubricant in that vehicle or equipment shall be exempt from the provisions of this Chapter. No general exemption or operating permit application is required.

###### **e. Application of Pesticides, Herbicides, Fungicides and Rodenticides**



The application of those Regulated Substances used as pesticides, herbicides, fungicides, and rodenticide in recreation, agriculture, pest control and aquatic weed control activities shall be exempt from the provisions of this Chapter provided that:

- 1) in all zones, the application is in strict conformity with the use requirement as set forth in the substances EPA registries and as indicated on the containers in which the substances are sold;
- 2) in all zones, the application is in strict conformity with the requirements as set forth in F. S. Chapter 482, 487, and Chapters 5E 2 and 5E 9, F.A.C.;
- 3) in all zones, the application of any of the pesticides, herbicides, fungicides, and rodenticide shall be noted in the records of the certified operator. Records shall be kept of the date and amount of these substances applied at each location and said records shall be available for inspection at reasonable times by ERM;
- 4) in Zones 1, 2, 3, or 4, the pesticides, herbicides, fungicides, and rodenticide shall not be handled during application in a quantity exceeding 700 gallons of formulation; and
- 5) all nonresidential applicators of pesticides, herbicides, fungicides, and rodenticide who apply those substances in Zones 1, 2, 3, or 4 shall obtain an operating permit covering all application operations using these materials under one permit and shall comply with all the requirements of Article 14.B.6.C.2.b.3)-6), Emergency Plan.

**f. Retail/Wholesale Sales Activities**

Retail/wholesale sales establishments in Zone 1 that store and handle Regulated Substances for resale in their original unopened containers shall be exempt from the prohibition in Zone 1, provided that those establishments obtain an operating permit pursuant to Article 14.B.6.C.1, Zone 1. Items in Article 14.B.6.C.2.b.7)-8) Monitoring for Regulated Substances in Potable Water, certification by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida, and a bond or letter of credit as set forth in Article 14.B.7.B.4, Bond Required, are not required for facilities in Zones 1, 2, or 3, provided no individual container of Regulated Substances exceeds five gallons, if liquid, or 25 pounds, if solid.

**g. Office Uses**

Offices uses, except for the use of Regulated Substances for the maintenance and cleaning of office buildings, shall be exempt from the provisions of this Chapter, and no general exemption or operating permit shall be required.

**h. Construction Activities**

The activities of constructing, repairing or maintaining any facility or improvement on lands within Zones 1, 2, 3, or 4 shall be exempt from the provisions of this Chapter, provided that all contractors, subcontractors, laborers, material men and their employees, when using, handling, storing or producing Regulated Substances in Zones 1, 2, 3, or 4, use those applicable Best Management Practices set forth in Appendix 3, Best Management Practices, attached hereto and incorporated herein. No general exemption or operating permit applications are required.

**i. Activities Subject to Regulation Due to Accumulation of Waste Regulated Substances**

Activities in Zones 2 or 3, which are subject to permitting requirements of the Chapter shall obtain an Operating Permit pursuant to the provisions in Article 14.B.6.C.2, Zone 2, or Article 14.B.6.C.3, Zone 3. Items in Article 14.B.6.C.2.b.7), Monitoring for Regulated Substances in the Potable Water Wells, and Article 14.B.6.C.2.b.8, Regulated Substances in Groundwater Monitoring Wells, and a bond or letter of credit as set forth in Article 14.B.7.B.4, Bond Required, are not required, provided that all waste liquid Regulated Substance are secondarily contained according to the conditions described in Article 14.B.6.C.2.b.1, Containment of Regulated Substances, and are removed from the site on a regular schedule by a contracted hauler licensed by EPA or the State of Florida to handle the waste Regulated Substance. The accumulated waste Regulated Substance shall at no time exceed 55 gallons if liquid or 220 pounds if solid, and the accumulation time shall not exceed 90 days. Records of removal and disposal of all waste Regulated Substance through the licensed hauler shall be maintained and made available for ERM inspection at reasonable times. In addition, all other Regulated Substance shall not exceed the threshold quantities identified in the definition of "Regulated Substances". Failure to comply with any of these requirements shall subject the facility to the full permitting provisions for the applicable zone.

**B. Special Exemptions**

An affected person in Zones 1 or 2 may petition the hearing officer pursuant to the appeal process in Article 14.C, Appeals, for a Special Exemption, from the prohibitions and monitoring requirements set out in Article 14.B.6.C.1, Zone 1, and Article 14.B.6.C.2, Zone 2. Special exemptions for Zone 1 are for

existing nonresidential activities only. No new nonresidential activity shall be permitted in Zone 1 after March 7, 1988 if the new nonresidential activity stores, handles, produces or uses any Regulated Substance.

**1. Criteria**

In order to obtain a special exemption, a person must demonstrate, by a preponderance of competent, substantial evidence, that:

- a. Special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply; and
- b. In granting the special exemption, the hearing officer pursuant to Article 14.C, Appeals, may prescribe any additional appropriate conditions and safeguards which are necessary to protect the wellfield.

**2. Procedures**

The following special exemption application and review procedures shall apply to activities claiming a special exemption with adequate technology to isolate the facility or activity from the potable water supply and protect the wellfield:

**a. Application**

A special exemption application claiming special or unusual circumstances and adequate protection technology shall be filed with ERM, who shall then promptly notify the County Attorney's office that such an application has been filed. The application shall be signed by the applicant and a Professional Engineer or Professional Geologist registered or licensed in the State of Florida;

**b. Basis for Application**

The application shall contain a concise statement by the applicant detailing the circumstances that the applicant feels entitles the applicant to special exemption, pursuant to this Chapter; and

**c. Fee**

A fee shall be required as established by the approved Fee Schedule.

**d. Submittal Requirements**

The application for special exemption shall contain but not be limited to the following elements:

**1) Operating Conditions**

A description of the situation at the site requiring isolation from the wellfield, including:

- a) a list of the Regulated Substances in use at the site;
- b) a site plan of the facility including all storage, piping, dispensing, shipping, etc., facilities;
- c) what operations at the facility involve Regulated Substances which must be isolated from the wellfields;
- d) the location of all operations involving Regulated Substances;
- e) a sampling and analysis of the groundwater on the site of the activity seeking a special exemption shall be performed to determine if any Regulated Substances are already present which constitute a threat to the water supply;
- f) an analysis of the affected well showing whether or not such well is already contaminated by any Regulated Substances and the extent of such contamination; and
- g) a hydrogeologic assessment of the site which shall address, as a minimum, soil characteristics and ground water levels, directional flow, and quality.

**2) Technical Components**

A technical proposal to achieve the required isolation including:

- a) components to be used and their individual functions;
- b) system tying the components together;
- c) a discussion and documentation, such as published technical articles, substantiating the performance and reliability of the components individually and the system as a whole. If the system has not been field tested, a discussion and laboratory test documentation to substantiate the proposed performance and reliability of the system; and
- d) details of the specific plans to install the system at the site.

**3) Testing Procedures**

If the proposed system does not have a proven history of successful in field operation, it may still be proposed using proven components. A test plan for the system as installed shall be provided to prove that the proposed system works in the field.

**4) Backup Detection**

A technical proposal for backup detection of Regulated Substances that may elude the isolation system and escape to outside a perimeter to be established by ERM. Such proposal

shall include emergency measures to be initiated in case of escape of Regulated Substances.

**5) Criteria for Success**

Site specific, system performance criteria shall be proposed to ascertain the success of the system. Such criteria shall include but shall not be limited to:

- a) performance;
- b) reliability;
- c) level of maintenance;
- d) level of Sensitivity to Regulated Substances; and
- e) effect of rain, flood, power failure or other natural disaster.

**6) Precautions in Event of Failure**

The applicant shall provide information on the on site availability of substance removal technologies sufficient to remediate any introduction of Regulated Substances into the water table at the site. Where water is removed from on site wells during the remedial process a plan shall be proposed for the disposal of such water.

**7) Closure Plan**

A closure plan shall be provided in the event the system does not prove successful in the testing required by Article 14.B.5.B.2.d.3), Testing Procedures.

**8) Other Information**

Any other reasonable information deemed necessary by ERM shall be due to site specific circumstances.

**e. Sufficiency Review**

Within 30 working days of receipt of an application for special exemption, ERM shall inform the applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then ERM shall provide to the applicant a written statement by certified mail or hand delivery requesting the required additional information. The applicant shall inform ERM within ten working days of the date of the written statement of intent to either furnish the information or have the application denied. When the application contains sufficient information for a proper determination to be made, ERM shall notify the County Attorney's office that all documentation necessary to evaluate the special exemption has been received, and shall promptly transmit all such documentation to the County Attorney's office.

**f. Action on Application**

Any special exemption granted by the Reference to Article 14.C, Appeals, shall be subject to the applicable conditions which apply to Zones 1 and 2 and any other reasonable and necessary special conditions imposed by the Reference to Article 14.C, Appeals. An operating permit shall be issued by ERM with the applicable conditions of Article 14.B.6.C.1, Zone 1, and Article 14.B.6.C.2, Zone 2, and any other reasonable and necessary special conditions imposed by the Environmental Ordinance Appeals Board. Such special exemptions shall be subject to revocation or revision by ERM for violation of any condition of said special exemption by first issuing a written notice of intent to revoke or revise (certified mail return receipt requested or hand delivery). Upon revocation or revision, the activity will immediately be subject to the enforcement provisions of this Article.

**Section 6 Zones of Influence**

**A. Maps**

The Zones of Influence Maps, developed as described in Article 14.B.6.A.2, Basis, are incorporated herein and made a part of this Chapter. These Maps shall be on file and maintained by ERM.

**1. Amendments**

Any amendments, additions or deletions to said Maps shall be approved by the BCC following written notice to property owners within the area covered by the amendment, addition, or deletion, and after public hearing. Written notice as provided herein shall be given at least 30 days prior to the public hearing on the amendment, addition or deletion. Said Maps shall be provided to any agency requesting said Maps.

**2. Basis**

The Zones of Influence Maps are based upon travel time contours and one foot drawdown contours. They are generated using a contaminant transport computer model that simulates pollutant movement using particles released around wells. The travel time contours and the one foot drawdown contours are calculated by using finite difference computer modeling techniques that

incorporate the effects of an extensive canal system, groundwater flows and SFWMD Consumptive Use Permit approved public water supply pumping rates. Additional considerations may be incorporated into the modeling methodology as approved by ERM. [Ord. 2006-036]

**3. Review**

The Zones of Influence Maps shall be reviewed at least on an annual basis. However, failure to conduct said review shall not affect the validity of the existing approved Maps. The basis for updating said Maps may include, but is not limited to, the following:

- a. Changes in the technical knowledge concerning the applicable aquifer;
- b. Changes in the pumping rate of wellfields;
- c. Wellfield reconfiguration; and
- d. Designation of new wellfields.

**4. Boundaries**

The Zones of Influence indicated on the Zones of Influence Maps are as follows:

**a. Zone 1**

The land area situated between the well(s) and the 30 day travel time contour;

**b. Zone 2**

The land area situated between the 30 day and the 210 day travel time contours;

**c. Zone 3**

The land area situated between 210 day and the 500 day travel time contours; and

**d. Zone 4**

The land area situated beyond the 500 day travel time contour and within the one foot drawdown contour.

**5. Interpretation of Boundaries**

In determining the location of properties and facilities within the zones depicted on the Zones of Influence Maps, the following rules shall apply:

- a. Properties located wholly within one zone reflected on the applicable Zones of Influence Maps shall be governed by the restrictions applicable to that zone;
- b. To that the extent Article 14.B.6.C, Prohibitions and Restrictions, does not apply, properties having parts lying within more than one zone as reflected on the applicable Zones of Influence Maps shall be governed by the restrictions applicable to the zone in which the part of the property is located;
- c. Where a travel time contour which delineates the boundary between two Zones of Influence, passes through a facility, the entire facility shall be considered to be in the more restrictive zone; and
- d. Where the facility, or portion thereof, is overlapped by Zones of Influence of different wells or wellfields, the stricter zones shall apply.

**6. Reference Raw Water Analysis to be Completed for Each Well**

A reference set of raw water analyses shall be completed for each well for which a Zones of Influence map has been established. Said analyses shall be completed within 185 days after March 7, 1988, for existing wells. A copy of the analytical report shall be forwarded to ERM and the PBCHD within 14 days of completion. For any new well, this set of analyses shall be completed prior to the release of the well into service by the PBCHD within in and ERM. Said analyses shall address inorganic priority pollutants as listed in Appendix 4, Organic Priority Pollutants, and organic pollutants as listed in Chapter 62-550. F.A.C. and as shown in Appendix 4, Organic Priority Pollutants. The cost shall be borne by the utility. The analytical reports shall be prepared by a State of Florida certified laboratory, certified for the applicable analyses. Samples shall be taken by the State of Florida certified laboratory performing the analyses, or its authorized representative.

**B. Protection of Future Wellfields**

The prohibitions and restrictions set forth in this Chapter and in regulations promulgated pursuant hereto shall apply to any sites officially designated by the BCC as future wellfields. Such prohibitions and restrictions shall become effective upon approval by the BCC of the Zones of Influence Maps for the designated future wellfield. Prior to final action by the BCC in designating a future wellfield or approving the Zones of Influence Maps for those wellfields, all property owners and discernable operating activities within the area affected shall receive written notice at least 30 days prior to the proposed public hearing at which the action shall be considered.

**C. Prohibitions and Restrictions**

**1. Zone 1**

**a. Prohibited Activities**

The use, handling, production, and storage of Regulated Substances associated with nonresidential activities is prohibited in Zone 1, except as provided under the general exemptions and special exemptions provisions of this Chapter.

**b. Closure of Existing Uses**

All existing nonresidential activities within Zone 1 which store, handle, use or produce any Regulated Substances shall cease to do so within one year from the date of notification by writing, certified mail, or hand delivery, except as provided for in this Chapter.

A closure permit application, general exemption application or a special exemption application prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida shall be submitted to ERM within 120 days receipt of the notice to cease. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist.

Any nonresidential activity in Zone 1 which is allowed to continue in accordance with the general exemption or special exemption provisions of this Chapter shall obtain an operating permit, unless expressly not required by this Chapter, which shall indicate the special conditions to be instituted and the dates on which such conditions shall be instituted. Such activities shall comply with all Zone 2 requirements unless otherwise provided herein. No expansions, modifications or alterations which would increase the storage, handling, use or production of Regulated Substances shall be permitted in Zone 1. An owner or operator that is denied a special exemption shall be issued a closure permit as part of the denial process. Any operating permit application required herein shall be filed with the applications for general exemption or special exemption.

**2. Zone 2**

**a. Prohibited Activities**

All nonresidential activities within Zone 2 which store, handle, use or produce any Regulated Substance are prohibited, unless they qualify as a general exemption, obtain a special exemption, or receive an operating permit from ERM.

**b. Permit Conditions**

An operating permit issued to any nonresidential activity within Zone 2 that stores, handles, uses or produces any Regulated Substance shall be subject to the following conditions:

**1) Containment of Regulated Substances**

Leak-proof trays under containers, floor curbing or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any Regulated Substance loss to the external environment. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented. The owner/operator may choose to provide adequate and appropriate liquid collection methods rather than sheltering only after approval of the design by ERM. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to above-ground and underground storage areas. The containment devices and liquid collection systems shall be certified in the operating permit application by the Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

**2) Emergency Collection Devices**

Vacuum suction devices, absorbent scavenger materials or other devices approved by ERM, shall be present on-site or available within two hours (one hour in Zone 1) by contract with a clean up company approved by ERM, in sufficient magnitude so as to control and collect the total quantity of Regulated Substances present. To the degree feasible, emergency containers shall be present and of such capacity as to hold the total quantity of Regulated Substances plus absorbent material. The presence of such emergency collection devices shall be certified in the operating permit application for existing activities. Such certification for new activities shall be provided to ERM prior to the presence of Regulated Substances on the site. Certification shall be provided by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

**3) Emergency Plan**

An emergency plan shall be prepared and filed with the operating permit application indicating the procedures which will be followed in the event of spillage of a Regulated

Substance so as to control and collect all such spilled material in such a manner as to prevent it from reaching any storm or sanitary drains or the ground.

**4) Inspection**

A responsible person designated by the permittee who stores, handles, uses or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

**5) Proper and Adequate Maintenance of Containment and Emergency Equipment**

Procedures shall be established for quarterly, in-house inspection and maintenance of containment and emergency equipment. Such procedure shall be in writing; a regular checklist and schedule of maintenance shall be established; and a log shall be kept of inspections and maintenance. Such logs and records shall be available for inspection by ERM.

**6) Reporting of Spills**

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

**7) Monitoring for Regulated Substances in the Potable Water Wells**

Arrangements shall be made with the designated public utility to establish a semi-annual schedule of raw water analysis unless sampling results indicate contamination, in which case ERM shall require an increased sampling schedule.

The analysis shall be for all substances which are listed on the operating permit. The analytical reports shall be prepared by a State of Florida certified laboratory, certified for the applicable analyses. It shall be the responsibility of the designated public utility to provide for the sampling and analyses but the cost shall be borne by the permittee or those permittees on a pro-rata basis as to the same substances listed on the permits of those permittees in Zones of Influence of the subject well. Samples shall be taken by the State of Florida certified laboratory performing the analyses, or its authorized representative. Semi-annual reports prepared by a State of Florida certified laboratory of the analyses for Regulated Substances shall be submitted to ERM for the purpose of determining the presence of Regulated Substances in each well for which a Zones of Influence map has been established.

**8) Regulated Substances in Groundwater Monitoring Wells**

Groundwater monitoring well(s) shall be provided at the expense of the permittee in a manner, number and location approved by ERM. Except for existing wells found by ERM to be adequate for this provision, the required well or wells shall be installed by a State of Florida licensed water well contractor. Samples shall be taken by the State of Florida certified laboratory performing the analyses, or its authorized representative. Analytical reports prepared by a State of Florida certified laboratory of the quantity present in each monitoring well of the Regulated Substances listed in the activity's operating permit shall be filed at least semi-annually, or more frequently, as determined by ERM, based upon site conditions and operations.

**9) Alterations and Expansions**

ERM shall be notified in writing prior to the expansion, alteration or modification of an activity holding an operating permit. Such expansion, alteration, or modification may result from increased square footage of production or storage capacity, or increased quantities of Regulated Substances, or changes in types of Regulated Substances beyond those square footages, quantities, and types upon which the permit was issued. Should a facility add new Regulated Substances which individually are below the non-aggregate limits identified in the definition of "Regulated Substance", it shall notify ERM on the annual basis of the types and

quantities of such substances added and the location of the use, handling, storage, and production of said substances.

Any such expansion, alteration or modification shall be in strict conformity with this Chapter. Further, except as provided herein, any existing operating permit shall be amended to reflect the introduction of any new Regulated Substances resulting from the change. However, the introduction of any new Regulated Substance shall not prevent the revocation or revision of any existing operating permit if, in the opinion of ERM, such introduction substantially or materially modifies, alters or affects the conditions upon which the existing operating permit was granted or the ability to remain qualified as a general exemption, if applicable, or to continue to satisfy any conditions that have been imposed as part of a special exemption, if applicable. ERM shall notify the permittee in writing within 60 days of receipt of the permittee's notice that ERM proposes to revoke or revise the permit and state the grounds therefore.

**10) Reconstruction after Catastrophe**

Reconstruction of any portion of a structure or building in which there is any activity subject to the provisions of this regulation which is damaged by fire, vandalism, flood, explosion, collapse, wind, war or other catastrophe shall be in strict conformity with this Chapter.

**11) Revocation or Revision for Spill**

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

**c. Permits for Existing Uses**

All existing non-residential activities in Zone 2 which use, handle, store, or produce Regulated Substances shall file an application for an operating permit or closure permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida, except for Closure or Transfer Permits as provided Article 14.B.7.B.2, Closure Permit, and Article 14.B.10, Transfers and Changes In Ownership. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

**3. Zone 3**

**a. Prohibited Activities**

All nonresidential activities within Zone 3 which store, handle, use or produce any Regulated Substance are prohibited, unless they qualify as a general exemption or receive an operating permit from ERM.

**b. Permit Conditions**

An operating permit issued to any nonresidential activity within Zone Three that stores, handles, uses or produces any Regulated Substance shall be subject to the following conditions:

**1) Containment of Regulated Substances**

Leak-proof trays under containers, floor curbing or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any Regulated Substance loss to the external environment. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented. The owner/operator may choose to provide adequate and appropriate liquid collection methods rather than sheltering only after approval of the design by ERM. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to above-ground and underground storage areas. The containment devices and liquid collection

systems shall be certified in the operating permit application by the Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

**2) Emergency Plan**

An emergency plan shall be prepared and filed with the operating permit application indicating the procedures which will be followed in the event of spillage of a Regulated Substance so as to control and collect all such spilled material in such a manner as to prevent it from reaching any storm or sanitary drains or the ground.

**3) Inspection**

A responsible person designated by the permittee who stores, handles, uses or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

**4) Maintenance of Containment and Emergency Equipment**

Procedures shall be established for the quarterly in-house inspection and maintenance of containment and emergency equipment. Such procedure shall be in writing; a regular checklist and schedule of maintenance shall be established; and a log shall be kept of inspections and maintenance. Such logs and records shall be available for inspection by ERM.

**5) Reporting of Spills**

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to the PBCHD designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

**6) Revocation or Revision for Spill**

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit to comply with some or all the conditions applicable to Zone 2, as set forth in Article 14.B.6.C.2.b.1)-11) Permit Conditions, in addition to the Zone 3 conditions of Article 14.B.6.C.3.b.1)-7), Permit Conditions. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

**7) Permit Process**

Operating permits required by this Chapter shall be applied for and processed in accordance with Article 14.B.6.C.2.c, Permits for Existing Uses, filing an application for an operating permit or closure permits within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

**4. Zone 4**

**a. Prohibited Activities**

All nonresidential activities within Zone 4 which store, handle, use or produce any Regulated Substance are prohibited, unless they qualify as a general exemption or receive an operating permit from ERM.

**b. Permit Conditions**



An operating permit issued to any nonresidential activity within Zone 4 that stores, handles, uses or produces any Regulated Substance shall be subject to the following conditions:

**1) Inspection**

A responsible person designated by the permittee who stores, handles, uses or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

**2) Reporting of Spills**

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

**3) Revocation or Revision for Spill**

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit to comply with some or all the conditions applicable to Zone 2, as set forth in Article 14.B.6.C.2, Zone 2, and Article 14.B.6.C.2.b, Permit Conditions, in addition to those of Article 14.B.6.C.4.b.1)-4), Permit Conditions. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associate with the spill, the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

**4) Permit Process**

Operating permits required by this Chapter shall be applied for and processed by filing an application for an operating permit or closure permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida. However, a nonresidential activity in Zone 4 is not required to retain an engineer or geologist to prepare the operating permit if the revocation for spill provisions of this Chapter do not apply. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial and an application for a closure permit shall be filed with ERM within 120 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmental sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

**D. Other Requirements and Liabilities**

A notice to cease, or a permit or exemption issued under this Chapter shall not relieve the owner or operator of the obligation to comply with any other applicable federal, state, regional or local regulation, rule, ordinance or requirement. Nor shall said notice, permit, or exemption relieve any owner or operator of any liability for violation of such regulations, rules, ordinances or requirements.

**E. Domestic Wastewater and Stormwater Treatment**

**1. Sanitary Sewer Mains**

All new or replacement installations of sanitary sewer mains in Zone 1 or Zone 2 of a public drinking water wellfield shall be constructed to force main standards. Standards for installation are shown in Appendix 5, Minimum Standards for Sewer Pipe Fittings, Coatings and Leakage Testing, and shall be enforced by PBCHD through the permit process. For new wells placed in areas of existing sanitary sewers, the sewers in Zones 1 and 2 must be pressure tested at each joint, grouted and sealed with proof of testing provided to the PBCHD prior to release of the well for service.

**2. Exfiltration Systems**

No new exfiltration system shall be constructed in Zone 1 or Zone 2 of a public drinking water wellfield.

**3. Retention/Detention Ponds**

New retention or detention ponds located within wellfield zones shall comply with the criteria described in the SFWMD Management and Storage of Surface Waters Permit Information Manual IV. These criteria are enforced through the SFWMD permitting process.

**4. Percolation Ponds**

New percolation ponds for domestic wastewater treatment located within wellfield zones shall comply with the requirements for separation from public drinking water wells set forth in Chapters 62-555 and 62-610, F.A.C., and enforced by Florida Department of Environmental Protection and the PBCHD.

**5. Land Application of Domestic Wastewater Effluent**

Land application of domestic effluent or sludge within wellfield zones shall comply with the requirements for separation from public drinking water wells as set forth in Chapters 62-555, 62-610, and 62-640, F.A.C. and enforced by Florida Department of Environmental Protection and the PBCHD.

**6. Onsite Sewage Disposal Systems**

New onsite sewage disposal systems (septic tanks) located within wellfield zones shall comply with the requirements for maximum sewage loading and separation from public drinking water wells as set forth in Environmental Control Rule (ECR) I and enforced by the PBCHD.

**F. Spill Assessment and Remediation**

Upon discovery of a spill in a wellfield zone, a determination shall be made as to jurisdiction. ERM shall provide notification to the Florida Department of Environmental Protection and PBCHD including all available information pertinent to the spill. Florida Department of Environmental Protection will be responsible for determination if the spill occurrence constitutes a Resource Conservation and Recovery Act (RCRA) regulated material as defined in Chapter 62-730, F.A.C. and Title 40 CFR Part 261. If determination is made that the spill occurrence involves a RCRA regulated material, Florida Department of Environmental Protection will assume the role as lead regulatory agency in assessment and remediation. ERM will assume the role as lead agency if determination reveals a non-RCRA Regulated Substance. Upon issuance of an order by ERM, corrective action shall immediately be initiated by the responsible person. Failure to initiate corrective action shall be a violation of this Chapter. Corrective action shall include any or all of the following:

1. Cessation of the discharge and initial control, containment and recovery of free-flowing, floating or standing pollutants;
2. Removal and disposal of contaminated soils, sediments, vegetation, containers, recovery and other contaminated materials in accordance with applicable Federal, State and local regulations;
3. Assessment of the horizontal and vertical extent of soil, sediment, surface water and groundwater contamination, as well as rate and direction of migration of the contaminants; and
4. Remediation of contaminated soils, sediments, surface water and groundwater to preclude further migration of unacceptable levels of residual Regulated Substances into or through the surface water or groundwater environment. ERM shall determine necessary, reasonable measures and time frames for corrective action. The corrective action shall be completed to the satisfaction of ERM. Where State or Federal regulations establish procedures or cleanup levels for corrective action for particular discharges, the corrective action shall at a minimum comply with those procedures and cleanup levels. Completion of corrective action as specified by ERM shall not relieve the responsible person or persons of liability under any other applicable Federal, State or local regulation, rule, ordinance or requirement; nor shall it relieve the responsible person or persons of liability for corrective actions for conditions which were previously unknown to ERM, or which resulted from implementation of corrective action as required.

## **Section 7 Wellfield Protection (Operating and Closure Permits)**

The following provisions provide the requirements and procedures for the issuance of operating and closure permits required by this Chapter.

**A. General**

1. An application which satisfies the requirements of the applicable Zones of Influence Article 14.B.7.B, Applications, for operating permits and, if applicable, Article 14.B.5.A, General Exemptions, for general exemptions and Article 14.B.8, Appeals, shall be approved and a permit issued. In addition to the failure to satisfy these requirements, ERM may deny a permit based on repeated violations of this Chapter.

2. An operating permit shall remain valid provided the permittee is in compliance with the terms and conditions of the permit.
3. Permittees shall be required to pay annual permit renewal fees beginning October 1, 1990. Beginning October 1, 1990, all current and future permittees are subject to an annual permit renewal fee as established by the approved Fee Schedule. Notification to ERM under Article 14.B.6.C.2.b.9), Alterations and Expansions, Alterations and Expansions is due with the renewal fee.
4. ERM shall have the right to make inspections of facilities at reasonable times to determine compliance with this Chapter.
5. All of the facilities owned and/or operated by one person when these structures and activities are located on contiguous parcels of property even where there are intervening public or private roads, may be covered under one permit.

## **B. Applications**

### **1. Operating Permit**

All applications for operating permits shall, at the minimum, provide the following information:

- a. A list of all Regulated Substances and substances on the Generic Substance List which are to be stored, handled, used or produced in the nonresidential activity being permitted including their quantities.
- b. A detailed description of the nonresidential activities that involve the storage, handling, use or production of the Regulated Substances indicating the unit quantities in which the substances are contained or manipulated including lay out plans or drawings of the facility in which the activities will take place.
- c. A description of the containment, the emergency collection devices, containers and emergency plan that will be employed to comply with the restrictions required for Zone 2 and 3 as set forth above. For Zone 4 this particular documentation will only be required if a permit revision is required pursuant to Article 14.B.6.C.4.b.3), Revocation or Revision for Spill.
- d. A description of the daily monitoring activities that have been or will be instituted to comply with the restrictions for Zones 2, 3, and 4 as set forth above in Article 14.B.6.C.2, Zone 2.
- e. A description of the maintenance that will be provided for the containment facility, monitoring system and emergency equipment required to comply with the restrictions of Zones 2 and 3 as set forth above. For Zone 4 this particular documentation will be required if a permit revision is required pursuant to Article 14.B.6.C.4.b.3), Revocation or Revision for Spill.
- f. A description of the groundwater monitoring wells that have been or will be installed, other pertinent well construction information, and the arrangements which have been made or which will be made for certified analyses for specified Regulated Substances. For Zones 3 and 4 this particular documentation will only be required for a revised operating permit as required under Article 14.B.6.C.3.b.6), Revocation or Revision for Spill, Article 14.B.6.C.4.b.3), Revocation or Revision for Spill, and Article 14.B.13.C, Spills.
- g. Evidence of arrangements made with the appropriate designated public utility for sampling analysis of the raw water from the potable water well. For Zones 3 and 4 this particular documentation will only be required for a revised operating permit as required under Article 14.B.6.C.3.b.6), Revocation or Revision for Spill, Article 14.B.6.C.4.b.3), Revocation or Revision for Spill, and Article 14.B.13.C, Spills.
- h. An agreement to indemnify and hold PBC harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. PBC shall provide reasonable notice to the permittee of any such claims.
- i. The application for the operating permit shall be filed with ERM within 90 days of receipt of written notification from ERM.

### **2. Closure Permit**

Closure permit applications shall contain the following information:

- a. A schedule of events to complete the closure of an activity that does or did store, handle, use, or produce Regulated Substances. As a minimum, the following actions shall be addressed:
  - 1) Disposition of all Regulated Substances and contaminated containers;
  - 2) Cleanup of the activity and environs to preclude leaching of unacceptable levels of residual Regulated Substances into the aquifer; and
  - 3) Certification by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida that disposal and cleanup have been completed in a technically acceptable manner. The requirement for certification by a Professional Engineer or Geologist may be waived if the applicant provides evidence to ERM that all of the following items are applicable:

- a) The entire operation is maintained inside the building(s) of the facility;
  - b) The standard method of removing operating waste is not by septic tank, sewer mains, or floor drains;
  - c) There is no evidence of spills permeating floors or environs;
  - d) There are no outstanding or past notices of violation from any regulatory agency concerned with hazardous, industrial or special waste;
  - e) There is no evidence of past contamination in the public drinking water well(s) associated with the facility in Zone 1; and
  - f) The applicant shall provide a sworn statement that disposal and cleanup have been completed in a technically acceptable manner.
- 4) An appointment for an inspection by ERM; and
  - 5) An agreement to indemnify and hold PBC harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. PBC shall provide reasonable notice to the permittee of any such claims.
- b. The issue of well reconfiguration shall be evaluated by ERM and the affected public utility as an alternative to a closure permit during the permit application process. Should a utility notify ERM in writing that it intends to reconfigure a wellfield and said configuration no longer subjects a facility to Zone 1 and Zone 2 requirements, ERM may issue an operating permit providing conditions under which said facility may continue to operate.
  - c. The Florida Department of Environmental Protection and the PBCHD shall be advised in writing of each closure permit application.

### **3. Permit Conditions**

The permit conditions shall ensure compliance with all the prohibitions, restrictions, and requirements as set forth in this Chapter. Such conditions may include, but not be limited to, monitoring wells, periodic groundwater analysis reports, and compliance schedules. Said conditions may also include requirements in a closure permit to reduce the risk in the interim of contamination of the groundwaters, taking into account cost, likely effectiveness and degree of risk to the groundwater.

### **4. Bond Required**

Except as provided in Article 14.B.7.B.4.e, below, no permit herein required shall be issued unless there is filed at the time of application, except in the case of an application by a political subdivision or agency of the State of Florida, a cash bond, permit bond with a corporate surety, or letter of credit in the amount specified in Appendix 2, Operating and Closure Permit Bonds, attached hereto and incorporated herein.

- a. The permittee will operate its nonresidential activities and/or closure of such nonresidential activities, as applicable, in accordance with the conditions and requirements of this Chapter and permits issued hereunder.
- b. The permittee shall reimburse PBC in accordance with Article 14.B.7.B.1, Operating Permit, for any and all expenses and costs that PBC incurs as a result of the permittee failing to comply with the conditions and requirements of this Chapter.
- c. Before a bond or letter of credit is accepted by ERM as being in compliance with this Chapter, the bond or letter of credit shall be reviewed and approved by the County Attorney's Office and Contract Development and Control. A corporate bond shall be executed by a corporation authorized to do business in the State of Florida as a Surety. A cash bond shall be deposited with ERM, who shall give receipt therefore.
- d. The bond or letter of credit required by this Chapter shall be kept in full force and effect for the term of the permit and for one year after voluntary cessation of activities permitted hereunder, expiration, or revocation of the permit.
- e. No bond or letter of credit is required for issuance of a permit for the following:
  - 1) Closure of a facility, provided that the conditions listed in Art. 14.B.7.B.2.a.3), above for waiver of certification by an engineer or geologist are applicable. **[Ord. 2005-002]**
  - 2) A facility in Zone 4, unless ERM has determined that a revision of the permit is appropriate under conditions described in Article 14.B.6.C.4.b.3), Revocation or Revision for Spill or Article 14.B.13.C, Spills.
  - 3) Retail/wholesale activities which meet the conditions for this exemption set forth in Article 14.B.5.A.4.f, Retail/Wholesale Sales Activities.
  - 4) Activities subject to regulation due to the accumulation of waste Regulated Substances, provided that they comply with the conditions for this exemption set forth in Article 14.B.5.A.4.i, Activities Subject to Regulation Due to Accumulation.

### **5. Clean-up and Reimbursement**

Any person subject to regulation under this Chapter shall be liable with respect to Regulated Substances emanating on or from the person's property for all costs of removal or remedial action incurred by PBC and damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction or loss resulting from the release or threatened release of a Regulated Substances as defined in this Chapter. Such removal or remedial action by PBC may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and clean-up or disposal of Regulated Substances resulting from the spilling, leaking, pumping, pouring, emitting or dumping of any Regulated Substance or material which creates an emergency hazardous situation or is expected to create an emergency hazardous situation.

## **Section 8 Appeals**

### **A. General**

Any affected party may appeal ERM decisions set forth below, pursuant to procedures in Article 14.C, Appeals.

### **B. Matters for Review and Time for Filing**

Any person may appeal to a Hearing Officer as established in Article 17.C.7, Hearing Officers, of this Chapter for the following reasons:

1. To appeal ERM's permit conditions, denial of a permit, general exemption or non disclosure of a trade secret;
2. To appeal an intent to revoke or revise an Operating permit and a General or special exemption; and
3. To request a special exemption.

## **Section 9 Petition for Compensation**

Parties affected by the requirements of this Chapter may petition PBC for a determination of the effect of said requirements on those activities and the issue of compensation.

### **A. Filing**

A petition for compensation shall be filed with ERM. The petition shall be heard by a Hearing Officer as established in Article 17.C.7, Hearing Officers.

### **B. Contents of Petition**

A petition for compensation shall contain, as applicable, the following:

1. A copy of the closure permit required by this Chapter or the required operating permit showing the change in operation;
2. An analysis of the need to cease, move, or change operations including a summary of alternatives investigated and estimated costs of those alternatives;
3. A list of all previously issued EPA notices of violation by ERM, Florida Department of Environmental Protection or the EPA regarding use of Regulated Substances including a description of any corrective action taken or pending;
4. Detailed specification of the amount for which compensation is being requested; and
5. ERM shall review all petitions for compensation and make recommendations to the Hearing Officer regarding the reasonableness of any amounts requested by the petitioner, whether the requested compensation consists of amounts greater than the cost of any reasonable facility/operation modifications and whether the facility may potentially qualify for a special exemption. Based upon such recommendations, the Hearing Officer may deny such petition.

