

ARTICLE 1

GENERAL PROVISIONS

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ARTICLE 1

GENERAL PROVISIONS

CHAPTER A AUTHORITY

Section 1 General

A. Title and Citation

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

1. Amendments

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

B. Authority

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

C. Intent

1. Implementation of the Plan

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

2. Consistent Regulations

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

3. Efficient and Effective Regulations

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

4. Preserve and Enhance

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

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

1. Issuance

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

a. Exceptions

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

b. Revocation

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

c. Suspension

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

Section 2 Applicability

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

Section 3 Definitions

See [Art. 1.I, Definitions and Acronyms](#)

CHAPTER B INTERPRETATION OF THE CODE

Section 1 Interpretations

A. Authority

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

B. Initiation

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

C. Procedures

1. Submission of Request for Interpretation

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

2. Determination of Sufficiency

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

a. Insufficient

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

b. Sufficient

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

3. Rendering of Interpretation

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

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

D. Form

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

E. Appeal

1. Initiation

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

2. Public Hearing

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

3. Standard of Review

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

F. Official Record

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

Section 2 Assistance by Staff

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

CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

Section 1 Rules of Construction

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

A. General

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

- Common words shall have the meaning assigned to them in the latest edition of an English dictionary unless otherwise defined in this Code.
- e. **Computation of Time** - The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by PBC, that day shall also be excluded.
 - f. **Day** - A working weekday unless otherwise stated or used in reference to a violation. Violations shall be calculated on calendar days.
 - g. **Delegation of Authority** - If the head of a Department, Division or other PBC official or employee is required to do some act or perform some duty, it shall be construed to authorize the head of the Department, Division, or other official or employee to designate, delegate and authorize professional-level subordinates to perform the required act or duty on their behalf, unless the terms of the Provision or Section specify otherwise.
 - h. **Gender** - Words implying the masculine gender shall be construed to include the feminine and neuter genders.
 - i. **Headings** - Headings of Articles, Chapters, Sections, and Subsections shall not be construed as the sole meaning or intent of the underlying regulation or standards.
 - j. **Include/Such As** - Use of the word "include", "includes", or "including" or terms "such as" shall not limit a term to the specified examples, but shall extend its meaning to all other instances or circumstances of like kind or character.
 - k. **May** - Permissive.
 - l. **Month** - A calendar month.
 - m. **Must** - Mandatory
 - n. **Number** - A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing. The use of a plural number shall be deemed to include any single person or thing.
 - o. **Or** - Either or both cases apply
 - p. **Project** - Use of the term "project" shall refer to the entire development referenced or implied in the regulation, standard or definition.
 - q. **References** - Reference to the F.S., the F.A.C., and the Code of Federal Regulations refer to citations published in 2003 as may be amended.
 - r. **Shall** - Mandatory.
 - s. **Technical Words and Undefined Terms** - Technical words and undefined terms, phrases, terms of art, vernacular, and the use of words which have acquired a peculiar and appropriate meaning and which are not defined in this Code shall be construed and understood according to such meaning.
 - t. **Tense** - Words used in the past or present tense shall also include the future tense and conversely.
 - u. **Terms Found in the Plan** - Terms not found in this Code, but found in the Plan, shall have the meaning given in the Plan.
 - v. **Text** - In case of any difference of meaning between the text of this Code and any figure, graphic or table, the text shall control.
 - w. **Use Type** - Use of the term "use type" shall refer to the general classification of uses indicated in Table 4.A.3.A-1, Standard Zoning Use Matrix, Table 3.E.1.B-21, PDD Use Matrix, and Table 3.F.1.I-32, Traditional Development Permitted Use Schedule. Uses listed in Table 4.A.3.A-1, Standard Zoning Use Matrix, and Table 3.E.1.B-21, PDD Use Matrix, shall be considered distinct and separate uses from one another, unless otherwise stated.
 - x. **Week** - Seven calendar days.
 - y. **Written** - Any representation of words, letters or figures whether by printing or other form of writing.
 - z. **Year** - A calendar year, unless otherwise indicated.

Section 2 District Boundaries

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

A. Bisecting Lines

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

B. Center Lines

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

C. Excluded Areas

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

D. Lot, Section and Tract Lines

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

E. Parallel Lines

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

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

2. On Parallel Lots, Acreage or Tracts

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

F. Political Boundaries

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

G. Railroad Lines

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

H. Shorelines

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

I. Shorelines

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

Section 3 Special Provisions for Lots Divided by District

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

A. Use Regulations

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

B. Property Development Regulations (PDRs)

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

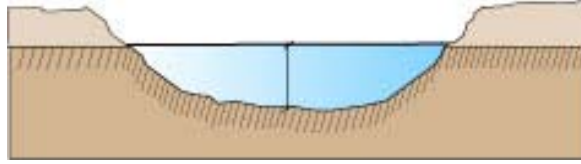
Section 4 Measurement

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

A. Depth

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

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

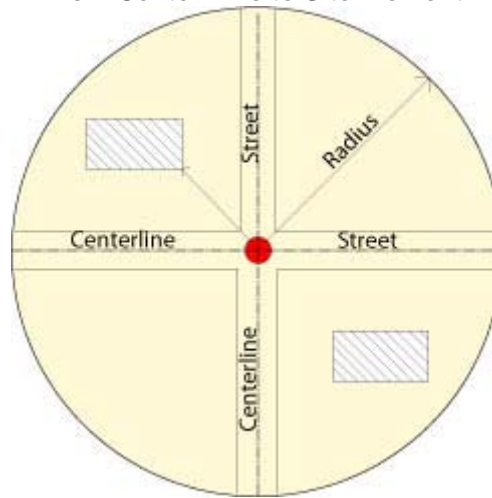


B. Distance

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

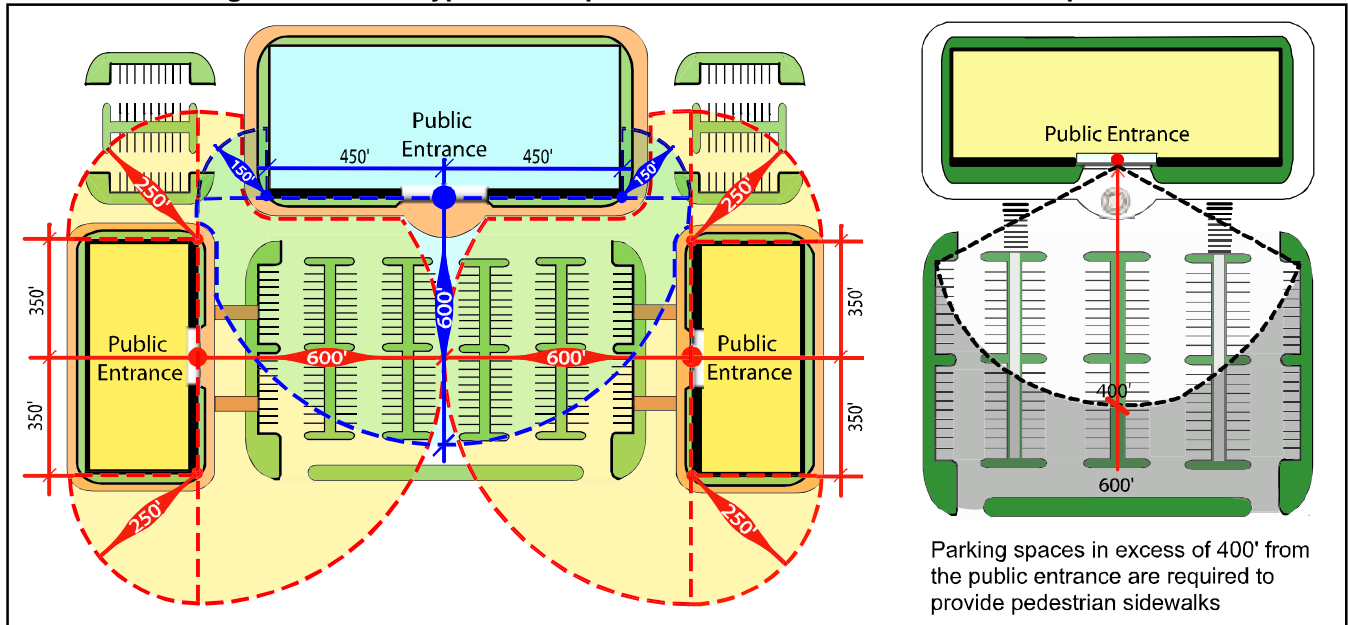
1. The intersection of two centerlines;
2. Another site element, such as parking; or
3. A specific distance, such as 1,320 feet.

Figure 1.C.4.B-2-Typical Example of Measurement of Distance from Center Line to Site Element



[Ord. 2005-002]

Figure 1.C.4.B-3-Typical Example of Measurement of Distance to a Specific



[Ord. 2005-002]

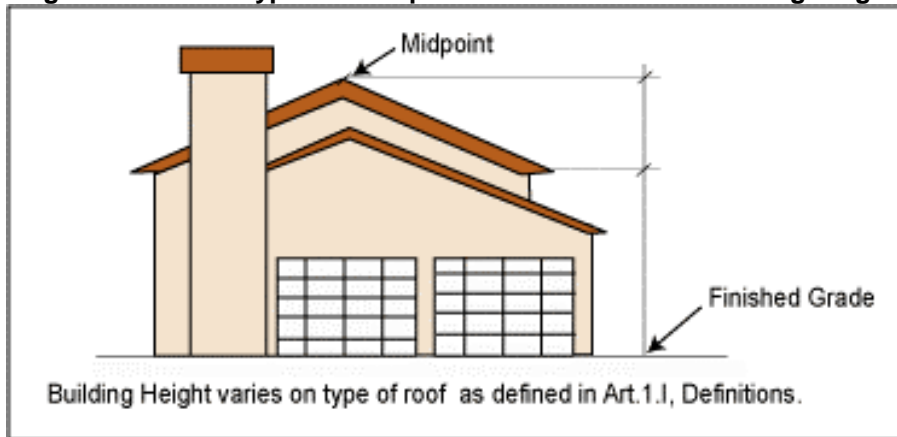
C. Height

From finished grade to highest point or peak of roof.

