



**USE REGULATIONS PROJECT**

**AGENDA  
COMMERCIAL USES KICK-OFF MEETING**

**THURSDAY, MAY 15, 2014  
1:00 P.M. – 3:00 P.M.**

**2300 NORTH JOG ROAD  
1<sup>ST</sup> FLOOR KENNETH S. ROGERS HEARING ROOM (VC-1W-47)**

- A. INTRODUCTION STAFF AND INTERESTED PARTIES**
- B. DESCRIPTION OF THE USE REGULATIONS PROJECT**
- C. PUBLIC COMMENTS BY USE (AS CONTAINED IN ATTACHMENT 1)**
- D. ADJOURN**

# ATTACHMENT 1

## ARTICLE 4

### USE REGULATION

#### CHAPTER B SUPPLEMENTARY USE STANDARDS

The Supplementary Uses establish minimum standards as well as the review process for each Use Type. In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated. Variances shall not be granted from the Use Standards including use regulations that reference other Sections of the ULDC, unless explicitly specified in Chapter B.1 of this Article. [Ord. 2010-022]

#### Section 1 Uses

##### A. Definitions and Supplementary Standards for Specific Uses

###### 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]

###### 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. Gas and Fuel, Retail

An establishment engaged in the sale of gasoline or motor fuels to the general public. [Ord. 2011-016]

###### a. Approval Criteria

Prior to approving a Conditional or Requested Use for Retail Gas and Fuel, 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: [Ord. 2011-016]

- 1) Adequate ingress and egress have been provided. [Ord. 2006-004]
- 2) Adequate buffering and setbacks from residential areas have been provided. [Ord. 2006-004]
- 3) Sufficient vehicle stacking, circulation, access, and area for turning movements have been provided. [Ord. 2006-004]
- 4) The number of fueling positions proposed is excessive. [Ord. 2006-004]
- 5) There are an excessive number of similar stations in the vicinity. [Ord. 2006-004]

###### b. Location Criteria

###### 1) Intersection Criteria

A maximum of two Retail Gas and Fuel, Convenience Store with Gas Sales, or any combination thereof, may be permitted at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004] [Ord. 2011-016]

###### 2) Separation Criteria

Retail Gas and Fuel shall be separated from any other Retail Gas and Fuel, or Convenience Store with Gas Sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-004] [Ord. 2011-016]

**3) CL FLU in U/S Tier**

Where permitted in a Use Matrix, Retail Gas and Fuel with a CL FLU designation shall comply with Article 5.E.1, Major Intersection Criteria. [Ord. 2006-004] [Ord. 2011-016]

**4) CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers**

Where permitted in a Use Matrix, Retail Gas and Fuel shall be located within 1,000 feet of the intersection of one collector and arterial street, or two arterial streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table. [Ord. 2006-004] [Ord. 2011-016]

**5) WCRA Overlay**

Retail Gas and Fuel is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Ord. 2011-016]

**6) I-95 Interchange Exemption**

A parcel with a Commercial High (CH) future land use designation within 0.50 miles of an I-95 Interchange shall be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed above. [Ord. 2012-027]

**c. Collocated Uses**

Other uses, such as general repair and maintenance, general retail sales, restaurants, and car washes may be collocated with retail gas and fuel subject to the Supplementary Use Standards applicable to the Collocated Use. [Ord. 2006-004] [Ord. 2011-016]

**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. Additional Accessory or Collocated Use Standards**

**1) Enclosed Repair**

All repair activities shall be conducted within an enclosed structure. No outdoor storage of disassembled vehicles, or parts thereof, shall be permitted on site. [Ord. 2011-016]

**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**

Retail Gas and Fuel shall only be permitted on sites that are within 500 feet of the perimeter of the development. 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] [Ord. 2011-016]

**g. Infill Redevelopment Overlay (IRO) Approval Process Exceptions**

Retail Gas and Fuel located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005] [Ord. 2011-016]

**h. Previously Approved Auto Service Stations**

A prior approval for an Automotive Service Station shall correspond to Retail Gas and Fuel. An Auto Service Station that complies with the requirements for Retail Gas and Fuel shall not be considered a Non-conforming Use. Any other approved uses shall be subject to the Additional Accessory or Collocated Use standards above. [Ord. 2011-016]