### **C. Hearing on Petition**

As soon as practicable after submission of a petition for compensation, but no later than 90 days, by an owner or operator of an activity, the Hearing Officer shall hold a hearing to determine the eligibility of the activity for compensation pursuant to this Chapter. Petitioner shall be given written notice by certified mail or hand delivery of such hearing at least 30 days prior to the hearing. Formal Rules of Evidence shall not apply to such hearing, but fundamental due process shall be observed and shall govern the proceedings. Petitioner and PBC shall have the right to:

1. Call and examine witnesses;
2. Introduce exhibits;
3. Cross examine witnesses on any relevant matter;
4. Rebut the evidence; and
5. Be represented by counsel.

#### **D. Review and Evaluation Criteria**

##### **1. Cessation or Move**

In determining whether the petitioner is eligible for compensation for cessation or moving, the Hearing Officer shall consider:

- a. Whether a reasonable, cost effective alternative to cessation or moving of operations exists for complying with this Chapter, including reconfiguring of the wellfield. Applicant, with the cooperation of ERM and the affected public utility, shall address the issue of reconfiguration;
- b. Whether the requirements of this Chapter were the sole reason for cessation of the operation;
- c. Past environmental record; and
- d. Efforts to mitigate financial impact of this Chapter and these corresponding regulations.

##### **2. Change In Operations**

In deciding whether a petitioner is eligible for compensation for a change in operations, the Hearing Officer shall consider:

- a. Whether the proposed change is a reasonable, cost effective method for complying with this Chapter; and
- b. Whether the requirements of this Chapter were the sole reason for the change in the operation.

#### **E. Classes of Impact for Which Compensation May Be Granted**

##### **1. Actual Reasonable Relocation Expenses**

###### **a. Examples of Reasonable or Reimbursable Relocation Costs**

The owner or operator of an affected activity may be paid the actual reasonable cost of relocation within PBC. Such amount to include the cost of:

- 1) Dismantling operation;
- 2) Actual moving;
- 3) Reassembling equipment;
- 4) Installation of equipment;
- 5) Internal connection of utilities to equipment;
- 6) Minor modification of site to accommodate operation, specifically excluding structural changes to the building or paving and drainage requirements at the site;
- 7) The additional costs which would have to be incurred to move the activity due to changed circumstances or applicable laws, ordinances or regulations; and
- 8) Any losses caused by the necessity of terminating a lease, such compensation not to exceed three months rent. Landlord and tenant are required to make a bona fide effort to mitigate this loss. This compensation shall be paid to either the landlord or the tenant, to be decided by agreement between the landlord and tenant.

###### **b. Documentation of Costs**

The eligible costs for actual reasonable relocation expenses shall be supported by two itemized and sealed bids and a detailed listing of the claimed items. The amount to be paid shall not exceed the lower of the two bids. In order to verify such information, ERM shall have the right to enter the activity's premises at reasonable times. Such bids and detailed listing of the cost shall be verified by ERM.

###### **c. Self-Moves**

In the case of a self move the owner of a relocated activity may be paid the lower of two sealed and itemized bids from licensed moving companies based on a detailed listing of the cost.

##### **2. Actual Reasonable Modification of Operation Expenses**

The owner or operator of an affected activity may be paid the actual reasonable expense to modify the operation of the activity in order to comply with this Chapter. Such amount to include cost of:

- a. Modification of machinery;
- b. Dismantling and moving unusable machinery;
- c. Uns salvageable inventory per Article 14.B.9.E.3, Actual Direct Losses of Tangible Personal Property; and
- d. Moving equipment out of a Zone 1 on the activity's property per Article 14.B.9.E.1, Actual Reasonable Relocation Expenses.

##### **3. Actual Direct Losses of Tangible Personal Property**

Actual direct losses of tangible personal property are allowed when a person closes or relocates an activity. Payment may only be made after a diligent effort is made by the owner to sell the item(s) involved.

- a. If the activity is to be re-established and an item of property to be used therewith is not moved but promptly replaced with a comparable item at the new site, reimbursement shall be either:

- 1) Replacement cost, taking into account depreciation, less the proceeds of the sale. Present value based on accepted standards in the related business community may be substituted for net proceeds of a sale where applicable; or
  - 2) Estimated cost of moving the item to the replacement site within the geographic boundaries of PBC.
  - b. If a process at the activity is being discontinued or an existing item is not to be replaced in a re-established business, payment will be either:
    - 1) The difference between fair market value as evidenced by two written appraisals of the item for continued use at its prior location less its net proceeds at the sale; or
    - 2) The estimated cost of moving the item to the replacement site within the geographic boundaries of PBC.
  - c. If a sale is not effected because no offer is received and the item is abandoned, payment for the loss may be its fair market value for continued use at its existing location plus the costs of the attempted sale, less the equipment's salvage value.
- 4. In Lieu of Actual Moving Expenses**
- In lieu of the payments described in Article 14.B.9.E.1, Actual Reasonable Relocation Expenses, Article 14.B.9.E.2, Actual Reasonable Modification of Operation Expenses, and Article 14.B.9.E.3, Actual Direct Losses of Tangible Personal Property, an owner of a discontinued activity may be eligible to receive a payment equal to 75 percent of the estimated reasonable cost of moving the activity within PBC, except that such payment shall not be more than the lower of two sealed and itemized bids, provided the following requirements are met:
- a. For the owner of an affected activity to be entitled to this payment, the Hearing Officer must determine that the business cannot be relocated without a substantial loss of its existing patronage. Such determination shall be made by the Hearing Officer only after consideration of all pertinent circumstances, including, but not limited to, the following factors:
    - 1) The type of business conducted by the displaced activity;
    - 2) The nature of the clientele of the displaced activity;
    - 3) The relative importance of the present location to the displaced activity; and
    - 4) The additional costs which would have to be incurred to move the activity due to changed circumstances or applicable laws, ordinances, or regulations.
  - b. For the owner or operator of an affected activity to be entitled to his or her payment, information must be provided to support the estimated moving costs. Such proof shall consist of two sealed bids from licensed moving companies based on a detailed inventory of the items which would be moved.
- 5. Exclusions on Moving Expenses and Losses**
- The following expenses are considered ineligible for payment as "actual" moving expenses:
- a. Additional expenses incurred because of moving to and living in a new location including search cost for finding a new dwelling;
  - b. Cost of moving structures, improvements or other real property in which the displaced activity reserved ownership;
  - c. Significant changes in building structure but not including minor electrical, plumbing or carpentry work;
  - d. Cost of improvement to activity made after such activity was on notice that it is affected by this Chapter and would have to cease or alter an operation in Zone 1;
  - e. Interest on loans to cover moving expenses;
  - f. Loss of goodwill;
  - g. Loss of business or profits or both;
  - h. Loss of trained employees; and
  - i. Cost of preparing the petition for compensation.
- 6. Payment and Release of Obligation**
- PBC shall disperse 85 percent of the compensation to be paid as determined by the Hearing Officer in advance of any move or change of operation. PBC shall retain 15 percent of the monies authorized as compensation for economic impact of this Chapter until such time as the affected activity has carried out the procedures outlined in its petition for compensation and provides evidence of such expenditures. Upon receipt of payment of compensation as provided in this Chapter, the recipient shall execute a release in favor of PBC from any further obligation to the recipient with regard to the economic impact of this Chapter on the recipient or activity.
- 7. Appeal**

PBC or the applicant seeking compensation under this Section may appeal the final decision of the Hearing Officer by filing a Petition for Writ of Certiorari in the 15th Judicial Circuit Court in and for PBC.

## **Section 10 Transfers and Changes In Ownership**

In the event, there is a change of ownership, a new lease, or an assignment of a lease, a sublease or any other change in regard to the person conducting the operation regulated, ERM shall be notified and upon payment of the appropriate fee and completion of processing of an application by ERM, the Wellfield Protection operating permit shall be transferred.

## **Section 11 Trade Secrets**

ERM shall not disclose any trade secrets of the applicant or permittee that are exempted from such disclosure by Federal or State law; provided, however, the burden shall be on the applicant or permittee to demonstrate entitlement to such nondisclosure. Decisions by ERM as to such entitlement shall be subject to challenge by the applicant or permittee by filing a petition with the hearing officer pursuant to Article 14.C, Appeals.

## **Section 12 Fees**

### **A. Filing Fee**

All applicants for a wellfield protection operating or closure permit shall pay a non-refundable filing fee as established by the approved Fee Schedule. The fee shall be provided at the time of acceptance of the permit application.

### **B. Wellfield Protection Operating Permit Fee**

The fee for a wellfield operating permit including any permit obtained pursuant to the general exemptions set forth in Article 14.B.5.A, General Exemptions, of this Chapter as established by the approved Fee Schedule. The operating fee shall be used to defray the cost of administering this Chapter.

### **C. Closure Permit Fee**

The fee for a closure permit under this regulation shall be one half of the fee for the wellfield protection operating permit as established by the approved Fee Schedule.

### **D. Permit Transfer Fee**

The fee for transfer of an operating permit or closure permit shall be as established by the approved Fee Schedule to defray the cost of processing the transfer. Application for Transfer of Permit is to be made within 60 days of transfer of ownership of the activity.

### **E. Special Exemption Fee**

A Fee shall be required for any person seeking a special exemption as established by the approved Fee Schedule.

### **F. General Exemption Fee**

A Fee shall be required for any person seeking a general exemption as established by the approved Fee Schedule.

### **G. Annual Permit Renewal Fee**

The fee for annually renewing the permit established by the approved Fee Schedule, shall be used to defray the cost of administering this Chapter. Beginning October 2, 1990, all permittees shall pay an annual permit renewal fee for each permitted facility.

### **H. Late Fee**

A late fee as established by the approved Fee Schedule, shall be paid to ERM if the application for permit or renewal is late.

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## **Section 13      Revocation and Revision of Permits and Exemptions**

### **A. Revocation**

Any permit issued under the provisions of this Chapter shall not become vested in the permittee. ERM may revoke any permit issued by it by first issuing a written notice of intent to revoke (certified mail return receipt requested, or hand delivery) if it finds that the permit holder:

1. Has failed or refused to comply with any of the provisions of this Chapter, including but not limited to permit conditions and bond requirements of Article 14.B.7.B.4, Bond Required, herein;
2. Has submitted false or inaccurate information in this application;
3. Has failed to submit operational reports or other information required by this Chapter; or
4. Has refused lawful inspection under Art. 14.B.7.A.4; **[Ord. 2005-002]**
5. Is subject to revocation under Article 14.B.6.C.2.b.11), Revocation or Revision for Spill, Article 14.B.6.C.3.b.6), Revocation or Revision for Spill, or Article 14.B.6.C.4.b.3), Revocation or Revision for Spill, of Article 14.B.13.C, Spills.

### **B. Revision**

ERM may revise any permit pursuant to Article 14.B.6.C.2.b.11, Revocation or Revision for Spill, Article 14.B.6.C.3.b.6), Revocation or Revision for Spill, and Article 14.B.6.C.4.b.3), Revocation or Revision for Spill, first issuing a written notice of intent to revise (certified mail return receipt requested, or hand delivery).

### **C. Spills**

In addition to the provisions of Article 14.B.6.C.2.b.11), Revocation or Revision for Spill, Article 14.B.6.C.3.b.6), Revocation or Revision for Spill, and Article 14.B.6.C.4.b.3), Revocation or Revision for Spill, within 30 days of acquiring knowledge of any spill of a Regulated Substance in a wellfield zone, ERM shall consider revocation or revision of the permit. Upon such consideration, ERM may issue a notice of intent to revoke or revise, which shall be subject to the appeal provisions of this Chapter, or elect not to issue such notice. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or degree of negligence, if any, associated with this spill, and the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

### **D. Revocations of Exemptions**

For any revocation or revision by ERM of a special exemption or general exemption that requires an operating permit as provided under the terms of this Chapter, ERM shall issue a notice of intent to revoke or revise which shall contain the intent to revoke or revise both the applicable exemption and the accompanying operating permit.

### **E. Notice**

The written notice of intent to revoke or revise shall contain the following information:

1. The name and address of the permittee, if any, and property owner, if different;
2. A description of the facility which is the subject of the proposed revocation or revision;
3. Location of the spill, if any;
4. Concise explanation and specific reasons for the proposed revocation or revision; and
5. A statement that "Failure to appeal a notice of intent to revoke or revise, within 20 days after the date upon which permittee receives written notice pursuant to Article 14.C, Appeals, shall render the proposed revocation or revision final and in full force and effect."

### **F. Appeals**

Failure of permittee to file a petition in accordance with the appeal provisions of this Chapter shall render the proposed revocation or revision final and in full force and effect.

### **G. Other Remedies**

Nothing in this Chapter shall preclude or be deemed a condition precedent to ERM seeking a temporary or permanent injunction.

## **Section 14      Violations, Enforcement and Penalties**

Failure to comply with the requirements of this Chapter or any permit, exemption, or approval granted or authorized hereunder shall constitute a violation of this Chapter.

## **Section 15      Groundwater And Natural Resources Protection Board (GNRPB)**

The GNRPB shall hear violations of this Chapter pursuant to Article 10.C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD. Violations of this Chapter may be referred by ERM to the GNRPB for corrective actions and civil penalties.

#### **Section 16 Additional Enforcement Measures**

In addition to the enforcement procedures set forth above, violations of the provisions of this Chapter may be enforced pursuant to F.S. §125.69. Such violations may be deemed a separate offense for each day during any portion of which any violation is committed or continued. 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 Chapter. It is the purpose of this Chapter to provide additional cumulative remedies.

#### **Section 17 PBC Pollution Recovery Trust Fund**

Funds collected pursuant to administrative penalties levied by the GNRPB for violations of this Chapter shall be deposited in the PBC Pollution Recovery Trust Fund.

### **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

#### **Section 1 General**

##### **A. Goals**

The goals of this Chapter are:

1. To avoid the unnecessary destruction of native vegetation;
2. To pursue eradication of invasive non-native vegetation;
3. To minimize adverse impacts to native vegetation during parcel improvement;
4. To mitigate the removal of native vegetation when the vegetation cannot be preserved in place or relocated under the proposed site plan; and
5. To relocate any movable native vegetation that cannot be incorporated into the site plan to a PBC approved parcel.

#### **Section 2 Definitions**

See Art. 1.I, Definitions and Acronyms

#### **Section 3 Purpose**

##### **A. This Chapter shall:**

1. Establish a program to preserve and protect native vegetation; and **[Ord. 2008-040]**
2. Prohibit the unnecessary destruction of native vegetation and require the eradication of invasive non native vegetation. **[Ord. 2008-040]**

#### **Section 4 Applicability**

- A. This Chapter shall apply within the unincorporated areas of PBC, Florida.
- B. PBC shall have regulatory authority over the alteration or removal of non native and native upland vegetation, and the establishment and maintenance of upland preserve areas.
- C. Terms specific to this Chapter are defined in Art. 1.I, Definitions and Acronyms. Terms not defined in this Chapter shall be defined pursuant to Chapter 62, F.A.C., the document entitled, "Basis of Review" (BOR),

as amended, for Applications within the South Florida Water Management District, dated November 1996, and Art. 1.I, Definitions and Acronyms, of this Code, as may be amended from time to time. In the event that a term is defined in Chapter 62, F.A.C., or the BOR, the BOR shall prevail. **[Ord. 2008-040]**

#### **Section 5 Authority**

This Chapter is adopted under the authority of F.S. Chapter 125, as amended, and the Plan, as amended. **[Ord. 2008-040]**

#### **Section 6 Approval Required Unless Exempt**

No person may alter or cause to be altered any vegetation unless such alteration is exempted by, or expressly approved by this Chapter.

## **Section 7      Application, Process, and General Standards**

### **A. Approval of Initial Construction of Single Family Residential Parcels**

All newly constructed single family residential parcels which are less than two and one-half acres in gross size will automatically receive a VRN with standard conditions as part of the building permit process. For the purposes of this Chapter, a single family residential parcel also includes a single two unit (duplex) residences and associated accessory structures, shall comply with the following standards: **[Ord. 2008-040]**

1. Removal of native vegetation shall be limited to the minimum necessary to accomplish the purpose of the site plan. A site plan that eliminates or nearly eliminates native vegetation will not be approved under this Article. **[Ord. 2008-040]**
2. Complete removal or eradication of prohibited invasive non native vegetation, as identified in Appendix 6 Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No additional permit for such maintenance of vegetation shall be required. **[Ord. 2005 – 002] [Ord. 2006-004]**  
Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for single family residences, single two unit (duplex) residences and accessory structures associated with single family residential parcels in existence as of the date of the adoption of this Chapter are void and of no effect, and all pending enforcement actions related thereto are dismissed. **[Ord. 2008-040]**

### **B. Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and Agriculture of 10 Acres in Size or Greater**

#### **1. Requirements and Process**

- a. Projects involving the development of commercial projects, government projects, schools, new construction of a utility, road right of way projects, projects requiring DRO review, and agricultural parcels of 10 acres or greater shall apply to ERM for approval of said project on forms provided by ERM. Projects that are exempt from the DRO process must make application for approval to remove native vegetation to ERM within 30 days of making application for an initial building permit for the project. **[Ord. 2008-040] [Ord. 2009-040]**
- b. An application shall not be deemed complete until the application fee and all information necessary to fully understand the extent, nature and potential impacts of a proposed project are received by ERM and approved by ERM prior to the scheduled DRO meeting. Any additional information for an application deemed insufficient at DRO meeting will not be approved until the next scheduled DRO meeting. Such information may include, but is not limited to: **[Ord. 2008-040]**
  - 1) A completed application form with the notarized signature of the parcel owner or authorized agent of the parcel owner; **[Ord. 2008-040]**
  - 2) A written explanation of the need and intent of the project and a description of construction or alteration methodologies; **[Ord. 2008-040]**
  - 3) A certified site plan or survey, where applicable, showing all easements. Both plan view and cross sectional view sketches may be required; **[Ord. 2008-040]**
  - 4) Parcel information including a location map, a recent aerial photograph with the parcel clearly delineated, and representative color photographs; **[Ord. 2008-040]**
  - 5) Identification of the type and location of native vegetation in the vicinity of, and likely to be affected by the project; **[Ord. 2008-040]**
  - 6) An Incorporated Vegetation Plan which graphically depicts the location and field tag number for each native tree and palm to remain undisturbed on the parcel during construction and the natural life of the vegetation. The Incorporated Vegetation Plan may also be required to be incorporated as a feature of the site plan; **[Ord. 2008-040]**
  - 7) A numbered tabular list of all native trees/palms surveyed, indicating the type of tree/palm the DBH or height of clear trunk if palm, and whether the parcel owner proposes to keep the tree/palm in place, relocate it, offer it for surplus, remove it or mitigate for its removal; **[Ord. 2008-040]**

- 8) A completed Vegetation Surplus Form which identifies surplus native vegetation which the parcel owner determines cannot otherwise be used on the parcel and is providing for the use of the Surplus Vegetation Program; and **[Ord. 2008-040]**
  - 9) 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 application for approval. **[Ord. 2008-037]**
  - c. Any application received that is substantially the same as a previous application that has been denied by ERM subsequent to the effective date of this Chapter shall be denied with a written response provided to the applicant stating the reason for denial. **[Ord. 2008-040]**
  - d. Any parcel where a violation of any Chapter administered by ERM has occurred, shall not be eligible for approval under this Chapter until such violation has been resolved. **[Ord. 2008-040]**
  - e. Any application containing false information, or any approval issued based upon false information, may be denied or revoked and may subject the applicant to enforcement proceedings pursuant to Article 10, ENFORCEMENT, of this Code. **[Ord. 2008-040]**
  - f. ERM shall have the right to make inspections of construction areas at reasonable times to determine compliance with this Chapter. **[Ord. 2008-037]**
- 2. Standards of Approval**
- No approval shall be issued unless the application demonstrates that the project: **[Ord. 2008-040]**
- a. Will not result in a net loss of wetland functions and values; **[Ord. 2008-040]**
  - b. Complies with water quality rules and standards set forth in Chapter 62 302, F.A.C.; **[Ord. 2008-040]**
  - c. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats; **[Ord. 2008-040]**
  - d. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat; **[Ord. 2008-040]**
  - e. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation. Existing native vegetation shall be incorporated into the site plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus. There is no requirement to provide vegetation for surplus. Non-relocatable native vegetation that cannot be maintained on the parcel shall be mitigated in accordance with Table 7.E.2.D, Tree Credit and Replacement or through planting equivalent native vegetation, accepted by ERM prior to the receipt of the Certificate of Occupancy for single unit projects or 75 percent completion of construction of multi-unit projects, based on either total square footage or number of units to be constructed. A planting plan that clearly delineates proposed mitigation plantings from any required landscape plantings must be approved by ERM prior to the issuance of the first building permit for the project. **[Ord. 2008-037] [Ord. 2008-040] [Ord. 2009-040]**
  - f. ERM shall also consider: **[Ord. 2005-002] [Ord. 2008-003]**
    - 1) Alternative designs to limit the removal of native vegetation to the minimum necessary while still allowing the applicant to accomplish the purpose of the site plan; **[Ord. 2008-040]**
    - 2) Preserving listed species in place or relocating to buffers, open space or unimproved portions of the parcel; **[Ord. 2008-040]**
    - 3) The likelihood of success for relocated native vegetation; **[Ord. 2008-040]**
    - 4) Mitigation or compensation for the loss of native vegetation; **[Ord. 2008-040]**
    - 5) Creation of a tree preservation area. **[Ord. 2008-040]**
    - 6) Off-site replacement shall be allowed only if on-site planting is not feasible due to unsuitable parcel conditions. Off-site planting shall be in or adjacent to a public park parcel or native upland area; **[Ord. 2006-036] [Ord. 2008-040]**
    - 7) In lieu of replacement planting, when on-site and off site mitigation has been exhausted or is unavailable, a donation may be made to PBC for the Natural Areas Fund. The donation amount shall be based on the average cost of the purchase, installation and maintenance for one year of an equivalent number of replacement trees; and **[Ord. 2006-036] [Ord. 2008-037]**

- 8) Sabal palms may be allowed as replacement plantings for canopy trees if approved by ERM and planted at 3:1 (palms: required replacement trees) based on Table 7.D.2.D, Tree replacement, on 10 foot centers, +/-1 foot and grouped as shown on a planting plan Table approved by ERM. **[Ord. 2006-036] [Ord. 2008-040]**
  - g. Complies with any applicable federal, state or local designated preserve, conservation or mitigation area. **[Ord. 2008-040]**
  - h. Removes or eradicates prohibited invasive non native vegetation, as identified in Appendix 6 Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No additional permit for such maintenance of vegetation shall be required. **[Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2008-040]**
- 3. Establishing Native Upland Preserves**
- All approvals for parcels equal to or greater than four acres shall be evaluated by ERM for the establishment of a native upland preserve. Parcels that have significant or unique areas of native upland vegetation, regardless of parcel size shall be required to designate a native upland preserve equivalent to at least 25 percent of the total native upland vegetation on site or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than one half acre in size. New public park facilities constructed on parcels 20 acres in size or less shall be exempt from the preserve requirements of this Chapter.
- Factors that will determine if a parcel has significant or unique areas of native vegetation include, but are not limited to the quality of the native ecosystem, overall quality of its biological diversity, the presence of listed species, the wildlife habitat, value grouping of native vegetation, and the compactness of the preserve and its proximity to other natural preserve areas and corridors. **[Ord. 2007-013] [Ord. 2008-040]**
- a. The preserve boundaries shall be designated in a certified survey submitted to ERM for approval. No easements may be located within the boundaries of the preserve. Prior to and during parcel alteration, the preserve boundaries shall be clearly marked and appropriately barricaded. Permanent preserve boundary markers shall be installed and proper documentation submitted to ERM prior to issuance of technical compliance or monitoring release, if applicable, and shall be maintained by the parcel owner in perpetuity. **[Ord. 2008-040]**
  - b. The parcel owner shall develop a Preserve Management Plan to provide long-term protection and maintenance of the values and functions of the preserve. Activities that cause degradation of the preserve are prohibited. The Preserve Management Plan shall be accepted by ERM prior to a DRO certification. ERM may provide Preserve Management Plan Guidelines. The parcel owner shall maintain the preserve in accordance with the Preserve Management Plan. Preserve Management Plan will include the requirement to maintain annual reports detailing species presences, control practices for prohibited and invasive non-native species, activity corrections to maintain compliance with the Plan, and photographs demonstrating the state of the preserve. Said annual reports shall be delivered to ERM upon request. Modifications to the Preserve Management Plan are prohibited without prior written approval by ERM. **[Ord. 2008-040]**
  - c. Preserve areas shall be identified graphically and legally described in the applicable deed restriction plat, restrictive covenant, conservation easement, or by a separate instrument to be recorded pursuant to F. S. §704.06, as amended. Said preserve 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 other governmental entity or agency. Prior to technical compliance, the plat or instrument shall be submitted to and approved by ERM, recorded in the public records of PBC, and proof of recordation shall be provided to ERM. Parcel owners are encouraged to dedicate voluntary preserves to PBC for preservation in perpetuity. PBC may enter into agreements with parcel owners to enhance private preserves. **[Ord. 2008-040]**
  - d. All vegetation listed in Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, shall be removed from the parcel and proper documentation submitted to ERM prior to issuance of the Certificate of Occupancy for single unit projects or 75 percent completion of construction of multi-unit projects, based on either total square footage or number of buildings to be constructed, unless a phasing plan has been approved in writing by ERM. In addition to the removal requirement above, the vegetation identified in Appendix 9, Invasive Non-Native Vegetation within Preserves, shall be removed from the preserve area. The

parcel owner shall thereafter maintain the parcel free of this vegetation. [Ord. 2008-040] [Ord. 2009-040]

- e. A parcel owner may mitigate for the loss of vegetation during parcel improvement by preserving additional native upland habitat or vegetation or by developing and implementing a restoration and enhancement plan for a native upland preserve. Alternative mitigation proposals that meet the purpose and intent of this Chapter may also be submitted. [Ord. 2008-040]
- f. Preserves may be dedicated off site in lieu of onsite dedication with ERM's approval. The size of the offsite preserve shall be based on the quality of the habitat or vegetation on both the parcel being improved and the parcel of the proposed preserve. The final appraised values of the parcel being improved and the parcel for the proposed preserve may also be considered. The location of the off-site preserve shall be determined prior to DRO. Prior to issuance of approval, the instrument used to dedicate an off-site preserve shall be submitted to and approved by ERM. [Ord. 2008-040]
- g. A preserve may be purchased in accordance with the following: [Ord. 2008-040]
  - 1) A parcel owner may submit a cash payment in lieu of setting aside a native upland preserve provided the following criteria are met: [Ord. 2008-040]
    - a) A written request shall be submitted to ERM prior to DRO, certification for public hearing, site plan certification, or issuance of a building construction permit, whichever occurs first; [Ord. 2008-040]
    - b) The cash payment shall be equivalent to the average per acre-appraised value, at the time of permit application, multiplied by the number of acres required to be preserved. PBC may request a second appraisal on which to base this cash payment; [Ord. 2008-040]
    - c) The cash payment shall be made payable to the PBC Natural Areas Fund and shall be submitted prior to issuance of the permit or site plan certification, whichever occurs first; and [Ord. 2008-040]
    - d) If listed species are determined to be on the parcel, the applicant must demonstrate that the proposed action will not preclude the continued survival and viability of the listed species, or a plan must be approved by all applicable agencies for relocating those species. [Ord. 2008-040]
  - 2) For bona fide agriculture, this cash payment option may allow commencement of parcel improvement prior to submittal of the cash payment provided: [Ord. 2008-040]
    - a) The parcel owner records a restricted covenant on a PBC-approved form limiting the use of the parcel to bona fide agriculture, and requiring the parcel owner to make the cash payment to PBC at the time the parcel is converted to a nonagricultural land use or is sold; [Ord. 2008-040]
    - b) The cash payment amount shall be calculated based on the appraised conversion value or actual cost, if sold, whichever is greater, of the parcel after conversion to a non-agricultural use; [Ord. 2008-040]
    - c) Upon any conversion of a parcel to non-agricultural use where a deed restriction option is used, the parcel owner shall comply with PBC requirements for an enhanced landscape buffer; [Ord. 2008-040]
    - d) The parcel owner considers increasing the upland set aside to offset any mitigation on the parcel for trees as determined by ERM; and [Ord. 2008-040]
    - e) The parcel owner may consider replanting the preserve, with appropriate vegetation, as determined by ERM in lieu of cash payment. The constructed preserve shall comply with preserve standards as required under Article 14.C.7.B.3., Establishing Native Upland Preserves. Monies collected in lieu of establishing a preserve shall be paid to PBC for the Natural Areas Fund for the management of native ecosystems. [Ord. 2008-040]
- h. **Tree Preservation Areas**

Parcels less than 4 acres or parcels greater than four acres with significant upland vegetation that may not otherwise qualify for a 25 percent set aside, may be required to provide tree preservation area(s). Factors that will determine if a parcel has significant areas of native vegetation include, but are not limited to the quality of the ecosystem, overall quality of biological diversity, the presence of listed or uncommon species, wildlife habitat value, value grouping of assemblages of native vegetation, compactness of the area, and degree of limited impact by prohibited and invasive non-native vegetation. [Ord. 2008-040]
- i. Preserves shall be maintained in compliance with standards set forth in this Chapter and the preserve management plan. Non-native vegetation shall not be introduced into the preserve.

Invasive vegetation that can alter the existing native vegetation communities by displacing native vegetation shall be removed if non-native or reduced, if native, to a level of non-interference with the growth of native vegetation. [Ord. 2008-040]

**4. Surplus Native Vegetation**

Native upland vegetation that cannot be preserved or relocated on the parcel shall be considered surplus. An applicant for an approval shall complete and attach to the application a Vegetation Surplus Form provided by ERM, and a list of the available vegetation including the species names and approximate quantity and sizes of each species to be surplus. The applicant shall prevent inadvertent destruction by physically marking available vegetation on the parcel to afford easy identification. ERM shall maintain a list of persons interested in relocating surplus native vegetation, and shall assist in finding suitable locations for this surplus vegetation. Should a parcel owner elect to participate in the Vegetation Surplus program, the vegetation shall remain available for removal, sale or donation for at least 20 working days unless a shorter time frame is approved in writing by ERM, and the parcel owner shall cooperate with relocating surplus vegetation off site. Should a parcel owner elect not to participate in the benefits of the Vegetation Surplus program, this fact shall be stated on the application. [Ord. 2008-040]

**5. Mitigation or Restoration**

- a. When native trees are removed or damaged without prior ERM approval or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with ERM approval, they shall be replaced at double the rate shown in the Table 7.D.2.D Tree Credit and Replacement. For replacement vegetation which dies other than by damage or destruction, the replacement value shall be that in Table 7.D.2.D, Tree Credit and Replacement. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. ERM may approve the planting of native vegetation equivalents other than the replacement values specified in Table 7.D.2.D, Tree Credit and Replacement. [Ord. 2008-040] [Ord. 2009-040]
- b. Alternative mitigation that meets the purpose and intent of this Chapter may be proposed for public projects on a publicly owned parcel. Alternative mitigation proposals shall be reviewed and a determination made by the County Administrator in consultation with the Director of ERM. [Ord. 2008-040]
- c. All vegetation planted to meet mitigation requirements shall be installed using best industry standards and provided with mulch, irrigation and required maintenance to insure survival in perpetuity. [Ord. 2009-040]
- d. All mitigation shall occur and proper documentation, in the form of a final planting plan, shall be submitted to ERM prior to the Certificate of Occupancy for single unit projects or 75 percent completion of construction of multi-unit projects, based on either total square footage or number of units to be constructed. [Ord. 2008-040] [Ord. 2009-040]
- e. Any mitigation plantings found to have died within 360 days of plantings shall be replaced. [Ord. 2009-040]
- f. A letter of certification of planting completion, that supports compliance with 14.C.7.B.5.c and 14.C.7.B.2.h, submitted to ERM by the registered Landscape Architect for the project prior to the issuance of the Certificate of Occupancy shall substitute for any required final inspection. [Ord. 2009-040]
- g. Any clearing activity after 1986 which cannot provide evidence of approval, will be required to restore nine trees per 1500 square feet of cleared area. [Ord. 2008-040] [Ord. 2009-040]

**C. Standards of Issuance**

No permit shall be issued unless the application demonstrates that the project:

1. Will not result in a net loss of wetland functions and values;
2. Complies with water quality rules and standards set forth in Chapter 62 302, F.A.C.;
3. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats;
4. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat;
5. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation; and
6. Complies with any applicable federal, state or local designated preserve, conservation or mitigation area.

**Section 8 Exemptions**



The following activities do not require an approval under this Chapter: [Ord. 2008-040]

**A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or Bonafide Agricultural Operations**

Vegetation alteration associated with subsequent harvesting activities, except within preserve areas or vegetated buffers, that are part of the on going activities of the existing operation, the harvesting or alteration of vegetation previously planted and cultivated for production as part of an ongoing botanical garden, botanical research center, nursery or bona fide agricultural operation is an exempt activity. Initial clearing of a parcel is not an exempt activity.

**B. Fencing**

The minimal removal of trees or understory necessary to install a fence, provided that no tree three inches or greater DBH is removed, the path cleared for the fence does not exceed five feet in width, and native vegetation is removed solely by hand.

**C. Forest Management Activities**

Selective tree removal for forest management activities as defined in the current Forest Management Plan as approved by the State of Florida Division of Forestry.

**D. Improval Parcels**

Removal of prohibited and invasive non native vegetation. The removal of dead and dying vegetation and vegetation not subject to this Chapter is also exempt, provided however, the removal complies with Article 7, LANDSCAPING, as amended.

**E. Landscape Plant Removal**

Removal or alteration, from an improved parcel, of non native vegetation installed as landscape, provided the activity complies with the requirements of Article 7, LANDSCAPING, as amended, and no removal or alteration occurs from native upland vegetation buffers, preserves, or jurisdictional wetlands.

**F. Lot Clearing Provisions**

Removal of prohibited and invasive non native vegetation required pursuant to the Lot Clearing Provision in Article 7, LANDSCAPING, as amended, or at the direction of a public law enforcement agency pursuant to necessary law enforcement activity.

**G. Mitigation or Enhancement Projects**

Activities conducted pursuant to a permit from SFWMD, Florida Department of Environmental Protection, or ERM under F. S. Chapters 403 and 373, as amended, and Chapter 62-312, F.A.C. as amended, including activities approved under an adopted Surface Water Improvement and Management Plan.

**H. Natural Emergencies**

The provisions of this Chapter may be suspended or waived by the Director of ERM during a period of officially declared emergency, such as a hurricane, windstorm, tropical storm, flood or similar disaster.

**I. Parks and Recreation**

Alterations of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves, excluding new construction or parcel improvement.

**J. Preserve Management Activities**

Preserve management activities provided that:

1. The preserve area is designated by deed restriction, plat, restrictive covenant, or conservation easement and is dedicated to a public entity or approved private conservation group for preservation in perpetuity;
2. The activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences; and
3. The preserve area has a preserve management plan approved by ERM.

**K. Pruning**

Pruning of native vegetation in non preserve areas in accordance with the American National Standards Institute, (ANSI) A 300, pursuant to Article 7.E, REVIEW, INSTALLATION AND MAINTENANCE, as revised, to allow for healthy growth, to promote safety, and to remove dead or dying vegetation, provided there is no cutting back of limbs to a point between branch collars or buds larger than one inch in diameter within the tree's crown.

**L. Utilities, Water Control, Water Management Districts, and Road R-O-W**

Alteration of vegetation is permitted within drainage easements associated with repairs to or maintenance of existing canal structures at the direction of water control districts, or water management districts within drainage easements, where the vegetation is interfering with drainage or services provided by the water control districts or water management districts. Alteration of vegetation is permitted within a utility easement, where the vegetation is interfering with services provided by a utility. Alteration of vegetation

is permitted within a road R-O-W for normal maintenance activities. Alteration associated with new construction is not an exempt activity.

**M. Survey or Other Test Required**

The necessary removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test, provided that no tree three inches or greater DBH is removed, the path cleared does not exceed five feet in width, and native vegetation is removed solely by hand. If necessary, soil sampling with a vehicle equipped with a boring apparatus may clear a path not to exceed the minimum width required to gain ingress and egress into the test sampling area. [Ord. 2009-040]

**Section 9 Removal of Prohibited Invasive Non-Native Vegetation**

Improved parcels approved or constructed on or after April 28, 1986, shall be maintained free of prohibited vegetation listed in Appendix 6, Prohibited Invasive Non-Native Vegetation. [Ord. 2008-040]

**Section 10 Fees**

Fees shall be required as established by resolution of the BCC. Fees shall be non-refundable and non-transferable. An administrative fee may be required where projects require specific detailed site plan assistance by PBC or where site plans change after initial review. Application fees paid by check shall be payable to the BCC. [Ord. 2008-040]

**Section 11 Appeals**

**A. Hearing Officer**

An applicant for any approval may appeal a final determination made by the Director of ERM to a Hearing Officer as established in Article 17.C.7, Hearing Officers, of this Code pursuant to this Chapter. The applicant shall comply with the following appeal procedures. [Ord. 2008-040]

**1. Submittal**

A written appeal must be made within 20 days of the applicant's receipt of the decision by the Director of ERM. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the applicant seeks to rely. Failure to file within such time frame shall constitute a waiver of a person's right of review by the Hearing Officer.