1. Building Height

Refer to definitions of building height in [Art. 1.I, Definitions](#).

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

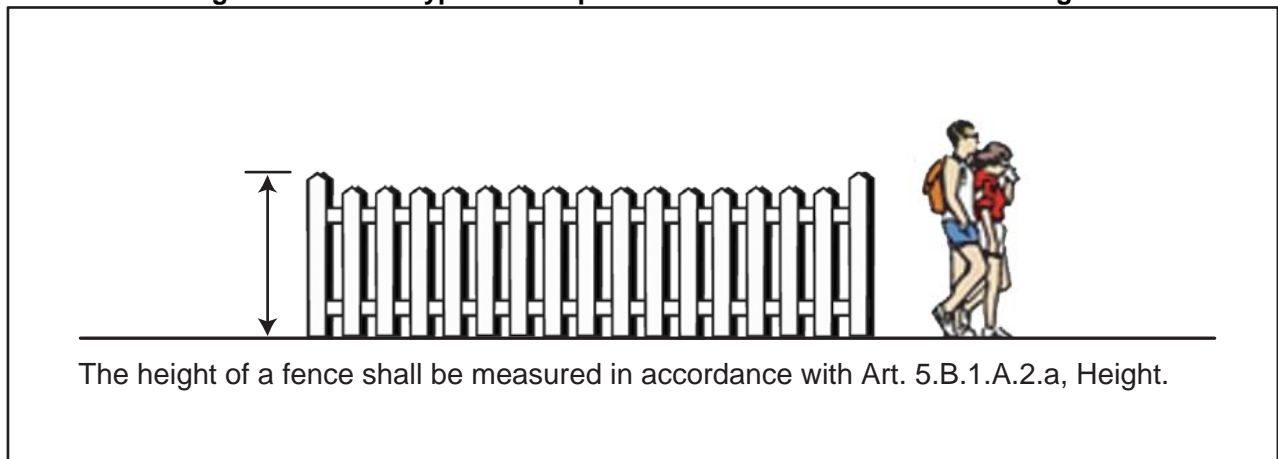


[Ord. 2005 – 002]

2. Fence/Wall Height

Refer to [Art. 5.B.1.A.2.a, Height](#).

Figure 1.C.4.C-5- Typical Example of Measurement of Fence/Wall Height



The height of a fence shall be measured in accordance with [Art. 5.B.1.A.2.a, Height](#).

3. Hedge Height

Refer to [Art. 7.D.3.B, Hedges](#).

Figure 1.C.4.C-6- Typical Example of Measurement of Hedge Height



The height of a hedge shall be measured in accordance with [Art. 7.D.3.B, Hedges](#).

4. Berm Height

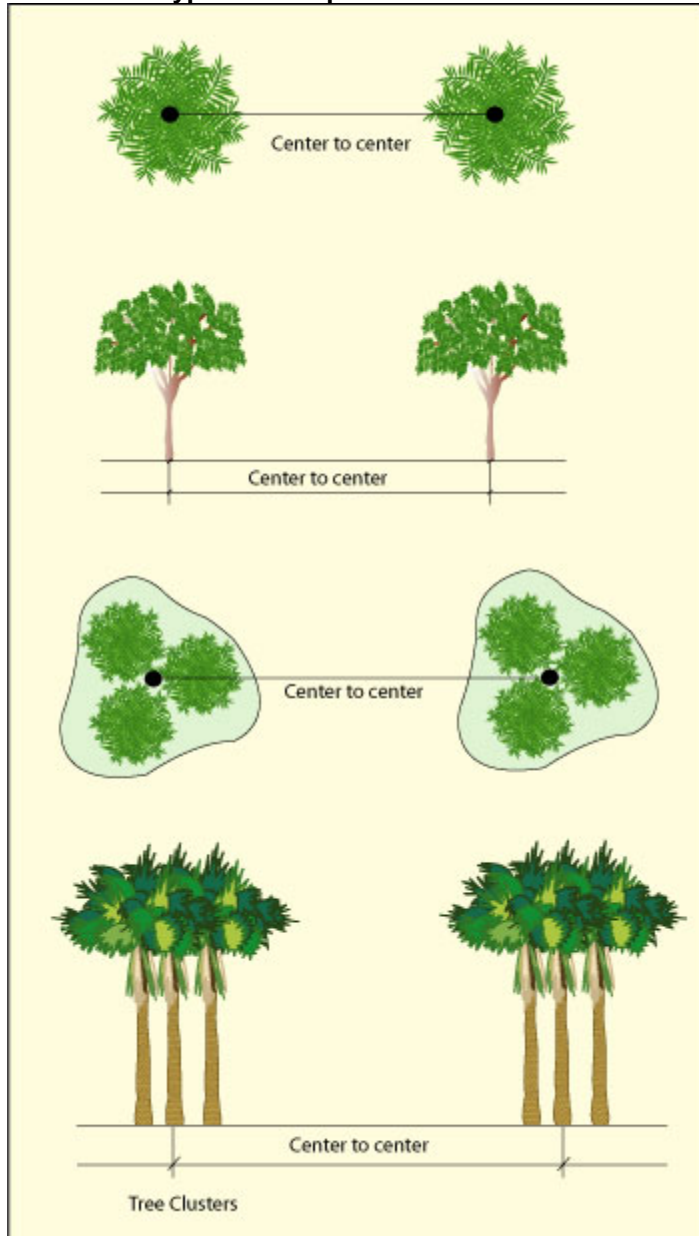
Refer to [Art. 7.D.9.C, Height Measurement](#), and [Figure 7.D.9.C-5, Berm Elevation and Drainage Requirements](#). [Ord. 2005-002]

D. On Center

By drawing a straight line between.

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

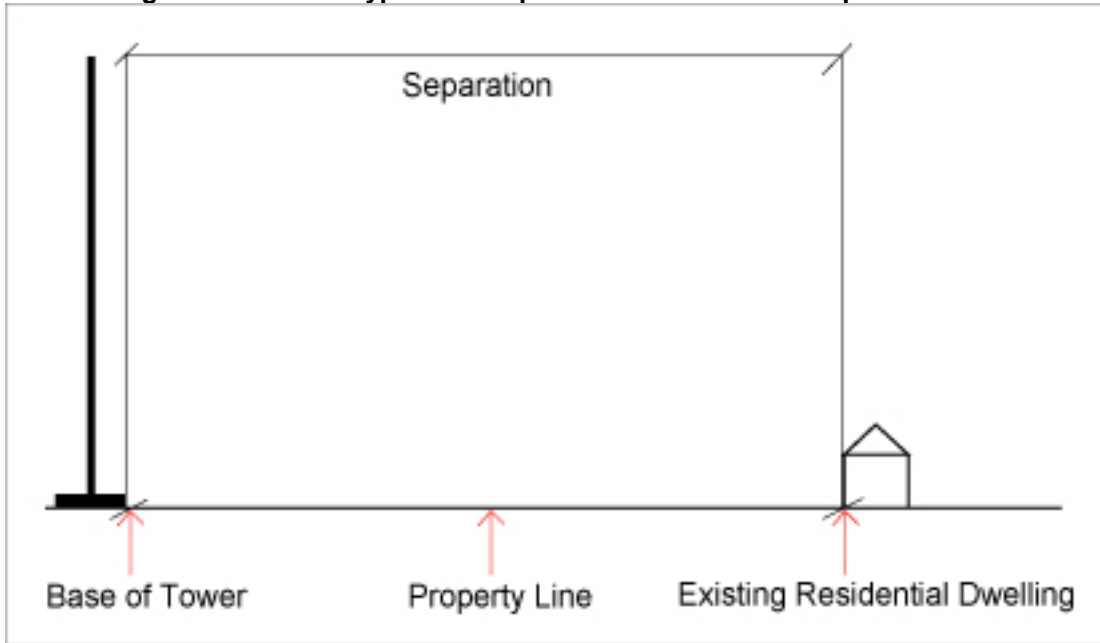
Figure 1.C.4.D-7- Typical Example of Measurement from Centerline



E. Separation from a Structure

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

Figure 1.C.4.E-8 – Typical Example of Measurement of Separation from Structure

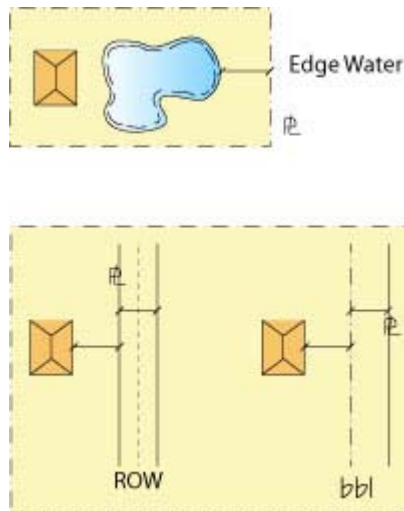


[Ord. 2005-002]

F. Separation from A Property Line

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

Figure 1.C.4.F-9-Typical Example of Measurement of Separation from A Property Line



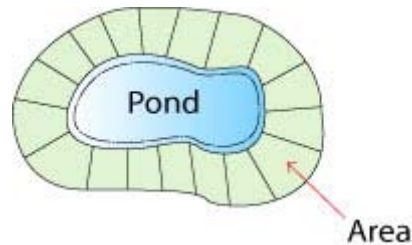
G. Sound

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

H. Surface Area

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

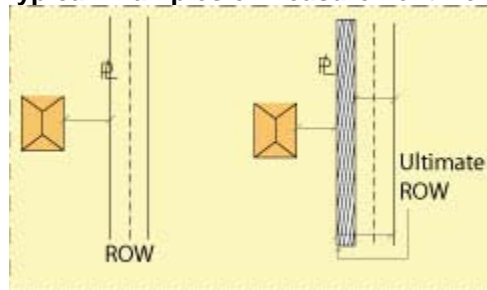
Figure 1.C.4.H-10-Typical Examples of Measurement for Surface Area



I. R-O-W, Improved

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

Figure 1.C.4.I-11-Typical Examples of Measurement from Improved R-O-W



J. R-O-W Unimproved

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

CHAPTER D IMPLEMENTATION

Section 1 Minimum Requirements

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

Section 2 Effective Date

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

CHAPTER E PRIOR APPROVALS

Section 1 General

A development order approved prior to the effective date of this Code shall continue to be valid until superseded by amendment, expiration, revocation, or abandonment.