**i. Nonconformities**

For Retail Gas and Fuel or a Automotive Service Station, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the percentage limitation of Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering Department. [Ord. 2010-005] [Ord. 2011-016]

**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.

**a. SR-7 EDO**

Accessory broadcast towers or antennae are prohibited. [Ord. 2010-022]

**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]

**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]

**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.

**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/pipe 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]

**e. Barbed Wire**

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. [Ord. 2011-001]

**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 Article 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) Major Intersection Criteria for CL FLU**

A convenience store with gas sales with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria. [Ord. 2006-004] [Ord. 2013-001]

**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]

**5) I-95 Interchange Exemption**

A parcel with a Commercial High (CH) future land use designation within 0.50 miles of an I-95 Interchange shall be exempt from the Location Criteria for 1) Intersection Criteria, and 2) Separation Criteria, listed above. [Ord. 2012-027]

**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.14.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 Gas Sales, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the percentage limitation of Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering Department. [Ord. 2010-005] [Ord. 2011-016]

**59-2.Crematory**

A facility used for the incineration of human or animal remains, excluding activities related to funeral homes. [Ord. 2013-001]

**a. Equipment Location**

Crematory equipment shall be located within a fully enclosed building. [Ord. 2013-001]

**b. Services Prohibited**

Services such as public observances, sermons or other similar activities shall be prohibited, unless collocated with an approved funeral home. [Ord. 2013-001]

**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.14.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.

**55. Financial Institution**

An establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor ATMs and drive-thru only facilities. Freestanding ATMs shall be considered a Financial Institution. **[Ord. 2013-021]**

**a. Development Thresholds and Approval Process**

A financial institution, including freestanding ATMs, 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] [Ord. 2013-021]**

**Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes**

Zoning District	Development Thresholds				Approval Process
	GFA		Drive-thru (1)	Freestanding ATM	
CN and CLO	5,000 s.f. max	and	Prohibited	Prohibited	DRO
CC and CHO; CL and CLO PDDs; COM Pod of PUD;	5,000 s.f. max	and	Prohibited	Permitted	Permitted by Right Freestanding ATM, DRO
CC; and, CL and CLO PDDs, and COM Pod of PUD	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted	DRO
CG; CH and CHO PDDs; PIPD COM Use Zone; and, TDDs	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted	Permitted by Right Freestanding ATM, DRO
UC or UI (2)	N/A	and	Any number of drive thru lanes (3)	Permitted	DRO (2)
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	Permitted	Class A or Requested Use Freestanding ATM, DRO
<b>[Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2013-021]</b>					
<b>Notes:</b>					
1. An ATM lane shall not be considered a drive thru lane for purposes of development thresholds.					
2. Does not apply to Prior Approvals. See Art. 3.B.16.E.2.a, Right to Continue or Change Uses (Related to PRA Use matrix). <b>[Ord. 2011-016]</b>					
3. Drive thru facilities, including vehicular access and queuing shall not be located within 200 feet of abutting non-PRA residential use or parcel with a residential FLU designation, unless permitted otherwise by Art. 3.B.16, URAO. <b>[Ord. 2011-016]</b>					

**b. Freestanding ATMs**

All freestanding ATMs shall be subject to the following requirements: **[Ord. 2013-021]**

- 1) No freestanding ATM shall be approved unless each operator of an ATM in the structure has at least one manned full service financial institution within Palm Beach County; **[Ord. 2013-021]**
- 2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather; **[Ord. 2013-021]**
- 3) Customer access to the interior of the structure shall be prohibited; and, **[Ord. 2013-021]**
- 4) Shall not be located within 1,000 feet of another Freestanding ATM. When within a TMD, the 1,000 foot separation distance may be reduced to accommodate a maximum of two freestanding ATMs, provided they are constructed in common public plazas. **[Ord. 2013-021]**

**c. 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]**

**d. SR-7 EDO**

Drive through uses are prohibited. **[Ord. 2010-022]**

**e. 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]

**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.-1. Funeral Home**

An establishment which arranges and manages funerals and prepares human or animal remains for interment, excluding cremation. [Ord. 2013-001]