**2. Hearing**

The appeal shall be reviewed at a hearing by the Hearing Officer within 60 working days of ERM's receipt of a request and a \$50.00 filing fee. The applicant will receive notice of the hearing no less than 15 working days in advance of the hearing. At the hearing, the Hearing Officer shall provide the applicant and the Director of ERM, or their respective legal representatives, an opportunity to present testimony and evidence, provided such information was part of the review before the Director of ERM. All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. The Hearing Officer in his or her discretion, may exclude irrelevant, immaterial or unduly repetitious evidence, but all conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form. The Hearing Officer shall reverse the decision of the Director of ERM only if there is substantial competent evidence in the record that the Director of ERM erred in applying the standards of this Chapter. The Hearing Officer shall enter a decision by written order not less than ten days following conclusion of the hearing. The order shall include findings of fact and conclusions of law and shall be deemed final administrative action. An applicant or ERM may appeal a final decision of the appeal board within 30 days of the rendition of the decision. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC. The Court shall be limited to appellate review of the record created before the Hearing Officer and may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. §119.07 as amended from time to time.

**3. Judicial Relief**

An applicant or ERM may appeal a final written order to the Circuit Court of the Fifteenth Judicial Circuit in and for PBC. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review of the record created before the Hearing Officer. PBC may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with F.S. §119.07, as amended from time to time.

## Section 12 Violations

### A. Violations

A violation shall be:

1. The alteration or removal of up to 1,500 square feet of native vegetation without an approval from ERM, unless expressly exempt under this Chapter. Alteration or removal of each additional 1,500 square feet of native vegetation or portion thereof in violation of this Chapter shall constitute a separate and additional violation. **[Ord. 2008-040] [Ord. 2009-040]**
2. Failure to comply with a condition of an approval issued by ERM pursuant to this Chapter or a requirement of a Preserve Management Plan approved by ERM. Each condition or requirement violated and each occurrence of a violation shall constitute as a separate violation. **[Ord. 2008-040]**
3. Failure to comply with the requirements of this Chapter or any approval granted or activity authorized hereunder.
4. Failure to comply with an ERM Wetlands Alteration Permit issued prior to the effective date of March 1, 1998.
5. Planting prohibited invasive non-native vegetation.
6. Planting non-native vegetation within a preserve.
7. Conversion of a parcel cleared for bonafide agriculture to another use prior to use as agriculture.
8. Introduction of structures, grade changes, debris or utilities into a preserve without approval by ERM. **[Ord. 2006-036]**

### B. Enforcement

1. To enforce compliance with this Chapter, the County may issue a cease and desist order or require that a building permit or CO be withheld. A violation of this Chapter shall be punishable by one or more of the following: **[Ord. 2008-040]**
  - a. Remedies outlined in Article 10, ENFORCEMENT, of the Code; **[Ord. 2008-003] [Ord. 2008-040]**
  - b. Any applicable remedies under F.S. Chapters 125 and 162, as amended; **[Ord. 200-003]**
  - c. 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 Chapter; and **[Ord. 2008-003] [Ord. 2008-040]**
  - d. ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior to, and with obligations beyond, the effective date of this Chapter, except that violations of single-family dock permits issued pursuant to the agreement between PBC and the USACOE (adopted as Resolution R89-120 and dated January 24, 1989), shall be referred to the USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the event the DEP directs ERM to enforce a violation of a permit issued under the mangrove delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement provisions herein, in addition to any State-mandated enforcement provisions, shall apply.

### C. Pollution Recovery Trust Fund

All monies collected as civil penalties for violations of this Chapter shall be paid to PBC for the Pollution Recovery Trust Fund.

### D. Restoration

Properties cleared after 1986 without evidence of or in contradiction to approval will be required to restore nine trees per violation. **[Ord. 2008-040]**

## Section 13 Natural Areas and Preserve Areas

### A. Natural Areas

Planned developments shall be designed to mitigate the negative impacts of development intensity and density upon natural areas as defined in PBC Ordinance 94 13, and parcels designated as preserve areas according to this Chapter. Proposed development shall not negatively impact the native ecosystem of any adjacent natural areas and shall comply with the criteria established in Article 14, ENVIRONMENTAL STANDARDS, for natural areas and other applicable environmental ordinances. The applicant shall work in cooperation with the PZB and ERM to establish mutually acceptable alternatives to protect the natural area, including but not limited to:

1. The prohibition of certain land uses; and

2. A reduction in the building intensity near natural areas and preserve areas by the creation of a minimum 50 foot buffer zone.

**B. Special Preservation Protection Standards**

Lake Worth Lagoon and Loxahatchee River buffers - A 50 foot native vegetation buffer shall be preserved along the Lake Worth Lagoon, and that portion of the Loxahatchee River which lies outside the Jonathan Dickinson State Park Greenline Overlay, depicted in Map LU 3.1, Special Planning Areas, of the Plan. The purpose of the native vegetation buffer is to preserve native vegetation along the two waterways and to decrease the impact of storm-water activities on the two waterways. Restrictions may be imposed on development by ERM to conserve native vegetation within the buffer and reduce hydrological impacts to the two waterways. **[Ord. 2005 – 002]**

1. If native vegetation exists within the 50 foot conservation buffer, then restrictions may be imposed by ERM within the buffer to address the following issues: **[Ord. 2005 – 002]**
  - a. Visual encroachment;
  - b. Edge effects;
  - c. Exotic pest plant invasions;
  - d. Interference with prescribed burns in natural areas; **[Ord. 2005 – 002]**
2. If native vegetation does not exist within the 50 foot buffer, then restrictions may be imposed by ERM within the buffer to address the following issues: **[Ord. 2005 – 002]**
  - a. Hydrological impacts; **[Ord. 2005 – 002]**
  - b. Any other specific site development regulations required by this Code.
3. In addition to any of the restrictions listed above, ERM may also require: **[Ord. 2005 – 002]**
  - a. development to be clustered away from natural or preserve areas; or **[Ord. 2005 – 002]**
  - b. buffer or preserve areas to be added adjacent to existing natural and preserve areas; or **[Ord. 2005 – 002]**
  - c. a combination of these alternatives. **[Ord. 2005 – 002]**ERM shall strive to minimize parcel alterations near natural and preserve areas. **[Ord. 2005 – 002]**
4. The addition of a buffer or preserve areas adjacent to existing natural areas and preserve areas. Additionally, all effort shall be made to minimize parcel alterations near natural areas and preserve areas.

## **CHAPTER D PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE**

### **Section 1 Purpose and Intent**

- A. It is the intent of this Chapter to require removal and control of prohibited invasive non native vegetation.
- B. It is the intent of this Chapter to protect natural areas from unwanted seed sources from outside the natural areas.

### **Section 2 Definitions**

See **Art. 1.1**, Definitions and Acronyms

### **Section 3 Applicability**

- A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas of PBC, except to the extent of conflict with a municipal ordinance, in which case the municipal ordinance will prevail over this Chapter in accordance with Article 1, Section 1.3 General Provisions of the Charter of PBC.

### **Section 4 Authority**

This Chapter is adopted under the authority of F.S. Chapter 125, and the Plan, as amended. ERM shall administer the requirements of this Chapter. **[Ord. 2008-040]**

### **Section 5 Protection of Natural Areas:**

- A. The County will establish by geographical information system reference, a 500 foot buffer area around all natural areas listed on Appendix 10, Natural Areas. Maps of the natural areas including buffers shall be on file and maintained by ERM and made available to the public. **[Ord. 2008-040]**

- B. Natural areas acquired by the BCC using the Conservation Lands Bond Fund shall be added to Appendix 10 pursuant to a duly noticed public hearing. **[Ord. 2008-040]**
- C. Any individual, organization, or governmental entity owning or controlling a natural area may request an addition to Appendix 10, Natural Areas, by petitioning ERM. The petition shall include a description and map of the proposed addition, written justification for listing, a copy of the management plan, if available, and proof of notice to parcel owners within the proposed buffer of the natural area. ERM recommended additions to Appendix 10, Natural Areas, or changes to the size of the buffer area may be approved by the BCC following a duly noticed public hearing.
  - 1. For publicly owned natural areas, there is no minimum size for listing.
  - 2. For privately owned natural areas, there must be a minimum of 10 acres of natural area unless determined by ERM to be a highly significant natural area including scrub, wetlands or mangrove communities and maintained under a management plan approved or accepted by ERM.

## **Section 6 Removal of Prohibited Invasive Non-Native Vegetation**

- A. By January 1, of the applicable year provided on Appendix 11, Prohibited Vegetation Removal Schedule, a parcel owner of a property located within the 500 foot buffer area around each natural area listed in Appendix 10 shall remove or caused to be removed or eradicated, the prohibited invasive non native vegetation as listed on Appendix 11, Prohibited Vegetation Removal Schedule, unless an exemption is provided under Article 14.D.7, Exemptions, of this Chapter. **[Ord. 2008-040]**
- B. For parcels located outside the 500 foot buffer area around each natural area listed in Appendix 10, a parcel owner shall remove or cause to be removed old world climbing fern and air potato as listed in Appendix 11, Prohibited Vegetation Removal Schedule, unless an exemption is provided under Article 14.D.7, Exemptions, of this Chapter. **[Ord. 2008-040]**
- C. Upon removal of prohibited invasive non native vegetation under this Chapter or any other ordinance requiring removal of this nuisance vegetation, the parcel owner shall maintain the parcel free of prohibited invasive non native vegetation.
- D. In accordance with Article 14.C.9, improved parcels located in unincorporated Palm Beach County, approved or constructed on or after April 28, 1986, shall be maintained free of prohibited vegetation listed in Appendix 6, Prohibited Invasive Non-Native Vegetation. The applicable year as described in Article 14.D.6.A and provided in Appendix 11, does not apply to these parcels, instead parcel owners of these improved parcels shall immediately and perpetually maintain them free of all Prohibited Invasive Non-native Vegetation. **[Ord. 2008-040] [Ord. 2009-040]**
- E. Planting or installation of this vegetation is prohibited. **[Ord. 2008-040]**

## **Section 7 Exemptions**

- A. For parcels impacted by greater than 30 percent coverage of prohibited invasive non native vegetation or parcels containing 100 acres or greater in size, a management plan may be approved by ERM to space the eradication rate over an extended period. To be eligible for this approval, the management plan must be provided to, and approved by ERM, and eradication begun prior to the required date for removal or eradication of the prohibited invasive non native vegetation addressed in the plan.
- B. For parcels or portions of parcels that necessitate phased removal or eradication of prohibited invasive non native vegetation in response to a documented need for maintenance of existing wildlife values, a management plan may be approved by ERM to extend the time for removal.

## **Section 8 Enforcement**

- A. Violations of this Chapter shall be:
  - 1. Failure of a parcel owner to remove or eradicate Vegetation in accordance with Art. 14.D.6.A and D, Removal of Prohibited Invasive Non-Native Vegetation. **[Ord. 2008-040] [Ord. 2009-040]**
  - 2. Failure of a parcel owner to maintain non exempt parcels free of prohibited invasive non-native vegetation in accordance with Art. 14.D.6.B, of this Chapter.
  - 3. Failure of a parcel owner to comply with a non compliance or notice of violation time frame as described in Article 14.D.8.B.3, and Article 14.D.8.B.4. **[Ord. 2008-040]**
- B. The following are procedures which are to be followed for compliance and enforcement with this Chapter:
  - 1. Inspection of a parcel to determine the possible location of prohibited invasive non native vegetation.
  - 2. Preparation and provision of an information notice informing the parcel owner of prohibited invasive non native vegetation on the parcel and instructions for the removal or eradication of the vegetation and a time frame provided for compliance. A follow up inspection is conducted.

3. Preparation and provision of a non compliance notice to the parcel owner concerning the possible violation of this Chapter, including a stated time frame of 30 days for compliance. **[Ord. 2008-040]**
  4. Preparation and provision of a notice of violation to the parcel owner concerning the possible violation of this Chapter and failure to comply with the non compliance notice, including a stated time frame of 30 days for compliance. **[Ord. 2008-040]**
  5. Preparation and provision of a Notice of Hearing to the parcel owner concerning the possible violation of this Chapter, failure to comply with a notice of violation, and an order to appear before the Groundwater and Natural Resources Protection Board (GNRPB).
  6. The decision of the GNRPB, which may include corrective actions and civil penalties in the maximum amount of \$1000.00 per day, per violation, shall be the final administrative action on behalf of ERM and PBC. Any person who is a party to the proceeding before the GNRPB may appeal to the Circuit Court of PBC in accordance with applicable Florida Appellate Rules.
- C. Additional remedies for enforcement include any applicable remedies under F.S. Chapters 125 and 162, as amended, and other legal action, including but not limited to, administrative action and requests for temporary and permanent injunctions to enforce the provisions of this Chapter. **[Ord. 2008-040]**
- D. In order to provide an expeditious settlement that would be beneficial to the enforcement of this Chapter 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 consent agreement between ERM on behalf of PBC, by and through its Director, and any such alleged violators, and shall be approved as to form and legal sufficiency by the County Attorney's Office. The agreement can be entered into at any time prior to the hearing before the GNRPB.
1. Conditions. Such consent agreements may be conditioned upon a promise by the alleged violator to:
    - a. Remove or eradicate prohibited invasive non-native vegetation and maintain the parcel free of this vegetation, and
    - b. Remit payment of a monetary settlement not to exceed the maximum amount allowed per violation, as set forth in this Chapter, and
    - c. Remit payment for costs and expenses of the PBC for investigation and enforcement, and
    - d. Any other remedies and corrective action deemed necessary and appropriate by the Director of ERM to ensure compliance with this Chapter.
  2. The consent agreement shall not serve as evidence of a violation of this Chapter and shall expressly state that the alleged violator neither admits nor denies culpability for the alleged violations by entering into such agreement. In addition, prior to entering into any such consent agreement, each alleged violator shall be apprized of the right to have the matter heard by the GNRPB in accordance with the provisions of this Chapter, and that execution of the agreement is not required.
  3. The consent agreement shall be valid and enforceable in a court of competent jurisdiction in PBC and shall abate any enforcement proceedings available to ERM for so long as the terms and conditions of such agreement are complied with. In the event the alleged violator fails to comply with the terms and conditions set forth in the executed agreement, the Director of ERM may either:
    - a. Consider the consent agreement void and pursue any remedies available for enforcement of the applicable provisions of this Chapter; or
    - b. Initiate legal proceedings for specific performance of the consent agreement.
- E. All monies collected pursuant to violations of this Chapter whether from consent agreement or the GNRPB shall be deposited in the PBC Pollution Recovery Trust Fund.

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## APPENDIX 1 GENERIC SUBSTANCES LIST

Acid and basic cleaning solutions	Medical, pharmaceutical, dental, veterinary and hospital solutions
Antifreeze and coolants	Mercury and mercury compounds
Arsenic and arsenic compounds	Metals finishing solutions
Bleaches, Peroxides	Oils
Brake and transmission fluids	Paints, primers, thinners, dyes, stains, wood preservatives,
Brine solution	varnishing and cleaning compounds
Casting and Foundry chemicals	Painting solvents
Caulking agents	PCBs
Cleaning solvents	Pesticides and herbicides
Corrosion and rust prevention solutions	Plastic resins, plasticizer and catalysts
Cutting fluids	Photo development chemicals
Degreasing and parts cleaning solvents	Poisons
Disinfectants	Polishes
Electroplating solutions	Pool chemicals
Explosives	Processed dust and particulates
Fertilizers	Radioactive sources
Fire Extinguishing chemicals	Reagents and standards
Food processing wastes	Refrigerants
Formaldehyde	Roofing chemicals and sealers
Fuels and additives	Sanitizers, disinfectants, bactericides and algacides
Glues, adhesives and resins	Soaps, detergents and surfactants
Greases	Solders and fluxes
Hazardous waste	Stripping compounds
Hydraulic fluid	Tanning industry chemicals
Indicators	Transformer and capacitor oils/fluids
Industrial and commercial janitorial supplies	Waste oils and antifreeze
Industrial process chemicals	Water and wastewater treatment chemicals
Industrial sludges and still bottoms	
Inks, printing and photocopying chemicals	
Laboratory chemicals	
Liquid storage batteries	
<b>Note:</b> Substances in this table may be adjusted by ERM.	

## APPENDIX 2 OPERATING AND CLOSURE PERMIT BONDS

	Zone 1	Zone 2	Zone 3
Cash bond	\$20,000	\$10,000	\$5,000
Permit Bond With Corporate Surety	\$20,000	\$10,000	\$5,000
Letter of Credit	\$20,000	\$10,000	\$5,000
<b>* Note:</b> Amounts reflected in this table are for each Operating and Closure Permit issued and may be adjusted by ERM.			

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### **APPENDIX 3 BEST MANAGEMENT PRACTICES FOR THE CONSTRUCTION INDUSTRY**

- A. The general Contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any Regulated Substances. For instance, handling Regulated Substances in the proximity of water bodies or wetlands may be improper.
- B. If any Regulated Substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. Any storage container of 55 gallons, or 440 pounds, or more containing Regulated Substances shall have constructed below it an impervious containment system constructed of materials of sufficient thickness, density and composition that will prevent the discharge to the land, groundwaters, or surface waters, of any pollutant which may emanate from said storage container or containers. Each containment system shall be able to contain 150 percent of the contents of all storage containers above the containment system.
- C. Each contractor shall familiarize him/herself with the manufacturer's safety data sheet supplied with each material containing a Regulated Substance and shall be familiar with procedures required to contain and clean up any releases of the Regulated Substance. Any tools or equipment necessary to accomplish same shall be available in case of a release.
- D. Upon completion of construction, all unused and waste Regulated Substances and containment systems shall be removed from the construction site by the responsible contractor and shall be disposed of in a proper manner as prescribed by law.

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## APPENDIX 4 ORGANIC PRIORITY POLLUTANTS

endrin	bromobenzene
lindane (g-BHC)	bromomethane
methoxychlor	chlorobenzene
toxaphene	chloroethane
2, 4-D	p-chlorotoluene
2, 4, 5-TP	chloromethane
bromodichloromethane	dibromomethane
dibromochloromethane	dichlorodifluoromethane
bromoform	1,1-dichloroethane
chloroform	trans-1, 3-dichloropropene
trichloroethene	cis-1, 2-dichloroethane
tetrachlorethene	1, 2-dichloropropane
carbon tetrachloride	1, 3-dichloropropane
vinyl chloride	2, 2-dichloropropane
1, 1, 1-trichloroethane	cis-1, 3-dichloropropane
1, 2-dichloroethane	ethylbenzene
benzene	methylene chloride
ethylene dibromide	1, 1, 2-trichloroethane
p-chlorobenzene	trichlorofluoromethane
1, 1-dichloroethene	1, 2, 3-trichloropropane
styrene	toluene
m-dichlorobenzene	m-xylene
o-dichlorobenzene	o-xylene
1, 2-dibromo-3-chloropropane (DBCP)	p-xylene
1, 1, 1, 2-tetrachloroethane	bis (2-ethylhexyl) phthalate
1, 1, 2, 2-tetrachloroethane	butyl benzyl phthalate
methyl tert-butyl-ether (MTBE)	di-n-butylphthalate
1, 1-dichloropropene	diethylphthalate
o-chlorotoluene	dimethylphthalate
aldrin	2, 4-dinitrotoluene
chloradane	dioctylphthalate
dieldrin	hexachlorocyclopentadiene
heptachlor	isophorone
aldicarb	2, 3, 7, 8-tetrachlorodibenzo-p-dioxin
aldicarb sulfoxide	1, 2, 4-trichlorobenzene
aldicarb sulfone	PCB-1016
dalapon	PCB 1221
carbofuran	PCB-1232
oxymyl	PCB-1242
simine	PCB-1248
atrane	PCB-1254
picloram	PCB-1260
dinoseb	2-chlorophenol
alachlor	2-methyl - 4, 6-dinitrophenol
metolachlor	phenol
dicamba	2, 4, 6-trichlorophenol
pentachlorophenol	

### Inorganic Priority Pollutants

Mercury	Lead
Cadmium	Arsenic
Chromium	Selenium
Nickel	Cyanide
<b>Note:</b> Parameters reflected in this table may be adjusted by ERM.	

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## APPENDIX 5 MINIMUM STANDARDS FOR SEWER PIPE FITTINGS

### A. Ductile Iron Pipe and Fittings for Gravity Sewer and Force Main Application

1. Ductile iron pipe shall conform to the requirements of ANSI/AWWA C151/A21.52-86 unless otherwise noted on the plans. The pipe shall be Class 50 thickness for pipe six inches or larger in size and Class 51 for pipe smaller than six inches. Glands for mechanical joints shall be of ductile iron or cast iron.
2. Fittings shall conform to the requirements of ANSI/AWWA C110/A21.10-87. Fittings 12 inches and smaller shall have a 250 psi minimum working pressure.
3. Flanged ductile iron pipe shall be Class 53. Flanged ductile iron pipe and fittings shall have threaded flanges, unless otherwise noted on the drawings, and shall conform to ANSI/AWWA C115/A21.15-83. All flanges shall be Class 1560, ANSI B16.5. All above grades flanges shall be flat faced unless they are mating up to existing, or otherwise, specified, raised flanges. All gaskets shall be full faced 1/8" red rubber.
4. Joints shall conform to the requirements of ANSI/AWWA C111/A21.11-85

### B. Polyvinyl Chloride Pipe (PVC) and Fittings for Gravity and Sewer Force Main Applications

#### 1. Gasketed Joint Pipe

- a. Pipe four inches or larger in diameter shall conform to the requirements as set forth in AWWA C900-81 with dimension ratio DR 18. Provisions must be made for contraction and expansion at each joint, or with a rubber ring and an integral bell as part of each joint, or by a rubber ring sealed coupling. Clean, reworked material generated from the manufacturer's own pipe production may be used. Fittings shall be cast or ductile iron. Pipe shall have cast iron pipe equivalent outside dimensions.
- b. Pipe smaller than four inches in diameter shall conform to Commercial Standard CS 256 and ASTM D-22141. Provisions shall be made for contraction and expansion at each joint with a rubber ring, and an integral bell as part of each joint, or by a rubber ring sealed coupling. Pipe shall be made from SOR 21, 200 psi clean, virgin NSF approved Type I, Grade 1 PBC conforming to ASTM D 1784. Clean reworked material generated from the manufacturer's own pipe production may be used. Fittings for pipe smaller than four inches in diameter shall be PVC.

### C. Coatings

The lining material for ductile iron pipe and fittings shall be virgin polyethylene complying with ANSI/AWWA D1248, compounded with an inert filler and with sufficient carbon black to resist ultraviolet rays during above ground storage of the pipe and fittings. The polyethylene shall be bonded to the interior of the pipe or fitting by heat.

### D. Leakage Tests

The test shall be of two hour duration. During the test, the pipe being tested shall be maintained at a pressure of not less than 150 psi. Leakage is defined as the quantity of water added to the pipe being tested during the test period. No pipe installation will be accepted if the leakage exceeds the quantities specified in AWWA C-600, Sec. 4.2. No more than 500 feet of gravity sewer main or 1000 feet of force main shall be tested at one time.

### E. Manholes

Manholes shall be precast and coated with an inert impervious material. Manhole inlets and outlets shall be tightly sealed around the sewer pipe and coated to prevent leakage.

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## APPENDIX 6 PROHIBITED INVASIVE NON-NATIVE VEGETATION

COMMON NAME	SCIENTIFIC NAME	TYPE
Melaleuca, punk tree or paper tree	<i>Melaleuca quinquenervia</i>	Tree
Brazilian pepper	<i>Schinus teribinthifolius</i>	Tree
Australian pine	<i>Casuarina</i> spp.	Tree
Earleaf acacia	<i>Acacia auriculiformis</i>	Tree
Kudzu	<i>Pueraria montana</i> (P. Lobata)	Vine
climbing fern	<i>Lygodium</i> spp.	Vine
Air potato vine	<i>Dioscorea bulbifera</i>	Vine
Carrotwood	<i>Cupaniopsis anacardioides</i>	Tree
Schefflera	<i>Schefflera actinophylla</i>	Tree

## APPENDIX 7 INVASIVE NON-NATIVE VEGETATION

COMMON NAME	SCIENTIFIC NAME	TYPE
Banyan	<i>Ficus bengalensis</i>	Tree
Bishop-wood	<i>Bischofia javanica</i>	Tree
Cat's claw	<i>Mimosa pigra</i>	Shrub
Chinese tallow tree	<i>Sapium sebiferum</i>	Vine
Portia tree or Seaside mahoe	<i>Thespesia populnea</i>	Tree
Downy rose myrtle	<i>Rhodomyrtus tomentosus</i>	Shrub
Jasmine	<i>Jasminum dichotomum</i>	Shrub
Java plum	<i>Syzygium cumini</i>	Tree
Lather leaf	<i>Colubrina asiatica</i>	Vine
Lofty Fig	<i>Ficus altissima</i>	Tree
Mahoe	<i>Hibiscus tiliaceus</i>	Tree
Shoebuttom ardisia	<i>Ardisia solanaceae</i>	Shrub
Woman's tongue	<i>Albizia lebbek</i>	Tree

## APPENDIX 8 SPECIMEN TREE LIST

COMMON NAME	SCIENTIFIC NAME	TRUNK SIZE (in inches)	
		dbh	circumference
Bald Cypress	<i>Taxodium distichum</i>	13	42
Dahoon Holly	<i>Ilex cassine</i>	4	13
FL Strangler Fig	<i>Ficus aurea</i>	25	78
Green Buttonwood	<i>Conocarpus erecta</i>	13	42
Gumbo Limbo	<i>Bursera simaruba</i>	13	41
Laurel Oak	<i>Quercus laurifolia</i>	18	56
Live Oak	<i>Quercus virginiana</i>	23	72
Mahogany	<i>Swietenia mahogani</i>	14	43
Pond Cypress	<i>Taxodium ascendens</i>	13	42
Red Bay	<i>Persea borbonia</i>	14	43
Red Maple	<i>Acer rubrum</i>	13	40
Red Mulberry	<i>Morus rubra</i>	14	43
Sand Pine	<i>Pinus clausa</i>	9	27
Seagrape	<i>Coccoloba uvifera</i>	10	32
Slash Pine	<i>Pinus elliotii</i> var. <i>densa</i>	14	45
Southern Red Cedar	<i>Juniperus silicicola</i>	20	64
Swamp Bay	<i>Persea palustris</i>	14	43
Sweet Bay	<i>Magnolia virginiana</i>	12	38

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# APPENDIX 9 INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES

COMMON NAME	SCIENTIFIC NAME	TYPE
Arrowhead vine	<i>Syngonium podophyllum</i>	Vine
Asparagus fern	<i>Asparagus densiflorus</i>	Ground cover
Banyan	<i>Ficus bengalensis</i>	Tree
Beach naupaka	<i>Scaevola sericea</i>	Shrub
Bishop-wood	<i>Bischofia javanica</i>	Tree
Caesar weed	<i>Urena lobata</i>	Shrub
Cat's claw	<i>Mimosa pigra</i>	Shrub
Cat's claw vine	<i>Macfadyena unguis-cati</i>	Vine
Castor bean	<i>Ricinus communis</i>	Herb
Chinese tallow tree	<i>Sapium sebiferum</i>	Vine
Downy rose myrtle	<i>Rhodomyrtus tomentosus</i>	Shrub
Gold Coast Jasmine	<i>Jasminum dichotomum</i>	Shrub
Guava	<i>Psidium guajava</i>	Tree
Java plum	<i>Syzygium cumini</i>	Tree
Lather leaf	<i>Colubrina asiatica</i>	Vine
Laurel fig	<i>Ficus microcarpa</i>	Tree
Lead tree	<i>Leucaena leucocephala</i>	Tree
Lofty fig	<i>Ficus altissima</i>	Tree
Mahoe	<i>Hibiscus tiliaceus</i>	Tree
Mother-in-law tongue	<i>Sansevieria hyacinthoides</i>	Ground cover
Pothos	<i>Epipremnum pinnatum</i>	Vine
Portia tree or Seaside mahoe	<i>Thespesia populnea</i>	Tree
Rosary pea	<i>Abrus precatorius</i>	Vine
Shoebuttan ardisia	<i>Ardisia solanaceae</i>	Shrub
St. Augustine	<i>Stenotaphrum secundatum</i>	Grass
Strawberry Guava	<i>Psidium cattleianum</i>	Tree
Stinking passion vine	<i>Passiflora foetida</i>	Vine
Surinam cherry	<i>Eugenia uniflora</i>	Shrub
Tuberous sword fern	<i>Nephrolepis cordifolia</i>	Ground cover
Two leaf nightshade	<i>Solanum diphyllum</i>	Shrub
Wedelia	<i>Wedelia trilobata</i>	Vine
Wild balsam apple	<i>Momordica charantia</i>	Vine
Woman's tongue	<i>Albizia lebeck</i>	Tree
Winged Yam	<i>Dioscorea alata</i>	Vine
[Ord. 2005 – 002]		

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## APPENDIX 10 NATURAL AREAS

The following are ultimate boundaries of natural areas acquired under the 1991 Sensitive Lands or 1999 Conservation Lands bond issues as listed in Resolution 99-1073 as well as natural areas acquired by other governmental entities in PBC. Maps of each area are designated by Range, Township and Chapter with its associated 500 foot buffer and are on file at ERM for inspection.

### INCORPORATED PALM BEACH COUNTY

<b>Boca Raton:</b>	Blazing Star Preserve (R42 T47 S25) [Ord. 2006-036] Cypress Knee Slough Preserve (R42 T47 S23-24) Florida Atlantic University Ecological Site (R42 T47 S12/13; R43 T47 S07/18) Gopher Tortoise Preserve (R43 T46 S32) Gumbo Limbo Environmental Complex & Red Reef Park Dune (R43 T47 16/21) Pond Hawk Natural Area (R42 T47 S12) Rosemary Ridge Preserve (R43 T46 S32) Serenoa Glade Preserve (R42 T47 S24) South Beach Park Dune (R43 T47 S21) Yamato Scrub Natural Area (R43 T46 S31; R43 T47 S06)
<b>Boynton Beach:</b>	Rosemary Scrub Natural Area (R43 T45 S09/16) Seacrest Scrub Natural Area (R43 T46 S04)
<b>Delray:</b>	Delray Oaks Natural Area (R43 T46 S30) Leon Weeks Preserve (R43 T46 S29)
<b>Highland Beach:</b>	Highland Beach Mangrove Preserve (R43 T46 S33)
<b>Hypoluxo:</b>	Hypoluxo Scrub Natural Area (R43 T45 S10)
<b>Juno:</b>	Juno Dunes Natural Area (R43 T41 S20/21/28/29)
<b>Jupiter:</b>	Delaware Scrub Natural Area (R42 T41 S02) [Ord. 2006-036] Jupiter Ridge Natural Area (R43 T41 S07/08/17/18)  Limestone Creek Natural Area (R42 T41 S03) North Jupiter Flatwoods Natural Area (R42 T40 S32/33) Riverbend Park (R42 T40 S32/33; R42 T41 S05/06/07/08/17) Lake Park Scrub Natural Area (R43 T42 S20)
<b>Lake Park:</b>	
<b>North Palm Beach:</b>	John D. MacArthur Beach State Park (R43 T42 S10/15)
<b>Ocean Ridge:</b>	Ocean Ridge Hammock Park (R43 T45 S22) Ocean Ridge Natural Area (R43 T45 S27) [Ord. 2008-040]
<b>Palm Beach:</b>	Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15)
<b>Palm Beach Gardens:</b>	Frenchman's Forest Natural Area (R43 T41 S32) Hungryland Slough Natural Area (R41 T41 S19/20/28/29/30/31/32/33) Loxahatchee Slough Natural Area -includes Sandhill Crane (R41 T41 S23/24/25/26/27/34/35/36; R41 T42 S01/02/11/12/13; R42 T41 S19/28/29/30/31/32; R42 T42 S05/06/07/08/09/16/17) Prosperity Oaks Natural Area (R43 T42 S05)
<b>Royal Palm Beach:</b>	Royal Palm Beach Pines Natural Area (R41 T43 S15/16)
<b>West Palm Beach:</b>	Winding Waters Natural Area (R42 T42 S35) Grassy Waters Preserve (R42 T42 07/08/16/17/18/19/20/21/28/29/30/31/ 32/33; R42 T43 03/04/05/06/07/08/09/10/15/16/17/18)

## UNINCORPORATED PALM BEACH COUNTY

Acreage Pines Natural Area (R41 T42 S32)

Arthur R. Marshall Loxahatchee NWR (R39 T44 S12/13/23/24/25/26/27/34/35/36; R39 T45 S01/02/03/10-15/22-27/34-36/L1/L2/L3; R39 T46 S01-03/10-14/23-25; R40 T43 S32/L5; R40 T44 S04-09/15-36; R40 T45 S01-42; R40 T46 S01-36; R40 T47 S01-06/08-14; R41 T44 S30-32/40-42; R41 T45 S04-10/14-23/26-35; R41 T46 S02-11/14-23/26-35; R41 T47 S03-10/15-19)

C-18 Triangle Natural Area (R42 T41 S08)

Cypress Creek Natural Area (R41 T40 S34/36)

Daggerwing Nature Center Preserve (R41 T47 S11/14)

Donald Ross Road at the ICW (R43 T41 S29)

DuPuis Management Area (R38 T40 S31-36; R38 T41 S01-06/08-12/13-16/22-26/36; R39 T41 S19/30-31)

East Conservation Area (R41 T45 S14/23/24) [Ord. 2006-036]

High Ridge Scrub Natural Area (R43 T45 S09)

J.W. Corbett Wildlife Management Area (R39 T40 S31-36; R39 T41 S01-36; R39 T42 S01-06/08-16; R40 T40 S31-32; R40 T41 S05-08/18-36; R40 T42 S01-18/21-22; R41 T41 S31; R41 T42 S06-07/18)

Loxahatchee Mitigation Bank (R41 T46 S14/23/25-26/35; R41 T47 S02)

Loxahatchee River Natural Area (R42 T40 S31)

Sweetbay Natural Area (R41 T41 S34; R41 T42 S01/02/03) [Ord. 2006-036]

Okeeheelee Nature Center Preserve (R42 T44 S04-05)

Pine Glades Natural Area (R40 T40 S33/35/36; R40 T41 S01/02/03/04/10/11/12/13; R41 T40 S31/32; R41 T41 S05/06/07/08/09) [Ord. 2006-036]

Paw-Paw Preserve Natural Area (R43 T42 S04)

Pine Jog Environmental Education Center (R42 T44 S03)

Pond Cypress Natural Area (R41 T43 S12/13/24)

Riverbend Park (Reese Property) - See Riverbend Park under Jupiter Municipality

Royal Palm Beach Pines Natural Area (R41 T43 S15/16)

Strazzulla Tract (R41 T44 S34/39-40; R41 T45 S03-04/10/11/14-15)

## APPENDIX 11 PROHIBITED VEGETATION REMOVAL SCHEDULE

Common Name	Scientific Name	Year
climbing fern (non-native)	<i>Lygodium ssp.</i>	2004
Air Potato vine	<i>Dioscorea bulbifera</i>	
Melaleuca, Punk Tree	<i>Melaleuca quinquenervia</i>	2006
Brailian pepper	<i>Schinus terebinthifolius</i>	2008
Carrotwood	<i>Cupaniopsis anacardioides</i>	
Earleaf acacia	<i>Acacia auriculiformis</i>	2010
Schefflera	<i>Schefflera actinophylla</i>	
Australian pine	<i>Casuarina spp.</i>	2012
Kudzu	<i>Pueraria montana var. lobata</i>	

### Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003, January 30, 2008] [Ord. 2008-037, September 4, 2008] [Ord. 2008-040, September 29, 2008] [Ord. 2009-040; October 28, 2009]

# ARTICLE 15

## HEALTH REGULATIONS

Page

<b>CHAPTER A</b>	<b>(ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS).....</b>	<b>3</b>
Section 1	Purpose .....	3
Section 2	Definitions .....	3
Section 3	General Provisions: OSTDS .....	3
Section 4	Permit Conditions and Approvals .....	4
Section 5	Application Data for an OSTDS: Single Lot or Parcel .....	4
Section 6	Application Data for an OSTDS: Subdivision .....	5
Section 7	Approval Standards: OSTDS .....	6
Section 8	Conditions for Non-Approval of an OSTDS .....	7
Section 9	Handling of Septage.....	7
Section 10	Prohibitions.....	7
Section 11	Incorporation by Reference of Rule 64E-6, F.A.C. ....	7
Section 12	Environmental Appeal Board (EAB) .....	8
Section 13	Appeals.....	8
Section 14	Violations, Enforcement Penalties, Inspections .....	9
	A. Violations, Enforcement and Penalties .....	9
	B. Inspections.....	10
Section 15	Judicial Review .....	10
Section 16	Applicability .....	10
<b>CHAPTER B</b>	<b>(ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS .....</b>	<b>10</b>
Section 1	Purpose .....	10
Section 2	Definitions .....	10
Section 3	General Provisions .....	10
Section 4	Water Quality Requirements .....	10
	A. Primary Drinking Water Standards Maximum Contaminant Levels.....	10
	B. Maximum Contaminant Levels for Secondary Inorganic Contaminant Levels.....	10
Section 5	Water Monitoring Requirements .....	10
Section 6	Reporting Requirements.....	11

Section 7	Notification Requirements.....	11
Section 8	Construction and Design Requirements.....	11
A.	Design Criteria .....	11
Section 9	Connection Required .....	14
Section 10	Backflow Prevention .....	14
Section 11	Permits/Approvals .....	14
A.	Approval .....	14
B.	Construction Permits .....	14
C.	Approval for Use.....	15
Section 12	Sampling/Analytical Methods.....	15
Section 13	Operation and Maintenance .....	15
Section 14	Emergency Operation Requirements .....	16
Section 15	Adoption of Chapters of F.A.C.....	17
Section 16	Environmental Appeal Board (EAB).....	17
Section 17	Appeals.....	17
Section 18	Violations, Enforcement, Penalties and Inspections .....	18
A.	Violations and Penalties .....	19
B.	Inspections.....	19
Section 19	Judicial Review .....	19
Section 20	Application .....	19
CHAPTER C	GENERAL THRESHOLD REVIEW .....	19
Section 1	Purpose .....	19
A.	Development on Property or Uses Requiring Threshold Review.....	19
B.	Application Procedures .....	19
1.	Application Submitted to PBCHD.....	19
2.	Submitted with a Zoning Application.....	19
APPENDIX A	.....	21
APPENDIX B	.....	22
APPENDIX C	.....	23
APPENDIX D	.....	24



## ARTICLE 15

### HEALTH REGULATIONS

#### CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS)

This Article shall be designated as "PBC Environmental Control Rule I - Onsite Sewage Treatment and Disposal Systems."