A. Invalid Approvals

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

B. Applications Filed Prior to Effective Date

An application for a development order subject to prior ordinance which was submitted and found sufficient prior to the effective date of this Code may be reviewed and processed under the terms of the prior ordinance until a final decision on the application is rendered. Modifications to the development order shall comply with the standards and procedures in this Code.

C. Previous Approvals

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

1. Modifications to Previous Approvals

Modifications to previous approvals shall comply with this Code to the greatest extent possible in the affected area. All other requirements of this Code shall apply. **[Ord. 2005-002]**

a. Unbuilt Projects

- 1) A site plan or subdivision that has not been approved by the DRO shall comply with this Code.
- 2) A previously approved site plan or subdivision shall comply with Article 6, PARKING, Article 7, LANDSCAPING, and Article 8, SIGNAGE in the affected area to the greatest extent possible without the loss of density, intensity or required parking.

b. Built Projects

Projects, which have commenced development or have been constructed shall comply with this Code as follows:

- 1) Projects that have constructed 80 percent or more of the approved density/intensity (number of units or footprint of buildings) remain valid for any information and items clearly shown on the approved development order.
- 2) Projects that have constructed less than 80 percent of the approved density/intensity shall comply with Article 6, PARKING, Article 7, LANDSCAPING, and Article 8, SIGNAGE, to the greatest extent possible, without the loss of density, intensity or required parking.

2. Structural Renovations

Interior or exterior renovations or additions to existing buildings and structures that are in excess of 35 percent of the current Property Appraiser's value of the structure shall comply with [Art. 5.E.4.E, Outdoor Lighting](#), [Art. 6, Parking](#), [Art. 7, Landscaping](#), and [Art. 8.G.1, Building Mounted Signs](#), to the greatest extent possible. Renovations in excess of 75 percent or more of the current assessed value of the structure shall comply with [Art. 5.C, Design Standards](#). Renovations shall be cumulative over the most recent five-year period. **[Ord.2005-041]**

3. Parking Lot Alterations or Additions

Alterations or additions to vehicular use areas shall comply with [Art. 5.E.4.E, Outdoor Lighting](#), [Art. 6, Parking](#), [Art. 7, Landscaping](#), and [Art. 8.G.2.A, Freestanding Signs](#), for the affected area. **[Ord. 2005-041]**

4. Sign Renovations or Additions

Approved signs as shown on plans and conditions of an approval as of the effective date of this Code shall remain valid. Regulations for renovations or additions to a legal sign are in Article 8, SIGNAGE.

5. Landscaping

Landscape plans approved as of the effective date of this Code shall remain valid unless the development is amended or modified. The affected area of the amended or modified plans shall be subject to [Art. 7, Landscaping](#) to the greatest extent possible. All plans shall be subject to [Art. 14.C, Vegetation Preservation and Protection](#). Modifications to development orders shall comply with [Art. 1.E.1.C, Previous Approvals](#).

D. Standards No Longer Applicable

Previously approved variances, exemptions, waivers from property development regulations, or standards not required by this Code shall remain in effect until superceded, modified, abandoned, voided, or revoked by the authority which granted the original approval. Previously approved standards may only be used in their entirety, as approved, or may be revoked, thereby requiring compliance with this Code.

CHAPTER F NONCONFORMITIES

Section 1 General

A. Purpose and Intent

To establish regulations to address uses, structures and lots that were lawfully established before this Code was adopted or amended, that now do not conform to the terms and requirements of this Code. The purpose and intent of this Section is to regulate and limit the continued existence of uses, structures and lots, which do not conform to the provisions of this Code, and, where possible, bring them into conformance with this Code. [Ord. 2006-004]

B. Applicability

It is the intent of this Section to permit these nonconformities to continue, but not to allow nonconformities to be enlarged or expanded, except under the limited circumstances established in this Article. The provisions of this Article are designed to curtail substantial investment in nonconformities to preserve the integrity of this Code and the Plan. In determining whether a use is nonconforming and will be protected by the provisions of this Article, the following shall apply: [Ord. 2006-004]

1. Nonconforming use status shall not be provided for any use, structure, or lot which was illegally commenced, constructed, created or unlawfully continued, or commenced after the use restrictions became applicable. [Ord. 2006-004]
2. Nonconforming status shall only be provided where a use, structure or lot is actually commenced, constructed or created, not merely contemplated. Further, a use must be continuous during business hours and not an occasional or irregular use of the property. [Ord. 2006-004]
3. An accessory nonconforming use shall not become the principal use. [Ord. 2006-004]
4. Documents submitted in a form established by the Zoning Director shall be provided by the property owner to establish that a use, structure or lot lawfully existed prior to the adoption of applicable regulations. Affidavits alone are not sufficient evidence to establish nonconforming status. [Ord. 2006-004]

Section 2 Nonconforming Use

A. Major and Minor Use

There are three classes of nonconforming uses: 1) Major, 2) Minor, and 3) Nonconforming to Airport Regulations Standards are as follows:

1. Major

- a. Legally established.
- b. Located in a district in which it is now prohibited.
- c. Creates incompatibilities detrimental to public welfare.

2. Minor

- a. Legally established.
- b. Located in a district in which it is now prohibited, or is inconsistent with physical or permit requirements.
- c. Does not create incompatibilities injurious to public welfare.

3. Nonconforming to Airport Regulations

Requirements for uses nonconforming to Airport regulations are set forth in [Art. 1.F.3.F, Uses and Structures within an Airport Zone](#). Uses that are either a major or minor nonconforming use and are also nonconforming to the Airport zoning regulations shall be regulated as follows:

- a. A major nonconforming use shall comply with the major nonconforming use provisions.
- b. A minor nonconforming use shall comply with both the nonconforming provisions and the Airport nonconforming provisions.

B. Change in Use

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

C. Discontinuance or Cessation

If a nonconforming use is discontinued, abandoned, or becomes an accessory use for a period of more than 180 consecutive days (six months), or for a total of 540 calendar days (18 months) during any 1095 consecutive day (three year) period, then such use shall not be re-established or resumed and any subsequent use in the same location shall be in conformance with this Code. When government action impedes access to the premises as the reason for discontinuance or cessation, the time of delay caused by government shall not be calculated for the purpose, of this Section.

D. Expansion

Shall be permitted in conformance with the following:

1. Major Nonconforming Use

A major nonconforming use shall not be expanded in area it occupies unless it is being expanded into an area of a structure, which was designed and approved for such use in a valid development order prior to becoming a nonconforming use.

2. Minor Nonconforming Use

A minor nonconforming use may be expanded on one occasion, subject to DRO approval, provided the expansion complies with the terms of this Code and both of the following apply.

- a. The expansion would not exceed ten percent of the approved floor area of the structure or ten percent of the current assessed value of the structures on site, whichever is less; or any other form of measure of intensity/density for the specific use such as but not limited to: beds for congregate living facilities; decks for restaurants; number of children for daycares or other traffic intensity measures; and
- b. The expansion will result in a reduction of nonconforming features to the greatest extent possible.

E. Maintenance

Repairs necessary to maintain and correct any damage or deterioration to the structural soundness or interior appearance of the building or structure without expanding or altering the building or structure may be completed in accordance with the following:

1. Major

Maintenance of a conforming structure containing a major nonconforming use may be performed in any 12 consecutive months not to exceed 20 percent of the current assessed value of the structure.

2. Minor

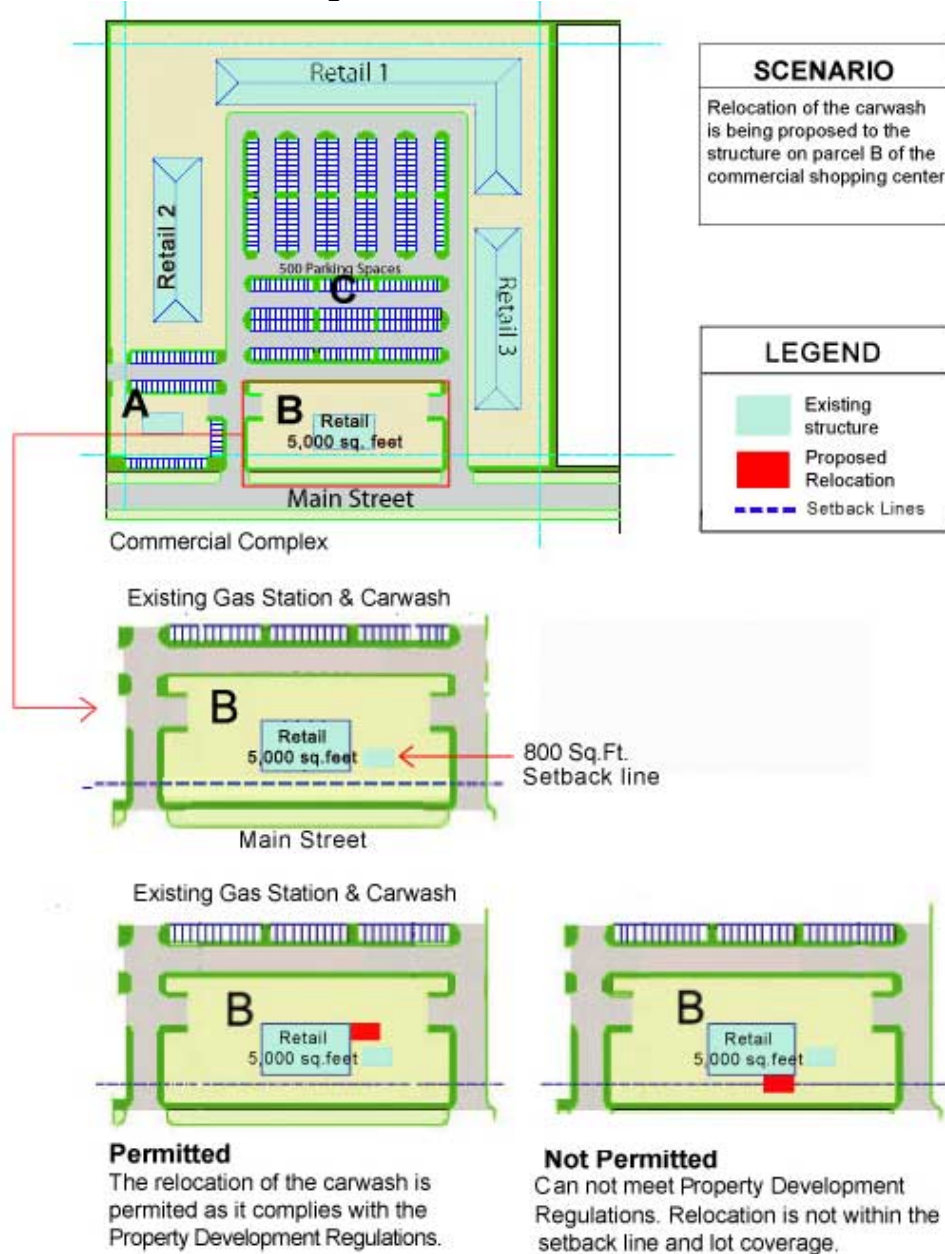
Maintenance of a conforming structure containing a minor nonconforming use may be performed in any 12 consecutive months not to exceed 30 percent of the current assessed value of the structure.