**a. IL or IG District and MUPD with IND FLU**

A funeral home shall be limited to preparation for interment. No public observances, sermons or funerals shall be permitted. [Ord. 2013-001]

**64-2.Green Market, Permanent**

An area permanently designated on a Preliminary or Final Site Plan providing for the gathering of vendors on weekends and holidays, for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on a retail basis. [Ord. 2012-027]

**a. Lot Size**

A minimum of one acre. [Ord. 2012-027]

**b. Duration**

Weekends and recognized federal holidays only. [Ord. 2012-027]

**c. Stands**

Each vendor stand shall not exceed 150 square feet. The stand shall remain transportable and shall be removed from the site at the close of the market each weekend, or holiday where applicable. Motor vehicles such as vans or small trucks may be permitted subject to the preceding removal requirements. [Ord. 2012-027]

**64-1.Green Market, Temporary**

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. [Ord. 2012-027]

**a. Lot Size**

A minimum of one acre.

**b. Duration and Approval**

Weekends only, subject to approval of a Special Permit. A Temporary 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] [Ord. 2010-022] [Ord. 2012-027]

**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. Temporary Electric Service.**

The applicant shall obtain an electrical permit for temporary power, if applicable. [Ord. 2007-001] [Ord. 2012-027]

**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.

**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.B, Airport Use Regulations, Table 3.E.1.B, PDD Use Matrix, or Table 4.A.3.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]

**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 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]

#### **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.

#### **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. Yard Waste Storage**

Landscape service with storage of yard waste shall front on a collector or arterial street, and shall comply with the following requirements: [Ord. 2011-001]

**1) Setbacks**

Loading and service areas shall be located a minimum of 50 feet from all property lines and 100 feet from adjacent property with residential use or FLU designation. [Ord. 2011-001]

**2) Standards**

a) Only one yard waste storage area shall be permitted on site; [Ord. 2011-001]

b) Shall not exceed 30 by 40 feet; [Ord. 2011-001]

c) Yard waste shall be screened on three sides by a wall with a maximum height of 12 feet. The open end of the wall shall not face any property with residential use or FLU designation; [Ord. 2011-001]

d) Yard waste piles shall not exceed the height of the wall; [Ord. 2011-001]

e) Surface of the storage area shall be paved with concrete and have positive drainage; and, [Ord. 2011-001]

f) Yard waste that is not generated by the landscape service shall be prohibited on site. [Ord. 2011-001]

**g. Home Occupation**

A landscape service, not including yard waste or landscape installation services, may be approved as a home occupation subject to the requirements of Article 4.B.1.A.70, Home Occupation and this section, subject to the following exemptions or requirements: [Ord. 2007-013] [Ord. 2011-001]

**1) Buffers**

The use shall be exempt from incompatibility buffer requirements. [Ord. 2007-013]

**2) AR District in RSA**

A landscape service may be permitted subject to the limitations of Art. 4.B.1.A.70, Home Occupation, except that parcels three acres or more in size may also be eligible for the following: [Ord. 2007-013]

a) A maximum of three persons living outside of the home may be employed under the home occupation. [Ord. 2007-013]

b) The use shall also be exempt from the outside storage limitations of Article 4.B.1.A.70.i, Outside Storage, provided that outside storage is limited to equipment such as lawnmowers, edgers, weed eaters, and small trailers. Storage shall not include heavy equipment associated with landscape installation services, such as bobcats, loaders, dump trucks, or heavy equipment trailers; and [Ord. 2007-013]

c) Storage areas shall be screened from view from any R-O-W or residential parcel through the use of existing or newly planted native vegetation provided the material provides an opaque screen within one year of the issuance of the business tax receipt. No additional vegetation shall be required where equipment is screened from view behind permitted fences or other structures. [Ord. 2007-013]

## 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.

## 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]

## 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.

## 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, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. [Ord. 2005 – 002] [Ord. 2010-009] [Ord. 2011-001] [Ord. 2011-016]

### 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]

**c. INST FLU Designation**

A medical or dental office may be permitted subject to DRO approval, within the boundaries of the following five site specific FLUA amendments: [Ord. 2011-001] [Ord. 2012-027]

- 1) SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005; [Ord. 2012-027]
- 2) SCA 2008-015, Jog/Joe Delong Institutional, Ord. 2008-005; [Ord. 2012-027]
- 3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008; [Ord. 2012-027]
- 4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. 2010-031; and, [Ord. 2012-027]
- 5) LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. [Ord. 2012-027]

**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.

**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.

**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. 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.

**b. Proximity to Residential**

A commercial parking lot shall not be located on a parcel adjacent to a residential district.