##### Section 1 Purpose

The provisions of this Article prescribe the minimum standards for OSTDS used for treatment and disposal of domestic sewage flows of 5,000 gallons per day and less.

##### Section 2 Definitions

See Art. 1.I, Definitions and Acronyms.

##### Section 3 General Provisions: OSTDS

- A. No OSTDS shall be installed, modified, abandoned or repaired without first obtaining a permit, or used without obtaining approval from the Department.
- B. No municipality or political subdivision of the State of Florida, including PBC, shall issue a building or plumbing permit for any building requiring the use of an OSTDS unless the owner or builder has received a permit for such system from the Department. No municipality or political subdivision of the State of Florida should issue a business tax receipt to an owner or tenant of a building or otherwise allow an individual or business to relocate into or within an area zoned or used for industrial or manufacturing purposes or its equivalent until the owner or tenant has received written approval from the Department. Approval shall state that the OSTDS serving the business has been evaluated, is not expected to receive toxic or hazardous waste and is adequately designed to meet the sewage treatment and disposal needs of the business. [Ord. 2007-013]
- C. Buildings used or intended for human occupancy, employment or service to the public and locations where persons congregate shall provide toilets connected to an approved sewage waste disposal system. Also, property or location where persons congregate and are employed, or where property is used by the public for temporary and short periods of duration, such as construction sites, fairs, carnivals, revivals, field locations of agricultural workers, encampments or other use, shall be provided with portable toilets or other approved toilet facilities. The number of toilet facilities to be provided shall be in accordance with the local plumbing code, other applicable local regulations and the F.A.C. Establishments with permanent structures shall not rely upon systems designed for temporary use as the primary means of wastewater treatment and disposal.
- D. Sewage wastes and effluents from an OSTDS shall not be allowed to surface onto the ground and shall not be discharged into or permitted to enter streams, surface waters, underground aquifers, ditches or drainage structures.
- E. No building or premises shall be occupied, sub-let or leased unless provided with an approved sewage disposal system.
- F. Total waste flow from any one establishment, whether a single structure or group of structures, shall be centrally collected for treatment and disposal.
- G. Wastewater generated by industrial or commercial establishments shall not be discharged into an OSTDS if the characteristics of the waste are such that it would cause malfunctioning of the OSTDS and/or contamination of the ground water. Wastewater from such establishments shall be treated and disposed of in accordance with the Florida Department of Environmental Protection (FDEP) requirements.
- H. Treatment and disposal of the wastewater from a building or establishment shall be in compliance with FDEP standards and rules when any one of the following conditions exist:
  - 1. Sewage or wastewater contains industrial, toxic or hazardous waste.
  - 2. An area is zoned for industrial or manufacturing use, or its equivalent, where there is a likelihood the system may be used for disposing of wastes which are not domestic wastes.

- I. Any existing and previously approved system which remains in satisfactory operating condition shall remain valid for use under the terms of the rule and permit under which it was approved. If the use of a building is changed or if additions or alterations to a building are made which will increase sewage flow or change sewage characteristic, any OSTDS serving such building shall be upgraded to comply with the provisions and requirements of Rule 64E-6, F.A.C.
- J. Any OSTDS used for disposal of domestic sewage, which is designed, constructed, installed, or modified after the effective date of this Article shall conform to the minimum requirements and provisions of this Article. Should an emergency or epidemic occur, the Department may approve temporary systems for waste disposal which may differ from standards set forth in this Article, as long as the Department supervises the operation of the temporary system.
- K. Any existing OSTDS installed under previous rules and regulations which becomes non-conforming with this Article for conditions or purpose as approved and which has not been placed in use for a period of one year or more, shall be deemed unapproved and its use for such purpose prohibited.
- L. Whenever an approved sanitary sewer is made available under the conditions set forth in Article 15.A.8.A of this Article, any OSTDS shall be abandoned and the sewage wastes from the residences or building discharged to the sanitary sewer within 90 days thereafter.
- M. When the use of an OSTDS is discontinued, it shall be abandoned and its further use for any purpose prohibited. An abandoned septic tank shall be (a) pumped out, (b), the bottom suitably opened or ruptured so as to prevent the tank from retaining water, and (c) filled with clean sand or other suitable material, the actions being taken in the order listed.
- N. It shall be the duty of the Department to conduct such technical inspections as are reasonable and necessary to determine compliance with the provisions of this Article.

#### **Section 4      Permit Conditions and Approvals**

- A. An OSTDS shall not be installed, modified, abandoned or repaired until a valid permit has been obtained from the Department. Permits issued for new construction shall expire after 18 months from the date of issuance if the system has not been installed. However, if building construction has commenced, the system construction permit shall be extended 90 days beyond the 18 month date. Permits for system repairs shall be issued in accordance with Rule 64E-6, F.A.C.
- B. If the Department determines that the disposal of certain wastes into the OSTDS may interfere with the proper functioning of the system, the Department may specify on the permit those conditions that are appropriate for the proper functioning of the system. Upon request of the Department, the permit and conditions shall be recorded in the public records of PBC at the permittee's expense.
- C. The OSTDS shall not be used or covered with earth before it has passed an inspection by the Department and a notice of approval has been issued. Should the installer or general contractor fail to notify the Department prior to covering the system, the Department shall require that the system be uncovered for inspection. If the system is approved, the Department shall issue a notice of approval to the owner and, when appropriate, to the Building Department. A building or structure shall not be occupied until a notice of approval has been issued by the Department. System inspection requirements as specified in Rule 64E-6, F.A.C. shall be adhered to.

#### **Section 5      Application Data for an OSTDS: Single Lot or Parcel**

- A. The application and supporting data required for approval of an OSTDS for a single lot or parcel of property shall be submitted to the Department by the owner or his authorized representative, or a contractor licensed under F.S. Chapter 489. The completed application form shall be submitted together with the following:
  - 1. A site plan of the property drawn to scale, showing the following:
    - a. Property boundaries with dimensions;
    - b. Easements;
    - c. Location of all existing and proposed buildings;
    - d. Location of all wells;
    - e. Location and layout of treatment receptacle and drainfield;
    - f. Unobstructed area available for the installation of the OSTDS;
    - g. Potable and non-potable water lines;
    - h. Driveways;
    - i. Parking areas;
    - j. Walkways;

- k. Swimming pools;
  - l. Storm water drainage system;
  - m. Surface water such as ponds, (existing or proposed), lakes, streams, ditches, canals or wet areas;
  - n. Location and elevation of soil profiles;
  - o. Benchmark on or adjacent to the property;
  - p. Location of wells, onsite sewage treatment and disposal facilities or other pertinent features on adjacent properties if the features are within 200 feet of the proposed onsite sewage treatment system or well; and
  - q. The site plan shall also indicate the presence of any marsh area, mangroves, cypress and wetland vegetation on the property or on adjacent properties.
2. For residences, a floor plan showing the number of bedrooms and the building area of each dwelling unit.
  3. In cases where there is an extreme variation in the elevation of the lot, a topographical map of the property must be submitted.
  4. At least two soil profiles delineating the textural classification and Munsell color of the native soil at the beginning and end of the soil absorption area to a minimum depth of six feet or refusal in accordance with USDA Soil Classification Methodology, and
  5. The existing water table elevation and the estimated wettest season water table elevation.
- B. The owner shall be held responsible for all information supplied to the Department. The application and supporting data serve as the basis for the issuance of a construction permit. In the event of a change in any material fact given in the application which served as a basis for issuing a construction permit, the owner shall immediately file an amended application detailing such changed conditions. If the new conditions are in compliance with the standards in this Article, the construction permit shall be amended. If the new conditions are not in compliance with the standards of this Article, the permit shall be revoked.
  - C. The supporting data must be prepared by an engineer and land surveyor registered in the State of Florida, as specified in Rule 64E-6, F.A.C. The site plan must be prepared by a professional land surveyor registered in the State of Florida. The soil classification and system design shall be performed by a professional engineer registered in the State of Florida with training in soils. When fill soils are used, the Department may require that soils be classified by a certified soils engineering testing laboratory registered in the State of Florida.
  - D. If the application is for a lot that is exempt under Art. 15.A.7.E, of this Article, documentation shall be submitted to substantiate the existence of the lot prior to January 1, 1972. Documentation shall be: **[Ord. 2005 – 003]**
    1. A survey, map, plat or drawing prepared by a professional land surveyor licensed in the State of Florida, or
    2. A survey, map, plat or drawing registered with the Department of Business and Professional Regulation, Division of Land Sales, or
    3. A property tax receipt, or
    4. A deed, or
    5. An agreement for deed.

## **Section 6      Application Data for an OSTDS: Subdivision**

- A. The application and supporting data required for approval of the use of OSTDS for a subdivision shall be submitted to the Department by the owner or his authorized representative. The supporting data must be prepared by a licensed surveyor or engineer, as appropriate, and shall include:
  1. A plan of the subdivision clearly drawn to scale, showing lot and block arrangements, lot dimensions with all lots numbered and net area of each lot;
  2. A topographical map with contour interval to indicate surface configurations, including slopes, streams, or water courses, bodies of water, low, wet, or marshy land and lots on which any fill is to be made;
  3. A general site location map for reference identification of the area;
  4. The proposed drainage plans certified by the preparer as being in compliance with existing district drainage plans as approved by the local drainage authority, the PBC Engineering Department and the South Florida Water Management District (SFWMD), as applicable;
  5. SFWMD staff report and permit for the proposed drainage system, if applicable;
  6. The natural soil profile delineating soil classification to a depth of six feet or refusal for a representative number of test sites for at least ten percent of the number of lots, for which the

minimum information provided is the upper and lower horizon boundaries. Munsell color of the horizon and its components and USDA soil texture; using USDA Soil Classification methodology as described in Chapter 3 of the Soil Survey Manual, USDA, Handbook No. 18, October 1993, herein incorporated by reference. Where the replacement of severely limited soil is proposed, soil profiles shall be performed to a minimum depth of six feet or to the depth of the slightly or moderately limited soil layer lying below the replaced layer, whichever is greater;

7. Water table elevations as existing and for the wettest season, based on M.S.L. datum;
8. All dedicated R-O-W or recorded easements proposed for use in the installation of onsite sewage treatment and disposal or water system;
9. Proposed sewer utility easements and R-O-W shall be included on the subdivision; and
10. If private wells are to be used, submit evidence to the Department that the groundwater is of satisfactory quality and is not threatened by a source of contamination.

## Section 7 Approval Standards: OSTDS

In considering applications for permitting construction of an OSTDS, the Department shall be governed by the following standards:

- A. The lot, unless exempt under Art. 15.A.7.E, of this Article, shall have a minimum net usable land area of: **[Ord. 2005 – 003]**
  1. one-half acre if the water supply is by means of a community well;
  2. one acre if the water supply is by means of an onsite well.
- B. The drainfield invert shall be a minimum of 30 inches above the wettest season water table elevation.
- C. Systems shall be placed no closer than the minimum distances required under Rule 64E-6, F.A.C. except for lots addressed under Art. 15.A.7.G, of this Article; **[Ord. 2005 – 003]**
- D. Suitable, unobstructed land shall be available for the installation and proper functioning of drainfields as required under Rule 64E-6, F.A.C.
- E. Parcels or tracts of land for which documentation has been submitted in accordance with Art. 15.A.5.D, of this Article, to substantiate existence prior to January 1, 1972 shall be exempt from the lot size requirements of Art. 15.A.7.A, of this Article, as long as a conditional use has not been granted or a change in zoning has not been made; provided, however, that neither a zoning change which does not increase the permitted residential density of units on the parcels or tracts nor a zoning change initiated by action of PBC shall be deemed to divest the parcels or tracts of the exemption provided hereby. **[Ord. 2005 – 003]**
- F. The following additional restrictions apply to OSTDS that are proposed within the 210 day travel time contour of an existing or proposed wellfield. These restrictions apply to requests for permits on individual lots, existing subdivisions and new subdivisions. (The zones of influence are indicated on the PBC Wellfield protection maps, which are available from the PBC ERM).

**Table 15.A.7.F-1 – Sewage Loading Rates in Wellfield Protection Zones**

Travel Time (Days)	Maximum Sewage Loading (Gallons/acre/day)
Less than or equal to 30 (Zone one)	350
Greater than 30, but less than or equal to 210 (Zone two)	600

- G. The following standards shall apply when the soil profile, as required under Art. 15.A.5.A.4, of this Article, shows the presence of hardpan or bedrock or of soils classified as sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, clay and organic soils. The PBC Soil Survey prepared by the USDA Soil Conservation Service or other available data may be used by the Department to determine the presence of the above noted soils. **[Ord. 2005 – 003]**
  1. The maximum sewage loading shall not exceed 450 gallons per acre per day. ater is of satisfactory quality and is not threatened by a source of contamination.
  2. The OSTDS shall be placed no closer than the minimum distances indicated for the following:
    - a. 100 feet from private, multi-family and limited use wells;
    - b. 200 feet from a non-community well;
    - c. 500 feet from a community well;
    - d. 75 feet from a non-potable water well; and
    - e. 100 feet from the high water line of lakes, streams, canals or other surface waters of overflow. (See Appendix A, Typical Site Plan Sewage Disposal System).

- H. When an automatic dosing system is required in accordance with Rule 64E-6, F.A.C., two pumps shall be required for commercial use when the estimated establishment sewage flow exceeds 500 gallons per day and for multiple family residential use where three or more units are proposed. A placard on the dosing pump panel must be provided indicating the following:
1. Name and phone number of person to contact in case of emergency; and
  2. Name and phone number of septic tank company to call for pumpout in case of overflow.

## **Section 8 Conditions for Non-Approval of an OSTDS**

An OSTDS shall not be approved:

- A. Where an existing sanitary sewer is available. A municipal or investor-owned sewage system shall be deemed available for connection if the following conditions exist:
  1. The system is not under a FDEP moratorium, the sewage system has adequate hydraulic capacity to accept the quantity of sewage to be generated by the proposed establishment, and the existing sewer line is within the following distance from the property:
    - a. For estimated sewage flows of 600 or fewer gallons per day, if a sewer line exists in a public easement or R-O-W which abuts the property or is within 100 feet of the property and if gravity flow can be maintained from the building drain to the sewer line.
    - b. For estimated sewage flows exceeding 600 gallons per day to 1,200 gallons per day, if a sewer line, gravity or force main exists in a public easement or R-O-W which is within 100 feet of the property.
    - c. For estimated sewage flows greater than 1,200 gallons per day to 2,500 gallons per day, if a sewer line, gravity or force main exists in a public easement or R-O-W which is within 500 feet of the property.
    - d. For estimated sewage flows greater than 2,500 gallons per day to 5,000 gallons per day, if a sewer line (gravity or force main) exists in a public easement or R-O-W which is within 1,000 feet of the property.
- B. Where the property is located in an area that is subject to frequent flooding.
- C. For lots in a subdivision where the approved drainage has not been constructed in accordance with the requirements of the SFWMD and/or the PBC Engineering Department.
- D. For treatment and disposal of industrial hazardous or toxic wastes.
- E. For commercial establishments where food is processed, handled, prepared or served. This restriction does not apply to retail or prepackaged food stores and to convenience stores where food service is limited to coffee, soft drinks and hot dogs.

## **Section 9 Handling of Septage**

Collection, treatment and disposal of septage shall be in accordance with Rule 64E-6, F.A.C. No person(s) or corporation shall engage in the business of servicing septic tanks, grease traps, portable toilets or other treatment receptacles without first obtaining an annual license from the Department. The issuance of the license would be based upon compliance with the provisions of Rule 64E-6, F.A.C.

## **Section 10 Prohibitions**

- A. It is prohibited for any person to construct, keep, use or maintain a privy from which human waste is deposited on the surface of the ground or over waters of the State of Florida.
- B. No person shall manufacture, sell or install an OSTDS unless in compliance with the requirements of his Article.
- C. It is prohibited to drain sewage wastes or septic tank effluent into cesspools or drywells as means of disposal.
- D. Organic chemical solvents shall not be advertised, sold or used in PBC for the purpose of degreasing or declogging onsite sewage disposal systems.

## **Section 11 Incorporation by Reference of Rule 64E-6, F.A.C.**

Rule 64E-6, F.A.C. as may be amended from time to time and all amendments hereto, is hereby incorporated by reference including, but not limited to, application and permitting procedures, systems design and construction standards, system sizing, system setback requirements, septage disposal, system maintenance and fee schedule unless higher in the PBC fee ordinance. In the event of a conflict between the provision of Rule 64E-6, F.A.C. and this Article, the more restrictive provision shall apply.

## Section 12 Environmental Appeal Board (EAB)

The EAB was established by the ECB on May 26, 1987 to hear appeals from certain requirements, interpretations or determinations of this Article made by the Department or the ECO. Its membership is described in Art. 17, DECISION MAKING BODIES.

## Section 13 Appeals

- A. Persons aggrieved by a requirement, interpretation or determination of this Article made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. The notice shall be accompanied by a certified check or money order, made payable to the Department to defray the cost of processing and administering the appeal. The fee for filing the appeal shall be non-refundable and in the following amounts:
  1. \$100.00 for a single family residence
  2. \$125.00 for all others, including, but not limited to, multiple family, commercial or subdivisions.
  3. However, no appeal shall be filed which requests relief from the construction standards required under Rule 64E-6, F.A.C.
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including the information listed in Appendix C, ECR I - Information Required for an Appeal for an Individual Lot, or Appendix D, ECR II- Information for an Appeal for a Subdivision, if applicable to the appeal. The EAB may require such additional information, as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department of Environmental Control Office with the notice of appeal. The burden of presenting supportive facts in the notice of appeal shall be the responsibility of the person filing the appeal. The person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department shall defend all appeals before the EAB. **[Ord. 2005 – 003]**
- C. The person filing the appeal shall also submit to the ECO a list of the names and addresses of every property owner who may be affected by the granting of the appeal in the following cases:
  1. The proposed OSTDS fails to meet the minimum distance required between the system and a well, as provided by this Article; or
  2. The proposed OSTDS is within five feet of a neighboring lot; or
  3. The proposed OSTDS is within 50 feet of a water body on a neighboring lot.
- D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.
- E. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and to rebut evidence.
- G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.
- H. In order to grant an appeal authorizing an OSTDS on a single lot, the EAB must find that:
  1. Because of special factors, which may include economic factors, the applicant is unable to comply with this Article; and
  2. The OSTDS complies with current construction standards; and
  3. The granting of the appeal is the minimum alternative that will make possible the reasonable use of the land, structure or building; and
  4. The granting of the appeal is consistent with the general intent, purpose and requirements of PBC laws and ordinances; and

5. The grant of the appeal will not be injurious to the area involved or to the public health and general welfare.
- I. In order to grant an appeal authorizing OSTDS in subdivisions containing lots smaller than those required under this Article, the EAB must additionally find:
  1. That for a proposed subdivision to be served by individual private wells, each lot has at least one-half acre, with a minimum dimension of 100 feet and that said subdivision contains no more than 50 lots; or that for the proposed subdivision to be served by a public water system, each lot has at least one-third acre with a minimum dimension of 75 feet and that said subdivision contains no more than 100 lots; and
  2. That satisfactory ground water can be obtained if an individual private well is to be used; and
  3. That all distance and setbacks, soil conditions, water table elevations and other related requirements of this Article and Rule 64E-6, F.A.C., are met; and
  4. That the proposed subdivision does not represent sequential development of contiguous subdivisions, the purpose of which is to avoid the requirements of Article 15.A.13.I.1; and
  5. That a municipal, county or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
  6. That a municipal, county or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
  7. That the proposed density of the subdivision is consistent with the density recommended in the Land Use Plan of PBC or in the Land Use Plan of the appropriate municipality; and
  8. That the developer has made every reasonable effort to obtain public water and sewer; and
  9. That dry water and/or sewer lines are to be installed by the developer and that the developer will establish an escrow account to pay for the cost of connection when water and/or sewer becomes available, or that the installation of the same is not feasible from a technical or economic standpoint; and
  10. That onsite, water and/or sewage treatment facilities are not feasible from a technical or economic standpoint; and
  11. That the proposed development will consist of no more than one single family residence per lot; and
  12. That land uses surrounding and adjacent to the proposed subdivision and soil qualities of the area do not indicate that the area's health is endangered by an inordinate proliferation of septic tanks.
- J. Provided that the factual findings specified in Article 15.A.13.H and Article 15.A.13.I, the EAB may reverse, modify or affirm, wholly or partly, the requirement, interpretation or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Article. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Article. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.
- K. If there is a change in facts or circumstances supporting a request for relief after an order granting relief has been issued, then the applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.
- L. Except where the relief granted is to exempt an applicant from the requirement to connect to a sanitary sewer under Article 15.A.8.A, any relief granted shall automatically terminate upon the availability of sewer service to the lot or parcel. Unless otherwise provided in an order issued pursuant to Article 15.A.13.J, relief granted under this Article shall automatically lapse if action for which the appeal was granted has not been initiated within one year from the date of granting such appeal by the EAB or, if judicial proceedings to review the EAB's decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals.
- M. The decision of the EAB shall be final administrative action. Any party or interested person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EAB's order.

## **Section 14      Violations, Enforcement Penalties, Inspections**

### **A. Violations, Enforcement and Penalties**

It is unlawful for any person to violate any provisions of this Article or any duly constituted order of the ECHB enforcing this Article. Such violations shall be punished according to the provisions of Chapter 77-616, Special Acts, Laws of Florida, as amended from time to time and PBC Environmental Control Ordinance No. 94-26, 32 as amended.

## **B. Inspections**

It shall be the duty of the Health Director to conduct such inspections as are reasonable and necessary to determine compliance with the provisions of this Article.

## **Section 15 Judicial Review**

Any person aggrieved by an action or decision of the EAB may seek judicial review in the Circuit Court for PBC by filing a petition for writ of certiorari pursuant to the Florida Rules of Appellate Procedure.

## **Section 16 Applicability**

This Article shall apply to all the incorporated and unincorporated areas of PBC.

## **CHAPTER B (ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS**

This Article shall be designated as "PBC Environmental Control Rule II Drinking Water Supply Systems."

## **Section 1 Purpose**

The provisions of this Article prescribe the minimum standards for the design, construction, installation and operation of all water supply systems from which water is used for human consumption, culinary, sanitary, domestic, or other purposes.

## **Section 2 Definitions**

See Art. 1.I, Definitions and Acronyms

## **Section 3 General Provisions**

- A. A single water supply system shall be constructed for any new structure, lot or facility containing more than one building with common access parking.
- B. All fees charged for the administration of this Article shall be in accordance with the fee schedule pursuant to Ord. No. 97-58 and the amendments thereto. Also refer to Sec. 11-24 of the PBC Environmental Regulation and Control Code.
- C. All buildings used or intended for human occupancy, employment or service to the public shall be provided with piped water under pressure from a water system which complies with the provisions of this Article. Bottled water shall not be considered an acceptable substitute for such a water system.
- D. Request for Department approval on zoning, site plan and subdivision matters for building permits shall be reviewed in light of this Article.
- E. This Article applies to both new and existing water systems unless the Section states otherwise.

## **Section 4 Water Quality Requirements**

The ultimate concern of a public drinking water program is the quality of piped water for human consumption when the water reaches the consumers. The following rules establish the maximum contaminant levels for the water within public water systems. Public water systems shall not exceed the maximum contaminant levels established.

### **A. Primary Drinking Water Standards Maximum Contaminant Levels**

These standards are as specified in Chapter 62-550, F.A.C. and 64E-8, F.A.C. as applicable.

### **B. Maximum Contaminant Levels for Secondary Inorganic Contaminant Levels**

The maximum contaminant levels for secondary inorganic contaminants are applicable to community water systems only and are as specified in Chapter 62-550, F.A.C.

## **Section 5 Water Monitoring Requirements**

- A. Monitoring requirements for the supplier of water shall be per Chapter 62-550, F.A.C. for community, non-transient non-community, and transient non-community public water supply systems and per 64E-8 for limited use water systems. **[Ord. 2005 – 003]**
- B. Community and non-transient non-community water systems shall monitor for the following from each raw water source or well semi annually: **[Ord. 2005 – 003]**
  - Calcium, Ca
  - Chloride, Cl



Color  
Iron, Fe  
Nitrate, NO<sub>3</sub>  
pH (Field)  
Total dissolved solids  
Conductivity  
Total hardness, as CaCO<sub>3</sub>

## **Section 6      Reporting Requirements**

The supplier of water of any community, non-transient non-community, or transient non-community water supply system shall comply with the reporting requirements as specified in Chapter 62-550, F.A.C.. The supplier of water of any limited use water supply system shall comply with the reporting requirements as specified in Chapter 64E-8, F.A.C. **[Ord. 2005 – 003]**

## **Section 7      Notification Requirements**

- A. The supplier of water of any community, non-community or non-transient non-community water system shall comply with the notification requirements as defined in Chapter 62-560, F.A.C.
- B. If a limited use water system fails to comply with an applicable maximum contaminant level or fails to comply with an applicable testing procedure, established in Article 15.B.6, Reporting Requirements, the supplier of water shall give notice of such failure to the persons served by the system by fixed signs located at all potable water outlets or connections.
- C. In case of breakdown in purification or protective equipment, breaks in main transmission lines, loss of water pressure below 20 p.s.i., abnormal taste or odor, change in treatment, or any interruption of water service to users, or any circumstances which could affect the quality of the drinking water, it shall be the duty of the water supplier to notify the Department within one hour of the occurrence. Notification shall include the following information:
  1. Description of the problem;
  2. Area affected;
  3. Number of connections or users affected;
  4. Estimated duration of problem;
  5. Method of notification to users; and
  6. Such information shall also be provided in writing on the monthly operation report.
- D. If any of the conditions listed in Art. 15.B.7.C, above, or in the Department of Health's "Guidelines for the Issuance of Precautionary Boil Water Notices" as adopted in Rule 62-555.335, F.A.C. should occur, the water supplier is required to obtain two consecutive days of satisfactory bacteriological sample results from the affected area. Notification of the interruption of water service and/or the necessity to boil water shall be given immediately to the users either by written notice (ex. door hangers, flyers, locally posted signs), a reverse 911 calling system through the media of newspaper, radio, or television, or a combination of these methods as needed to properly contact the service population. The notice to boil water shall remain in effect until at least one day of satisfactory bacteriological sample results have been obtained from the affected area, and after consultation and approval of the Health Department. If only one day of precautionary boil water is utilized, then sufficient evidence must be provided to the Department to confirm that no contamination has occurred, ex. extensive bacteriological test data, system pressure data, detailed explanation of repair process to confirm lack of potential for contamination, etc. If unsatisfactory bacteriological levels are detected following the one day initial sampling, or if the system cannot adequately justify to the Department that no contamination has occurred, then the water system shall provide a minimum of two consecutive days of satisfactory sample results prior to rescinding the boil notice. Samples shall be taken 24 hours apart. The Department shall notify the water supplier when the boil water notice may be rescinded. **[Ord. 2005 – 003]**
- E. Where public fire protection is provided by the mains affected by the interruption, the utility water supplier shall notify the Fire Marshall or the appropriate Fire Department official that an interruption has occurred or will occur.

## **Section 8      Construction and Design Requirements**

### **A. Design Criteria**

Approval for construction, extension, expansion or use of any community or non-community non-transient non-community and limited use water supply system shall be based on the criteria below, in addition to

the design criteria specified in Chapters 62-532, 62-555, 64E-8, F.A.C., and the standards considered as modern engineering practices. Criteria in the references listed below are incorporated into this Code. If any differences in design criteria exist, the more stringent standard shall be used.

1. Lead pipes, solder and flux are prohibited for use in the installation or repair of any drinking water system. This does not apply to leaded joints necessary for the repair of cast iron pipes. Solders and fluxes must contain not more than 0.2 percent lead and fittings not more than 8.0 percent lead.
2. A minimum of two drinking water supply wells and pumps shall be provided for each community water system that will serve 350 or more persons or 150 or more service connections upon completion of construction. **[Ord. 2005 – 003]**
3. All water wells shall be constructed by a water well contractor licensed by the SFWMD in accordance with Chapter 62-531, F.A.C., as applicable.
4. All water wells shall be constructed in accordance with Chapters 40E-3, 62-532, 62-555 and 64E-8 F.A.C., as applicable.
5. For private and multi-family water wells and irrigation wells the casing shall be surrounded at grade level by a two-inch thick concrete pad extending at least six inches in all directions and the upper terminus of the well casing shall project at least 12 inches above finished grade. **[Ord. 2005 – 003]**
6. Whenever the pump is not set at the vertical casing, the line between the vertical casing and pump shall be considered an extension of the casing and protected from sanitary hazards in a similar manner as the casing.
7. For community, non-community and non-transient non-community water systems having OSTDS wells shall be located as specified in Chapter 62- 555, F.A.C.
8. Limited use wells shall be placed a minimum distance of 100 feet from any OSTDS.
9. Private and multi-family water wells shall be placed a minimum distance of 75 feet from any OSTDS or brine disposal area.
  - a. 75 feet from any OSTDS or brine disposal area. **[Ord. 2005 – 003]**
  - b. 50 feet from any non-potable water well, pond, canal or other body of water. **[Ord. 2005 – 003]**
  - c. 25 feet from poisoned soils, including but not limited to building foundations. This distance may be reduced to 15 feet for wells having the uppermost 20 feet of casing grouted with a minimum 2 inch thickness of cement grout. **[Ord. 2005 – 003]**
10. Community, non-community, non-transient non-community and limited use water wells shall be located a minimum distance of:
  - a. 100 feet from other pollution sources, including but not limited to drainage wells, gasoline or other petroleum product under ground storage tanks water softener brine disposal areas except as otherwise provided in the PBC Wellfield Protection Ordinance.
  - b. 100 feet from any non-potable water well, pond, canal or other body of water unless justified in accordance with Chapter 62- 555, F.A.C., but not less than 50 feet.
  - c. 25 feet from poisoned soils, including but not limited to building foundations.
  - d. 500 feet from any sanitary landfill or recognized hazardous or toxic waste site.
11. Distances shown in Art.15.B.8.A.8, Art.15.B.8.A.9, Art.15.B.8.A.10 above may be increased if required under Article 15.A, ECR I Onsite sewage treatment and Disposal Systems.
12. Any waste collection or transmission line within the defined locations defined in the PBC Wellfield Protection Ordinance shall be constructed in accordance with current American Water Works Association, water main standards, including the passing of the appropriate pressure and leakage tests.
13. Within 30 days after the completion of the construction or repair of any drinking water well, the water well contractor shall submit a report to the Department on the approved forms in accordance with the instructions provided thereon.
14. Water supply system wells shall be enclosed within protective fencing when access is open to the general public.
15. The cone of influence of a new well or wells serving a community water supply system shall comply with the requirements of the PBC Wellfield Protection Ordinance.
16. All wells for which use has been permanently discontinued shall be plugged by filling them from the bottom to the top with neat cement grout, concrete or other method approved by the Department.
17. All existing community systems serving 350 or more persons and all newly proposed community systems shall be equipped with a source of auxiliary power to allow operation of the raw water supply, water treatment units and pumping capacity. In addition, such systems shall be provided with automatic start up devices except where elevated storage or 24 hour per day, seven day per week operation is provided. Such emergency power shall be of a sufficient capacity to operate the water supply facility at average daily design capacity. A minimum fuel supply for 14 days of continuous

operation for each item of auxiliary power shall be maintained at the water treatment plant or under the control of the utility and reserved for the water treatment plant. Any fuel pumps required to transfer the fuel to the auxiliary power units shall be equipped with their own auxiliary power or manual pumping system. **[Ord. 2005 – 003]**

18. All community, non-community, and non-transient non-community systems, including limited use systems where applicable, shall maintain a minimum reserve supply of chlorine for emergency conditions. Such reserve shall be figured for 14 days consumption for systems using gas chlorine and seven days consumption for systems using hypochlorite solution. The consumption shall be based, as a minimum on 50 percent of design capacity.

19. Disinfection

- a. All public water systems shall be designed to maintain a minimum continuous and effective free chlorine residual within the acceptable range of 4.0 mg/l maximum and 0.2 mg/l minimum or equivalent disinfection if other than free chlorine is used as the disinfection measure throughout the system. When utilizing chlorine in combination with ammonia, a minimum combined residual of 0.6 mg/l shall be maintained. **[Ord. 2005 –003]**
- b. Limited use water systems - The Department shall require disinfection if bacteria is discovered in any sample of water and it is determined that there is an existing or potential health threat.
- c. A minimum of two chlorination facilities at the water treatment plant shall be provided for each community water system. Each chlorinator shall be of adequate capacity to supply the total demand of the raw water at the rated capacity of the treatment plant. Where more than two chlorinators are available, adequate capacity to supply the total chlorine demand of the raw water shall be provided with the largest unit out of service. Disinfection other than chlorination will be considered on an individual basis by the Department.
- d. Booster chlorination facilities shall be provided in the distribution systems of community water systems to maintain the disinfection requirements of Art. 15.B.8.A.19, above, to consecutive systems.
- e. Consecutive systems shall be responsible for maintaining the disinfectant residual requirements of Art. 15.B.8.A.19, above, within the consecutive system.

20. Water Treatment Plant and Storage

The approved design capacity shall be adequate to provide for the maximum day demand plus fire flow requirements and maintain the water quality standards specified in this Article.

21. Distribution

- a. The sizing of the distribution lines shall be adequate to provide the maximum day demand plus fire flow without the development of distribution pressures lower than 20 pounds per square inch (20 p.s.i.). The minimum required fire flow shall be established by the fire department having jurisdiction. **[Ord. 2006-004]**
- b. Except for repair or replacement of existing lines, the size of new piping for any community system shall be no less than six-inch diameter unless a departure in sizing is justified by hydraulic analysis or historic analysis and future water use for the area and is approved by Department based on such circumstances.
- c. In metered distribution systems, the supplier of water shall be responsible for operation maintenance and repair of new water lines up to and including the water meter.
- d. Any new development or construction connecting to an offsite water main shall provide an extension of that water main along the public R-O-W or utility easements abutting the property.
- e. Dead end lines shall be minimized by the looping of all mains where possible. Where dead end lines occur, they shall be provided with flush hydrants, fire hydrants or blowoffs for flushing purposes.
- f. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 80 percent of approved design capacity the supplier of water shall initiate the procedures for water treatment plant expansion. In the event expansion procedures are not initiated, the system shall be considered inadequate for additional distribution expansion, and approval for additional distribution expansion shall not be granted unless otherwise justified by an engineering report covering the circumstances and approved by the Department.
- g. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 90 percent of the approved design capacity, the supplier of water shall have the water treatment plant expansion under construction. In the event construction is not underway, the system shall be considered inadequate for additional distribution expansion and approval for additional distribution expansion shall not be granted unless otherwise justified by an engineering report covering the circumstances and approved by the Department.