F. Relocation

A nonconforming use shall not be moved in whole, or in part, to another location on or off the parcel of land on which it is located, unless the relocation decreases the nonconformity.

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Figure 1.F.2.F-12-Relocation

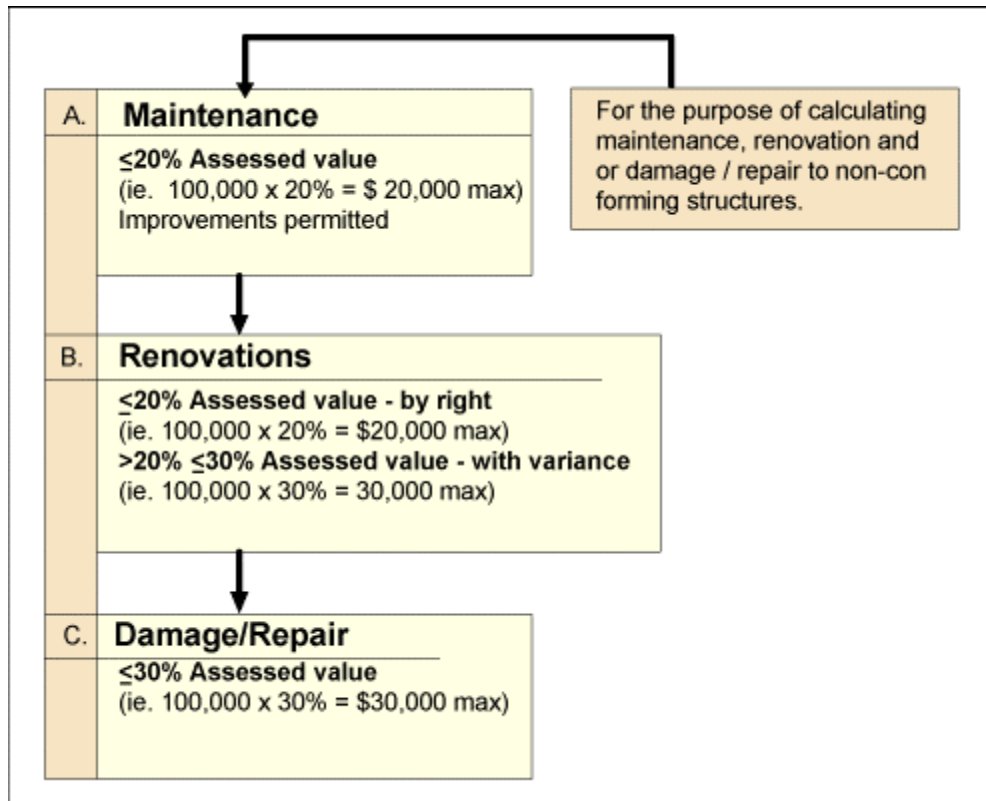


Section 3 Nonconforming Structure

A nonconforming structure may continue to exist in accordance with this Section. The maximum percent allowed within a 12 consecutive month period may include one or a combination of maintenance, renovation, or damage restoration to a nonconforming structure but shall not mean one of each term.

The value of a nonconforming structure shall be determined by taking 125 percent of the most recent assessed value of the structure, as determined by the PBC Property Appraiser. This Section shall apply to the cumulative changes in total value as a nonconforming structure is renovated and repaired over the previous seven years. In determining the value of an improvement necessary to reconstruct a damaged structure, the "aggregate cost approach" as outlined in the most current building valuation data in "Southern Building" published by the Southern Building Code Congress International or other comparable guidelines adopted in law or accepted in practice by the Building Director, shall be used as the sole basis for calculation.

Figure 1.F.3-13-Nonconforming Structures



[Ord. 2005-002]

A. Maintenance

Maintenance of a nonconforming structure may be performed by right in any 12 consecutive months, up to 20 percent of the current assessed value of the structure. The repair must be necessary to correct any damage or deterioration to the structural soundness or interior appearance of the building or structure without expanding or altering the building, structure, or use if it is also nonconforming.

B. Renovation

Renovation of a nonconforming structure, up to 20 percent of the current assessed value of the structure may be performed by right, as follows:

1. Renovation of more than 20 percent, but less than 30 percent, of the current assessed value of the structure is permitted only upon approval by the BA as a variance pursuant to the terms in [Article 2, DEVELOPMENT REVIEW PROCESS](#).
2. Renovation of more than 30 percent of the current assessed value of a structure shall not be permitted, except in conformity with this Code.
 - a. Renovation of up to 50 percent of the current assessed value of a structure in the LWRCCO is permitted in compliance with Art. 3.B, Overlays, and Art. 3.C, Standard Districts.
 - b. Renovation of more than 50 percent of the current assessed value of the structured within the LWRCCO district shall not be permitted, except in conformity with this Code.

C. Damage

A nonconforming structure which is damaged up to 30 percent of its current assessed value at the time of damage may be repaired by right. A nonconforming structure damaged in excess of 30 percent shall not be reconstructed, except in conformance with this Code.

D. Expansion

A nonconforming structure may be expanded as follows:

1. The expansion shall be in compliance with this Code;
2. The expansion shall not change or increase the nonconforming feature(s) of the structure; and,
3. The expansion shall not result in the expansion of a nonconforming use.

E. Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless it conforms to the standards and requirements of the district in which it is located.

F. Uses and Structures within an Airport Zone

1. Applicability

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

a. Exemptions

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

2. Existing Uses and Occupancy

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

a. Change in Use and Occupancy

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

3. Abandonment of A Use

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

4. Repair, Reconstruction, Restoration, or Alteration of A Structure

a. Height Restrictions

No permit shall be granted that would allow an existing structure to become higher or become a greater hazard to air navigation than it was as of November 1, 1996. All structures shall comply with [Art. 16.B.1, Airspace Height Regulations](#).

b. Use Regulations

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

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

If the structure does not meet these criteria, then only the new construction, alteration or repair shall be subject to the requirements of [Art. 16, Airport Regulations](#).

5. Relocated Buildings

Buildings or structures moved into or within Palm Beach County, into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions in [Art. 16, Airport Regulations](#).

6. Obstruction and Marking Requirements

Any repair restoration, reconstruction or alteration to a nonconforming structure or establishment of a new use shall require compliance with the Obstruction Marking and Lighting provisions in [Article 16.B.1, Airspace Height Regulations](#).

Section 4 Nonconforming Lot

A. Development

A lot which does not meet the minimum dimensional criteria of this Code may be developed if all of the following conditions are met:

1. The proposed development was allowed as a permitted use at the time the lot was created.
2. The lot was:
 - a. Subdivided prior to February 20, 1992;
 - b. Recorded with the Clerk of Circuit Court or was the subject of a recorded agreement for deed or other recorded instrument of conveyance prior to February 5, 1973 or shown on a recorded map, plat, drawing or survey prior to adoption of Ord. 92-20; or
 - c. In an antiquated subdivision and not subject to the lot recombination requirements of [Art. 11, Subdivision, Platting and Required Improvements](#), or the Plan.