**c. 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. [Ord. 2011-016]

**a. CN and CLO Districts**

A maximum 3,000 square feet of GFA, unless approved as a Class A conditional use.

**b. Sale or Dispensing of Controlled Substances**

The limited accessory retail sale of products does not include the sale or dispensing of controlled substances, unless in compliance with the requirements for Medical or Dental Office, or General Retail Sales. [Ord. 2011-016]

**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]

**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.

**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) and Priority Redevelopment Areas (PRAs)**

Bay doors shall not be oriented towards perimeter streets. [Ord. 2010-005] [Ord. 2010-022]

**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.14.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. Type I restaurants with drive through lanes generate visual impacts on the surrounding area as well as additional traffic in comparison to a Type I restaurant without a drive through. However, if in compliance with the exception criteria listed below the impacts can be mitigated. [Ord. 2006-004] [Ord. 2012-027]

**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 in accordance with Art. 5.E.2.C.2. [Ord. 2006-004] [Ord. 2009-040] [Ord. 2012-027]

**3) Exception**

A Type I restaurant may be exempt from the location criteria if the site is designed to: address the additional trips associated with a drive through restaurant; as well as enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design and architectural treatment that incorporates the following: [Ord. 2006-004] [Ord. 2012-027]

a) Drive through facilities, including queuing and by-pass lanes that run parallel and are visible from adjacent streets, shall provide additional landscaping to mitigate views of the vehicular use areas. [Ord. 2006-004] [Ord. 2012-027]

b) If located in a non-residential Planned Development District or a commercial pod, all the required parking spaces shall be located in close proximity to the restaurant that they serve. Required parking shall not be separated from the restaurant main entrance by a distance of more than 150 feet. The applicant may request an increase to this distance up to a maximum of ten percent of the dimensional requirement through a Type I Waiver; [Ord. 2006-004] [Ord. 2012-027]

c) If located in standard Zoning Districts and required by the Zoning Director, cross-access shall be provided to all abutting parcels that have Commercial FLU designation. If required, the cross-access easement shall be recorded prior to Final Approval by the DRO. The Zoning Director may elect not to require the cross-access easement based on review of the existing or approved use for the abutting property. [Ord. 2012-027]

d) Consideration shall be given to site design that promotes a safe pedestrian environment and addresses vehicular circulation and maneuvering. A restaurant located on a single parcel with a standard Zoning District is allowed continuous vehicular circulation: [Ord. 2012-027]

1) on all four sides of the building if the site is limited to only one access point to the subject property; or, [Ord. 2012-027]

2) on all three sides of the building if site is limited to two access points to the subject property. [Ord. 2012-027]

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]

**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, in a MUPD with a CL FLU designation, or in the UC or UI District, provided the GFA including outdoor dining areas does not exceed 5,000 square feet. [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2011-016]

**2) Permitted by Right**

A Type 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; and [Ord. 2006-004] [Ord. 2011-016] [Ord. 2011-016]

b) All district specific requirements are addressed; [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. SR-7 EDO**

Drive through uses are prohibited. [Ord. 2010-022]

**g. 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]

**h. 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]

**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]**

**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, marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services. **[Ord. 2011-016]**

**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.

**f. SR-7 EDO**

Shall be prohibited as a principal use. **[Ord. 2010-022]**

**g. Sale or Dispensing of Controlled Substances - Pharmacy**

A pharmacy shall be subject to the following: **[Ord. 2011-016]**

- 1) No more than 15 percent of the total number of prescriptions filled within a thirty (30) day period can be derived from the sale of controlled substances that are identified in Schedule II in accordance with F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, as determined by audits or information provided through the Florida Department of Health or any other government agency having the legal right to view such records. **[Ord. 2011-016]**