## **Section 9      Connection Required**

- A. All existing buildings served by non-community, non-transient non-community and limited use water systems or new limited use and private water systems shall connect to an approved community water system where such a system has an available water main within 100 feet in a public R-O-W or easement abutting the property on which the building(s) are located. Connection to an approved community water system shall not be required:
  - 1. If connection requires an extension of the main; or
  - 2. If the main is located across four or more lanes of paved roadway; or
  - 3. If the utility is unable to provide water.
- B. Notwithstanding the provisions of Art. 15.B.9.A, if the Department determines that there is an existing or potential health threat on the property served by a non-community, non-transient non-community, or limited use water system, then the connection shall be made as required under Art. 15.B.9.C, below.
- C. Establishments or buildings that utilize a non-community, or non-transient non-community water system and are being constructed, modified, expanded or changed in operation shall connect to an approved community water supply system when said system is available within 1,000 feet by existing R-O-W or easement to the property. Each foot of water crossing, paved roadway, or sidewalk shall be considered as two feet; the proposed supply shall not be required to cross interstate highway or railroad systems. Property owners connecting to community water supply systems under this Subsection shall be required to extend the water main along their public R-O-W utility easements, which abut the property.

## **Section 10      Backflow Prevention**

The following buildings, establishments or facilities connected to a drinking water supply shall install and maintain backflow prevention devices complying with current American Water Works Association standards: nursing homes, hospitals, mortuaries, funeral parlors, restaurants, sewage treatment plants, sewage lift stations, public swimming pools and buildings using corrosive, toxic, infectious, radioactive or other substances which would be a health threat if they entered a drinking water supply.

## **Section 11      Permits/Approvals**

### **A. Approval**

The Department shall review and approve or deny any construction or use of any water supply system or facility based on the criteria specified in this Article. Prior to submission to the Department, plans involving distribution mains shall be reviewed by the Fire Marshall or by the appropriate Fire Department official.

### **B. Construction Permits**

- 1. No person shall install, extend or alter any water supply system or facility including any well, plant, tank, pump station, distribution system, fire line or other pipe or structures without first obtaining a construction permit or written approval from the Department. **[Ord. 2005 – 003]**
- 2. Where required, applicants shall provide evidence of their ability to secure a consumptive use permit from the SFWMD; in addition evidence of proper zoning is required prior to Department approval.
- 3. The applicant shall provide the necessary information and design specifications requested and required by the Department to conduct an adequate review of any proposed activity or construction in addition to that information provided on the FDEP or Department application forms. The plans, applications and specifications for community, non-community, or non-transient non-community water wells and water systems except limited use private and non-potable well water wells shall be prepared by a professional engineer, licensed in the State of Florida.
- 4. Any submittal for community water systems, for which the supplier of water is not the applicant but will require ownership, operation or maintenance by the supplier of water, shall require the acceptance stamp of the supplier of water on the plans.
- 5. A construction permit shall be required for all extensions, relocations, or replacements of distribution lines exceeding 100 feet in length at any single location, service connections exceeding 100 feet in length with two inch or larger pipe serving commercial or institutional establishments, and where privately owned or maintained fire hydrants are proposed. **[Ord. 2005 – 003].**
- 6. Distribution lines and service connections permitted by the department shall be reviewed to determine that the proposed construction complies with applicable design and construction standards of Chapter 62-550 and 62-555, F.A.C. and this Article. **[Ord. 2005 – 003]**
- 7. Any extension of a distribution system within PBC for which the water supply facility is not located within PBC, or distribution extension outside PBC when the water supply facility is located within

PBC, shall require a permit from the Department and written acceptance of the project from the responsible agency outside the PBC. [Ord. 2005 – 003]

**C. Approval for Use**

1. No person shall put into service or use any drinking water system or facility, including any well, plant, tank, pump station, distribution system, fire line or other pipes or structure without first having received written approval from the Department.
2. Upon completion of construction of the water well or water system, the following information shall be submitted to the Department in order to obtain an approval for use:
  - a. For water wells, a well completion report prepared by a licensed water well contractor.
  - b. For water systems a Certification of Completion and record drawings (sampling points shall be highlighted) prepared by the Engineer of Record.
  - c. Chemical and bacteriological sample results as required by this Article.
3. The Certification of Completion for the water system or facility shall include certification of any accompanying sewage system and evidence of the acceptance of the system or facility by the supplier of water.
4. Uses of construction meters for construction water may be approved by the Department in cases when accompanying sewer has not been certified if the Department determines the water system or facility has been satisfactorily tested and certified by the Engineer of Record.
5. The Water Well Completion Report shall be submitted to the Department within 30 days of the completion of construction or repair of the water well.
6. The connection of new water mains to existing mains shall not be completed until after the new mains have passed their pressure and leakage tests and completed the disinfection and bacteriological clearance procedures. During construction partial releases may be given by the Department. However, the pressure and leakage tests and the disinfection and bacteriological procedures shall be followed in all cases. No water supply system or facility, including any well, plant, tank, pump station, distribution system, or other pipes, equipment or structure through which water is delivered to the consumer for drinking or household purposes, except certain community water supply service connections not requiring a permit, shall be put into service or used until such facility has been effectively disinfected and bacteriologically cleared. Sample results shall be submitted to the Department as follows:
  - a. For all water systems, except wells, two acceptable consecutive daily samples shall be required.
  - b. For a community, non-community, or non-transient non-community well clearance, a minimum of 20 consecutive workday acceptable samples are required with no more than two samples taken daily. Samples shall be taken at least six hours apart.
  - c. For a limited use water well clearance, a minimum of five acceptable samples are required. The collection and analysis of two samples per day is permitted if the samples are taken a minimum of six hours apart and the well is purged for 15 minutes before each sample is taken. [Ord. 2005 – 003]
  - d. For a private water well clearance, one acceptable sample shall be taken.
  - e. Any sample analysis with confluent growth and/or TNTC non-coliform counts shall not be accepted.
  - f. Sample results from any water supply facility or well shall not be accepted if more than 60 days has elapsed since the taking of the last sample. [Ord. 2005 – 003]

**Section 12 Sampling/Analytical Methods**

- A. All water samples required under this Article for community, non-community, and non-transient non-community, water systems, including community water well and water main clearance shall be taken by an employee of a laboratory certified to perform drinking water analysis by the Department in accordance with F.S. § 403.863 and Chapter 64E-1, F.A.C., or an operator certified under Chapter 62-602, F.A.C., or an employee of the Department. Water samples for other public and private water well clearance shall be taken by the licensed well contractor that installed the well.
- B. All water samples shall be analyzed by a laboratory certified to perform drinking water analyses by the Department in accordance with F. S. § 403.863 and Chapter 64E-1, F.A.C.
- C. Analyses conducted to determine compliance with this Article shall be made in accordance first with the methods specified in Chapter 62-550, F.A.C., and if not specified then in accordance with "Standard Methods of Examination of Water and Wastewater," latest Edition, or methods approved by the EPA.

**Section 13 Operation and Maintenance**

The following operation and maintenance requirements shall apply to community, transient non-community, non-transient non-community, and consecutive water systems, except Art. 15.B.13.A, Art. 15.B.13.D, Art. 15.B.13.E, Art. 15.B.13.F, Art. 15.B.13.G and Art. 15.B.13.I shall also apply when applicable to limited use water systems: **[Ord. 2006-004]**

- A. The supplier of water shall maintain all items of the water supply facility in the approved operational condition.
- B. The supplier of water shall provide a certified operator as specified in Chapter 62-699, F.A.C. as it may be amended or transferred. **[Ord. 2005 – 003]**
- C. The certified operator servicing water systems shall maintain an on site log of maintenance performed, date performed and problems encountered with the system.
- D. The supplier of water shall operate the water supply facility to maintain continuously the free available chlorine residual or equivalent disinfection between 4.0 mg/l and 0.2 mg/l throughout the distribution system, and the total chlorine residual no greater than 5.0 mg/l. When utilizing chlorine in combination with ammonia, a minimum combined residual 0.6 mg/l shall be maintained. **[Ord. 2005–003]**
- E. The supplier of water shall operate the water supply facility to produce continuously water meeting the pressure quality requirements of this Article.
- F. The supplier of water shall not make any change in treatment or alter, discontinue or by pass a purification process or protective provisions without securing prior approval from the Department.
- G. Cross-connection to any water supply system is prohibited. Upon detection of a cross-connection, the supplier of water shall either eliminate the cross-connection by installation of an approved backflow prevention device or discontinue service by providing a physical separation.
- H. The supplier of water shall establish a routine cross-connection control program and keep a maintenance log on each backflow prevention device connected to its system. Inspection, testing and maintenance on each backflow prevention device shall be performed by a certified backflow prevention device tester, certified under a State of Florida approved program. The frequency of testing shall be minimum of once per year or other schedule recommended by the manufacturer and approved by the Department.
- I. Fire hydrant maintenance and fire flow testing shall be the responsibility of the owner of the fire hydrant. Maintenance and fire flow testing shall be performed in accordance with the "Standards of the American Water Works Association Manual M-17" and as indicated below: **[Ord. 2006-004]**
  - 1. A routine maintenance program shall be established for each fire hydrant. **[Ord. 2006-004]**
  - 2. Fire flow testing of hydrants shall be performed on a three year cycle, such that all hydrants in a system are fire flow tested at least once every three years unless recommended by the manufacturer or the Department to be more frequent. Owners of fire hydrants which do not utilize local fire departments or water utility departments to perform or oversee the fire flow testing shall report all available results of testing to the Department by January 1st of each year with all hydrants accounted for within the required cycle. **[Ord. 2006-004]**
  - 3. The minimum required fire flow from fire hydrants shall be determined as per Art. 15.B.8.A.21.a. **[Ord. 2006-004]**
- J. Any planned water outages shall be scheduled by the water supplier during periods of low water usage.
- K. The supplier of water shall operate all emergency power units for at least 15 minutes at least once per week to ensure starting capabilities and continuously for four hours under load once each calendar quarter to ensure dependability.
- L. The supplier of water shall conduct the necessary flushing program to remove lime, sand or other objectionable sediments, matter or material from its water system.
- M. Each community and non-transient community water system shall maintain a distribution map showing the general locations of the water lines and sizes, valves, fire hydrants, flush hydrants and any inter connections. The scale of the distribution map shall be between 200 and 1,000 feet per inch or other scale acceptable to the Department. A microfilm quality copy of the current edition of this map shall be submitted to the Department by February 28, of each even numbered year. The Department may waive the submittal requirements for any water supply in which no significant change has taken place within the distribution system.

## **Section 14      Emergency Operation Requirements**

- A. Where two community water supply systems have distribution or transmission lines within 1,000 feet of each other, they shall provide an emergency interconnection between the two systems when the Department determines that such a connection would be of benefit to the citizens of PBC. Such determination shall be based on the possibility of destruction of the water source or treatment system in the event of a disaster and the possible benefits in moving water between the systems. Such

interconnecting lines shall be no smaller than the smallest of the two lines being inter-connected and shall be provided with at least one valve and any necessary flush points. If the two water suppliers are unable to reach an agreement on the payment for installation of such an inter-connection, each supplier shall pay the cost of construction from the supplier's line to the point of connection and shall pay 50 percent of the cost of a meter and meter box if either party desires a meter and meter box. The point of connection shall be at the following:

1. Municipal limits or franchise boundaries if the supplier's limits or boundaries are adjacent and contiguous.
  2. The midpoint of the municipal limits or franchise boundaries if the limits or boundaries are not adjacent and contiguous. The interconnection shall be completed within one year after the Department notifies the systems involved.
- B. Any consecutive or community water system may be required to provide a flush or fire hydrant, water tap or other provision for securing an emergency water service from an existing main at a location that the Department determines would be of benefit to the citizens of the area. Such determination shall be based in part on the possibility of a prolonged power outage or other disaster which would render individual wells in the area unusable. Other considerations will include the density of individual wells in the area and the distance of the nearest possible potable water supply during an emergency. Such water taps shall be constructed within 120 days of notification by the Department. It shall be the responsibility of PBC to secure an agreement with the community water system for use of that emergency water service.

#### **Section 15 Adoption of Chapters of F.A.C.**

Chapters 62, 532, 550, 551, 555, 560, 602, 699, 64E-6 and 64E-8, F.A.C., and all amendments thereto, are hereby incorporated into this Article. In the event of a conflict between the provisions of these Chapters and this Article, the more restrictive provision shall apply.

#### **Section 16 Environmental Appeal Board (EAB)**

The EAB was established by the ECB on May 26, 1987, to hear appeals from certain requirements, interpretations or determinations of this Article made by the Department or the ECO. Its membership is described in Art. 17, DECISION MAKING BODIES.

#### **Section 17 Appeals**

- A. Persons aggrieved by a requirement, interpretation or determination of Art. 15.B.8, Construction and Design Requirements, and Art. 15.B.9, Connection Required, made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. The notice shall be accompanied by a certified check or money order, in the amount of \$100.00 made payable to the Department which shall be non-refundable, to defray the cost of processing and administering the appeal. Only those appeals requesting relief from setbacks under Art. 15.B.8, Construction and Design Requirements, or requesting an exception from connection to a public or investor-owned community water supply under Art. 15.B.9, Connection Required, shall be filed. **[Ord. 2005 – 003]**
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including a site plan indicating proposed and existing individual sewage disposal systems and water wells on the property that is the subject of the appeal and all other systems and conditions on neighboring properties which could affect the requirements of Art. 15.B.8, Construction and Design Requirements, or Art. 15.B.9, Connection Required, if the appeals were granted. The EAB may require such additional information as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department or ECO with the notice of appeal. The burden of presenting supporting facts in the notice of appeal shall be the responsibility of the person filing the appeal. The person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department and/or ECO shall defend all appeals before the EAB. **[Ord. 2005 – 003]**
- C. The person filing the appeal shall also submit to the ECO a list of the names and addresses of every property owner who may be affected by the granting of the appeal.
- D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.

- E. Formal rules of evidence shall not apply to the hearing but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and to rebut evidence.
- G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.
- H. In order to grant an appeal authorizing a new or existing well for use in lieu of connecting to a public or investor-owned community water supply, the EAB must find that: **[Ord. 2005 – 003]**
  - 1. Satisfactory ground water is available or can be obtained; and
  - 2. The well complies with all setbacks, construction standards and other requirements of this Article; and Chapters 62-550, 62-555, 62-532, 64E-6, and 64E-8, F.A.C., and **[Ord. 2005 – 003]**
  - 3. Every reasonable effort has been made to obtain a water supply from a public or investor-owned community water supplier.
- I. In order to grant relief from Art. 15.B.8, Construction and Design Requirements, and/or Art. 15.B.9, Connection Required, the EAB must find that: **[Ord. 2005 – 003]**
  - 1. Satisfactory ground water can be obtained; and
  - 2. Every reasonable effort has been made to comply with the requirements of this Article in the location of the water well; and
  - 3. The proposed water well complies with all construction standards and other requirements of this Article; and
  - 4. Advanced notice shall be given to future purchasers of the water system that the system shall be connected to a community water supply when such supply becomes available. The purchaser has certain operational requirements until such connection is completed.
- J. Provided that the factual findings specified in Article 15.B.17.H, Article 15.B.17.I, above, are made, the EAB may reverse, modify or affirm, wholly or partly, the requirement, interpretation or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Article. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Article. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.
- K. If there is a change in the facts or circumstances supporting a request for relief after an order granting relief has been issued, then the applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.
- L. Except where the relief granted is to exempt an applicant from the requirement to connect to a community water supply under Art. 15.B.9, Connection Required, any relief granted shall automatically terminate upon the availability of community water supply to the lot or parcel. Upon the request of the Department or the ECO, the EAB may modify or rescind an order granting relief from the requirements to connect to a public or investor-owned community water supply under Art. 15.B.17.H if conditions under which the appeal was granted no longer exist. Unless otherwise provided in an order issued pursuant to Art. 15.B.17.H, relief granted under this Article shall automatically lapse if action for which the appeal was granted has not been initiated within one year from the date of granting such appeal by the EAB or, if judicial proceedings to review the EABs decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals. **[Ord. 2005 – 003]**
- M. The decision of the EAB shall be final administrative action. Any party or interested person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EAB Order.

## **Section 18      Violations, Enforcement, Penalties and Inspections**



#### **A. Violations and Penalties**

It is unlawful for any person to violate any provision of this Article or any duly constituted order of the ECHB enforcing this Article. Such violations shall be subject to the enforcement and penalty provisions of Chapter 77 616, Special Acts, Laws of Florida, as may be amended from time to time and PBC Environmental Control Ordinance No. 94-26, 32 as amended.

#### **B. Inspections**

It shall be the duty of the Director to conduct such inspections as are reasonable and necessary to determine compliance with the provisions of this Article.

### **Section 19      Judicial Review**

Any person aggrieved by an action or decision of the ECHB, including PBC, may seek judicial review in the Circuit Court of PBC.

### **Section 20      Application**

This Article shall apply to all the incorporated and unincorporated areas of PBC.

## **CHAPTER C      GENERAL THRESHOLD REVIEW**

### **Section 1      Purpose**

The purpose of threshold review is to provide information to the applicant and PBC on the carrying capacity of the land prior to site design.

#### **A. Development on Property or Uses Requiring Threshold Review**

Proposed development consisting of any of the following site uses shall be reviewed by the Department. In response, the Department shall advise the applicant of special rules and procedures governing development of the use:

1. Sanitary Landfills;
2. Recycling Plants/Centers;
3. Composting facility;
4. Chipping and Mulching Plants;
5. Chipping and Mulching Plants;
6. Waste and Water treatment plants;
7. Public Bathing Places;
8. Salvage or Junk Yards;
9. Incinerators;
10. Bio Hazardous Waste Processing Plants;
11. Electric Power Generation Plants;
12. Septic Tanks;
13. Private Water Supply Wells; and
14. Public Swimming Pools

#### **B. Application Procedures**

Applications for Threshold Review may be submitted to the PBCHD or concurrently with a zoning application.

##### **1. Application Submitted to PBCHD**

Application must comply with the provision of this article and any additional application requirements, established by the Health Department.

##### **2. Submitted with a Zoning Application**

An application for all Zoning amendments or development permits shall be submitted pursuant to Article 2, DEVELOPMENT REVIEW PROCESS, by the owner, or agent who is authorized in writing to act on the owner's behalf, or person having a written contractual interest in the land for which the amendment or development permit is proposed.

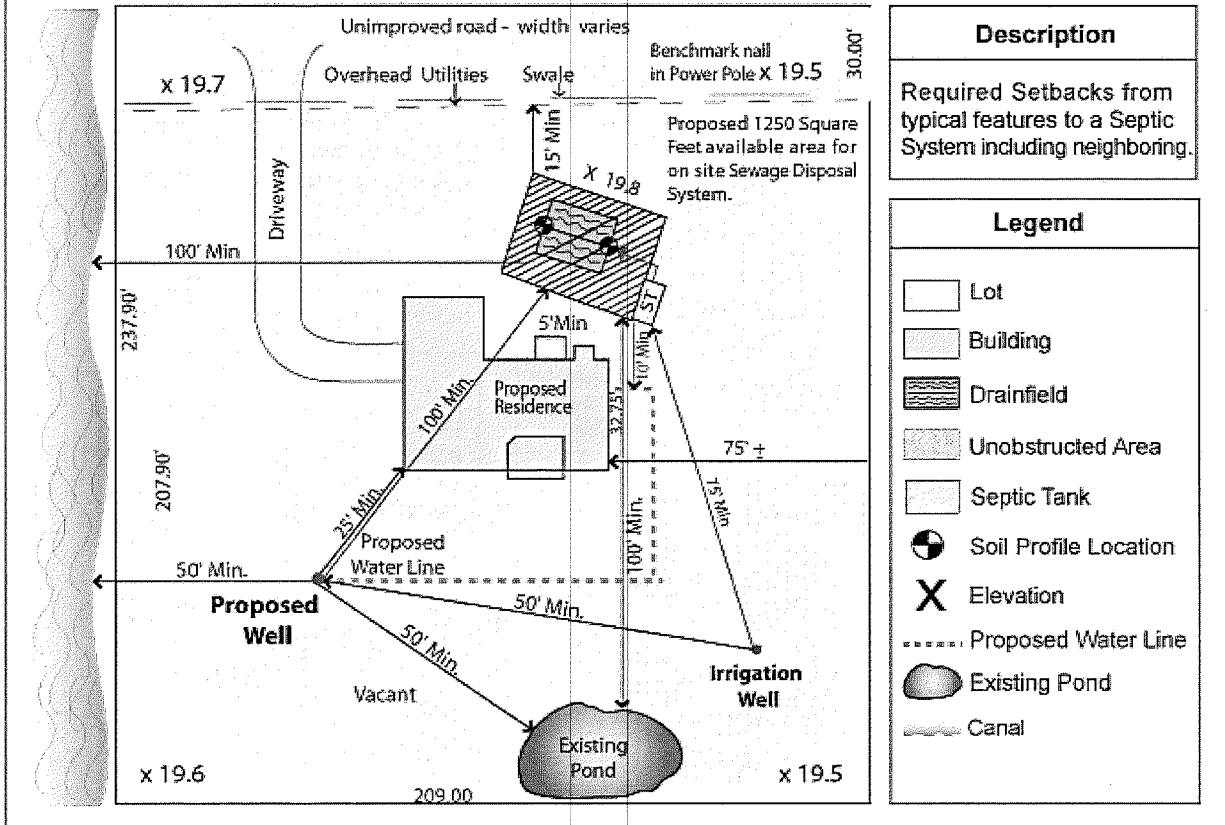
Simultaneous with the submission of the application for development permit, a Threshold Review application shall be completed and submitted in a form established by the Zoning Division. The response from the reviewing agencies shall be provided to the applicant within 15 days after submission of a completed application. The response shall be submitted the Zoning Division prior to certification of the application for a public hearing or meeting. For the purpose of applying for a development permit, a Certificate of Threshold Review shall remain valid for one year from the date of

issuance of the certificate provided the project does not change, or for the life of the review process, whichever is less.

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## APPENDIX A

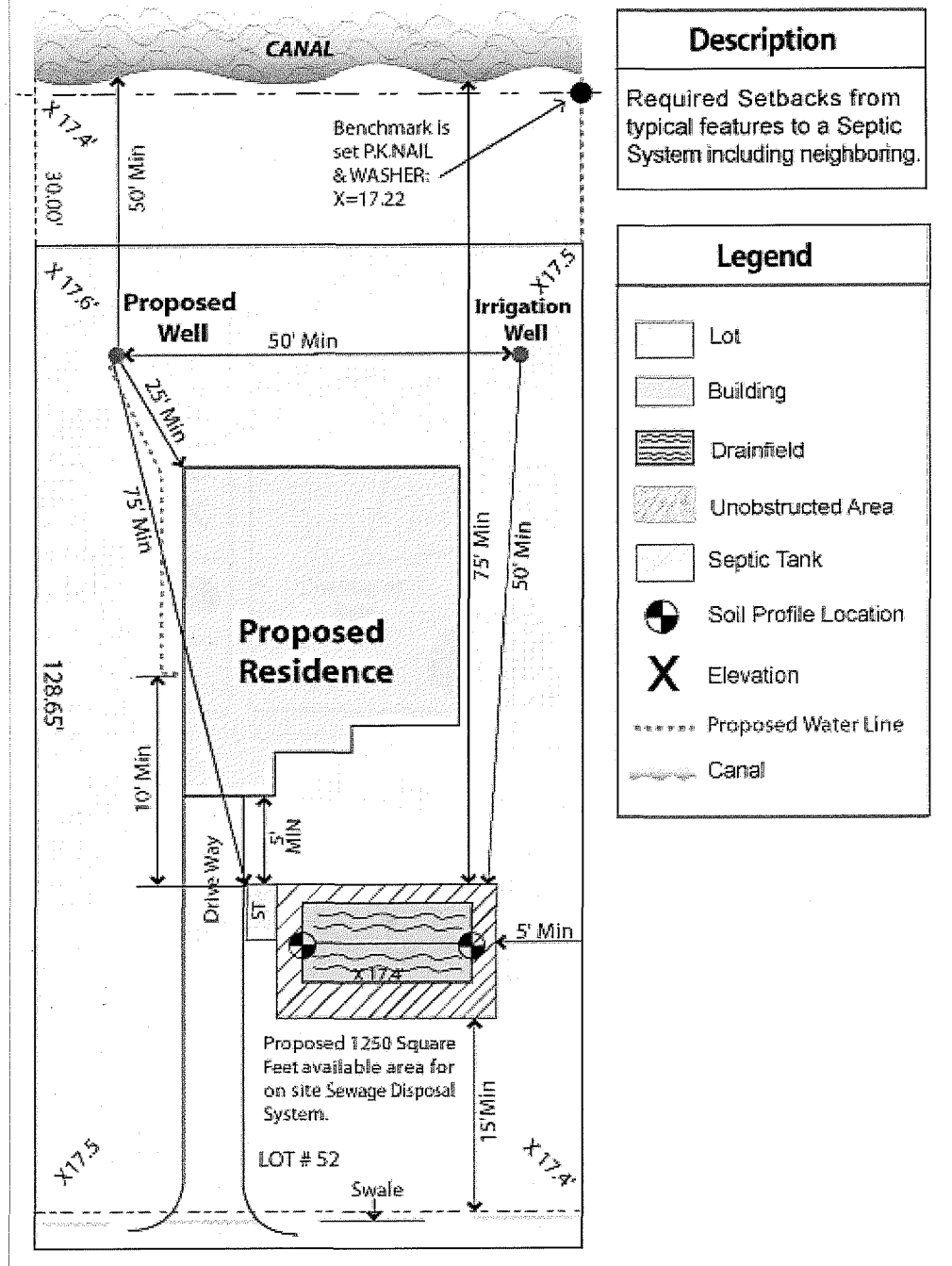
### Septic System for areas of Palm Beach County with severely or moderately limited soil



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## APPENDIX B

### Septic System for areas of Palm Beach County with slightly limited soil



**APPENDIX C  
ECR I  
INFORMATION REQUIRED FOR AN APPEAL FOR AN INDIVIDUAL LOT**

Eight copies of the following information prepared by an engineer or land surveyor registered in the State of Florida must be submitted with the notice of appeal:

1. Floor Plan
2. A site plan drawn to scale showing:
  - a. Boundaries with dimensions
  - b. Elevations or slope of land
  - c. Location of building(s)
  - d. Location and layout of septic tank
  - e. Location and layout of drainfield
  - f. Location of potable water supply lines
  - g. Location of well
  - h. Location of public sewers
  - i. Location and elevation of percolation test
  - j. Location of septic tank, drainfield and well on adjacent properties (sides, front and rear)
  - k. Location of driveways, parking and walkways
  - l. Benchmark on or adjacent to property
3. The site plan must indicate the following (related to the system):
  - a. Distance from private well
  - b. Distance from public well
  - c. Distance of septic tank and drainfield from building
  - d. Distance of septic tank and drainfield from property line
  - e. Distance from water supply lines
  - f. Distance to high water line of lakes, canals, streams, etc.
4. Two soil profiles to six feet (in drainfield area) indicating the soil classification and showing the existing water table and the estimated wettest season water table.

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**APPENDIX D  
ECR II  
INFORMATION REQUIRED FOR AN APPEAL FOR A SUBDIVISION**

Ten copies of the following information prepared by an engineer registered in the State of Florida must be submitted with the notice of appeal:

1. General Information

a. Name of subdivision \_\_\_\_\_

b. Owner \_\_\_\_\_

c. Address \_\_\_\_\_

d. Location of subdivision \_\_\_\_\_

e. Total area of subdivision \_\_\_\_\_ acre:

Number of lots \_\_\_\_\_

f. Minimum lot size \_\_\_\_\_

g. Adjacent subdivisions Location Size Distance \_\_\_\_\_

h. Approximate adjacent acreage available for expansion: \_\_\_\_\_

i. Typical home to be constructed:

No. of bedrooms \_\_\_\_\_

Sq. footage of heated or cooled area \_\_\_\_\_

2. Required exhibits

a. Location map - A location map showing the location of the subdivision in related to the surrounding areas and nearby built-up area.

b. Topographical map - A contour map indicating all streams or watercourses, bodies of water, low, wet or marshy land, rock outcrops and filled areas.

c. Proposed plat - A plat of the subdivision showing the individual lots, if available, or a proposed subdivision layout.

d. Drainage plans - A plan of the subdivision indicating all drainage structures and features, designed in accordance with the requirements of the South Florida Water Management District and the local drainage district.

e. Plans for water and sewer lines - A plan of the subdivision indicating proposed water and sewer lines.

3. Water supply and sewage disposal.

a. Source of proposed water supply.

1) Community \_\_\_\_\_

2) Non-community \_\_\_\_\_

3) Private well \_\_\_\_\_

4) If a utility is expected to supply water, submit evidence of availability of the water supply.

5) If an onsite well is utilized, submit evidence that ground water is of adequate quality.

**Amendment History:**

[Ord. 2003 – 068; December 12, 2003] [Ord. 2005 – 003; February 1, 2005] [Ord. 2006 – 004; March 1, 2006]  
[Ord. 2007-013; September 4, 2007]

# ARTICLE 16

## AIRPORT REGULATIONS

	Page
CHAPTER A GENERAL .....	3
Section 1 Purpose and Intent .....	3
Section 2 Short Title and Authority .....	3
Section 3 Applicability .....	3
Section 4 Definitions and Acronyms .....	3
CHAPTER B AIRSPACE HEIGHT REGULATION.....	3
Section 1 Airspace Height Regulations.....	3
A. General .....	3
B. Regulated Construction.....	4
C. Regulated Areas .....	4
1. Publicly-Owned, Public Use PBC Airports .....	4
2. All PBC Heliports .....	4
3. Terminal Navigational Aid Notification Areas.....	4
4. Other Areas.....	4
D. Airport Zones Established.....	4
E. Airport Runway Categories Defined .....	4
Table 16.B.1.E - Runway Category and Runway Protection Zone (RPZ) Defined, by Airport .....	5
F. Airport Height Limitations .....	5
1. General .....	5
G. Airport Height Zone Definitions and Limitations .....	5
Table 16.B.1.G - Specific Zone Definition, By Airport, By Runway .....	6
1. Primary Zone Definition.....	6
2. Horizontal Zone Definition .....	6
3. Conical Zone Definition .....	6
4. Approach Zone Height Limitations .....	7
Table 16.B.1.G-3-Specific Approach Zone Height Limitation Calculation, By Airport, By Runway....	7
5. Transitional Zone Definition .....	7
6. Terminal Navigational Aid Obstruction Zone Definition .....	8
7. Heliport/Vertiports.....	8
H. Airspace Height Review Procedures.....	8
1. General .....	8
2. Tall Structure Review Required .....	8
CHAPTER C AIRPORT LAND USE REGULATIONS.....	9
Section 1 Airport Land Use Regulations.....	9
A. General .....	9
B. Regulated Land Use .....	10
1. Construction, defined .....	10
C. Regulated Areas .....	10
1. Runway Protection Zone (RPZ) .....	10
2. Airport Land Use Noise Zones (ALUNZ).....	10
D. Airport Land Use Noise Zone(s) Established .....	10

1. Airport Land Use Noise Zones for Airports which have completed FAR Part 150 Noise and Land Use Compatibility Studies .....	10
2. ALUNZs for Airports which have not completed an FAR Part 150 Noise and Land Use Compatibility Study .....	10
E. General Land Use Regulations-Off-Airport Land Use Compatibility Schedule (Appendix 8) .....	11
1. The Off-Airport Land Use Compatibility Schedule (Appendix 8) .....	11
2. Prohibited Land Uses .....	11
3. Additional Regulations .....	11
F. Review Procedure for Airport Land Use Noise Zones .....	12
Section 2 Variances .....	12
Section 3 Nonconforming Uses .....	12
Section 4 Administration .....	13
Section 5 Enforcement .....	13
A. Non-compliance .....	13
Section 6 Appeals .....	13
APPENDIX 1 THROUGH 15 .....	14



# ARTICLE 16

## AIRPORT REGULATIONS

### CHAPTER A GENERAL

#### Section 1 Purpose and Intent

These provisions are intended to regulate permitted construction to promote the maximum safety of aircraft arriving at and departing from the publicly-owned airports within PBC; to promote the maximum safety of residents and property in areas surrounding PBC Airports; to promote the full utility of PBC Airports and public use airports; to provide structure height standards for use within airport primary, horizontal, conical, approach and transitional surfaces so as to encourage and promote the proper and sound development beneath said areas; and to provide administrative procedures for the efficient and uniform regulation of all development proposals within said zones.

#### Section 2 Short Title and Authority

- A. This Article shall be known and cited as the "Airport Zoning Ordinance."
- B. This Article is enacted pursuant to the provisions of Art. VIII, Sec. 1(g) of the Florida Constitution; Chapter 125, F.S. § (1995) Chapter 333, F.S. § (1995).

#### Section 3 Applicability

- A. This Article regulates height and land uses around publicly owned airports in PBC. The height standards for structures provide maximum height limits and a review procedure to determine if structures will have an adverse impact on safe and efficient airspace use. The land use standards provide restrictions and a review procedure within four nautical miles of publicly owned airports to determine if the land use is compatible with normal airport operation and Federal Aviation Administration (FAA) guidelines. The land use standards apply to the highest hazard areas and Noise Zones, and limit uses which include, but are not limited to, hazardous material storage, emissions of light or smoke, or uses which attract concentrations of people or birds.
- B. This Article applies to all land in unincorporated PBC.
- C. This Article also applies to all municipalities that may elect to participate through interlocal agreement, pursuant to Chapters 163 and 333.03, (1)(b)1, Florida Statutes, or to all affected municipalities if a Joint Airport Zoning Board is created pursuant to F.S. §333.03 (1) (b) 2, (1994).
- D. These regulations supplement other land development regulations in this Code.
- E. Where there exists a conflict between any of the regulations or limitations prescribed in this Article and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

#### Section 4 Definitions and Acronyms

See Art. 1.I, Definitions and Acronyms.

### CHAPTER B AIRSPACE HEIGHT REGULATION

#### Section 1 Airspace Height Regulations

##### A. General

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the applicable land lying beneath the primary, horizontal, conical, approach, and transitional surfaces as they apply to a particular airport. To regulate height, an Airspace Notification Map (attached as Appendix 1) and a procedure to review the permitting of tall structures has been established. Airport height limitations and the notification procedures established in this Section conform to the standards for determining obstructions to air navigation of Federal Aviation Regulations Part 77, ss. 77.23.

**B. Regulated Construction**

For purposes of this Section, construction includes but is not limited to creating new structures or adding height to any existing structure and shall include the location of derricks, draglines, cranes and other boom-equipped machinery. Construction does not include any development which does not have the effect of adding height to the land or other structure, such as paving, draining or roofing.

**C. Regulated Areas**

The various surfaces displayed as Zone 1 and Zone 2 on the PBC "Airspace Notification Map" are defined below. Penetration of one of these zones shall require a technical analysis by FAA and a review of the analysis by the DOA, PZB Department, and other applicable governmental agencies in accordance with this Article.

**1. Publicly-Owned, Public Use PBC Airports**

- a. Zone 1 - All construction within 3,500 feet from the airport reference point in all directions.
- b. Zone 2 - Any construction of a height exceeding the limitations of any zone established in this Section within a four nautical mile radius of the airport reference point.
- c. Any construction or alteration of a height greater than an imaginary surface extending outward and upward for a distance of 20,000 feet from the reference point of any terminal navigational aid facility up to a height of 200 feet above ground level.

**2. All PBC Heliports**

Any construction or alteration of a height greater than an imaginary surface extending outward and upward from any point of any public or private State licensed PBC Heliport for a distance of 5,000 feet up to a height of 200 feet above ground level.

**3. Terminal Navigational Aid Notification Areas**

Any construction or alteration within 5,000 feet of any navigational aid facility; and

**4. Other Areas**

Any construction or alteration of a height greater than 200 feet above ground level.

**D. Airport Zones Established**

Primary, Horizontal, Conical, Approach and Transitional Airport Zones are shown on maps described below. These maps are on file at the DOA and PZB and are incorporated herein. These maps are included by reference and attached as Appendices 2-7, available at The Department of Airports.

Map A - PBIA (Appendix 2)

Map B - PBC Park Airport (Lantana) (Appendix 3)

Map C - PBC Glades Airport (Pahokee) (Appendix 4)

Map D - Belle Glade Municipal Airport (Appendix 5)

Map E - Palm Beach North County Airport (Appendix 6)

Map F - Boca Raton Airport (Appendix 7)

**E. Airport Runway Categories Defined**

The size and dimensions of each zone created and established as part of this Section is based upon the category of each runway, according to the type of approach available or planned for that runway. The category of each runway for airports included in this Article are listed in Table 16.B.1.E-1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport.