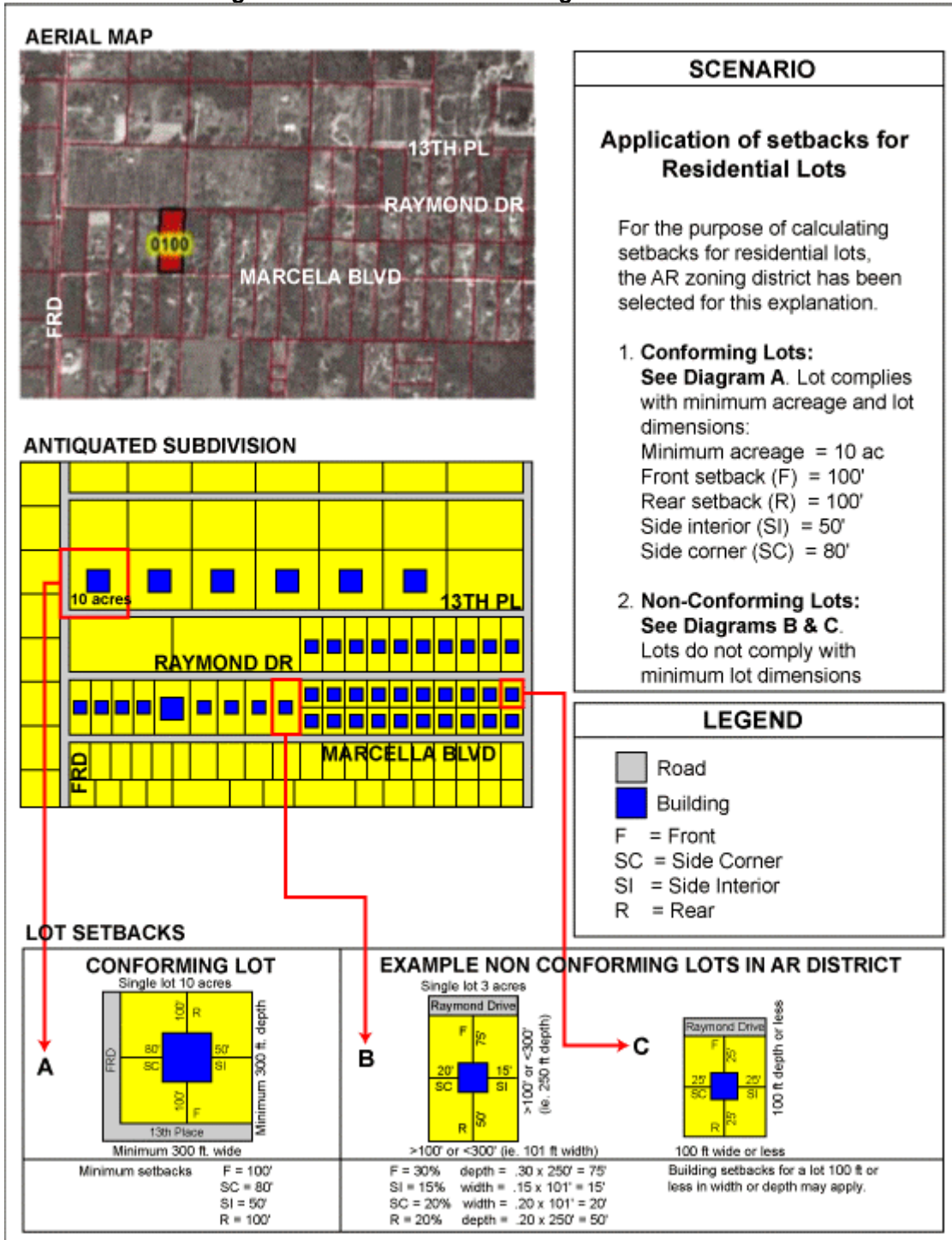
B. Residential Development Regulations

A nonconforming residential lot may utilize the following setbacks for a single-family dwelling unit only.

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

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Figure 1.F.4.B-14-Nonconforming Lots & Setbacks



[Ord. 2005-002]

C. Accessory Dwellings

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

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

D. Non-Residential Development & Residential Development Other Than Single Family

Non-residential development and residential development other than single family may be developed, subject to the following:

1. Development standards in [Art.1.F.4.A, Development](#), are met or the proposed use obtains a variance pursuant to the requirements of [Art. 2.B.3, Variances](#);
2. The proposed use is allowed by this Code; and
3. All other property development regulations supplemental development regulations and setbacks for the use are met.

CHAPTER G EMINENT DOMAIN

Section 1 Properties Affected by Eminent Domain Proceedings

A. Applicability

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

B. Development Standards

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

1. General

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

a. Access

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

b. Direction

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

2. Enlargement or Change In Use

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

a. Parking

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

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

3. Redesign of Sites

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

a. Variance Required for New Deviation From Regulations

A variance shall be obtained for any additional deviation from required property development regulations or site design standards proposed by the redesign. Any redesign or expansion which reduces an existing deviation from required property development regulations or site design

standards shall not require a variance. When applying the variance standards in [Article 2.B.3, Variance](#), the eminent domain action shall be presumed to be sufficient evidence to demonstrate a hardship. To encourage site redesign, in cases when a DRO site plan approval and a variance would both be required, only a variance shall be required.

b. Modification of Zoning Commissions ZC or BCC Approved Plans

Where a proposed redesign is located on property that is the subject of a plan approved by the ZC or BCC, redesign shall be approved by the DRO even if the redesign is in excess of the limitations in [Article 2.D.1.G.3, Amendments to BCC/ZC Approvals](#). Conditions imposed by the ZC or BCC shall not be amended without ZC or BCC approval, whichever is applicable.

c. Parking Area Reduction

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

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

4. Damage and Restoration of Structures

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

5. Signs

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

a. Sign Number and Size

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

b. Sign Relocation

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

c. Sign Relocation Permit

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

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

6. Vacant Lots

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

7. Lot Combination

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

PBC. Lot combination shall follow the permitting requirements and procedures of this Code, except as provided below:

a. Parking Credit

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

b. Razed Lots

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

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

For properties, which are the subject of a valid Certificate of Conformity, the Certificate may be amended, upon application by the property owner and approval of the DRO, to allow the combination and the configuration shown on the Certificate may be implemented. Where a proposed lot combination is located on property which is the subject of a site plan approved by the BCC, combination may be approved by the DRO even if the redesign proposes site plan changes in excess of the administrative limits contained in [Art. 2.D.1.G.3, Amendments to BCC/ZC Approvals](#), of this Code. Conditions imposed by the BCC shall not be amended without BCC approval.

8. Density and Intensity

Property conveyed without compensation may be utilized in calculating allowed density or intensity, consistent with the applicable density/intensity provisions in the Plan. **[Ord. 2005-041]**

C. Certificates of Conformity

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

CHAPTER H LOT OF RECORD

Section 1 Potentially Buildable Lot

A. Applicability

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

B. Standards

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

1. Creation prior to February 2, 1973.

a. The lot existed prior to February 2, 1973 in its current configuration as evidenced by a chain of title; and

b. The lot has access as follows:

1) In accordance with [Art. 11, Subdivision, Platting and Required Improvements](#), Table 11.E.2.A-1, Chart of Access Hierarchy; or

2) From a recorded exclusive easement, a minimum of 20 feet in width, granting the owner, its successors and assigns a perpetual right of useable access across all properties lying between said lot and a street.

2. Creation on or subsequent to February 5, 1973 and before June 16, 1992. **[Ord. 2006-004]**

a. The lot was created on or subsequent to February 5, 1973 and existed prior to June 16, 1992 in its current configuration as evidenced by a chain of title; and **[Ord. 2006-004]**

b. The lot complied with the density requirements of the Plan in effect at the time the lot was created.

c. The lot complies with one of the following: **[Ord. 2006-004]**

1) [Art. 3.D, Property Development Regulations \(PDRS\)](#), Table 3.D.1.A-16, Property Development Regulations, or

2) [Article 11.A.4.B, Building Permits and Other Approvals](#); or **[Ord. 2006-004]**

3) The lot exists in its present configuration as shown in the 1989 PBC FLU Atlas adopted August 31, 1989; and, **[Ord. 2006-004]**

- d. The lot has Legal Access, which was in existence at the time the lot was created and which remains in place, as follows: **[Ord. 2006-004]**
 - 1) In accordance with [Art. 11, Subdivision, Platting and Required Improvements](#), Table 11.E.2.A-1, Chart of Access Hierarchy; or
 - 2) From a recorded easement exclusively for the purposes of ingress and egress access, a minimum of 20 feet in width, granting the owner, its successors and assigns a perpetual right of useable access across all properties lying between said lot and a street.

CHAPTER I DEFINITIONS & ACRONYMS

Section 1 General

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

Section 2 Definitions

- A. Terms defined herein or referenced in this Article shall have the following meanings:
 1. **1985 Manual** - for the purposes of Art. 12, the Highway Capacity Manual, 1985, as published by the Transportation Research Board.
 2. **2000 Manual** - for the purposes of Art. 12, the Highway Capacity Manual, 2000, as published by the Transportation Research Board.
 3. **A-Weighted Sound Pressure Level** - for the purposes of Art. 5, the sound pressure level as measured with a sound level meter using the A-Weighting network. The standard notation is dB.
 4. **Abandon** - given up, unused, vacant, or not occupied for the purpose it was originally intended.
 5. **Abandoned Tower** - any commercial communication tower whose principal use has been discontinued for a period in excess of three months.
 6. **Abutting Property** - lying immediately adjacent to and sharing a common property line with other property.
 7. **Access, Legal** - the principal means of access from a lot to a public street or to a private street over which a perpetual ingress and egress easement or R-O-W has been granted to the owners of any lot serviced by such street.
 8. **Access Way** - a non-dedicated area that is permitted for ingress or egress of vehicles or pedestrians. An access way is permitted to traverse a required landscape buffer.
 9. **Accessory Agricultural Uses** – For the purposes of Art. 4.B, these uses include "U-Pick-Em" operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing, cutting, and packing of farm products, and canning, dehydration, and basic preparation of raw food products prior to shipment and outdoor storage of equipment. **[Ord. 2005-002]**
 10. **Accessory Building or Appurtenant Structure** – for the purposes of Art. 18, a structure that is located on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment not to exceed 25 percent of the value of the primary structure, shall not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory buildings or appurtenant structures for flood damage purposes are detached garages, carports, storage sheds and barns. All structures used for human occupancy shall be deemed principal structures and shall

comply with these regulations, and not be defined as an Accessory Building or Appurtenant Structure. **[Ord. 2004-013]**

11. **Accessory Building or Structure** - a detached, subordinate structure meeting all property development regulations (PDRs), the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.
12. **Accessory Dwelling** - an accessory dwelling unit located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.
13. **Accessory Overnight Accommodation (AOA)** - A limited service overnight facility for visiting researchers, scientists and dignitaries. **[Ord. 2004-040]**
14. **Accessory Use** - see Uses, Accessory
15. **Acre** - land or water consisting of 43,560 square feet.
16. **Acreage, Gross** - the total land area, including all public and private areas, within the legal boundaries of a particular parcel of land or project.
17. **Act** - the Local Government Comprehensive Planning and Land Development Regulation Act, [F.S. §163.3161, et seq.](#)
18. **Addition** – for the purposes of Art. 18, (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed expansion, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction, not an addition. **[Ord. 2004-013]**
19. **Adaptive Use** - for the purposes of Art. 9, the process of converting a building to a use other than that which it was originally designed.
20. **Adequate Protection by Treatment** - for the purposes of Art. 15, any one or any combination of the controlled processes of coagulation, sedimentation, absorption, filtration, or other processes in addition to disinfection which produces water consistently meeting the requirements of this Article including processes which are appropriate to the source of supply.
21. **Administrative Inquiry** - a request for a Board of County Commissioners (BCC) direction on procedural or interpretative matters.
22. **Adopted Level of Service (LOS)** - for the purposes of Art. 12, LOS D; except as specifically set forth by the Plan or pursuant to Policies of the Transportation Element. For Test 2 it is LOS E except as set forth by the Plan.
23. **Adult Entertainment Definitions** – for the purposes of Art. 4.B.I.A.2.
 - a. **Adult Arcade** - any place or establishment operated for commercial gain, which invites or permits the public to view adult material. For purposes of this Code, "adult arcade" is included within the definition of "adult theater."
 - b. **Adult Bookstore/Adult Video Store** - An establishment which sells, offers for sale, or rents adult material for commercial gain and which meets either of the following two criteria: **[Ord. 2005-051]**
 - 1) More than 30 percent of the gross public floor area is devoted to adult material; or **[Ord. 2005-051]**
 - 2) More than 30 percent of the stock in trade consists of adult material. **[Ord. 2005-051]**
 - c. **Adult Booth** - a small enclosed or partitioned area inside an adult entertainment establishment which is: (1) designed or used for the viewing of adult material by one or more persons and (2) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom.
 - d. **Adult Dancing Establishment** - an establishment selling, serving or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing.
 - e. **Adult Entertainment** -
 - 1) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to [F.S. Chapter 480](#), tanning salon, modeling studio, or lingerie studio.
 - 2) Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.