**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, UC, UI, MUPD, or MXPD Zoning districts. **[Ord. 2011-016]**

**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, UC, UI, and MUPD Zoning districts. **[Ord. 2011-016]**

**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.

**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.
    - (2) **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 may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. [Ord. 2011-001]
- 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.14.E, WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**

**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.

**c. Barbed Wire**

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. **[Ord. 2011-001]**

**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.14.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. **District Specific Regulations**
    - 1) **AR and AGR Districts**  
Shall be limited to livestock only and located on a minimum of five acres. **[Ord. 2010-055]**
    - 2) **CN District**  
Shall not have outdoor runs, nor occupy more than 3,000 square feet of GFA. **[Ord. 2010-055]**
    - 3) **LCC and TDD Districts**  
Shall not include outdoor runs, nor occupy more than 5,000 square feet of GFA. **[Ord. 2010-005] [Ord. 2010-055]**
    - 4) **Infill Redevelopment Overlay**  
Shall not include outdoor runs. Boarding facilities shall comply with the standards for a type III commercial kennel. **[Ord. 2010-005] [Ord. 2010-055]**
  - b. **Approval Process Exceptions for Limited Facilities**  
A veterinary clinic may be permitted by right in any district where the use is permitted pursuant to Table 3.E.1.B, PDD Use Matrix or Table 4.A.3.A, Use Matrix, subject to the following limitations: **[Ord. 2010-055]**
    - 1) GFA shall not exceed 5,000 square feet; and, **[Ord. 2010-055]**
    - 2) Shall not include outdoor runs. **[Ord. 2010-055]**
  - c. **Extended Care**  
Shall be limited to animals requiring onsite veterinary care due to illness or during recovery from surgical procedures. **[Ord. 2010-055]**
  - d. **Outdoor Runs**  
A veterinary clinic with outdoor runs shall comply with the following standards: **[Ord. 2010-055]**

**1) Lot Size**

A minimum of one acre.

**2) Setbacks**

Outdoor runs shall not be located within 50 feet of any property line adjacent to an existing residential use, district or FLU; or 25 feet from any property line adjacent to a non-residential zoning district, use, or FLU. [Ord. 2010-055]

**3) WCRAO**

Outdoor runs shall not be located within 25 feet of any property line.

**4) Standards**

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. [Ord. 2010-055]

**e. Facility without Outdoor Runs**

A veterinary clinic without outdoor runs shall be required to make accommodations to ensure animal waste is properly disposed of within the facility. [Ord. 2010-055]

**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.

**c. PIPD Industrial Use Zones**

A vocational school within a Light or General Industrial Use Zone shall be limited to educational instruction specifically related to manufacturing, trades that require the use of heavy machinery such as welding, mechanical or electrical repair, or other similar uses typically associated with industrial land use zones. [Ord. 2012-027]

**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.14.E, WCRAO Sub-area Use Regulations. [Ord. 2007-013]





**USE REGULATIONS PROJECT**  
**ZONING DIVISION- COMMERCIAL USES KICK-OFF MEETING**  
**THURSDAY, MAY 15, 2014**  
**1ST FLOOR CONFERENCE ROOM (1W-47)**  
**SIGN IN SHEET**

#	Name	#	Name	#	Name
1	Will Sykes	11	KEW WILSON	20	Srin Sita
2	Connor Barry	12	Diane Burress	21	Monica Cantor
3	Patt Lentini	13	Sylvia Dob	22	William G
4	JIM ZENBAGE	14	JOE LEONEK	23	Jan Macell
5	AUWE KUTHL	15	John Schmidt	24	Lisa Amara
6	ALEX LARSON	16	Thuyshutt	25	
7	Danna Ackerman-White	17	BRAD MURPHY	27	
8	Colene Walker	18	Scott Rodriguez	28	
9	Ora Owensby	19	Lauren Dorr	29	
10	James Brake			30	



**PALM BEACH COUNTY ZONING DIVISION  
USE REGULATIONS PROJECT**

**MAY 15, 2014 COMMERCIAL USES - KICK OFF MEETING**

**MEETING SUMMARY**

**Prepared by Scott Rodriguez, Site Planner II**

On Thursday, May 15, 2014, the Zoning Division held a meeting to discuss Use Regulations Project- Commercial Uses at the Vista Center, Room VC-2E-47 Conference Room at 2300 North Jog Road, West Palm Beach, Florida. The meeting started at 1:03 p.m.