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**Table 16.B.1.E - Runway Category and Runway Protection Zone (RPZ) Defined, by Airport**

AIRPORT/RUNWAY		RUNWAY	LENGTH	INNER WIDTH	OUTER WIDTH	RPZ ACRES
Palm Beach International	Runway 091/2R	Precision	1,700	1,000	1,510	48.978
	Runway 13/31	Non-Precision	1,700	500	1,010	29.465
	Runway 09R/27L	Visual	1,000	500	700	13.770
PBC Park (Lantana)	Runway 09/27	Non-Precision	1,700	500	1,010	29.465
	Runway 15/33	Non-Precision	1,700	500	1,010	29.465
	Runway 03/21	Visual	1,000	500	1,010	13.770
PBC Glades (Pahokee)	Runway 17/35	Non-Precision	1,700	500	1,010	29.465
Belle Glade Municipal	Runway 09/27	Visual	1,000	500	700	13.770
Palm Beach North County	Runway 08R/26L	Precision	1,700	1,000	1,510	48.978
	Runway 13/31	Non-Precision	1,700	500	1,010	29.465
	Runway 08L/26R	Visual	1,000	500	700	13.770
Boca Raton	Runway 05/23	Non-Precision	1,700	500	1,010	29.465

**F. Airport Height Limitations****1. General**

Where any two limitations in this Article are in conflict, the more stringent applies. Except as otherwise provided in this Section, no structure, or object of natural growth shall be erected, altered, or be maintained without prior approval by DOA or PZB, which is or would be an obstruction to air navigation, as defined in this Article, or of a height greater than:

- a. 500 feet above ground level at the site of the object;
- b. 200 feet above ground level or the established airport elevation, whichever is higher. These heights shall be measured within three nautical miles of the established reference point of an airport; and which height increases up to a maximum of 500 feet, at a slope of one foot vertically for every 100 feet horizontally, for a distance of 50,000 feet; or
- c. Any object within the approach segment, departure area, or any missed approach or circling approach area which is determined by the Airports Director to be a hazard to the safe and efficient use of airspace around an airport.

**G. Airport Height Zone Definitions and Limitations**

A property located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined below. These zones are depicted in plan view in Appendix 2 through 7 and in isometric view in Appendix 15. The specific definitions of each airport height zone (horizontal distance, width, arc radius, etc.) are listed on Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway. General definition and height limitations are described in the Subsections to follow.

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**Table 16.B.1.G - Specific Zone Definition, By Airport, By Runway**

AIRPORT/ RUNWAY	PRIMARY ZONE WIDTH (in feet)	HORIZONTAL ARC RADIUS (in feet)	CONICAL ZONE (in feet)	APPROACH ZONE (in feet)		
				Horizontal Dist.	Inner Width	Outer Width
PALM BEACH INTERNATIONAL AIRPORT						
Rwy 09L/27R	1, 000'	10, 000'	4,000'	50,000'	1,000'	16,000'
Rwy 13/31	500'			10,000'	500'	3,500'/1,500'
Rwy 09R/27L	250'			5,000'	5,000'	250'
PBC PARK AIRPORT (LANTANA)						
Rwy 09/27	500'	5,000'	4,000'	5,000'	500'	2,000'/1,250'
Rwy 15/33						2,000'/1,250'
Rwy 03/21						1,250'
PBC GLADES AIRPORT (PAHOKEE)						
Rwy 17/35	500'	5,000'	4,000'	5,000'	500'	2,000'
BELLE GLADE MUNICIPAL						
Rwy 09/27	250'	5,000'	4,000'	5,000'	250'	1,250'
PALM BEACH NORTH COUNTY AIRPORT						
Rwy 08R/26L	1,000'	10,000'	4,000'	50,000'/10,000'	1,000'	16,000'/3,500'
Rwy 13/31	500'			10,000'/5,000'	500'	3,500'/1,500'
Rwy 08L/ 26R	250'	5,000'		5,000'	250'	1,250'
BOCA RATON AIRPORT						
Rwy 05/23	500'	10,000'	4,000'	10,000'	500'	3,500'

**1. Primary Zone Definition**

An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.

**a. Primary Zone Height Limitations**

No structure or obstruction will be permitted within the Primary Zone that is not part of the landing, maneuvering and taking-off facilities and is of a greater height than the nearest point of the runway centerline.

**b. Primary Zone Width for each Specific Airport**

The specific width of each Primary Zone for each airport is listed in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

**2. Horizontal Zone Definition**

The area around each airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the Primary Zone of each airport's runways and connecting adjacent area by lines tangent to those arcs. The radius of the arc specified for each end of a value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the Horizontal Zone.

**a. Horizontal Zone Height Limitations**

No structure or obstruction that has a height greater than 150 feet above the airport elevation, will be permitted in the Horizontal Zone.

**b. Horizontal Arc Radius for each Specific Airport**

The specific horizontal arc Radius of each airport is listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

**3. Conical Zone Definition**

The area extending outward from the periphery of the Horizontal Zone for a distance of 4,000 feet. The specific Conical Zone distance for each airport is listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

**a. Conical Zone Height Limitation**

No structure or obstruction will be permitted in the Conical Zone that has a height greater than 150 feet above the airport elevation at the inner boundary (connecting the Horizontal Zone) with permitted height increasing at a slope of one foot vertically for every 20 feet of horizontal distance, measured outward from the inner boundary to a height 350 feet above the airport elevation at the outer boundary.

**b. Approach Zone Definition**

An area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An Approach Zone is designated for each runway based upon the type of approach available or planned for that runway end.

**4. Approach Zone Height Limitations**

The permitted height limitation within an outer or inner Approach Zone is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge based upon the calculation method listed in Table 16.B.1.G-3, Specific Zone Height Limitation Calculation, by Airport, by Runway.

**a. Approach Zone Horizontal Distance for each Specific Airport**

The specific Approach Zone dimensions for each airport is listed above on Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

**Table 16.B.1.G-3-Specific Approach Zone Height Limitation Calculation, By Airport, By Runway**

AIRPORT/RUNWAY		APPROACH ZONE HEIGHT LIMIT CALCULATION
Palm Beach International	Runway 09L/27R	One foot vertically for every 50 feet of horizontal distance for the first 10,000 feet, and then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet.
	Runway 13/31	One foot vertically for every 34 feet of horizontal distance.
	Runway 09R/27L	One foot vertically for every 20 feet of horizontal distance.
PBC Park (Lantana)	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
	Runway 15/33	
	Runway 03/21	
PBC Glades (Pahokee)	Runway 17/35	One foot vertically for every 20 feet of horizontal distance.
Belle Glade Municipal	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
Palm Beach North County	Runway 08R/26L	<b>Runway 08R:</b> one foot vertically for every 20 feet of horizontal distance for the first 10,000 feet, then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet. <b>Runway 26L:</b> one foot vertically for every 34 feet of horizontal distance.
	Runway 13/31	One foot vertically for every 20 feet of horizontal distance.
	Runway 08L/26R	
Boca Raton	Runway 05/ 23	One foot vertically for every 34 feet of horizontal distance.

**5. Transitional Zone Definition**

The area extending outward from the sides of the Primary Zones and Approach Zones connecting them to the Horizontal Zone. Height limits within the Transitional Zone are the same as the Primary Zone or Approach Zone at the boundary line where these Zones meet (i.e., level with the nearest point on the runway centerline) and increase at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the Horizontal Zone, the Conical Zone or for a horizontal distance of 5,000 feet from the side of the part of the Precision Approach Zone that extends beyond the Conical Zone.

**a. Transitional Zone Height Limitation**

No object or structure will be permitted within the Transitional Zone greater in height than the Primary Zone or Approach Zone at their adjoining boundary lines increasing at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height of the slope matches the height of the Horizontal Zone or the height of the Conical Zone and for a horizontal distance of 5,000 feet from each side of that part of the Approach Zone for a Precision Instrument Runway extending beyond the Conical Zone.

**6. Terminal Navigational Aid Obstruction Zone Definition**

Operation of a Navigational Aid Facility is electromagnetic in nature therefore, objects constructed off of airport property may have an adverse affect on the safe and efficient operation of navigational facilities. An Airport Surveillance Radar (ASR) facility Navigational Aid Obstruction Zone has been established extending in all directions to a radius of 3,500 feet from the navigation aid. This zone is shown on the Airspace Notification Map, Appendix 1.

**a. Terminal Navigational Aid Obstruction Zone Limitation**

No construction or alteration or installation of any electromagnetic device shall be permitted within this Navigation Aid Obstruction Zone without prior technical review by the FAA. If deemed necessary by the results of the FAA review, approval must be obtained from DOA and PZB.

**7. Heliport/Vertiports**

**a. Primary Zone Definition**

The Primary Zone coincides in size and shape with the designated take-off and landing area of a Heliport/Vertiport.

**1) Primary Zone Limitation**

This primary zone height limitation is described by a horizontal plane at the elevation of the established elevation.

**b. Approach Zone Definition**

The Approach Zone begins at each end of the Heliport/Vertiport Primary Zone with the same width as the Primary Zone and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet.

**1) Approach Zone Height Limitation**

The Approach Zone height limitation is a slope of one foot vertically for every eight feet horizontally.

**c. Transitional Zone Definition**

The Transitional Zone extends outward and upward from the lateral boundaries of the Primary Zone and from the Approach Zone for a distance of 250 feet measured horizontally from the centerline of the Primary and Approach Zones.

**1) Transitional Zone Height Limitation**

The Transitional Zone has a height limitation at a slope of one foot vertically for every two feet horizontally.

**H. Airspace Height Review Procedures**

All new construction or reconstruction which adds height to any land or building within areas shown on the on "Airspace Notification Map" (incorporated by reference and attached as Appendix 1) shall be reviewed for compliance with the standards of this Section.

**1. General**

No Tall Structure Permit will be issued if all FAA and DOA comments are not addressed to the satisfaction of DOA, PZB and County Attorney. No development permit application shall be issued if the proposed construction or alteration is found to violate the provisions of this Article, or exceed an obstruction standard of Federal Aviation Regulation. Part 77 or any other applicable Federal or State rules or regulations.

**2. Tall Structure Review Required**

DOA shall make a determination if FAA notification is required, prior to certification of an application by DRO or issuance of a building permit for a permanent or temporary structure located within Regulated Areas.

**a. FAA Review**

The DOA shall inform the applicant that prior review by the FAA is required if DOA determines that the proposed construction or alteration represented in the application may exceed:

- 1) The standards of Federal Aviation Regulations Part 77;
- 2) The provisions of Art. 16.B.1.F, Airport Height Limitations, and Art. 16.B.1.G, Airport Height Zone Definitions and Limitations;
- 3) Any other Federal or State rules and regulations; or

- 4) Adversely affects the airspace surrounding any Airport defined herein. The FAA must review and issue a determination of the proposal's effect on navigable airspace where such prior notification under Title 14, CFR, Part 77 is required. PZB shall suspend any review of any development permit application process until FAA findings of aeronautical affect are approved.

**b. Responsibility of the Applicant**

The Applicant shall:

**1) Obtain**

FAA Form 7460-1 from the DOA and mail the completed form to Federal Aviation Administration Southern Regional Office, Attn: ASO-532, Systems Management Branch, P. O. Box 20636, Atlanta, GA 30320.

**2) Bring**

In person or forward by Certified Mail (Return Receipt Requested) to the DOA, the FAA's findings of aeronautical affect, along with a copy of the completed original FAA Form 7460-1.

**3) Structure(s) Not Exceeding Obstruction Standards or Other Provisions DOA**

Shall review the FAA's determination issued in response to the applicant's FAA Form 7460-1. If DOA determines that the proposed construction or alteration does not exceed the height limitations in this Section, the DOA shall notify the applicant in writing that the proposed structure may be erected in accordance with permitting requirements of PZB. PZB may certify the development application or issue a building permit, as applicable.

**4) Structure(s) Exceeding Obstruction Standards or Other Provisions**

DOA shall review the FAA's determination issued in response to the applicant's FAA Form 7460-1. If DOA determines the proposed construction exceeds the height limitations outlined in this Section, then the DOA shall notice the applicant. The notice shall state the reasons for denial and inform the applicant that they may apply for a variance pursuant to Art. 16.C.2, Variances, and Art. 2.B.3, Variances, of this Code, to allow deviations from the standards of this Section.

**5) Zoning and Building Permit Requirement**

If the Tall Structure permit is approved, the applicant shall present a copy of the Tall Structure Permit with all development order conditions to PZB with an application for the next applicable development order.

**6) Obstruction Marking and Lighting**

The owner shall mark and light the structure in accordance with the provisions of Chapter 333, Florida Statute; Rules of Florida Department of Transportation, Chapter 14-60 and the FAA Advisory Circular 70/7460H, Obstruction Marking or Lighting, as may be amended from time to time. The permit may be conditioned to require the applicant to mark and light the structure, at applicant's own expense, or to allow DOA to install, operate and maintain at its own expense, such markers and lights as may be necessary to indicate to pilots the presence of an airspace obstruction if warranted.

**7) Building Permit Requirement**

The applicant shall present a copy of the Tall Structure Permit Application, along with all Development Order comments and conditions, to the Building Director in order that any conditions are adequately addressed prior to the issuance of a building permit, including obstruction lighting and marking conditions.

## **CHAPTER C AIRPORT LAND USE REGULATIONS**

### **Section 1 Airport Land Use Regulations**

#### **A. General**

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all the land lying beneath the Runway Protection Zone (RPZ) and within Airport Land Use Noise Zone(s) (ALUNZ), as they apply to a particular airport. All areas defined as the RPZ and areas displayed as ALUNZ are subject to review and technical analysis by DOA, PZB, and other applicable governmental agencies in accordance with this Article.

To regulate land uses within these zones, an Off-Airport Land Use Compatibility Schedule Appendix 8, maps and review procedures have been established. The RPZ dimensions are defined in Table 16.B.1.E-

1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport. The noise zones are depicted on the Airport Land Use Noise Maps (Appendices 9 through 14).

**B. Regulated Land Use**

Notwithstanding any other provisions of this Article, no use may be made of land or water within the RPZ in such manner as to interfere with the operation of an airborne aircraft. The Off-Airport Land Use Compatibility Schedule, Appendix 8, shall be used to determine additional land development requirements for uses identified in Art. 4, Use Regulations. Those activities and land uses not specifically listed in the Airport Land Use Compatibility Schedule are permitted or restricted based on their similarity to noise tolerance and compatibility with normal airport operations as exhibited by the activities and land uses which are listed in the Schedule.

**1. Construction, defined**

For purposes of this Section, construction includes but is not limited to creating new structures, making alterations or repairs and additions to any existing building or structure, or moving or relocating a building(s) or structure(s) within a Regulated Area. Construction does not include paving, drainage or similar types of construction.

**C. Regulated Areas**

To regulate land uses within the RPZ and ALUNZ, and Off-Airport Land Use Compatibility Schedule, maps and review procedures have been established. Only the portion of the lot falling within the RPZ or ALUNZ shall be subject to the provisions of this Article. The Off-Airport Land Use Compatibility Schedule shall be used to determine compatibility of land use with airport operations within these zones.

**1. Runway Protection Zone (RPZ)**

The RPZ includes all land lying beneath the defined RPZ, as shown on the applicable Airport Zoning Maps, in Appendices 2 through 7, for all airports in PBC.

**2. Airport Land Use Noise Zones (ALUNZ)**

The ALUNZ include all land area lying within the defined ALUNZ as shown on the applicable Airport Land Use Zone Maps, in Appendices 9 through 14, for all airports in PBC.

**D. Airport Land Use Noise Zone(s) Established**

All land uses shall be permitted within ALUNZ as provided in the Off-Airport Land Use Compatibility Schedule, Appendix 8.

**1. Airport Land Use Noise Zones for Airports which have completed FAR Part 150 Noise and Land Use Compatibility Studies**

Several PBC airports have completed a noise study in accordance with 14 CFR Part 150. Land uses within the area contiguous to these airports, within an area defined as the outer noise contour, or equivalent thereof shall be consistent with the type of use listed in Airport Land Use Compatibility Schedule.

**a. Palm Beach International Airport (PBIA)**

The Palm Beach International ALUNZ has been established and is incorporated herein as Appendix 9. This Zone is created based on yearly averaged, 24-hour day/night average noise level projections arising from aircraft flight operations at PBIA.

**1) Palm Beach International Airport Land Use Noise Zone (ALUNZ) Define**

That area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the Palm Beach International Airport Land Use Noise Zone Map. The boundary of the zone extends approximately ½ nautical mile beyond the projected yearly averaged, 24-hour day/night average noise level contour of 65  $L_{dn}$ .

**b. Boca Raton Airport**

The Boca Raton ALUNZ has been established and is incorporated herein as Appendix 10. This Zone is created based on projections of aircraft flight operations at Boca Raton Airport.

**1) Boca Raton Airport Land Use Noise Zone (ALUNZ) Defined**

That area commencing at the outermost boundary of the airport and extending outward there from to a boundary indicated on the Boca Raton Airport Land Use Noise Zone Map. The outer boundary of the zone approximates a projected yearly averaged, 24-hour day/night average noise level contour of 60  $L_{dn}$  or greater.

**2. ALUNZs for Airports which have not completed an FAR Part 150 Noise and Land Use Compatibility Study**

An overlay Land Use Noise Zone has been established for the civil airports which have not completed an Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Study. This Zone is created as an area beneath the standard VFR traffic pattern and buffer airspace established in FAA Order 7400.2D, *Procedures for Handling Airspace Matters*, which underlies the majority of recurring



aircraft flight paths. Land Uses within this zone may be subject to aircraft noise that may be considered objectionable.

**a. Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport**

Land Use Noise Zones for these airports are established as the land lying within parallel lines 9,108 feet in both directions from the approach and departure end of each runway, the runway centerline, and all airspace in between. These zones are established and attached as Appendices 11 through 14.

**E. General Land Use Regulations-Off-Airport Land Use Compatibility Schedule (Appendix 8)**

**1. The Off-Airport Land Use Compatibility Schedule (Appendix 8)**

Lists land uses as defined below:

**a. Land Uses Compatible Without Restriction**

Uses noted with a "P" may develop pursuant to the development review procedures in the Use Regulation Schedule in Art. 4, Use Regulations and Art. 2, Development Review Process, and are not required to comply with the conditional requirements set forth in Appendix 8, The Off-Airport Land Use Compatibility Schedule.

**b. Land Uses Qualified As Compatible Only If In Compliance With Conditional Requirements**

Uses noted with a "Q" may develop pursuant to the development review procedures in the Use Regulation Schedule in Art. 4, Use Regulations and Art. 2, Development Review Process, if regulated and constructed in accordance with the conditional notes in Appendix 8. Application for a Type II variance from the conditional requirements may be made to the ZC in accordance with the requirements in Art. 2, Development Review Process. [Ord 2006-036]

**c. Incompatible Land Uses**

Uses notes as an "N" are considered to be incompatible in the Airport Zone. These uses shall not be allowed in the Runway Protect Zone (RPZ). Uses within the Airport Noise Land Use Zone shall require variance approval pursuant Art. 16.C.2, Variances, herein and Art. 2.B.3, Variances, and shall be subject to the development review procedures in the Use Regulation Schedule in Art. 4, Use Regulations and Art. 2, Development Review Process, prior to establishment of the use.

**2. Prohibited Land Uses**

a. In no case shall a new educational facility or a public or private school be permitted at either end of a runway within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of ½ the runway.

1) Nothing in subsection a. above shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion to contiguous properties of any public or private educational structure in existence, or real property in use, on November 1, 1996. Construction of new education structures shall meet the provisions of Art. 16.B.1.H, Airspace Height Review Procedures, and the provision of sound insulation materials in accordance with established architectural and acoustical principles as contained in document DOT/FAA/PP-92-5 (or later version), Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, is encouraged.

b. In no case shall new residential construction be permitted within an area contiguous to the airport measuring ½ the length of the longest runway on either side of and at the end of each runway centerline unless it meets the conditional notes in the Off-Airport Land Use Compatibility Schedule - Appendix 8. This area is shown as the "New Residential Construction Limit" on Appendices 10-14.

**1) Exemption**

Land uses within regulated areas defined in Art. 16.C.1.D.1.a, Palm Beach International Airport (PBIA) and Art. 16.C.1.D.1.b, Boca Raton Airport Land Use Noise Zone (Airports which have completed Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Studies), "Palm Beach International Airport and Boca Raton Airport Land Use Noise Zone Defined" and which meet the standards set forth herein.

**3. Additional Regulations**

In addition to the requirements contained in the Off-Airport Land Use Compatibility Schedule Appendix 8, all uses within regulated areas shall comply with the following provisions:

**a. Lights and Illuminations**

All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such manner that is not misleading or dangerous to aircraft operating from or to a public airport or in vicinity thereof.

**b. Electronic Devices**

No application, use, or operations of any type shall produce electronic interference with navigation signals or radio communication between aircraft; the airport tower, or other air traffic control facility.

**c. Obscuration**

No operations of any type shall produce smoke, glare or other obscuration within three statute miles of any usable runway of a public airport.

**d. Bird Concentrations**

No use of any type shall be permitted that attract or sustain hazardous bird movements, feeding, water, or roosting areas into or across an airport's runways' approach and departure pattern.

**e. Noise Level Reduction (NLR) Requirements**

If a proposed land use within an Airport Land Use Noise Zone is designated generally compatible (Q), or incompatible (N), then measures to achieve 30 dB NLR shall be incorporated into the regulated use.

**1) Exemptions**

Land Uses within regulated areas defined in Art. 16.C.1.D.2.a, Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport.

**2) Use and Occupancy**

Buildings or structures supporting a legal use(s) which existed prior to (the effective date of this Article), may continue to support the existing use or occupancy provided such continued use does not jeopardize life or health.

**3) Relocated Buildings**

Buildings or structures moved into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions of this Article, as applicable.

**4) Proposed or Newly Constructed Buildings**

Valid permits to construct a building, submitted to the Building Division of PZB prior to (the effective date of this Article), shall not be required to comply with the provisions of Art. 16, Airport Regulations, as long as the building permit has not been amended or expired.

**5) Design Requirements**

The NLR requirements of the Off-Airport Land Use Compatibility Schedule at Appendix 8, may be achieved by any suitable combination of building design, choice of building materials and construction techniques in accordance with established architectural and acoustical principles as contained in DOT document DOT/FAA/PP-92-5, *Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations*. This document is on file at the offices of the DOA and PZB. The reduction requirements shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room.

**f. Disclosure**

The owner of any new building or structure or any existing building or structure which is substantially repaired, reconstructed or altered, as provided in Art. 16, Airport Regulations, proposed to be located within regulated areas shall provide disclosure to all prospective purchasers or tenants of such building or structure that the building or structure is located within the Land Use Compatibility Noise Zone and that aircraft noise may be objectionable.

**F. Review Procedure for Airport Land Use Noise Zones**

All new construction or reconstruction for temporary or permanent structures within ALUNZ shall be reviewed for compliance with the standards of this Section. Prior to acceptance of a development order or issuance of a building permit, the DOA and PZB shall review the application for compliance with this Article.

**Section 2 Variances**

Application for a Type II variance may be submitted to erect or increase the height of any structures, or to use property which does not comply with the regulations prescribed in this Article, to the ZC pursuant to the procedures and standards set forth in Art. 2.B.3, Variances. **[Ord. 2006-036]**

**Section 3 Nonconforming Uses**

Uses nonconforming to the Airport Zoning Regulations shall be administered in accordance with Art. 16, Airport Regulations.

## **Section 4 Administration**

- A. This section of the ULDC shall be interpreted by the Director of Airports. PZB, in consultation with the DOA, shall administer the review of development applications for compliance with this Article within the territorial limits over which PBC has jurisdiction. DOA by Interlocal Agreement with any jurisdiction which has permitting authority shall administer the review of development applications for compliance with this Article within the territorial limits of the municipality. If a Tall Structure Permit is required, then the DOA shall administer review with the FAA. Fees shall be established by the DOA and PZB to administer this Article. **[Ord. 2008-003]**
- B. In the event that any violation of the requirements of this Article are found, the Director Code Enforcement shall give written notice to the property owner. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Code Enforcement Board and DOA. PZB shall require work to stop and may take any or all other action necessary to correct violations and obtain compliance with all the provisions of this Section.
- C. The DOA shall notify the Executive Director of PZB of all amendments to the airport master plan(s), or other regulations that effect the definitions or height limitations of the zones established herein.
- D. Airport signage shall not be subject to the requirements of Article 8 of the ULDC. Proposed signage shall be subject to review by the Aviation and Airports Advisory Board and approved or amended in conjunction with the master plan. **[Ord. 2008-003]**

## **Section 5 Enforcement**

### **A. Non-compliance**

Failure to comply with the requirements of this Section or any permit or Approval granted or authorized hereunder shall constitute a violation of this code. PZB or DOA may issue a Cease and Desist Order or withhold a Certificate of Occupancy until the provisions of this Section have been met. PBC may subject the owner of the premises to the violation and enforcement provisions in F.S. Chapter 333.07, 1995, as amended, seek injunctive relief, pursuant to F.S. Chapter 333.13, as may be amended from time to time, in order to fully effectuate the purposes of this Ordinance. Each violation of this Ordinance or of any regulation, order or ruling promulgated herein shall be considered a separate offense and enforced in accordance with the provisions of Art. 10, Enforcement.

## **Section 6 Appeals**

Any person aggrieved by the decision of PZB or the DOA made in the administration of this Article may appeal the decision to the Hearing Officer in accordance with the provisions of Art. 2.B.3, Variances, of this Code.

### **Amendment History:**

**[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-036, August 29, 2006] [Ord. 2008-003; January 30, 2008]**

## **AIRPORT ZONING REGULATIONS**

### **APPENDIX 1 THROUGH 15**

**NOTE: MAPS IN THESE APPENDICES ARE REPRESENTATIONAL ONLY. LOCATIONAL REQUIREMENTS CAN BE VERIFIED BY THE DEPARTMENT OF AIRPORTS. HARD COPY, SCALED MAPS ARE AVAILABLE UPON REQUEST FROM THE AIRPORT DIVISION.**

<b>APPENDIX 1</b>	<b>AIRSPACE NOTIFICATION MAPS</b>
<b>APPENDIX 2</b>	<b>MAPS A - PALM BEACH INTERNATIONAL AIRPORT</b>
<b>APPENDIX 3</b>	<b>MAP B - PBC PARK AIRPORT</b>
<b>APPENDIX 4</b>	<b>MAP C - PBC GLADES AIRPORT</b>
<b>APPENDIX 5</b>	<b>MAP D - BELLE GLADE MUNICIPAL AIRPORT</b>
<b>APPENDIX 6</b>	<b>MAP E - PALM BEACH NORTH COUNTY AIRPORT</b>
<b>APPENDIX 7</b>	<b>MAP F - BOCA RATON AIRPORT</b>
<b>APPENDIX 8</b>	<b>OFF-AIRPORT LAND USE COMPATIBILITY SCHEDULE</b>
<b>APPENDIX 9</b>	<b>AIRPORT LAND USE NOISE ZONE - PALM BEACH INTERNATIONAL AIRPORT</b>
<b>APPENDIX 10</b>	<b>AIRPORT LAND USE NOISE ZONE - BOCA RATON AIRPORT</b>
<b>APPENDIX 11</b>	<b>AIRPORT LAND USE NOISE ZONE - PBC PARK</b>
<b>APPENDIX 12</b>	<b>AIRPORT LAND USE NOISE ZONE - PBC GLADES AIRPORT</b>
<b>APPENDIX 13</b>	<b>AIRPORT LAND USE NOISE ZONE - BELLE GLADE MUNICIPAL AIRPORT</b>
<b>APPENDIX 14</b>	<b>AIRPORT LAND USE NOISE ZONE - PALM BEACH NORTH COUNTY AIRPORT</b>
<b>APPENDIX 15</b>	<b>ISOMETRIC VIEW OF AIRPORT HEIGHT ZONES AND IMAGINARY SURFACES</b>

# ARTICLE 17

## DECISION MAKING BODIES

	Page
CHAPTER A BOARD OF COUNTY COMMISSIONERS .....	7
Section 1 Powers and Duties .....	7
CHAPTER B GENERAL PROVISIONS .....	7
Section 1 Board Membership .....	7
A. Qualifications .....	7
B. Term of Office .....	7
C. Vacancy .....	8
D. Maximum Number of Boards .....	8
E. Elected Office .....	8
Section 2 Appointments and Termination .....	8
A. Appointments .....	8
1. Individual BCC Appointments .....	8
2. At-Large BCC Appointments .....	8
3. Attendance .....	8
4. Termination .....	8
5. Immediate Removal .....	8
Section 3 Conflict of Interest .....	8
A. Substantive Conflict .....	8
B. Provisions Related to Conflict of Interest .....	8
C. Board Action .....	8
Section 4 Officers .....	9
A. Chair and Vice-Chair .....	9
Section 5 Rules of Procedure .....	9
A. Quorum and Voting .....	9
B. Robert's Rules of Order .....	9
C. Meetings .....	9
D. County Attorney's Office .....	9
Section 6 Compensation .....	9
CHAPTER C APPOINTED BODIES .....	9
Section 1 Land Development Regulation Advisory Board .....	9
A. Establishment .....	9
B. Powers and Duties .....	9
C. Board Membership .....	9
1. Appointment .....	10
2. Qualifications .....	10
3. Terms of Office .....	10

D. Staff	10
E. Meetings	10
1. General	10
2. Subcommittees	10
<b>Section 2</b>	<b>Code Enforcement Special Master</b>
	10
A. Creation and Appointment	10
B. Qualification	11
C. Powers and Duties	11
D. Rules of Procedure	11
E. Term	11
F. Removal	11
G. Vacancy	11
H. Conflicts of Interest	11
I. Meetings	11
1. Scheduling	11
2. Operating Procedures	11
<b>Section 3</b>	<b>Development Review Appeals Board</b>
	12
A. Establishment	12
B. Powers and Duties	12
C. Board Membership	12
D. Officers; Staff	12
1. Chair and Vice-Chair	12
2. Staff	12
E. Meetings	12
1. General	12
<b>Section 4</b>	<b>Environmental Appeals Board</b>
	12
A. Establishment	12
B. Powers and Duties	12
C. Board Membership	12
1. Qualifications	12
2. Terms of Office	12
D. Officers	12
1. Secretary	12
2. Staff	12
E. Meetings	12
1. General or Special Meetings	12
<b>Section 5</b>	<b>Environmental Control Hearing Board</b>
	12
A. Establishment	12
B. Powers and Duties	13
C. Qualifications	13
D. Officers	13
1. Secretary	13
2. Staff	13
E. General or Special Meetings	13
<b>Section 6</b>	<b>Groundwater and Natural Resources Protection Board</b>
	13
A. Establishment	13
B. Powers and Duties	13
C. Board Membership	14

1. Qualifications .....	14
2. Terms of Office .....	14
D. Secretary and Staff .....	14
E. Meetings .....	14
1. General .....	14
Section 7     Hearing Officers .....	14
A. Creation and Appointment .....	14
B. Minimum Qualifications .....	14
C. Duties .....	14
Section 8     Historic Resources Review Board .....	14
A. Establishment .....	14
B. Powers and Duties .....	14
C. Board Membership .....	15
1. Qualifications .....	15
2. Appointment .....	16
3. Terms of Office .....	16
D. Secretary and Staff .....	16
1. Secretary .....	16
2. Staff .....	16
E. Meetings .....	16
1. General .....	16
Section 9     Impact Fee Appeals Board .....	16
A. Establishment .....	16
B. Powers and Duties .....	16
C. Board Membership .....	16
1. Qualifications .....	16
2. Appointment .....	16
3. Terms of Office .....	16
D. Secretary and Staff .....	16
E. Meetings .....	16
1. General .....	16
Section 10    Impact Fee Review Committee .....	17
A. Establishment .....	17
B. Powers and Duties .....	17
C. Board Membership .....	17
1. Qualifications .....	17
D. Officers .....	17
1. Secretary .....	17
E. Meetings .....	17
1. General or Special Meetings .....	17
F. Annual Report .....	17
Section 11    Planning Commission .....	17
A. Establishment .....	17
B. Powers and Duties .....	17
C. Board Membership .....	18
1. BCC Appointed Members .....	18
2. School District Member .....	18
D. Officers; Secretary; Staff .....	18

1. Chair and Vice-Chair.....	18
2. Secretary.....	18
3. Staff.....	18
E. Rules Applicable to Local Planning Agency.....	18
F. Meetings.....	18
<b>Section 12 Traffic Performance Standards Appeals Board .....</b>	<b>19</b>
A. Establishment.....	19
B. Powers and Duties .....	19
C. Board Membership.....	19
1. Qualifications .....	19
2. Terms of Office.....	19
3. Vacancy.....	19
D. Officers .....	19
1. Staff .....	19
E. Meetings .....	19
1. General or Special Meetings.....	19
<b>Section 13 Zoning Commission .....</b>	<b>19</b>
A. Establishment.....	19
B. Powers and Duties .....	19
C. Commission Membership.....	19
1. BCC Appointed Members.....	19
D. Officers; Quorum; and Voting .....	20
1. Chair and Vice-Chair.....	20
2. Quorums and Voting.....	20
E. Meetings.....	20
1. General.....	20
<b>CHAPTER D STAFF OFFICIALS .....</b>	<b>20</b>
<b>Section 1 Building Director .....</b>	<b>20</b>
A. Creation and Appointment .....	20
B. Jurisdiction, Authority and Duties.....	20
<b>Section 2 Code Enforcement Director.....</b>	<b>20</b>
A. Creation and Appointment .....	20
B. Jurisdiction, Authority and Duties.....	20
<b>Section 3 County Administrator.....</b>	<b>20</b>
A. Creation and Appointment .....	21
B. Jurisdiction, Authority and Duties.....	21
<b>Section 4 County Attorney .....</b>	<b>21</b>
A. Jurisdiction, Authority and Duties.....	21
<b>Section 5 County Engineer .....</b>	<b>21</b>
A. Creation and Appointment .....	21
B. Jurisdiction, Authority and Duties.....	21
<b>Section 6 PBC Health Department Director .....</b>	<b>22</b>



A. Creation and Appointment .....	22
B. Jurisdiction, Authority and Duties .....	22
Section 7      Development Review Officer .....	22
A. Establishment .....	22
B. Powers and Duties .....	22
C. Comments and Recommendations .....	22
D. Procedures .....	23
1. DRO .....	23
2. Secretary .....	23
3. Staff .....	23
4. Certification .....	23
5. Record of DRO .....	23
6. Appeal .....	23
Section 8      Director of ERM .....	23
A. Creation and Appointment .....	23
B. Jurisdiction, Authority and Duties .....	23
Section 9      Director of Land Development .....	23
A. Creation and Appointment .....	23
B. Jurisdiction, Authority and Duties .....	24
Section 10     Director of Parks and Recreation .....	24
A. Creation and Appointment .....	24
B. Jurisdiction, Authority and Duties .....	24
Section 11     Executive Director of Planning, Zoning and Building .....	24
A. Creation and Appointment .....	24
B. Jurisdiction, Authority and Duties .....	24
Section 12     Impact Fee Coordinator .....	24
A. Creation and Appointment .....	24
B. Jurisdiction, Authority and Duties .....	24
Section 13     Planning Director .....	25
A. Creation and Appointment .....	25
B. Jurisdiction, Authority and Duties .....	25
Section 14     Zoning Director .....	25
A. Creation and Appointment .....	25
B. Jurisdiction, Authority and Duties .....	25

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# ARTICLE 17

## DECISION MAKING BODIES

### CHAPTER A BOARD OF COUNTY COMMISSIONERS

#### Section 1 Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

- A. to initiate, hear, consider and approve, approve with conditions, or deny applications to amend the text of the Plan;
- B. to initiate, hear, consider and approve, approve with conditions, or deny applications for Site Specific amendments to the FLUA of the Plan;
- C. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and Workforce Housing Program (WHP) Programs; **[Ord. 2007-013]**
- D. to initiate, hear, consider and approve, or deny requests to amend the text of this Code; **[Ord. 2009-040]**
- E. to initiate, hear, consider and approve, approve with conditions, or deny applications for development permits to amend the Official Zoning Map of this Code;
- F. to hear, consider and approve, approve with conditions, or deny applications for development permits for Preliminary Development Plans for a Residential Planned Unit Development District (PUD), Traditional Neighborhood Development District (TND), Mixed Use Planned Development District (MXPDP), Multiple Use Planned Development District (MUPD), Planned Industrial Park Development District (PIPD), Mobile Home Park Planned Development District (MHPD), Recreational Vehicle Park Planned Development District (RVPD), Traditional Marketplace Development (TMD), and Traditional Town Development (TTD);
- G. to hear, consider and approve, approve with conditions, or deny applications for development permits for Class A conditional uses;
- H. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission (ZC) on applications for development permits for Class B conditional uses;
- I. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate;
- J. to establish fees for the review of applications for development permits, and appropriate funds to defray the costs of administering this Code;
- K. to act to ensure compliance with development orders or permits as approved and issued;
- L. to hear and consider administrative inquiries;
- M. to take such other action not delegated to the decision-making bodies set forth in this Article or other officials of PBC Departments, as the BCC may deem desirable and necessary to implement the provisions of the Plan and this Code; **[Ord. 2009-040]**
- N. to appoint other advisory boards that are determined necessary to assist in the implementation of this Code or the Plan; **[Ord. 2007-013]**
- O. to review, hear, consider, and approve, approve with conditions, or deny requests for deviations from: Article 4.B.1.A.70-1,a.1) Homeless Resource Center, Location and Separation Requirements, and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District; and **[Ord. 2007-013] [Ord. 2009-040]**
- P. to hear, consider and approve, approve with conditions, or deny application for Unique Structures. **[Ord. 2009-040]**

### CHAPTER B GENERAL PROVISIONS

Unless otherwise noted, the following provisions shall apply to each appointed body described in this Article. In addition, each board shall be governed by PBC Resolution No. 95-1806. In case of conflict between the general provisions in this Section, and the specific provisions of each appointed body, the specific provisions shall prevail.