- 3) An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment.
- f. **Adult Entertainment Establishment** - any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to [F.S. §480](#), tanning salon, modeling studio, or lingerie studio.
- g. **Adult Material** - any one or more of the following, regardless of whether it is new or used:
- 1) Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices; which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or;
 - 2) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- h. **Adult Motel** - a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public streets which advertises the availability of this adult type of photographic reproductions.
- i. **Adult Theater** - an establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof or an open-air area used for viewing of adult material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture theater" are included within the definition of "adult theater". An establishment which has "adult booths" is considered to be an "adult theater".
- j. **Commercial Gain** - operated for pecuniary gain, which shall be presumed for any establishment which has received an occupational license. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss.
- k. **Educational Institution** - premises or site within a municipality or within the unincorporated area of PBC upon which there is a governmentally licensed child care facility for six or more children or elementary or secondary (K-12) school, attended in whole or in part by persons under 18 years of age.
- l. **Employee** - Any person who works, performs, or exposes his/her specified anatomical areas in an establishment, irrespective of whether said person is paid a salary or wages by the owner or manager of the business, establishment, or premises. "Employee" shall include any person who pays any form of consideration to an owner or manager of an establishment, for the privilege to work performing or exposing his/her specified anatomical areas within the establishment.
- m. **Person** - includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and all other or any other similar entity.
- n. **Religious Activities** - any daily, weekly, or periodic activity associated with or that occurs at a religious institution.
- o. **Religious Institution** - a premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat, site, camp or similar facilities owned or operated by a bona fide religious group for religious activities shall be considered a religious institution.
- p. **Residential Zoning District** - Includes the following zoning districts which have not been designated in the comprehensive plan as commercial or industrial:
- 1) RE-Residential Estate.
 - 2) RT-Residential Transitional.
 - 3) RT-Residential Transitional.
 - 4) RS-Single Family Residential.
 - 5) RM-Multiple-Family Residential (Medium Density).
 - 6) TND-Traditional Neighborhood Development.
 - 7) PUD-Planned Unit Development.
- q. **Specified Anatomical Areas** - less than completely and opaquely covered:
- 1) Human genitals and pubic region; or
 - 2) the opening between the human buttocks, i.e., the anal cleft;

- 3) that portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or
 - 4) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- r. **Specified Sexual Activities -**
- 1) Human genitals in a state of sexual stimulations, arousal, or tumescence;
 - 2) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy;
 - 3) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
 - 4) excretory functions as part of or in connection with any of the activities set forth in subsections of [Art. 4.B.1.A.2.b.17\)-18\)](#), [Specified Anatomical Areas and Specified Sexual Activities](#).
24. **Adverse Impact** – for the purposes of Art. 18, the increased probability of damage to structures from flooding or from floodwater erosion. **[Ord. 2004-013]**
 25. **Advertising Structure** - for the purposes of Art. 8, a sign representing or directing attention to a business, commodity, service, or entertainment, conducted, sold, or offered.
 26. **Aerobic Treatment Unit** - for the purposes of Art. 15.A, as defined by [Rule 64E-6, F.A.C.](#)
 27. **Affidavit of Exemption** - for the purposes of Art. 2, a document, recorded in the public record, evidencing the grant of an exemption for an unrecorded subdivision existing prior to February 5, 1973, from the provisions of the former PBC Subdivision and Platting Regulations [[Ord. No.1973-004](#)], as amended, granted pursuant to said regulations.
 28. **Affidavit of Waiver** - for the purposes of Art. 11, a document evidencing the grant of an exception to the platting requirement or the required improvements installation requirement.
 29. **Affordable Housing** - a dwelling unit for which a household spends no more than thirty percent of its gross income for housing costs. Rental housing costs include contract rent and utilities. Owner occupied housing costs include mortgage principal and interest, property taxes, insurance, and, where applicable, homeowner's association fees. The current median income for PBC and income categories established within the Plan are available at the Planning Division.
 30. **AGR-PUD Gross Site Area** - the land area of the PUD less land dedicated per the Thoroughfare Identification Map. The gross site area includes land to be used for other R-O-W, streets, preservation areas, development areas, water retention, open space, commercial, recreation and civic uses.
 31. **AGR-PUD Preservation Area** - land contained in the preservation pod preserved in perpetuity to bona-fide agriculture, fallow land, water preserve areas, wetlands or uplands.
 32. **AGR-PUD 60/40 Development Area** - that portion of the PUD which contains the residential, recreational, civic, and commercial pods with support facilities such as streets, internal open space, and stormwater retention areas.
 33. **AGR-PUD 80/20 Development Area** – that portion of the PUD which contains the residential, recreational, civic, a commercial pods.
 34. **Agreement** –
 - a. For the purposes of Art. 2, the interlocal agreement between the BCC, the municipalities of PBC, and the PBC School Board effective January 25, 2001, and recorded in the Official Records Book 12272, Page 973, Public Records, PBC, Florida;
 - b. For the purposes of Art. 12, a Development Agreement, public facilities agreement, or other binding agreement entered into between the applicant and PBC or other service provider for the purpose of assuring compliance with the adopted LOS standards. The form of the Agreement may include, but not be limited to a Development Agreement pursuant to [F.S. § 163.3220](#).
 35. **Aggrieved or Adversely Affected Person** - any person or local government which will suffer an adverse effect to an interest protected or furthered by the Plan, including interests related to health and safety, police and fire protection systems, densities or intensities of development, transportation facilities, health care facilities, or environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but shall exceed in degree the general interest in common good shared by all persons.

36. **Agricultural Excavation** - approval process for agricultural excavation is administered by ERM and PZB. Agricultural excavation in the WCAA are administered by ERM. Application procedures and requirements are in [Art. 4.D.5.A, Agricultural Excavations](#).
37. **Agriculture, Bona Fide** - any plot of land where the principal use consists of the raising of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the production of animal products such as eggs, honey or dairy products; or the raising of plant material, inclusive of a retail or wholesale nursery.
38. **Agriculture, Food Processing** – a facility for the canning, dehydration and basic preparation of raw food products, such as the washing and cutting prior to shipment.
39. **Agriculture, Light Manufacturing** - an accessory agricultural use for the manufacturing of products related to agricultural operations, such as fencing, pallets, crates, or containers. Product components are predominantly assembled from previously prepared materials or finished parts. Manufacturing includes processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage and distribution, but excludes heavy industrial processing or manufacturing.
40. **Agriculture, Packing Plant** – A facility accessory to bona fide agriculture, used for the packing of produce not necessarily grown on site. Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. **[Ord. 2005 – 002]**
41. **Agriculture, Research and Development** - the use of land or buildings for agriculture research and the cultivation of new agricultural products.
42. **Agriculture, Sales and Service** - an establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, and farm supplies.
43. **Agriculture Storage** – the storage of equipment or products accessory or incidental to a principal agriculture use.
44. **Agriculture, Transshipment** – a facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.
45. **Air Curtain Incinerator** - a combustion device used to burn trees and brush.
46. **Air Rights** - the right to use space above ground level.
47. **Air Space** - for the purposes of Art. 15.A, the distance from the liquid level up to the inside top of a treatment receptacle.
48. **Air Stripper** – a temporary remedial system which treats contaminated groundwater.
49. **Aircraft** - any vehicle which is used or designed for navigation of or flight in the air.
50. **Airport** - Palm Beach International Airport (PBIA), Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, Palm Beach North County Airport and Boca Raton Airport and any area owned or operated by PBC, or other public entity, intended to be used for the taking-off, maneuvering and landing of aircraft, including any seaplane base, heliport or vertiport, validly licensed by the State of Florida for public use.
51. **Airport Elevation** - for the purposes of Art. 16, the highest point of an airport's usable landing area measured in feet above mean sea level (AMSL).
52. **Airport Hazard** - for the purposes of Art. 16, any man-made structure, object of natural growth or use of land which would exceed the Federal obstruction standards as contained in [Federal Aviation Regulation Part 77](#) (as may be amended from time to time) and which obstructs the airspace or may otherwise be hazardous to aircraft taking-off, maneuvering or landing at an airport.
53. **Airport Hazard Area** - for the purposes of Art. 16, any area of land or water upon which an airport hazard might be established if not prevented as provided in this article.
54. **Airport, Landing Strip or Helipad** - any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft.
55. **Airport Obstruction** - for the purposes of Art. 16, any man-made structure, object of natural growth or use of land which would exceed the Federal obstruction standards as contained in [Federal Aviation Regulation Part 77](#) (as may be amended from time to time).
56. **Airspace Height** - for the purposes of Art. 16, the height limits as established and set forth in this Section. Above Mean Sea Level (AMSL) elevation shall be the datum unless otherwise specified.
57. **Alley** - a R-O-W providing a secondary means of access to property and is not intended or used for principal traffic circulation.
58. **Alter Structurally** - for the purposes of Art. 8, in the case of a sign means to make a change in the supporting members of a structure, such as bearing walls, columns, beams, sign poles or posts, or girders, that will prolong the life of the structure.
59. **Alteration** -

- a. for the purposes of Art. 9, any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance or structural changes involving changes in form, texture, materials or color or any such changes in appearance in specially designated historic sites, or historic interiors;
- b. for the purposes of Art. 14.C, Human caused activity that modifies, transforms or otherwise changes the vegetation, including, but not limited to:
 - 1) Removal, displacement, mowing, or disturbance (severe pruning, hatracking or inter nodal cutting, or poisoning) of vegetation excluding prescribed burns for the management of native vegetation communities;
 - 2) Removal, displacement, demucking or disturbance of soil, rock, minerals or water within the plant's root zone;
 - 3) Introduction of livestock for grazing; **[Ord. 2005-003]**
 - 4) Placement of vehicles, structures, debris, fill or other material objects thereon, including introduction or injection of water and other substances; and
 - 5) Use of mechanical equipment within the plant's root zone.