**A. INTRODUCTION OF STAFF AND INTERESTED PARTIES**

**Interested Parties:** Danna Ackerman-White, Connor Barry, James Brake, Anne Kuhl, Alex Larson, Joe Lelonek, Pat Lentini, Bradley Miller, Ora Owensby, John Schmidt, Thuy Shut, Will Soled, Collene Walter, Ken Wilson and Jim Zengage.

**PZB Staff:** Jon MacGillis, Maryann Kwok, Erin Fitzhugh, Lisa Amara, Diane Burress, Sylvia Doby, William Cross, Lauren Dennis, Scott Rodriguez, and Monica Cantor.

**B. DESCRIPTION OF THE USE REGULATIONS PROJECT**

Ms. Cantor welcomed everyone to the meeting and provided a brief overview and status of the Use Regulations Project. She explained the meeting was held to focus on Commercial Uses in the ULDC by soliciting feedback from participants on existing Code language and identify issues, glitches or conflicts with other parts of the Code.

**C. DISCUSSION – USE REGULATIONS PROJECT**

The following uses and issues were discussed by participants:

**1. Auction**

- Keep Consolidated.
- Recommend to allow the use in Industrial and Commercial zoning districts.
- Typical retail use? Is this a question from the group?
- Ebay Auction question was raised. However, as it is internet-based and retail is store-based, this is most likely a general retail use.
- Auctions are loud, consideration should be given to nuisances.
- Why Auction Enclosed is not permitted in the Agricultural Zoning Districts).

**2. Auto Paint or Body Shop**

- Part of automobile Repair and Maintenance may be accessory.
- Expand to Commercial Low as principal use.
- Auto paint usually includes retail sales of auto parts.

**3. Bed & Breakfast**

- No comments.

**4. Broadcast Studio**

- No comments.

**5. Building Supplies**

- Better clarification of which home improvement stores are considered retail, versus building supplies. Definition needs to be clarified.
- Allow as principal use in industrial districts to accommodate additional outdoor storage.
- Allow it in any of the commercial zoning districts regardless if retail and wholesale are separated or consolidated.

**PALM BEACH COUNTY ZONING DIVISION  
USE REGULATIONS PROJECT**

**MAY 15, 2014 COMMERCIAL USES - KICK OFF MEETING**

**MEETING SUMMARY**

- Differentiate between all kinds of classification (small store/ large depot/ catalog) and provide flexibility in the approval.
- Ensure the use is addressed in redevelopment areas to be new and innovative.
- Consider it as primary use in industrial and commercial.
- The approval process difference between the wholesale and retail is not clear.
- Wholesale and retail may belong in separate uses classification (Industrial and commercial).

**6. Butcher Shop, Wholesale**

- No comments.

**7. Car Wash**

- Establish criteria for automatic wash versus non-automatic wash (Self wash).
- Allow it in all commercial zoning districts.
- Develop criteria to allow flexibility. Consider Class A approval with flexibility.
- Include "Detailing" in definition.
- Use not permitted in CL FLU of MUPD is not consistent with approval in standard zoning districts.

**8. Catering Services**

- Standard district and PDD Matrix consistency.
- Allow the use in commercial PDDs.

**9. Communication Tower, Commercial**

- Staff clarified that minor changes will be done to this use mainly related to formatting.

**10. Contractor Storage Yard**

- The use was relocated to Industrial. We should not consider anything new.
- Check if it relates to building supplies as accessory or collocated use.
- Check for tentative location where other intense uses are allowed.
- Explore allowing the use in close proximity or collocated to sites where commercial vehicles associated with the contractor are stored.
- Allow the use as requested in CG and CH FLU designation of MUPD in order to allow it as accessory or collocated to another principal use. Develop criteria that allows when it is accessory (based on percentage or square footage).
- Per Thuy: "Contractor/large truck" parking in commercial shopping centers to the rear of the buildings should be addressed.