#### Section 1 Board Membership

##### A. Qualifications

Unless otherwise noted, each member of a board described in this Article, Decision-Making Bodies shall be a qualified elector of PBC for at least two years prior to appointment. No member of the BCC, BCC aide, or PBC employee shall serve on a board described herein.

##### B. Term of Office

1. The term of office for each member shall be three years. All members serving on a board on the effective date of this Code shall complete their terms according to their prior appointments.
2. There shall be no limit on the number of terms a person may serve on a board or commission.

**C. Vacancy**

1. The BCC shall fill a vacancy within 60 days.
2. When a person is appointed to fill out the term of a departing member, that person's term shall end at the same time the departing member's term would have ended.

**D. Maximum Number of Boards**

The maximum number of boards a person may serve on at one time shall be three. [Ord. 2006-004]

**E. Elected Office**

Members shall not be prohibited from qualifying as a candidate for elected office.

## **Section 2 Appointments and Termination**

**A. Appointments**

**1. Individual BCC Appointments**

A board member shall serve at the pleasure of the member of the BCC who appointed that member and may be removed by the BCC member without cause at any time.

**2. At-Large BCC Appointments**

A board member shall serve at the pleasure of the BCC and may be removed by the BCC without cause at any time.

**3. Attendance**

Members of boards shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Only regular meetings shall be counted towards the attendance requirements. Special meeting shall not be counted towards the attendance requirements.

**4. Termination**

In the event that any board member is no longer a qualified elector, or the member is convicted of a felony, or an offense involving moral turpitude while in office, the BCC shall terminate the appointment of the member.

**5. Immediate Removal**

Members removed pursuant to Article 17.B.2.A, Appointments, through Article 17.B.2.A.4, Termination, above, shall not continue to serve on the board and such removal shall create a vacancy.

## **Section 3 Conflict of Interest**

**A. Substantive Conflict**

No board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a board member.

**B. Provisions Related to Conflict of Interest**

To implement this policy, members are directed to:

1. be governed by the applicable provisions of state and local law;
2. not accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties;
3. make known by written or oral disclosure, on the record at a meeting, any interest which the member has in any pending matter before that board, before any deliberation on that matter;
4. abstain from using membership on the board to secure special privileges or exemptions;
5. refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the board not available to members of the general public, and to refrain from using such information for personal gain or benefit;
6. refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the board; and
7. refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.

**C. Board Action**

Willful violation of this Section which affects a vote of a board member shall render that action voidable by the BCC.

#### **Section 4      Officers**

##### **A. Chair and Vice-Chair**

At an annual organizational meeting, each board shall elect a Chair and Vice-Chair from among the members. The term of the Chair and Vice-Chair's terms shall be one year. The Chair shall administer oaths, be in charge of all procedures before the board and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the board. In the absence of the chair, the vice-chair shall act as Chair and shall have all the powers of the Chair.

#### **Section 5      Rules of Procedure**

##### **A. Quorum and Voting**

The presence of a majority of the members of the board shall constitute a quorum necessary to take action and transact business. All actions shall require a simply majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.

##### **B. Robert's Rules of Order**

All meetings shall be governed by Robert's Rules of Order. Each board may by majority vote of the entire membership adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations.

##### **C. Meetings**

1. The location of all meetings shall be in PBC, Florida.
2. If a matter is postponed due to lack of a quorum, the item shall be rescheduled to the next meeting.
3. All meetings and public hearings shall be open to the public.
4. All meetings shall be set for time certain after due public notice. Due public notice shall include notification that a record is required to appeal a final decision of the board pursuant to F.S. §286.0105.

##### **D. County Attorney's Office**

The County Attorney's Office shall provide counsel and interpretation on legal issues.

#### **Section 6      Compensation**

Board members shall receive no compensation for their services with exception of Code Enforcement Special Master and Hearing Officers who may be compensated for their services at discretion of the BCC. Travel reimbursement for members shall be limited to expenses incurred only for travel outside PBC necessary to fulfill the responsibilities of membership on the particular board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon prior approval of the BCC. No other expenses are reimbursable except documented long distance telephone calls to PBC staff that are necessary to fulfill the responsibility of membership on the particular board. [Ord. 2006-036]

### **CHAPTER C    APPOINTED BODIES**

#### **Section 1      Land Development Regulation Advisory Board**

##### **A. Establishment**

There is hereby established a Land Development Regulation Advisory Board (LDRAB).

##### **B. Powers and Duties**

The LDRAB shall have the following powers and duties under the provisions of this Code:

1. to periodically review the provisions to this Code that are not reviewed by another advisory board established by BCC for that purpose, and to make recommendations to the BCC for those provisions reviewed;
2. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments; and
3. to serve as Land Development Regulation Commission (LDRC) as provided by F.S. § 163.3164(22) and F.S. § 163.3194.

##### **C. Board Membership**

### 1. Appointment

- a. The LDRAB shall be composed of 17 members and two at-large alternate members.
- b. Ten of the members shall be appointed by a majority of the BCC upon a recommendation by the organizations listed in Table 17.C.1.C-1, LDRAB Expertise.
- c. Seven members shall be appointed by the BCC. Each PBC Commissioner shall appoint one member with consideration of the expertise in Article 17.C.1.C.2, Qualifications.
- d. The BCC shall appoint two at-large alternate members, by a majority vote of the BCC, with consideration of the expertise in Article 17.C.1.C.2, Qualifications.

### 2. Qualifications

- a. The Board shall be composed of members with the expertise recommended for appointment by the corresponding organization as outlined in Table 17.C.1.C-1, LDRAB Expertise.
- b. Each BCC appointment shall be with consideration in the following areas of expertise:
  - 1) Landscape Architecture.
  - 2) Redevelopment Expertise.
  - 3) Fiscal Impact Analysis Expertise.
  - 4) Land Use/Real Estate Law.
  - 5) Natural Sciences.
  - 6) Business Development.
- c. No two members of the LDRAB shall represent the same occupation or business.

**Table 17.C.1.C-1 LDRAB Expertise**

Occupations	Organizations
1. Residential Builder	Gold Coast Builders
2. Municipal Representative	League of Cities
3. Engineer	Florida Engineering Society
4. Architect	American Institute of Architects
5. Environmentalist	Environmental Organization
6. Realtor	PBC Board of Realtors
7. Surveyor	Fla. Society of Professional Surveyors
8. Citizen Representative	Condominium/HOA Assoc.
9. Commercial Builder	Assoc. General Contractors of America
10. AICP Planner	PBC Planning Congress

### 3. Terms of Office

Members of the LDRAB shall hold office until the first Tuesday after the first Monday in February of the year their term expires.

#### D. Staff

The Zoning Director of PZB shall serve as the Secretary and the professional staff of the LDRAB.

#### E. Meetings

##### 1. General

General meetings of the LDRAB shall be held as needed to dispense of matters properly before the LDRAB. Special meetings may be called by the Chair or in writing by a majority of the members of the LDRAB. Staff shall provide 24-hour written notice to each LDRAB member before a special meeting is convened.

##### 2. Subcommittees

The LDRAB shall consider recommendations from the Zoning Director and determine by majority vote to create subcommittees with the expertise necessary to make recommendations on specific Code amendments. Subcommittee appointments shall be made at a regular LDRAB meeting. **[Ord. 2009-040]**

## Section 2 Code Enforcement Special Master

### A. Creation and Appointment

Code enforcement hearings pursuant to this Code shall be conducted by designated Special Master. Applications for Special Master positions shall be directed to County Administrator pursuant to a notice published in a newspaper of general circulation. The BCC shall select a pool of candidates from the applications filed with County Administrator on the basis of experience and qualifications. County

Administrator shall appoint Special Master to conduct hearings from the pool of candidates selected by the BCC as necessary.

**B. Qualification**

Special Master shall have the following minimum qualifications:

1. be a graduate of a law school accredited by the American Bar Association;
2. demonstrate knowledge of administrative laws, land use law, and local government regulation and procedures;
3. be a current member, in good standing, of the Florida Bar Association;
4. have such other qualifications that may be established by resolution of the BCC; and
5. in the event County Administrator does not receive a sufficient number of applications from qualified members of the Florida Bar Association, the BCC may select attorneys who are not members of the Florida Bar Association as candidates for Special Master. Among those attorneys who are not members of the Florida Bar Association, the BCC and County Administrator shall give preference to those attorneys who have prior experience in a judiciary capacity, or as a hearing officer, mediator or special master. No attorney, who has been disciplined by the Florida Bar Association or a bar association of any other jurisdiction, shall be appointed as a Special Master.

**C. Powers and Duties**

Special Master shall have the following powers and duties:

1. to hold hearings and to make findings of fact and conclusions of law as are necessary to enforce the provisions of this Code and the building, electrical, fire, gas, landscape, plumbing, and other codes of PBC 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 as nature that it cannot be corrected;
2. to issue subpoenas compelling the presence of persons at Special Master hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;
3. to issue subpoenas compelling the production of evidence at code enforcement hearings;
4. to take testimony under oath;
5. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with this Code and PBC's building, electrical, fire, gas, landscape, plumbing, and other codes of PBC;
6. to assess fines pursuant to Article 10.B.3, Administrative Fines, Costs, Liens;
7. to lien property; and
8. to assess costs pursuant to Article 10.B.3, Administrative Fines, Costs, Liens.

**D. Rules of Procedure**

The BCC shall have the authority prescribe rules of procedure for the conduct of hearings before the Special Master by resolution.

**E. Term**

Special Master shall serve a term of one year from the date of appointment by County Administrator. Special Master may be reappointed at the discretion of County Administrator. There shall be no limit on the number of terms a person may serve as a Special Master.

**F. Removal**

At any time during the appointment, County Administrator shall have the authority to remove a Special Master with or without cause upon ten days written notice.

**G. Vacancy**

If any Special Master resigns or is removed prior to expiration of his or her term or County Administrator determines that the Special Master should not be reappointed, County Administrator shall appoint a Special Master from the pool of candidates previously selected by the BCC to fill the vacancy within 30 days.

**H. Conflicts of Interest**

Special Master shall not be considered outside or special counsel and shall not be subject to PPM# CW-O-52 relating to outside counsel conflicts of interest.

**I. Meetings**

**1. Scheduling**

The Code Enforcement Division shall be responsible for scheduling meetings of Special Master. In the case of an alleged violation as set forth in Article 10.B.1, Procedure, a hearing may be called as soon as practical.

**2. Operating Procedures**

All cases brought before Special Master shall be presented by either the Code Enforcement Division or an attorney representing the Division.

### **Section 3      Development Review Appeals Board**

#### **A. Establishment**

There is hereby established a Development Review Appeals Board (DRAB).

#### **B. Powers and Duties**

The DRAB shall have the following powers and duties under the provisions of this Code:

1. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension;
2. to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and WHP; and **[Ord. 2007-013]**
3. to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit.

#### **C. Board Membership**

The DRAB shall consist of the Executive Director of PZB, County Engineer, and County Attorney or Deputy County Attorney.

#### **D. Officers; Staff**

##### **1. Chair and Vice-Chair**

The Executive Director of PZB shall be the Chair of the DRAB.

##### **2. Staff**

PZB staff shall be the professional staff for the DRAB.

#### **E. Meetings**

##### **1. General**

General meetings of the DRAB shall be held as needed to dispose of matters properly before the DRAB. Special meetings may be called by the Chair or in writing by two members of the DRAB. Staff shall provide 24-hour written notice to all DRAB members.

### **Section 4      Environmental Appeals Board**

#### **A. Establishment**

There is hereby established an Environmental Appeals Board (EAB).

#### **B. Powers and Duties**

The EAB has the following powers and duties:

1. to hear appeals from certain requirements, interpretations, or determinations of Article 15, HEALTH REGULATIONS, made by the PBCHD or the Environmental Control Officer.

#### **C. Board Membership**

##### **1. Qualifications**

The EAB shall be composed of five members. The membership of the EAB shall consist of one professional engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one water resource professional employed by SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold Coast Builders Association, and one attorney nominated by the PBC Bar Association.

##### **2. Terms of Office**

All EAB members shall serve a term of three years.

#### **D. Officers**

##### **1. Secretary**

PBC Environmental Control Officer shall provide a staff person to the EAB and that staff member shall be designated as Secretary of the EAB.

##### **2. Staff**

The PBCHD shall be the professional staff of the EAB.

#### **E. Meetings**

##### **1. General or Special Meetings**

General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.

### **Section 5      Environmental Control Hearing Board**

#### **A. Establishment**

There is hereby established an Environmental Control Hearing Board (ECHB).



**B. Powers and Duties**

The ECHB has the following powers and duties:

1. to conduct hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ord. 78-5, as amended; and
2. after due public hearing, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform to either or both of the following requirements:
  - a. to refrain from committing, creating, maintaining, or permitting the violations;
  - b. to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation;
  - c. to issue orders imposing civil penalties of up to \$500 dollars for each day of violation;
  - d. to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and
  - e. to administer oaths to any or all persons who are to testify before the ECHB.

**C. Qualifications**

The ECHB shall be composed of five members. The membership of the ECHB shall consist of one attorney recommended by the PBC Bar Association; one medical doctor recommended by the PBC Medical Society; one engineer recommended by the PBC chapter of the Florida Engineering Society; and two citizens at large.

**D. Officers**

**1. Secretary**

The Environmental Control Officer shall serve as Secretary of the ECHB.

**2. Staff**

The PBCHD shall be the professional staff of the ECHB.

**E. General or Special Meetings**

General meetings of the ECHB shall be held no less frequently than every 45 days. The ECHB may set the date of future meetings during any meeting. Special meetings may be called by the Chair of the ECHB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each ECHB member for a special meeting.

**Section 6 Groundwater and Natural Resources Protection Board**

**A. Establishment**

There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

**B. Powers and Duties**

The GNRPB shall have the following powers and duties:

1. to hold hearings as necessary to enforce Article 14, ENVIRONMENTAL STANDARDS. ERM may refer alleged violations of Art. 14 Environmental Standards, and Art. 4.D, Excavation, Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021, Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and Prevention, 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]**
2. to adopt rules of procedure for the conduct of hearings;
3. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;
4. to issue subpoenas compelling the provision of evidence at GNRPB hearings;
5. to take testimony under oath;

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6. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with the violation of Article 14, ENVIRONMENTAL STANDARDS;
7. to lien property; and
8. to assess administrative fines and costs pursuant to Article 14, ENVIRONMENTAL STANDARDS.

**C. Board Membership**

**1. Qualifications**

The GNRPB shall be composed of seven members appointed by the BCC. The membership of the Board shall consist of a professional engineer registered by the State of Florida, an attorney licensed to practice in Florida, a hydrologist, a citizen possessing expertise and experience in managing a business, a biologist or a chemist, concerned citizen and a member of an environmental organization.

**2. Terms of Office**

All members shall serve a term of three years. All members serving on the GNRPB on the effective date of this Code shall complete their terms according to their prior appointments.

**D. Secretary and Staff**

The Director of ERM shall serve as Secretary of the GNRPB. ERM shall be the professional staff of the GNRPB.

**E. Meetings**

**1. General**

General meetings of the GNRPB shall be held no more frequently than once every month. Special meetings may be called by the Chair of the GNRPB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each Board member prior to a special meeting.

**Section 7      Hearing Officers**

**A. Creation and Appointment**

County Administrator may, from a pool selected by the BCC, appoint one or more hearing officers to hear and consider such matters as may be required under any provision of this Code or as may be determined to be appropriate by the BCC from time to time. Such hearing officers shall serve at the pleasure of the BCC for such period as is determined by the Board. Code Enforcement Special Master, as established and appointed pursuant to Article 17.A.1, Powers and Duties, may serve ex officio as Hearing Officers as set forth in this Section. Whoever shall accept an appointment as a hearing officer shall, for a period of one year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application for other matter before any decision-making body of PBC in any matter involving land that was the subject of a proceeding which was considered.

**B. Minimum Qualifications**

A hearing officer shall have the following minimum qualifications:

1. be a graduate of a law school accredited by the American Bar Association;
2. demonstrated knowledge of administrative, environmental and land use planning and law and procedure; and
3. hold no other appointive or elective public office or position in PBC during the period of appointment.

**C. Duties**

A hearing officer shall have the following duties:

1. to conduct hearings and issue administrative orders on such matters as may be requested by the BCC;
2. to render to the BCC a written report containing a summary of the testimony and evidence given and findings and recommendations regarding the specific standards applicable to the particular application for development permit;
3. to issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing; and
4. to perform such other tasks and duties as the BCC may assign.

**Section 8      Historic Resources Review Board**

**A. Establishment**

There is hereby established a Historic Resources Review Board (HRRB).

**B. Powers and Duties**

The HRRB shall have the following powers and duties under the provisions of this Code:

1. develop, administer and update an accurate inventory of historic resources in unincorporated PBC and on PBC owned property in municipalities. The inventory shall be used to formulate a map of

historic district boundaries and historically significant properties meriting protection to be incorporated into the land use element of the Plan.

2. pursuant to Article 9.B, Historic Preservation Procedures, nominate and accept nominations for public and private properties for designation and regulate and administer such properties, structures, buildings, sites, districts, etc. so designated as historic sites and/or districts. The Department, in conjunction with the HRRB, shall establish a schedule for nominations for public and private properties for designation;
3. participate in the National Register program in Florida to the greatest possible extent, as defined by the 1981 and subsequent amendments to the Historic Preservation Act of 1966 and regulations and rules drafted pursuant to those amendments by the National Park Service and the Florida State Bureau of Historic Preservation;
4. act as a regulatory body to approve, deny or modify Certificates of Appropriateness as specified by Article 9, ARCHAEOLOGICAL AND HISTORIC PRESERVATION;
5. make recommendations concerning amendments to the Plan, this Code, Building and other development related codes as they relate to the preservation of Historic Resources;
6. make recommendations regarding historic and archeological resources on property owned by PBC;
7. pursuant to Article 9.B.4.B, Waiver of the Code Provisions, review and comment to the BCC concerning waiver of Code provisions of the Code for properties within historic districts and for properties designated as historic or archaeological sites or listed on the PBC Register of Historic Places;
8. develop, establish, and administer guidelines concerning contemporaneous architectural styles, colors, building materials and so forth for historic sites and historic districts. Such guidelines will be subject to approval by the BCC;
9. coordinate with other entities to support increased public awareness of the value of historic preservation;
10. after PBC qualifies as a Certified Local Government, make recommendations to PBC Commission concerning the use of grants from Federal and State agencies, to augment PBC funding in order to promote the preservation and conservation of archaeological sites of historic significance, historic sites and historic districts;
11. cooperate and coordinate with property owners, public and private organizations, businesses and other individuals to help ensure the conservation and preservation of archaeological sites, contents within said sites, buildings, structures and districts of historic significance, especially those for which demolition or destruction is proposed;
12. create and approve the design of standardized historic markers and plaques and issue recognition to designated historic sites and historic districts within PBC;
13. execute any other needed and appropriate historic resource preservation functions which may be approved by the BCC;
14. develop and administer a Historic Preservation Manual for PBC to help property owners fulfill the regulations and requirements of this ordinance;
15. hear, consider and approve, approve with conditions or deny applications for Certificate to Dig;
16. make recommendations to the BCC regarding proposed amendments to the map of known archeological sites;
17. initial resources shall be dedicated to those functions which shall qualify PBC as a Certified Local Government;
18. make every effort to be represented at meetings, conferences and workshops pertaining to the functions of the HRRB scheduled by the State Historic Preservation offices or the Florida Conference of Preservation Boards and Commissions;
19. seek expertise or proposals of matters requiring evaluation by a professional of a discipline not represented on the HRRB; and
20. the HRRB's responsibilities shall be complementary to the powers of the State Historic Preservation Office.

#### **C. Board Membership**

##### **1. Qualifications**

There shall be nine members of the HRRB. Members of the HRRB shall be residents of PBC, Florida and demonstrate an interest in local history. One member with professional experience shall be appointed from each of the following five professional disciplines: history, architecture, archeology, architectural history and historic architecture. Other historic preservation related disciplines, such as Urban Planning, American Studies, American Civilization, Cultural Geography or Cultural Anthropology shall be considered when choosing appointments for these five of the nine members of

the HRRB. Each of these five positions shall meet the requirements outlined in the Professional Qualifications Standards of the Florida Certified Local Government Guidelines. In addition to the above five positions, there shall be a sixth person with a demonstrated interest, degree or experience in one of the above professional disciplines who is also a resident of the area of PBC West of Twenty Mile Bend, including any of the incorporated or unincorporated communities in proximity to Lake Okeechobee. There are no specific requirements for the other three positions as a prerequisite to appointment but consideration shall be given to the following with a demonstrated interest in history, architecture or related disciplines: business person, engineer, contractor in a construction trade, landscape architect, urban planner, attorney, and resident of areas identified by 1990 PBC Historic Sites Survey as containing 25 or more structures with potential for historic preservation. Persons seeking appointment to the HRRB shall be willing to invest time to assist staff in site evaluations, establishing priorities, public education efforts, survey and planning activities of the Certified Local Government Program and the other responsibilities of the HRRB. Board members shall attend pertinent educational conferences and seminars.

**2. Appointment**

The members of the HRRB shall be appointed at large by the BCC.

**3. Terms of Office**

Each appointment shall be made for a term of three years. Any member may be reappointed for one successive term upon approval of the BCC as provided for herein.

**D. Secretary and Staff**

**1. Secretary**

The Planning Director of the PZB shall serve as Secretary to the HRRB.

**2. Staff**

The Planning Division shall be the professional staff of the HRRB. The Board shall make every effort to minimize demands on staffing in consideration of budgetary constraints.

**E. Meetings**

**1. General**

General meetings of the HRRB shall be held at least quarterly. Special meetings may be called by the Chair of the HRRB, or in writing by a majority of the members of the Board. Staff shall provide 24-hours written notice to each Board member prior to a special meeting.

**Section 9      Impact Fee Appeals Board**

**A. Establishment**

There is hereby established an Impact Fee Appeals Board (IFAB).

**B. Powers and Duties**

The IFAB shall have the following powers and duties:

1. to hear and decide appeals from decisions of the Impact Fee Coordinator on independent calculation studies pursuant to Article 13, IMPACT FEES; and
2. to hear and decide appeals from an interpretation of the Impact Fee Coordinator on Article 13, IMPACT FEES.

**C. Board Membership**

**1. Qualifications**

The IFAB shall be composed of five members. There shall be one traffic engineer, one accountant, one attorney, one representative of the general public, and one developer/builder on the IFAB. No member of the Impact Fee Review Committee may serve on the IFAB.

**2. Appointment**

The members of the IFAB shall be approved at large by a majority vote of the BCC.

**3. Terms of Office**

All IFAB members shall serve a term of three years.

**D. Secretary and Staff**

The Impact Fee Coordinator shall serve as Secretary of the IFAB. The staff of PZB shall be the professional staff of the IFAB. County Attorney shall attend meetings to serve as counsel to the IFAB. The Impact Fee Coordinator shall represent PBC by presenting PBC's position to the IFAB.

**E. Meetings**

**1. General**

General meetings of the IFAB will be called as necessary to carry out business, but no more frequently than once a month. Special meetings may be called by the Chair of the IFAB, or in writing

by a majority of appointed members of the Board. Staff shall provide 24-hour written notice to each IFAB member for a special meeting.

## **Section 10      Impact Fee Review Committee**

### **A. Establishment**

There is hereby created an Impact Fee Review Committee (IFRC).

### **B. Powers and Duties**

The IFRC shall have the following powers and duties under the provisions of this Code:

1. submit a Report to the BCC whenever PBC conducts a full review or update of the impact fee system relating to:
  - a. the implementation of Article 13, IMPACT FEES;
  - b. actual levels of service for the impact fees exacted in Article 13, IMPACT FEES;
  - c. the collection, encumbrance, and expenditure of all impact fees collected pursuant to Article 13, IMPACT FEES;
  - d. the validity and assumptions in the technical memoranda used to support the impact fee schedules in Article 13, IMPACT FEES; and
  - e. any recommended amendment to Article 13, IMPACT FEES.
2. review amendments to Article 13, IMPACT FEES prior to their consideration by the BCC.
3. perform such other duties as the BCC deems appropriate.

### **C. Board Membership**

#### **1. Qualifications**

The IFRC shall be composed of seven members and three alternate members appointed by the BCC. The membership of the IFRC shall include three representatives from municipalities within PBC, three representatives from the business community, and one member selected at large. The voting membership of the IFRC shall include three representatives from municipalities within PBC three representatives from the business community, and one member selected at large. The alternate members shall include one representative from each of the three categories above. An alternate member shall be authorized to vote in place of an absent voting member appointed from the same category and shall count toward a quorum.

### **D. Officers**

#### **1. Secretary**

The Impact Fee Coordinator shall serve as Secretary of the IFRC.

### **E. Meetings**

#### **1. General or Special Meetings**

General meetings of the IFRC shall be held as needed consistent with its powers and duties. Special meetings may be called by the Chair of the IFRC, or in writing by a majority of appointed members of the IFRC. 24-hour written notice shall be given to each IFRC member for a special meeting.

### **F. Annual Report**

The IFRC shall submit an annual report to the BCC. The form, substance and submittal date for the report shall be established by the County Administrator in a Policy and Procedure Memorandum. **[Ord. 2009-040]**

## **Section 11      Planning Commission**

### **A. Establishment**

There is hereby established a Planning Commission (PLC). **[Ord. 2008-003]**

### **B. Powers and Duties**

The PLC shall have the following powers and duties under the provisions of this Code: **[Ord. 2008-003]**

1. to serve as the Local Planning Agency (LPA) per F.S. § 163.3174, and to provide recommendations on the preparation of the Plan, or any element or portion thereof, and any text amendments thereto to the BCC;
2. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Plan, including Site Specific (Future Land Use Map) amendments to the Plan;
3. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications for the VDB Program;

4. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments;
5. to make additional or amended rules of procedure not inconsistent with this Section to govern the PLC's proceedings; [Ord. 2008-003]
6. to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
7. to submit an Annual Report to the BCC summarizing its annual activities; and
8. to review and make recommendations to the BCC on Transportation Concurrency Management Area (TCMA) and Constrained Road at Lower Levels of Service (CRALLS) or a major thoroughfare on which a lower LOS is set pursuant to Article 12, TRAFFIC PERFORMANCE STANDARDS.

**C. Board Membership**

**1. BCC Appointed Members**

The PLC shall be comprised of 16 members; 15 BCC appointed members and one representative of the School District of PBC. [Ord. 2008-003]

**a. Qualifications**

Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.

**b. Appointment**

Each member of the BCC shall appoint two members to the PLC. One member of the PLC shall be appointed at large by a majority vote of the BCC. [Ord. 2008-003]

**c. Terms of Office**

Members of the PLC shall hold office until the first Tuesday after the first Monday in June of the year their term expires. [Ord. 2008-003]

**2. School District Member**

The School District of PBC shall appoint a representative to attend those meetings at which the PLC will consider a Plan amendment which would, if approved, increase residential density of the property that is the subject of the application. The school member shall be a non-voting member and shall not count toward quorum. [Ord. 2008-003]

**D. Officers; Secretary; Staff**

**1. Chair and Vice-Chair**

The Chair and Vice Chair positions shall rotate annually and shall only be held by regular members. No Board member shall serve consecutive terms as Chair or Vice-Chair. [Ord. 2008-003]

**2. Secretary**

The Planning Director of PZB shall serve as Secretary of the PLC. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the PLC, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the PLC members voting. In addition, the Secretary shall maintain all records of PLC meetings, hearings, proceedings, and the correspondence of the PLC. The records of the PLC shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours. [Ord. 2008-003]

**3. Staff**

The Planning Division of PZB shall be the professional staff of the PLC. The Planning Division staff shall be responsible for, providing a recommendation to the PLC on all items scheduled for its consideration. Plan amendments, including amendments to any maps included as part of the Plan. [Ord. 2008-003]

**E. Rules Applicable to Local Planning Agency**

1. The agenda of the PLC sitting as the LPA shall be as prepared and presented by the PBC Planning Division and such agenda shall not be deviated from without a two-thirds vote of a quorum of the LPA. [Ord. 2008-003]
2. Failure of the LPA to make a recommendation on any Plan Amendment to the BCC prior to the final transmittal hearing of the amendments shall constitute the item being sent to the BCC with an LPA recommendation of denial pursuant to F.S. § 163.3174, as may be amended from time to time.

**F. Meetings**

General meetings of the PLC shall be held as needed to dispense of matters properly before the PLC. Special meetings may be called by the Chair or in writing by a majority of the members of the PLC. Staff

shall provide 24-hour written notice to each PLC member before a special meeting is convened. [Ord. 2008-003]

## **Section 12 Traffic Performance Standards Appeals Board**

### **A. Establishment**

There is hereby established a Traffic Performance Standards Appeals Board (TPSAB).

### **B. Powers and Duties**

The TPSAB shall have the following powers and duties under the provisions of this Code:

1. to hear and decide appeals from decisions of PBC Engineer or a Municipal Engineer pursuant to Article 12, TRAFFIC PERFORMANCE STANDARDS; and
2. to issue subpoenas to compel attendance of witnesses and production of documents.

### **C. Board Membership**

#### **1. Qualifications**

There shall be five members of the TPSAB appointed by the BCC. They shall consist of the Director of the Metropolitan Planning Organization (MPO), a professional Traffic Engineer employed by a municipality in PBC as a Traffic Engineer, a professional Traffic Engineer employed by another Florida County, a professional Traffic Engineer employed by FDOT District IV, and a professional Traffic Engineer who generally represents developers. Any person serving on the TPSAB shall not be a person who participated in the decision being appealed, or shall not work for or be retained by a party to an appeal, or be a person who would be directly affected by the matter being appealed. The members of this board do not have to be PBC residents.

#### **2. Terms of Office**

All TPSAB members shall serve a term of four years.

#### **3. Vacancy**

When a TPSAB member resigns or is removed, the BCC shall fill the vacancy within 20 working days.

### **D. Officers**

#### **1. Staff**

The County Engineer's office shall be the professional staff of the TPSAB.

### **E. Meetings**

#### **1. General or Special Meetings**

General meetings of the TPSAB shall be held as needed to dispense of matters properly before the TPSAB. Special meetings may be called by the Chair of the TPSAB, or in writing by three members of the Board. Staff shall provide 24-hour written notice to each TPSAB member for a special meeting.

## **Section 13 Zoning Commission**

### **A. Establishment**

There is hereby established a Zoning Commission (ZC).

### **B. Powers and Duties**

The ZC shall have the following powers and duties under the provisions of this Code:

1. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Official Zoning Map; [Ord. 2009-040]
2. to review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications for development orders pursuant to Art. 2.A.1.D.1.b, Zoning Commission; [Ord. 2009-040]
3. to review, hear, consider, and approve, approve with conditions, or deny applications for development permits for Class B conditional uses and Type II variance applications. [Ord. 2006-036]
4. to make its special knowledge and expertise available upon request of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal government;
5. to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
6. to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the ZC's proceedings; [Ord. 2006-036]
7. to consider and render a final decision on appeals of denials of green architecture application. [Ord. 2009-040]

### **C. Commission Membership**

#### **1. BCC Appointed Members**

The ZC shall be composed of nine members, to be appointed by the BCC. Each member of the BCC shall appoint one member to the ZC. The remaining two members shall be appointed by a majority vote of the BCC. [Ord. 2009-040]

**a. Qualifications**

- 1) Consideration shall be given to applicants who have experience or education in planning, law, architecture, landscape architecture, interior design, land planning, natural resource management, real estate, and related fields. [Ord. 2009-040]
- 2) The two members appointed by a majority vote of the BCC shall be architects registered in the State of Florida and shall be nominated by the PBC Chapter of the American Institute of Architects. [Ord. 2009-040]

**b. Terms of Office**

Members of the ZC shall hold office until the first Tuesday after the first Monday in February of the year their term expires. [Ord. 2009-040]

**D. Officers; Quorum; and Voting**

**1. Chair and Vice-Chair**

No member shall serve as Chair for more than two consecutive terms.

**2. Quorums and Voting**

A simple majority of a quorum shall be necessary in order to forward a formal recommendation of approval, approval with conditions, denial, or other recommendation to the BCC. A simple majority shall be necessary for the ZC to make a final decision approving an application for a development permit. In the event the ZC fails to make a final decision due to a tie vote, the petition shall be continued to the next meeting. After a second tie, the proposed motion shall be considered to have failed.

**E. Meetings**

**1. General**

General meetings of the ZC shall be held as needed to dispense of matters properly before the ZC. Special meetings may be called by the Chair or in writing by a majority of the members of the ZC. Staff shall provide 24-hour written notice to each ZC member before a special meeting is convened.

**CHAPTER D STAFF OFFICIALS**

**Section 1 Building Director**

**A. Creation and Appointment**

The Building Director of PZB shall be the division head of the Building Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB, subject to the provisions of Chapter 1 (Administration) of The Florida Building Code with PBC Amendments.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Building Director of PZB by other provisions of PBC Code, the Building Director of PZB shall have the following jurisdictions, authority and duties under this Code:

1. to review and approve, approve with conditions, or deny applications for development permits for building permits; and
2. to review and approve, approve with conditions, or deny applications for development permits for certificates of occupancy or completion.

**Section 2 Code Enforcement Director**

**A. Creation and Appointment**

The Code Enforcement Director shall be the head of enforcement of this Code, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Code Enforcement Director of PZB by other provisions of PBC Code, the Code Enforcement Director of PZB shall have the following jurisdictions, authority and duties under this Code:

1. to monitor and assist in the enforcement of this Code; and
2. to ensure compliance with conditions of a development order.

**Section 3 County Administrator**



**A. Creation and Appointment**

PBC Administrator shall be the head of the PBC staff, and shall be appointed and serve at the pleasure of the BCC.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority, and duties which may be conferred upon PBC Administrator by other provisions of PBC Code and PBC Charter, County Administrator shall have the following jurisdiction and authority under this Code:

1. to administer PBC administrative officials charged with regulatory authority under this Code;
2. to accept maintenance responsibility on behalf of PBC for those streets dedicated to the BCC on a duly approved plat of record and constructed pursuant to a Land Development Permit for subdivision required improvements; and
3. to appoint Hearing officers as set forth in Article 17.C.7, Hearing Officers.

**Section 4 County Attorney**

**A. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon County Attorney by other provisions of PBC Code and PBC Charter, County Attorney and his/her designated staff shall have the following jurisdictions, authority and duties under this Code:

1. to review and approve as to form and legal sufficiency all orders and resolutions issued by all decision making and administrative bodies described in this Article;
2. to review and approve as to form Agreements, PDD Agreements, easements, declarations of covenants, letters of credit, performance bonds or other such documentation in connection with any requirement of this Code; and
3. to advise the BCC, PBC Departments, and the decision making and administrative bodies, in regard to the legal issues which may arise in the implementation of this Code and the Plan.

**Section 5 County Engineer**

**A. Creation and Appointment**

County Engineer shall be the agency head of the Department of Engineering and Public Works (DEPW), and shall be appointed and serve at the pleasure of County Administrator.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon County Engineer by other provisions of PBC Code and PBC Charter, County Engineer shall have the following jurisdictions, authority and duties under this Code:

1. to review and render interpretations to Article 6.C, DRIVEWAYS AND ACCESS, Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, and Article 12, TRAFFIC PERFORMANCE STANDARDS;
2. to review and approve or deny applications for Technical Compliance for Subdivision;
3. to review applications and approve development orders for Land Development Permits; and
4. to review and acknowledge the completion of Required Improvements for Subdivision.
5. to review and approve or deny applications for development permits for Final Plats of subdivisions, including replats of lands within record plats previously approved for recording by Resolution of the BCC, and approve such plats on behalf of PBC for recordation in the public records. Said approval authority may be delegated only as follows:
  - a. to either the Deputy County Engineer or the Assistant County Engineer during a prearranged absence of County Engineer, such as for vacation or seminar attendance, for a period of five or more consecutive days, provided that said delegation shall be in writing and signed by County Engineer; or
  - b. to the Deputy County Engineer in the event that County Engineer is absent or otherwise incapacitated for a period of five or more days due to an emergency or other unforeseen circumstances, provided that said delegation shall be in writing and signed by County Administrator.