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60. **Alteration or Materially Alter** - for the purposes of Art. 14.A, the removal of sand from the Sand Preservation Zone (SPZ).
61. **Alteration, Building** - any change in the structure which will increase the number of dwelling units, the floor area, or height of the structure.
62. **Alternative Landscape Plan (ALP)** - a plan showing the location, quantity, and species of plants to be installed at non-residential, multi-family, or residential planned developments. This plan shall be designed to preserve and incorporate existing native vegetation in excess of minimum standards or demonstrate innovative use of plant material and improve site design.
63. **ANSI** - the American National Standards Institute or its successor bodies.
64. **Antenna** - a transmitting and/or receiving device used for AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communications. This excludes amateur radio antennas and satellite dishes.
65. **Antenna Height** - the overall vertical length of the antenna and antenna support structure above grade, or if such system is located on a building, then the overall vertical length includes the height of the building upon which the structure is mounted. In the event a retractable or demountable-type antenna support structure is utilized, the antenna height is to be calculated as the overall vertical length of the antenna and antenna support structure when fully extended.
66. **Antenna Support Structure** - any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennas.
67. **Antiquated Subdivision** - as defined in the Plan.
68. **Appeal** – for the purposes of Art. 18, a request for a review of the Flood Damage Prevention Administrator's interpretation of any provision of, or a request for a variance, from this Article. **[Ord. 2004-013]**
69. **Applicant** -
 - a. the owner of record, the agent pursuant to an agent's agreement acceptable to the County Attorney or the mortgagor in the case of bankruptcy.
 - b. for the purposes of Art. 12, person seeking a Site Specific Development Order. In the unincorporated area, it consists of those Development Orders for which a Concurrency Certificate or Concurrency Exemption Determination is required.
70. **Approach Zone** - for the purposes of Art. 16, an area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.
71. **Appurtenance** - for the purposes of Art. 9, a part, possession, or other incidental part which is generally subordinate to, or adjoins the principal use of structure, i.e. fences, walls, steps, paving, sidewalks, signs and light fixtures.
72. **Aquifer** - a groundwater bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water.
73. **Arcaded Sidewalk** - a covered pedestrian walkway contiguous to a street, plaza or square that is open to the public.
For the purposes of [Art. 3.B.15, WCRAO, Westgate Community Redevelopment Agency Overlay](#), an arcaded sidewalk shall require usable floor area above the roof of the arcade. **[Ord. 2006-004]**
74. **Archaeological Evaluation Report** - for the purposes of Art. 9, a letter prepared by the County Archaeologist evaluating the potential significance of an archaeological site after issuance of a Suspension Order by the Department.
75. **Archaeological Resources** - all evidences of past human occupations which can be used to reconstruct the life ways of past peoples and evidence of past animal life in the form of non-human vertebrate fossils. These include sites, artifacts, environmental and all other relevant information and the contexts in which they occur. Archaeological resources are found in prehistoric and historic period sites and areas of occupation and activity.
76. **Archaeological Site** - property or location which has yielded or might yield information on PBC, State or Nation's history or prehistory. Archaeological sites are evidenced by the presence of artifacts and features on or below the ground surface indicating the past use of a location at least 75 years ago by people or the presence of non-human vertebrate fossils. Archaeological sites include aboriginal mounds, forts, earthworks, village locations, camp sites, middens, burial mounds, missions, historic or prehistoric ruins which are, or may be the source of artifacts or other items of significant archaeological value.

77. **Archaeologist, Qualified** - a member of, or is qualified for membership in the Florida Archaeological Council or the Society of Professional Archaeologists.
78. **Architect** - a person licensed to engage in the practice of architecture under [F.S. Chapter 481](#), Part I, and includes the term "registered architect."
79. **Architectural Composition** - for the purposes of Art. 5, the scale, height, mass, proportion, color, form, style, detail, treatment, texture, construction material, and roof design of a project or building.
80. **Architectural Features** - for the purposes of Art. 9, architectural features include the architectural style, scale, massing sitting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, type and texture of building material, public access open courtyards, windows, doors, and appurtenances. These features will include interior spaces where the interior has been given historic designation under the procedures listed in [Art. 9.B.3.A, Application for Historic Site or District Designation](#).
81. **Area of Shallow Flooding** – for the purposes of Art. 18, a designated AO or AH Zone on the latest edition of FEMA issued FIRM for the county with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **[Ord. 2004-013]**
82. **Area of Special Flood Hazard** – for the purposes of Art. 18, (see Special Flood Hazard Area (SFHA)) the land in the floodplain which is subject to a one percent or greater chance of flooding in any given year (100-Year floodplain as defined by FEMA), and land developed into building sites without a master storm water drainage system. **[Ord. 2004-013]**
83. **Arena, Auditorium or Stadium** - for the purposes of Art. 4, an open, partially or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, large conference centers, sports arenas, jai alai frontons, amphitheaters and racetracks.
84. **Arterial Street** - see Street, Arterial.
85. **Articulated Parapet** - for the purposes of Art. 5, a parapet with a height variation proportional to the building height.
86. **Artifacts** - for the purposes of Art. 9, relics, specimens or objects of historical, prehistorical, archaeological or anthropological nature, over 75 years old, which may be found on, above, or below the surface of the earth, including land and water, which have a scientific or historic value as objects of antiquity, as aboriginal relics or as anthropological specimens, including but not limited to clothing, tools and weapons made of ceramics, worked stone, shell, bone, teeth, hide, feathers and horn, metal coins, glass, beads, building material, daub, and plant fibers. Objects over 75 years old but not of significant archaeological value shall not be considered an artifact for purposes of this Code. Further, objects under 75 years old and deemed by a qualified archaeologist to be of significant archaeological value shall be subject to the provisions of this Code.
87. **Artificial Light Source(s)** - for the purposes of Art. 14, any exterior source of light emanating from a man made device, including but not limited to, incandescent, fluorescent, mercury vapor, low voltage, metal halide or sodium lamps, spotlights, flood lights, landscaping lights, street lights, vehicular lights, construction or security lights.
88. **Artisanal Use** - a land use involving the manufacture and sale of goods using only hand labor or table mounted electrical tools.
89. **Asphalt or Concrete Plant** - an establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.
90. **Assembly, Nonprofit Institutional** - a site or facility open to the public, owned or operated by a not-for-profit organization for social, educational or recreational purposes. Typical uses include museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, and employment services.
91. **Assembly, Nonprofit Membership** - a site or facility owned or operated by a not-for-profit organization for social, education or recreational purposes where paid membership is required. Typical uses include fraternal or cultural organizations and union halls.
92. **Association, Master Property Owners'** - a property owners' association (POA) of which membership is mandatory with the ownership of property subject to the master POA and which has the authority to represent the members and bind the members by such representation.
93. **Association, Property Owners'** - an organization recognized under the laws of the State of Florida, operated under recorded maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, home, property or any other interest, is automatically a voting member, and each such member is automatically subject to a charge for a prorated share of

expenses, either direct or indirect, for maintaining common properties within the subdivision, such as roads, parks, recreational areas, common areas and other similar properties. Within the text of this Code, a POA is considered to be a single entity for property ownership. As used in this Code, the term "property owners association" shall also be deemed to include a homeowners' association (HOA), condominium association or cooperative (apartment) association, as defined in [F.S. Chapter 711](#), as amended, having a life tenure of not less than 20 years, as well as a third party having an agreement with a condominium or cooperative association as permitted by [F.S. Chapter 711](#), as amended.

94. Assured Construction -

- a. For the purposes of Art. 12, Road Construction Improvements scheduled to be made to the Major Thoroughfare System by one or more of the following means:
 - 1) Inclusion in the adopted Five-Year County Road Program for commencement of construction; provided any anticipated non-public funds are secured by Performance Security;
 - 2) Inclusion in the adopted Five-Year State Department of Transportation Work Program for commencement of construction;
 - 3) Major Intersection or Link improvement for which a contract for construction which is secured by Performance Security has been executed and which, by its terms, requires that construction be completed within six years;
 - 4) Major Intersection or Link improvement which will be constructed pursuant to an Agreement; and which, by its terms, requires that construction be completed within six years;
 - 5) Major Intersection or Link improvements which is required to be constructed pursuant to a condition of a Development Order which by its terms requires that it be completed within six years and which has been secured by Performance Security;
 - 6) Specific inclusion in the capital improvements element of a municipal comprehensive plan for commencement of construction within five years provided:
 - a) The improvements are financially feasible, based on currently available public revenue sources adequate to complete the improvement; and
 - b) A comprehensive plan amendment would be required to eliminate, defer, or delay construction; or
- b. For purposes of a Concurrency Certificate for a Site Specific Development Order only, a Major Intersection or Link that the Applicant agrees to construct and guarantee through a condition of approval, or Agreement, said construction to be completed prior to issuance of the certificate(s) of occupancy which are phased to the improvement(s) and to be secured by Performance Security within six months of issuance of the Site Specific Development Order. No further Development Order's for the Project shall be issued if Performance Security is not timely posted.

95. **Attic** - the non-habitable storage area immediately beneath the pitch of a roof.

96. **Auction** - for the purposes of Art. 4, an establishment engaged in the public sale of goods to the highest bidder.

97. **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.