**11. Convenience Store**

- Why the SF limitations? The comment was to strike the threshold.
- Continue using the location criteria
- Water - check old language (free)?

**12. Convenience Store with Gas Sales**

- Limit to certain street types based on width and number of trips.
- Where did the air/water requirement go?
- Why the 5,000 SF limitations? Similar to Convenience Store, strike the threshold.

**13. Crematory**

- No comments

**PALM BEACH COUNTY ZONING DIVISION  
USE REGULATIONS PROJECT**

**MAY 15, 2014 COMMERCIAL USES - KICK OFF MEETING**

**MEETING SUMMARY**

**14. Day Labor Employment Service**

- No comments.

**15. Dispatching Office**

- Increase the cap on the number of vehicles.
- Allow the use in Industrial PIPD.
- Develop a threshold to allow DRO for number of vehicles.

**16. Dog Daycare**

- For nuisance purposes, limit the number of dogs in residential.
- Address waste pickup if it is expanded to residential.
- Explore expansion of kennel training to residential by creating criteria: individual dog training instead of group; limited number of animals for consideration of small parcels like in Westgate.

**17. Financial Institution**

- No comments.

**18. Flea Market**

- It is retail just that it has the perception of old items sold. Review to tentatively consolidate with other retail uses.

**19. Funeral Home**

- No comments.

**20. Gas and Fuel Retail**

- Allow in Industrial MUPD since the use is allowed in industrial standard zoning districts for consistency.
- What about fleet vehicles in industrial sites?
- What is the difference between this use and convenience store with gas sales.
- Driveways away from residential roads. No access from residential to big trucks.

**21. Green Market**

- Why is the use not permitted in MUPD, but allowed in Standard General Commercial District.
- How do community gardens (specifically Westgate) fit under green market?
- Remove square footage limitation.
- Eliminate minimum lot size for smaller parcels
- Allow the use accessory or collocated to public parks and temporary in community centers or even in storage facilities.
- Allow the use in the PO Zoning District.
- Remove from the definition of Permanent Green Market the reference to "Site Plan".
- Temporary - Why weekends or holidays only. No specific days.
- See how it plays in the AGR Zoning District with Farmers Market (Agricultural Use).
- Article 2 - Why does it need to be shown on the Preliminary BCC Plan? Why can't it be added by DRO on the final plan?

**22. Hotel, Motel, SRO, Rooming and Boarding**

- SRO to be changed - (Tentative use for homeless).
- Make PDDs consistent with standard zoning districts approval.
- Larger Master Plan projects should have larger level of scrutiny.
- Where do dormitories fit, such as those used in YMCA?

**PALM BEACH COUNTY ZONING DIVISION  
USE REGULATIONS PROJECT**

**MAY 15, 2014 COMMERCIAL USES - KICK OFF MEETING**

**MEETING SUMMARY**

**23. Kennel Type 1 (Private)**

- Split use: Type 1A (Moved to Art. 5 as accessory; Type 1B (relocate to commercial).
- Possible addition of training of dogs.
- Staff explained this use has been relocated from residential to commercial classification but still allow it in some residential zoning districts.

**24. Kennel Type 2 (Commercial)**

- Consider lot size, traffic, number of dogs.
- Noise - to be addressed - lot size versus noise
- Explore tentative permitting of pet hotels close to airport.

**25. Kennel Type 3 (Commercial Enclosed)**

- No comments

**26. Kiosk**

- Why limit the number of kiosk on a development. Staff responded there could be more than one consolidated in one area of the site.
- No need for the square footage limitation.
- Increase the square footage, previous request was for 144 sq ft. Clarify whether kiosk is free standing structure and considered square footage. (May need to be clarified in Article 2, since square footage cannot be added to create a free standing building).

**27. Landscape Service -**

- Differentiate and clarify yard waste versus debris.
- Allow in the AR Zoning District with some location criteria as they can grow to be very large.
- AR/RSA. Small ones no problem usually collocated to Wholesale Nursery.

**28. Laundry Service**

- Glitch in the SF for approval processes?
- Is the glitch that it is a "P" in the matrix but should have been "A" due to the 15,000 sq ft standard requiring a Class A.
- Why not call them retail?

**29. Live Work**

- No comments.