The Clerk of the Circuit Court shall be notified of each incident of delegation made pursuant to the above, and said delegation shall terminate upon County Engineer's return to normal duty; and

6. to review, consider, and approve, approve with conditions, or deny requests for deviations from Article 11 within the PO Zoning District; and **[Ord. 2007-013]**

7. to accept maintenance responsibility on behalf of PBC for those streets dedicated to the BCC on a duly approved plat of record and constructed pursuant to a Land Development Permit for subdivision required improvements.

## **Section 6 PBC Health Department Director**

### **A. Creation and Appointment**

PBC Health Department Director shall be the agency head of the PBC Health Department (PBCHD) and shall be appointed by the Secretary of the Department of Health after consultation with the State Health Officer and the District Administrator, and concurrence by the BCC.

### **B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon PBC Health Department Director by other provisions of PBC Code, PBC Health Department Director shall have the following jurisdictions, authority and duties under this Code:

1. to review, consider, enforce and render interpretations to Article 15, HEALTH REGULATIONS; and
2. to review and approve, approve with conditions, or deny all applications for development permits pursuant to Article 15, HEALTH REGULATIONS.

## **Section 7 Development Review Officer**

### **A. Establishment**

There is hereby established a Development Review Officer (DRO).

### **B. Powers and Duties**

The DRO shall have the following powers and duties under the provisions of this Code:

1. to hear, consider, and determine the sufficiency of applications for and make recommendations to approve, approve with conditions, or deny applications for official zoning map amendments;
2. 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 conditional and requested uses
3. to hear, review, consider and approve, approve with conditions, or deny applications for development orders for site plans;
4. to hear, review, consider and approve, approve with conditions, or deny applications for development permits for Final Subdivision Plans;
5. to hear, review, consider and approve, approve with conditions, or deny applications for TDR's for subdivisions requesting a two unit per acre or less density increase pursuant to Article 5.G.3, Transfer of Development of Rights;
6. to request other PBC officials and other agencies to provide factual information on applications for development permits as is deemed appropriate; and
7. to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the DRO.

### **C. Comments and Recommendations**

1. 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]**
  - a. Zoning Division.
  - b. Planning Division.
  - c. Engineering Department.
  - d. PBC HD.
  - e. ERM.
  - f. Parks and Recreation Department.
  - g. Building Division.
  - h. Department of Airports.
  - i. Water Utilities Department.
  - j. Fire-Rescue Department.
  - k. PREM.
  - l. Housing and Community Development (HCD).
  - m. PBC School Board.
  - n. Lake Worth Drainage District.
  - o. Department of Environmental Protection (DEP) for Type III Excavation **[Ord. 2008-037]**

2. Recommendations and comments shall be forwarded to the DRO no less frequently than two times a month to dispose of matters properly and may be called for by the DRO.

**D. Procedures**

**1. DRO**

The Executive Director of PZB shall designate a DRO.

**2. Secretary**

The DRO shall designate a Secretary. The Secretary shall maintain all records of the DRO. The records shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.

**3. Staff**

The Zoning Division of PZB shall be the professional staff for the DRO.

**4. Certification**

All actions shall require approval by the DRO. The DRO shall only withhold approval when a proposed project fails to meet a Code standard based upon a recommendation from an affected agency.

**5. Record of DRO**

Upon request, the DRO may provide, at cost, copies of recommendations upon which a decision is based.

**6. Appeal**

Appeal of any decision of the DRO shall be made to the DRAB within ten working days after the notice indicating the decision is rendered.

**Section 8      Director of ERM**

**A. Creation and Appointment**

The Director of the Department of Environmental Resources Management (ERM) shall be the agency head of the ERM, and shall be appointed and serve at the pleasure of County Administrator.

**B. 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:

1. to review, consider and render interpretations to Article 14, ENVIRONMENTAL STANDARDS;
2. 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, excavation, water and irrigation conservation, stormwater pollution prevention, and other ordinances as may be assigned by the BCC;
3. to initiate enforcement action pursuant to Article 14, ENVIRONMENTAL STANDARDS, whenever evidence has been obtained or received establishing that a violation has been committed. The Director of ERM shall issue a notice to correct the violation, a citation to cease the violation, or a notice of violation and cause same to be served upon the violator;
4. to terminate an investigation or an enforcement action commenced under the provisions of Article 14, ENVIRONMENTAL STANDARDS, and to resolve the alleged violations by execution of a written consent (settlement) agreement between PBC and the person(s) who is(are) the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of the Code by said person(s). The consent agreement may, at the discretion of the Director of ERM, provide the following: remedial or corrective action; environmental mitigation; compensatory damages; punitive damages; civil penalties; costs and expenses of PBC in tracing the source of any discharge, in controlling and abating the source of the pollutants and the pollutants themselves, and in restoring the waters and property, including animal, plant and aquatic life of PBC to their former conditions; and costs of PBC for investigation, enforcement, testing, monitoring, and litigation executed written consent agreements are hereby deemed to be lawful orders or contracts of PBC; and
5. to refer unresolved violations to the appropriate enforcement board or to make recommendations to the BCC for initiation of suits in the appropriate courts of competent jurisdiction.

**Section 9      Director of Land Development**

**A. Creation and Appointment**

The Director of the Land Development Division of the DEPW shall be the division head of the Land Development Division of DEPW, and shall be appointed and serve at the pleasure of County Engineer.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Director of the Land Development Division by other provisions of PBC Code, the Director of the Land Development Division shall have the jurisdiction, authority and duty under this Code to administer PBC staff review of Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.

**Section 10 Director of Parks and Recreation**

**A. Creation and Appointment**

The Director of the Parks and Recreation Department shall be the agency head of the PBC Parks and Recreation Department and shall be appointed and serve at the pleasure of PBC Administrator.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority, and duties which may be confirmed upon the Director of Parks and Recreation by other provisions of PBC Code and PBC Charter, the Director of Parks and Recreation shall have the following jurisdiction, authorities, and duties under this Code:

1. to review and render interpretations on park related land development regulations and to assure park related land development regulations are met; and
2. to administer the Parks and Recreation Department, including the Parks Division and the Recreation Division.

**Section 11 Executive Director of Planning, Zoning and Building**

**A. Creation and Appointment**

The Executive Director of PZB shall be the agency head of the PZB, and shall be appointed and serve at the pleasure of County Administrator.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority, and duties which may be conferred upon the Executive Director of PZB by other provisions of PBC Code and PBC Charter, the Executive Director of PZB shall have the following jurisdiction, authorities, and duties under this Code:

1. to review and render interpretations to all provisions of this Code and the Official Zoning Map, except for Article 6.C, DRIVEWAYS AND ACCESS, Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, Article 12, TRAFFIC PERFORMANCE STANDARDS, Article 13, IMPACT FEES, Article 14, ENVIRONMENTAL STANDARDS, Article 15, HEALTH REGULATIONS , Article 16, AIRPORT REGULATIONS.
2. to administer PBC's TDR Program including accepting applications, and reviewing and preparing staff reports recommending approval, approval with conditions, or denial of applications for receiving area designation.
3. to administer the PZB Department, including the Planning Division, the Zoning Division, the Building Division, and the Code Enforcement Division; and
4. to waive or modify development review fees upon demonstration that the applicant is indigent pursuant to PBCHD standards, or the applicant can demonstrate review fees are in excess of actual staff costs.

**Section 12 Impact Fee Coordinator**

**A. Creation and Appointment**

The Impact Fee Coordinator shall be responsible for the administration of PBC's impact fee program, and shall be appointed and serve at the pleasure of the Director of the Office of Financial Management and Budget.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Impact Fee Coordinator by other provisions of PBC Code, the Impact Fee Coordinator shall have the following jurisdictions, authority and duties under this Code:

1. to review and render interpretations to Article 13, IMPACT FEES;
2. to administrate Article 13, IMPACT FEES;
3. to review and approve or deny applications for independent calculation studies pursuant to Article 13, IMPACT FEES;

4. to review and approve or deny applications for credit pursuant to Article 13, IMPACT FEES, with the input, assistance, and approval of PBC department or agency receiving the impact fees for which the credit is sought;
5. to provide assistance to the IFRC;
6. to present appeals to the IFAB;
7. to coordinate PBC, municipalities, and agencies receiving impact fee funds; and
8. to provide technical assistance and advice to the municipalities in their administration of Article 13, IMPACT FEES.

### **Section 13 Planning Director**

#### **A. Creation and Appointment**

The Planning Director of PZB shall be the division head of the Planning Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

#### **B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Planning Director of PZB by other provisions of PBC Code, the Planning Director of PZB shall have the following jurisdictions, authority and duties under this Code:

1. to undertake the current and long range comprehensive planning responsibilities of PBC under F.S. § 63.3161 et seq., as amended;
2. to review the Plan every seven years;
3. to recommend annually any necessary amendments to the Plan;
4. to accept, review and prepare staff reports recommending approval, approval with conditions, or denial of applications for Site Specific (FLUA) amendments to the Plan; and
5. to administer the process of Development of Regional Impact (DRI) review for projects within municipalities in PBC.

### **Section 14 Zoning Director**

#### **A. Creation and Appointment**

The Zoning Director of PZB shall be the division head of the Zoning Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

#### **B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Zoning Director by other provisions of PBC Code, the Zoning Director shall have the following jurisdictions, authority and duties under this Code:

1. to coordinate all pre-application conferences;
2. to accept, review, approve, and update all applicable application requirements;
3. to set the Zoning calendar, as required by Article 2.A, GENERAL;
4. 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 conditional uses, requested uses, waivers, site plans, subdivisions, special permits, DRIs and variances;
5. to review and approve, approve with conditions, or deny applications for development permits for special use permits and administrative variances and time extensions;
6. to recommend annually any necessary amendments to this Code;
7. to administer the process of DRI review in unincorporated PBC;
8. to submit administrative inquiries to the BCC. These inquiries are not public hearings and are not subject to the advertising and notice requirements of Article 2, DEVELOPMENT REVIEW PROCESS. An administrative inquiry may be made by a public agency through the Zoning Director. The purpose of the inquiry shall be to ask for procedural direction from the board, or resolve an inconsistency in the Code or in a development approval, or provide an interpretation where it is clear there is a question of meaning in a Code provision or a condition of development approval. The decision of the Board shall be binding. Appeals of administrative decisions and Code interpretations filed by an applicant or citizen shall be heard by the BA, pursuant to Article 17, DECISION MAKING BODIES.
9. to review and approve or deny applications for Adequate Public Facilities (Concurrency); and
10. to revoke or suspend, if necessary, any development order or permit, including a special permit, which was issued in violation of this Code.
11. to review and approve or deny requests for administrative waivers pursuant to the applicable section(s) of the ULDC. [Ord. 2009-040]

**Amendment History:**

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009]

# ARTICLE 18

## FLOOD DAMAGE PREVENTION

	Page
<b>CHAPTER A FLOOD DAMAGE PREVENTION.....</b>	<b>3</b>
<b>Section 1 General .....</b>	<b>3</b>
A. Authority.....	3
1. Basis for Establishing Special Flood Hazard Areas (SFHAs) .....	3
B. Finding of Fact.....	3
C. Statement of Objectives.....	3
D. Methods of Reducing Flood Losses.....	3
E. Requirement for Building Permit and Elevation Confirmation .....	3
F. Compliance .....	4
G. Abrogation and Greater Restrictions .....	4
H. Interpretation.....	4
I. Warning and Disclaimer of Liability.....	4
J. Penalties for Violation .....	4
<b>Section 2 Administration .....</b>	<b>4</b>
A. Designation of Flood Damage Prevention Board and Administrator .....	4
1. Duties and Responsibilities of the Flood Damage Prevention Administrator .....	4
B. Development Procedures .....	5
1. Application Stage.....	5
2. Construction Stage.....	5
<b>Section 3 Provisions for Flood Damage Prevention.....</b>	<b>5</b>
A. General Standards.....	5
B. Specific Standards in FEMA Areas: A1-99, AE or AH.....	6
1. Residential Construction.....	6
2. Non-Residential Construction .....	6
3. Elevated Buildings .....	6
4. Standards for Manufactured Homes and Recreational Vehicles .....	7
5. Floodways.....	7
C. Specific Standards in FEMA Area "A" Unnumbered .....	7
D. Specific Standards in FEMA Area AO .....	8
1. Residential .....	8
2. Non-residential .....	8
E. Specific Standards for FEMA Areas B or C .....	8
F. Coastal High Hazard Areas, FEMA Zone V1-30, VE OR V .....	8
G. Standards for Streams With Established BFE Without Regulatory Floodways .....	9
H. Standards for Subdivision Proposals, General.....	9
I. Critical Facility .....	9
<b>Section 4 Grading and Earth Fill Restrictions .....</b>	<b>9</b>
A. Grading .....	10
B. Earth Fill .....	10
C. Exceptions From This Section's Requirements.....	10
<b>Section 5 Appeal and Variance Procedures .....</b>	<b>10</b>
A. Flood Damage Prevention Board.....	10

<b>B. Appeals Procedures .....</b>	<b>10</b>
<b>C. Variance Procedures .....</b>	<b>11</b>
<b>D. Conditions for Variances .....</b>	<b>11</b>
<b>E. Variance Notification .....</b>	<b>11</b>
<b>F. Historic Structures .....</b>	<b>12</b>
<b>G. Structures in Regulatory Floodway .....</b>	<b>12</b>



## ARTICLE 18

### FLOOD DAMAGE PREVENTION

#### CHAPTER A FLOOD DAMAGE PREVENTION

##### Section 1 General

###### A. Authority

Chapter 125, Florida Statutes, authorizes the legislative and governing body of PBC the power to establish and administer programs of flood control; and the BCC of PBC, Florida has the responsibility to adopt regulations designed to promote the public health, safety and general welfare of its citizens. The Palm Beach County Building Official shall interpret this section of the ULDC. [Ord. 2008-003]

###### 1. Basis for Establishing Special Flood Hazard Areas (SFHAs)

SFHAs identified by FEMA in the FIS "Wave Height Analysis" for PBC, Florida Unincorporated Areas" dated April 15, 1982, together with FIRM maps of Community Panels 1201920140A, 1201920150A, 1201920160A, 1201920170A, 1201920180A, 1201920185A, 1201920200A and 1201929215A and other supporting data, and any revisions thereto, are hereby adopted by reference and declared to be a part of this Article and those areas developed into lots or building sites without minimum floor elevations engineered from a master storm water drainage network.

###### B. Finding of Fact

The flood hazard areas of PBC are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Flood losses are caused by the cumulative effect of obstructions in Special Flood Hazard Areas (SFHAs) causing increases in flood heights and velocities, and by the occupancy in flood prone areas of uses vulnerable to floods or hazardous to other lands inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

###### C. Statement of Objectives

The objectives of this Article are to protect human life, health and safety; minimize expenditure of public money for costly flood control projects; minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the general public; minimize prolonged business interruptions; minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, roadways, bridges and culverts located in flood prone areas; and to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize adverse impact of new buildings and to minimize future flood blight areas; and to ensure that those obtaining building permits and potential buyers are notified of property that is in an SFHA.

###### D. Methods of Reducing Flood Losses

In order to accomplish its objectives, this Article includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in adverse impacts from erosion, flood heights or floodwater velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage throughout their intended life span;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, minimum floor elevations and other construction detail which may affect flood damage to buildings; and
5. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters, which may increase flood hazards in other areas.

###### E. Requirement for Building Permit and Elevation Confirmation

A building permit shall be required in conformance with the provisions of this Article and building codes prior to the commencement of any building activities. All required minimum elevations for building floors or components shall be confirmed by a certified survey prior to subsequent building inspections.

**F. Compliance**

No structure or land shall hereafter be located, extended, converted, developed, built or structurally altered without full compliance with the terms of this Article and other applicable regulations.

**G. Abrogation and Greater Restrictions**

This Article is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions.

**H. Interpretation**

In the interpretation and application of this Article all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state statutes. The Flood Damage Prevention Administrator shall be responsible for interpretations pertaining to this Article.

**I. Warning and Disclaimer of Liability**

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. This Article does not imply that land outside SFHAs or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the governing body of PBC or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

**J. Penalties for Violation**

Violation of this Article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances shall be enforceable pursuant to the Code Enforcement Procedures established in Chapter 162, Parts I and II, F.S., as amended or replaced and Article 10, Code Enforcement. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Flood Damage Prevention Administrator or PBC from taking such other lawful actions as are necessary to prevent or remedy any violation, including enforcement pursuant to Section 125.69, F.S. as amended or replaced. Any person who receives a conviction pursuant to Section 125.69, F.S., as amended or replaced, for violating or failing to comply with any of the requirements herein shall, upon conviction hereof, be fined not more than \$500 or imprisoned for not more than 60 days.

**Section 2 Administration**

**A. Designation of Flood Damage Prevention Board and Administrator**

The governing body of PBC hereby appoints the seven members of the Construction Board of Adjustment and Appeals to act as the Flood Damage Prevention Board. The Building Official of Palm Beach County, or his/her designee holding FEMA Certified Floodplain Manager designation, shall be the Flood Damage Prevention Administrator.

**1. Duties and Responsibilities of the Flood Damage Prevention Administrator**

Duties of the Flood Damage Prevention Administrator shall include, but are not limited to:

- a. Review of all building permits to assure that the permit requirements as provided herein have been satisfied;
- b. Advise permittee that additional federal, state or local permits may be required, and if such additional permits are necessary, require that copies of such permits be provided and maintained on file with the building permit;
- c. Verify and record the actual elevation (in relation to NGVD) of the lowest floor on all new or substantially improved buildings, in accordance with Art. 18.A.2.B.2, Construction Stage;
- d. Verify and record the actual elevation (in relation to NGVD) to which the new or substantially improved non-residential buildings have been flood-proofed, in accordance with Art. 18.A.2.B.2, Construction Stage;
- e. Review certified plans and specifications for compliance;
- f. Interpret the exact location of boundaries of SFHAs. When there appears to be a conflict between a mapped boundary and actual field conditions, the Flood Damage Prevention Administrator shall make the necessary interpretation; and,
- g. When BFE data or floodway data have not been provided in accordance with Art. 18.A.1.A.1, Basis for Establishing Flood Hazard Areas, the Flood Damage Prevention Administrator shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or any other source, in order to administer the general provisions of Art. 18.A.1.D, Methods of

Reducing Flood Losses; and shall coordinate all change requests to the FIS and FIRM or FBFM or both with the requester, State and FEMA. The Flood Damage Prevention Administrator shall also decide engineered acceptability on Alternate Methods of compliance with these regulations following procedures in Florida Building Code Sec. 103.7 as amended or replaced but this shall not grant to the Flood Damage Prevention Administrator the power to grant variances.

## **B. Development Procedures**

Application for a building permit shall be made to the Flood Damage Prevention Administrator on forms furnished by him or her prior to any building activities. Such application may include, but shall not be limited to: plans drawn to scale, and in duplicate, showing the nature, location, dimensions, and elevations of the area in question; existing and proposed structures; existing and finished earth grades; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

### **1. Application Stage**

#### **a. On All Buildings**

The proposed lowest floor elevation (including any basement floor) shall be clearly indicated on plans submitted with the completed building permit application. Building plans shall clearly indicate designed hydrostatic opening for enclosed space below minimum floor elevation. Said elevation shall be stated in reference to NGVD, and the FEMA zone designation of the site shall be stated.

#### **b. On Any Non-Residential Buildings to be Flood Proofed**

A certificate from a registered professional engineer or architect shall be submitted detailing compliance with flood proofing criteria in Art. 18.A.3.B.2, Non-Residential Construction, Art. 18.A.3.C.2, below and Art. 18.A.3.D.2, Non-Residential.

#### **c. On Any Watercourse Alteration or Relocation**

An analysis from a qualified registered Florida Professional Engineer of flood profiles and flow velocities shall be submitted revealing no adverse impact of proposed construction on adjacent and upstream properties.

### **2. Construction Stage**

#### **a. Lowest Floor Elevation Prior to Placement**

A certified survey or a registered Florida Professional Engineer affidavit revealing the exact lowest floor elevation, related to NGVD, shall be submitted. For slab-on-grade floors, a tie-in statement to NGVD elevation at the top of the form boards shall be acceptable.

#### **b. In FEMA Designated V or A Zones**

FEMA "Floor Elevation Certification" and a certified final survey shall be submitted detailing the as-built lowest floor elevation, compliance details on any permitted flood proofing of any non-residential building, plus finished grade elevations at all building corners. Said certification shall be fully executed by a registered professional engineer or surveyor revealing compliance with permitted elevation minimums prior to approval of final inspections.

#### **c. In SFHA Outside FEMA V or A Zone**

A certified survey prepared by a registered professional engineer or surveyor shall be acceptable (without the FEMA "Floor Elevation Certification") to fully reveal compliance with all minimum elevations required on permit plans.

#### **d. On Any Flood Proofed Buildings**

In addition to the requirements above, a certification of compliance from a registered professional engineer or architect on flood proofing features shall be submitted revealing completed installations of said features prior to approval of final inspections.

## **Section 3 Provisions for Flood Damage Prevention**

### **A. General Standards**

In all SFHAs the following provisions shall apply:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement by methods which may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to, and consistent with, applicable state requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage with minimum floor elevations at or above those required by any local drainage districts and at or above the minimum set forth in the following Art. 18.A.3.B through Art. 18.A.3.D, below.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding by placement above minimum flood elevations;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system in accordance with Palm Beach County Health Department regulations;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate any adverse impacts from infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
8. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, in accordance with Palm Beach County Health Department regulations;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Article shall meet the requirements of "new construction" as contained herein;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this Article, shall be undertaken only if said non-conformity is not furthered, extended or replaced.

**B. Specific Standards in FEMA Areas: A1-99, AE or AH**

In all these SFHAs, where BFE data has been provided, as set forth in Art. 18.A.1.A.1, Basis for Establishing Special Flood Hazard Areas, the additional following provisions shall apply:

**1. Residential Construction**

New Buildings or substantial improvement of any residential building (or manufactured home) including duct work and Heating, Ventilating, and Air Condition (HVAC) equipment, shall have the lowest floor, including basement, elevated no lower than 12 inches above the BFE and not less than 18 inches above LARC. Should solid foundation perimeter walls be used to elevate a residential structure on a suspended elevated floor above an open crawl space, openings sufficient to facilitate automatic equalization of flood hydrostatic forces on both sides of the exterior foundation walls shall be provided;

**2. Non-Residential Construction**

New Buildings or substantial improvements (including duct work and Heating, Ventilating, and Air Condition (HVAC) equipment of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated to no lower than 12 inches above the BFE and not less than 18 inches above LARC. Alternately, non-residential buildings located in all "A" Zones may be flood-proofed in lieu of being elevated, provided that all areas of the building components designed to be lower than 12 inches above BFE or lower than 18 inches above LARC, are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall sign, seal and certify that the standards of this subsection are satisfied. Such certification shall be provided to the Flood Damage Prevention Administrator prior to permitting, as set forth in Art. 18.A.2.B.2, Construction Stage.

**3. Elevated Buildings**

- a. New construction or substantial improvements of elevated buildings that include enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- b. Designs for compliance with this requirement shall be signed, sealed and certified by a professional engineer or architect and meet the following minimum criteria:
  - 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - 2) The bottom of all openings shall be no higher than 12 inches above earth grade inside and outside foundation walls;
  - 3) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions;

- 4) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);
- 5) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms;
- 6) Where the open height below the lowest floor elevation exceeds six feet above the HANG, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the building's originally approved design, shall be presented by the permit holder as a condition of issuance of the final Certificate of Occupancy or Certificate of Completion from the County.

**4. Standards for Manufactured Homes and Recreational Vehicles**

- a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision, or in substantially improved manufactured home parks or subdivisions, shall meet all the requirements for new construction, including elevation and anchoring and shall be elevated so that the lowest floor of the manufactured home is elevated no lower than 12 inches above the BFE and at least 18 inches above LARC. The manufactured home chassis shall be supported by reinforced piers, or other foundation elements, of at least an equivalent strength, and not less than 36 inches in height above the grade;
- b. All recreational vehicles placed on sites shall either be on the site for fewer than 180 consecutive days, or be fully licensed and ready for highway use by virtue of being on its wheels or jacking system, being attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

**5. Floodways**

Located within SFHAs as established in Art. 18.A.1.A.1, Basis for Establishing Special Flood Hazard Areas, may be areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters carrying debris, potential projectiles and have significant erosion potential, the following additional provisions shall apply:

- a. Encroachments shall be prohibited in floodways, including fill, new construction, substantial improvements and other developments unless certification with supporting technical data by a registered professional engineer is provided, demonstrating that the encroachments shall not create any adverse impact by any increase in flood levels during occurrence of the base flood discharge;
- b. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Art. 18.A.3, Provisions For Flood Damage Prevention;
- c. Placement of manufactured homes (mobile homes) shall be prohibited in floodways except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision, provided the standards of Art. 18.A.3.A.2, Art. 18.A.3.A.3 and the encroachment standards of Art. 18.A.3.B.5.a, above.

**C. Specific Standards in FEMA Area "A" Unnumbered**

Within SFHAs established in Art. 18.A.1.A.1, Basis for Establishing Special Flood Hazard Areas, where no BFE data or regulatory floodway has been provided, designated as unnumbered A zones by the Federal Emergency Management Agency (FEMA), the following provisions shall apply:

1. When BFE data or floodway data have not been provided in accordance with Art. 18.A.1.A.1, Basis For Establishing Special Flood Hazard Areas, the Flood Damage Prevention Administrator shall:
  - a. Receive, review, and reasonably utilize any BFE and floodway data available from any source, including a federal or state agency. When such BFE is utilized to obtain the elevation (in relation to the NGVD) of the lowest floor (including the basement) of all new and substantially improved structures;
  - b. Obtain, if the structure has been flood-proofed in accordance with the requirements of Art. 18.A.3.B.2, Non-Residential Construction, the elevation in relation to the NGVD to which the structure has been flood-proofed;
  - c. Maintain a record of all such information;
  - d. Notify, in riverine situations, adjacent communities and the Florida DCA Community Program Administrator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

- e. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
2. When minimum floor elevation data is not available from any source, the lowest floor of the structure shall be elevated to no lower than 18 inches above the HANG, and at least 18 inches above the LARC.

**D. Specific Standards in FEMA Area AO**

Located within established SFHAs as defined in Art. 18.A.1.A.1, Basis For Establishing Special Flood Hazard Areas are areas designated as areas of shallow flooding. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

**1. Residential**

All new buildings and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to at least 12 inches above the flood depth on the latest edition FIRM but not less than 18 inches above LARC. If no flood depth number is specified, the lowest floor, including basement shall be elevated no less than 24 inches above the HANG, and to be at least 18 inches above LARC;

**2. Non-residential**

All new buildings and substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated to at least 12 inches above the flood depth specified on the FIRM but not less than 18 inches above LARC. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least 24 inches above the HANG, and shall be at least 18 inches above the LARC. Or, together with attendant utility and sanitary facilities, the structures may be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. Certification is required as per Art. 18.A.2.B.2, Construction Stage.

**E. Specific Standards for FEMA Areas B or C**

On sites located within FEMA designated B and C zones without a master storm water drainage system, the following provisions shall apply on all buildings: new construction or substantial improvements of any building shall have the lowest floor, including basement, elevated not lower than 18 inches above LARC. Flood proofing in accordance with Art. 18.A.3.D.2, Non-Residential may be used on non-residential buildings.

**F. Coastal High Hazard Areas, FEMA Zone V1-30, VE OR V**

Located within established as defined in Art. 18.A.1.A.1, Basis For Establishing Special Flood Hazard Areas, are Coastal High Hazard Areas, designated as Zones V1-V30, VE, or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this Article, the following shall also apply:

1. All new buildings and substantial improvements in Zones V1-V30 and VE, V if BFE is available, shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to at least 12 inches above the BFE. And a signed and sealed certification from a licensed surveyor shall confirm the required elevation before approval of the floor inspection;
2. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one percent annual chance). A registered professional engineer or architect shall develop or review the structural design, specifications and plans for construction, and shall certify, by professional seal and signature, that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Art. 18.A.3.F.1, above;
3. All new construction shall be located landward of the reach of mean high-tide;
4. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting, breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and not more than 20 pounds per square foot. Unless a registered professional engineer or architect proves that a design proposed with more than 20

pounds per square foot resistance meets the following conditions: breakaway wall collapse shall result from water load less than that which would occur during the base flood; and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effect of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year. The enclosed space below the lowest floor shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature controlled, or used for human habitation;

5. Fill is prohibited for structural support of buildings;
6. Man-made alteration of sand dunes that would increase potential flood damage is prohibited;
7. Shall be placed or substantially improved upon outside manufactured home parks existing prior to the effective date of this Article within Zones V1-V30, V, and VE on the PBC FIRM;
8. Any recreational vehicle located in any established V zone as defined in Art. 18.A.1.A.1, Basis For Establishing Special Flood Hazard Areas, shall remain fully licensed and ready for highway use. Such vehicles shall remain on its wheels or jacking system, be attached to the site utilities only by quick disconnect type devices without any permanent accessory attachments, such as carports or screen rooms;
9. Although raised septic mounds are allowed in any established V zone as defined in Art. 18.A.1.A.1, Basis For Establishing Special Flood Hazard Areas, they shall not be under buildings or directly against any building foundation wall. Any such mounds shall be placed so as to avoid any adverse impacts from worsened flood conditions for any building.

**G. Standards for Streams With Established BFE Without Regulatory Floodways**

Within established SFHAs as defined in Art. 18.A.1.A.1, Basis For Establishing Special Flood Hazard Areas, where streams exist for which BFE data has been provided by FEMA without the delineation of the regulatory floodway, the following provisions shall apply:

1. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within established SFHAs as defined in Art. 18.A.1.A.1, Basis for Establishing Special Flood Hazard Areas, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 12 inches at any point within Palm Beach County;
2. Development activities within established SFHAs as defined in Art. 18.A.1.A.1, Basis For Establishing Special Flood Hazard Areas, which increase the water surface elevation of the base flood by more than 12 inches, may be allowed, provided the developer or applicant first applies, with PBC endorsement, for a conditional FIRM revision, and receives the approval of FEMA.

**H. Standards for Subdivision Proposals, General**

All new subdivision proposals:

1. Shall be consistent with the need to minimize flood damage;
2. Shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. Shall have adequate master drainage systems provided to minimize exposure to flood damage; and
4. Shall have BFE data provided for subdivision proposals and other proposed development proposals, including manufactured home park and subdivisions, that exceed 50 lots or five acres, whichever is the lesser, stating minimum floor elevations to reduce flooding probability to less than one percent per year; and the standards of South Florida Water Management District, Palm Beach County Land Development Division and local drainage districts shall be met.

**I. Critical Facility**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of SFHAs. Construction of new critical facilities may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within SFHAs shall have the lowest floor elevated three or more feet above the level of the BFE at the site. Flood-proofing and sealing measures shall be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities.

**Section 4 Grading and Earth Fill Restrictions**

**A. Grading**

On all new permitted construction, regardless of flood zone designation, grading shall keep all rainfall and runoff flow on the building site, until discharged into the roadway drainage system or to public drainage ways adjacent to the property lines. Berms shall be constructed along lot lines, if necessary, to prevent storm water flow directly onto adjacent properties. Erosion sedimentation off the building site shall be controlled until vegetative cover is established. The Flood Damage Prevention Administrator may require grading plans showing pre-construction and proposed finish earth grades.

**B. Earth Fill**

On all new construction, earth fill brought onto the site of construction from another site shall be minimized to maximize existing floodwater storage capacity. Maximum volume of imported fill shall be limited to that necessary to raise an earth pad to elevate the slab-on-grade, not more than six inches above minimum floor elevation set in this Article, with side slopes of the pad of 1:5 to 1:3 starting ten feet from the slab edges.

**C. Exceptions From This Section's Requirements**

1. Only on building sites requiring raised septic mounds to Palm Beach County Health Department minimum elevations, will additional volume of fill be allowed to construct the mound;
2. Earth fill dug from an on-site excavation shall be unregulated if in accordance with Palm Beach County Unified Land Development Code regulations and provided finish grade directs lot drainage back into the excavation;
3. Any volume of fill for placement inside the perimeter foundation walls to raise an interior concrete slab to any higher elevation shall be allowed;
4. Fill shall be permitted to raise earthen berms on side property lines to prevent drainage onto adjacent lots, provided said berms have side slopes of 1:5 to 1:3, with a triangular cross section;
5. Fill shall be allowed inside retaining walls for American Disabilities Act (ADA) required building access ramps or driveway ramps;
6. Fill necessary to direct on site drainage to the public roadway or drainage system shall also be permitted;
7. Minimum fill for sites that have sloping topography that do not store floodwater shall be permitted. Any fill in excess of this minimum grading requirement shall be subject to approval of the Flood Damage Prevention Board as a variance;
8. Fill necessary for critical facilities and public service buildings; and
9. Areas included within a South Florida Water Management District permit shall be filled and graded in accordance with the fill and grading design conditions identified in said permit even when elevations are more than six inches above the flood minimum set in Art. 18.A.4.B, Earth Fill.

**Section 5      Appeal and Variance Procedures**

**A. Flood Damage Prevention Board**

The Flood Damage Prevention Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Flood Damage Prevention Administrator in the enforcement or administration of this Article and shall decide any variance request following procedures in Section 108, Florida Building Code as amended by PBC.

**B. Appeals Procedures**

1. A request for appeal to the decision of the Flood Damage Prevention Administrator enforcing the provisions of this Article shall include the Ordinance section of the appeal, and the applicant's technical basis of contesting the decision of the Flood Damage Prevention Administrator. The appeal is to be filed in writing within 30 calendar days after the decision is rendered by the Flood Damage Prevention Administrator whenever any one of the following conditions are claimed to exist:
  - a. The Flood Damage Prevention Administrator rejected or refused to approve the applicant's request;
  - b. The provisions of this Article do not apply to the applicant's specific case;
  - c. That an equally good or more desirable method can be employed and fully meet the intent of this Article, which the Flood Damage Prevention Administrator has rejected;
  - d. The true intent and meaning of this Article or any of the regulations there under have been misconstrued or incorrectly interpreted.
2. The Flood Damage Prevention Board shall hear appeals requests at the next available meeting within 60 days of date of appeal;



3. At the conclusion of the hearing, the Flood Damage Prevention Board shall orally render an order based on evidence entered into the record. An order setting forth findings of fact and conclusion of law shall then be mailed to the appellant.
4. Any persons aggrieved by an appeals decision of the Flood Damage Prevention Board may appeal such decision to the Circuit Court of Palm Beach County Florida by writ of Certiorari; any appeal filed pursuant to this article shall be considered timely if filed within 30 calendar days of the execution of the order to be appealed.

**C. Variance Procedures**

1. An initial request for a variance from the provisions of this Article shall be filed in writing by the affected party with the Flood Damage Prevention Administrator;
2. The Flood Damage Prevention Board shall hear variance requests at the next available meeting. In acting upon variance applications, the Flood Damage Prevention Board shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Article; and
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location;
  - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment of transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electric, and water systems, and streets and bridges; and
  - l. The negative effect a variance may have on the county rating under the FEMA Community Rating System.
3. Any persons aggrieved by an appeals decision of the Flood Damage Prevention Board may appeal such decision to the Circuit Court of Palm Beach County Florida by writ of Certiorari; any appeal filed pursuant to this article shall be considered timely if filed within 30 days of the execution of the order to be appealed.

**D. Conditions for Variances**

Variances shall only be issued when there is:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship as defined in Art. 1.1.2.E, Definitions;
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing laws or ordinances;
4. Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this Article;
5. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the lowest floor is to be built, and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation;
6. Variances shall not be granted after-the-fact;
7. The Flood Damage Prevention Board may attach such conditions to the granting of variances, as it deems necessary to further the objective of this Article. The Flood Damage Prevention Administrator shall maintain the records of all variance actions.

**E. Variance Notification**

Any applicant to whom a variance is granted, shall be given a written order bearing the signature of the Flood Damage Prevention Board Chairperson that the issuance of a variance to construct a structure failing to meet requirements of this Article may result in substantial increase in flood insurance premium

rates, and such noncompliance construction increases risks to life and property. A copy of the notice shall be recorded by the Flood Damage Prevention Administrator in the Office of the Palm Beach County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land in the official records of PBC. The Flood Damage Prevention Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to FEMA.

**F. Historic Structures**

Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation shall not preclude the structure's continued designation as a historic structure.

**G. Structures in Regulatory Floodway**

Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.

**Amendment History:**

[Ord. 2004-013; July 1, 2004] [Ord. 2008-003; January 30, 2008]