**30. Lounge, Cocktail**

- No comments.

**31. Medical or Dental Office**

- No comments.

**32. Monument Sales, Retail**

- Cross reference to all zoning districts for consistency in the approval process.
- Combine with other retail uses.

**33. Office, Business or Professional**

- No comments.

**34. Parking Garage, Commercial**

**PALM BEACH COUNTY ZONING DIVISION  
USE REGULATIONS PROJECT**

**MAY 15, 2014 COMMERCIAL USES - KICK OFF MEETING**

**MEETING SUMMARY**

- Why Class A Conditional Use in a use that is Planned Development.
- Minimum size for parking lots to be supportive of mixed uses.
- Primary use is for charging.
- Accessory use if percentage of the required parking is met.
- Criteria for adjacent to residential.

**35. Parking Lot, Commercial**

- Permit as accessory in commercial shopping centers (perhaps limited to 10% of space).

**36. Pawnshop**

- Possible allowance in other commercial districts subject to higher level of approval.
- Identify if this use could be consolidated with another use.

**37. Personal Services**

- Clarify if “relaxation” fit within therapeutic massage studio.
- Allow the use in Commercial Low Office (CLO) Zoning district.

**38. Printing and Copying Services**

- No comments.

**39. Repair and Maintenance, General**

- Comments regarding accessory retail and retail with accessory repair and maintenance.
- Allow it in all commercial zoning districts. If small lots then make it Requested Use.

**40. Repair Services, Limited**

- Clarify if this use includes repair of motorcycles or is a motorcycle considered a vehicle?

**41. Restaurants Type 1 and Type 2**

- Re: Type I - Look at flexibility in stacking for drive-thru's - how the actual cars are stacked and human order-taking.
- Combine all restaurant types and develop criteria to be case by case.
- Allow creativity and flexibility to existing requirements.
- Consider all cooking industry trends, review to accommodate new industry trends.
- Main issue is drive thru.
- Not include the history of the building improvements as long as parking is addressed.
- The parking ratio is affected on sites with inline restaurants.
- Location criteria - County does not want to see them clustered.
- The Code does not account for every individual user as it should.
- Review how vehicle queuing is responding to industry needs. Explore tentative ways to respond to industry trends. Allow flexibility in queuing - Research needed.
- Allow restaurants in industrial areas as they are needed.

**42. Retail Sales, Auto Accessories and Parts**

- No comments.

**43. Retail Sales, General**

- No comments.

**44. Retail Sales, Mobile or Temporary**

- No comments.

**PALM BEACH COUNTY ZONING DIVISION  
USE REGULATIONS PROJECT**

**MAY 15, 2014 COMMERCIAL USES - KICK OFF MEETING**

**MEETING SUMMARY**

**45. Self Service Storage**

- No comments.

**46. Theater, Drive-in**

- No comments.

**47. Theater, Indoor**

- No comments.

**48. Towing Service and Storage**

- Relocated to Industrial. We should not consider anything new.
- Vehicle sales associated with towing
- Clarify in the Code where to allow trucks that are not part of contractor storage yard, related to lease contractor storage space. Is this industrial sub category of storage?

**49. Vehicle Sales and Rental**

- Possible reduction in minimum lot size for vehicle sales (3 acre).
- Why not allow the use in all commercial zoning districts and use lot size as the driving factor for approval.
- Dealerships have conveyors.
- Neighborhood rental & sales to include small car sale lots.
- Industry sells cars different – Buyers order them even on-line. Consider changes in buyers new habits.
- Review acreage.

**50. Veterinary Clinic**

- Eliminate references to minimum lot size.
- Accommodate in all commercial - similar to medical or dental office.
- Westgate outdoor runs - why less than anybody else.

**51. Vocational School**

- No comments.

**52. Work/Live Space**

- No comments.

General comments also included desire to see less uses than more uses in the ULDC, provide for more flexibility, and allow commercial uses in more commercial zoning districts even if they need to be subject to public hearings.

Staff reminded participants to provide additional comments to the current Commercial Uses by taking the Use Regulations Project survey which was posted on the Zoning Web page. .

**D. ADJOURN**

Meeting adjourned at 3:40 PM.