98. **Auto Service Station** - an establishment primarily engaged in the retail sale of gasoline or motor fuels. An auto service station may include accessory activities such as the sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the sale of convenience food items, or an accessory restaurant.

99. **Average Daily Traffic** - for the purposes of Art. 12, the average of two 24-hour weekday traffic counts taken at one location, with one count being taken in the Peak Season and the other in the Off-Peak Season. The Traffic Volume Map of the MPO shall normally be used to determine existing ADT for the West Palm Beach Urban Study Area. However, in all cases, where newer data are available from the FDOT or PBC, such newer data shall be used. Any person may provide a traffic count or counts which may be used, subject to the prior approval of the County Engineer for count location and adjustment factors based upon accepted traffic engineering principles, instead of the counts used in creating the Traffic Volume Map(s) where such counts are not available. The Average Daily Traffic established by the counts of PBC shall not include Friday counts after eight o'clock AM.

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

101. **Avigation Easement** - for the purposes of Art. 16, the assignment of a right to an airport proprietor to a portion of the total benefits of the ownership of real property. The selected rights may be granted or may be purchased.

102. **Awning** - a temporary hood or cover that projects from the wall of a building and that may include a type, which can be retracted, folded, or collapsed against the face of a supporting building.

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

1. **Background Traffic** - for the purposes of Art. 12, the projected traffic generation from Previously Approved but incomplete Projects, and other sources of traffic growth, as described in [Art. 12.C.1.C.2.e, Pass by Trips](#) and [Art. 12.C.1.C.4, Background Traffic](#). [Ord. 2005-002]
2. **Balloon** - an airtight bag that rises above the earth when force filled with hot air.
3. **Banner** - see Flag.
4. **Banquet/Reception Hall Facility** - a facility rented or used for temporary gathering of people for food, entertainment, and celebration of an event.
5. **Base Building Line** - a line horizontally offset from and running parallel to the centerline of a street from which property development regulations, including landscaping, parking and setbacks for front yard, corner side yard, are measured as set forth in this Code.
6. **Base Flood** -
 - a. the flood having a one percent chance of being equaled or exceeded in any given year.
 - b. for the purposes of Art. 18, the flood event having a one percent chance of being equaled or exceeded in any given year (also called the "100-Year Flood" and the "Regulatory Flood"). [Ord. 2004-013]
7. **Base Flood Elevation (BFE)** – for the purposes of Art. 18, the highest water surface elevation associated with the base flood, set by FEMA in SFHAs. [Ord. 2004-013]
8. **Beach** - the zone of unconsolidated material that extends landward from the mean high water line of the Atlantic Ocean and inlets to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. Beach is alternately termed shore.
9. **Beach Access Point** - for the purposes of Art. 5, any path through or over the dune used by the general public or, with respect to private property, by the owners or with the owner's permission, for the purpose of gaining access to the beach.
10. **Beach Compatible Sand** - for the purposes of Art. 14.A, any sand that is similar to the native beach and dune material in terms of grain, size, distribution and color. The fill material shall consist of sand that falls within the same size classification of sand within the Unified Soils Classification System [i.e., fine sand (0.074 to 0.42 mm), medium sand (0.42 to 2.0 mm) and coarse sand (2.0 to 4.76 mm)] as that of the native beach material. The acceptable silt/clay fraction (<0.074 mm) and gravel/cobble fraction (>4.76 mm) shall be determined by ERM based upon site conditions. Sand grain size analyses shall be consistent with the grain size methodology described in Folk, Robert L. 1980, Petrology of Sedimentary Rocks. The fill material color shall match the color of the existing beach and dune coloration as closely as possible.
11. **Beach Fill** - for the purposes of Art. 5, sand placed on the beach.
12. **Beachfront Lighting** - for the purposes of Art. 14, all lighting within or causing illumination within the jurisdictional boundaries of this Chapter. For the purpose of this Chapter, Coastal Lighting is synonymous with Beachfront Lighting.
13. **Beach Obstruction** - Any natural or artificially constructed structure(s) that: 1) does not constitute fixed structure(s), 2) does not require a building permit, 3) is not required for public safety, 4) upon review by the County Administrator or his/her designee does not present an actual or potential threat to the beach and the dune system and adjacent properties. [Ord. 2006-036]
14. **Bed and Breakfast** – an owner-occupied single family dwelling that offers lodging and breakfast only to paying guests.
15. **Benefit Zones** - for the purposes of Art. 13, the geographic area as set forth in individual chapters of this Article within which impact fees are collected and spent.
16. **Berm** - man made or natural change in grade not exceeding a 3:1 slope measured from the highest curb or parking area. A berm shall be constructed of clean fill as defined by DEP, excluding block, brick, tile and glass.
17. **Best Management Practices** - technologically and economically feasible means of preventing or reducing amounts of pollution generated by point and non-point sources to a level compatible with the water quality and quantity objectives of the PBC.
18. **Billboard** - a sign or structure, other than temporary signs as defined in this Article, portraying information or directing attention to a business, activity, commodity service, entertainment, or communication which is not conducted, sold or offered at the parcel on which the sign or structure is located, or which does not pertain to the parcel upon which the sign or structure is located.
19. **Billboard, Changeable Copy Sign Face** - a sign face containing one or more advertisements or promotions that are changed automatically or mechanically.
20. **Billboard Company** - any firm, organization, or individual which owns one or more billboards.

21. **Billboard Demolition Permit** - the permit issued by the Building Division which allows demolition of an existing billboard.
22. **Billboard Height** - measured from finished grade to the highest point of a billboard face, excluding temporary embellishments.
23. **Billboard Inventory** - the official inventory, as updated by the signatories to the billboard stipulated settlement agreement, of billboards existing in unincorporated PBC.
24. **Billboard, Lawfully Erected** - any billboard erected in PBC consistent with applicable zoning code and building permit procedures and described on the official inventory prepared by the PZB in 1988, and as updated pursuant to the billboard stipulated settlement agreement,
25. **Billboard Location** - an area within a radius of not more than 100 feet from the location of an existing billboard structure.
26. **Billboard Registration Permit** - the annual permit issued by the Zoning Division for existing billboards that can be replaced or relocated.
27. **Billboard Relocation** - the removal of an existing billboard structure from a billboard location included in the updated billboard inventory to a different location consistent with the terms of this Code and the billboard stipulated settlement agreement.
28. **Billboard Relocation Permit** - the permit issued by the Zoning Division which allows relocation of an existing billboard to another location.
29. **Billboard Replacement** - the removal of an existing billboard structure and construction of a new billboard within the permitted billboard location
30. **Billboard Setback** - the required minimum horizontal distance between a billboard structure and all property lines.
31. **Billboard Sign Face** - the fixed or changeable portion of the billboard structure upon which one or more advertising messages are displayed.
32. **Billboard Stipulated Settlement Agreement** - the agreement between PBC, Ackerley Advertising, 3M National Advertising, and any other affected parties who may agree to the stipulations therein, approved on February 6, 1996 by the BCC to terminate legal proceedings initiated by Case No. 92-8752, Case No. CL92-1187-AO, Case No. 92-1187-AO, and Case No. CL93-7958AH.
33. **Billboard Structure** – all structural elements of a billboard, including but not limited to structural framework and supports, and lighting.
34. **Billboard Temporary Embellishment** - additional billboard area attached to and extending beyond the side and top of a billboard.
35. **Biohazardous Waste** - any solid waste or liquid waste, which may present a threat of infection to humans. The term includes, but not limited to, non-liquid human tissue and body parts; hospital, laboratory or veterinary waste which contains human-disease causing agents; discarded sharps; human blood, human blood products and body fluids.
36. **Blank Copy** - any paraphernalia including pennants, streamers, and banners that are intended solely to attract attention and which contain no letters or symbols.
37. **Block** -
 - a. A parcel of land entirely surrounded by streets, railroad R-O-W, parks or other public space or a combination thereof.
 - b. For the purposes of Art. 3, an area of land entirely bounded by streets.
38. **Boarding House** - a dwelling, or part thereof, in which lodging is provided by the owner or operation to three or more boarders.
39. **Boat Trailer** - any non-powered car coupled to, and drawn by, a motorcar in front of it for the carrying of boats.
40. **Boatyard** - a facility intended to provide complete construction or repair services for marine crafts in addition to such dry storage as may be found complimentary to the primary use, but not including docking of pleasure craft for residential purposes.
41. **Boca Taxing District** - the Greater Boca Raton Beach and Park Taxing District, including the municipal limits of Boca Raton.
42. **Bona Fide Agriculture** - see Agriculture, Bona Fide.
43. **Bottled Water** - for the purposes of Art. 15.B, water that is sealed in a container or package and is offered for sale for human consumption or other uses.
44. **Bottled Water Plant** - for the purposes of Art. 15.B, any place or establishment in which bottled water is prepared for sale.
45. **Boundary Plat** - see Plat, boundary.
46. **Branch** - for the purposes of Art. 7, a secondary shoot or stem arising from one of the main axes (i.e., trunk or leader) of a tree.

47. **Breakaway Walls** –
- a. any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or other suitable building material, that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
 - b. for the purposes of Art. 18, a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
48. **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.
49. **Buffer Area** - for the purposes of Art. 14.D, an area outside the perimeter of a designated natural area drawn by geographical information system reference which determines what is to be protected from unwanted seed source, prohibited invasive non native vegetation removed, incentives provided and canopy replaced.
50. **Buffer, Landscape** - see Landscape Buffer.
51. **Build-to Line** - for the purposes of Art. 3.F, an alignment established a certain distance away from the curb line along which the front elevation of a building must be built for TMD.
52. **Buildable Area** - the portion of a lot remaining after the setbacks have been provided.
53. **Building** -
- a. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.
 - b. For the purposes of Art. 18, a structure that encloses an area for any use and shall not include structures such as walls, playground equipment or gas tanks. **[Ord. 2004-013]**
54. **Building Construction** - the erection of a structure intended for human habitation in the case of residential land use, or occupancy or use of such in the case of non-residential land use.
55. **Building Coverage** - that portion of the area of a lot, expressed as a percentage, occupied by the square footage of the ground floor area of a building or structure.
56. **Building, Elevated** - a non-basement building that has its lowest floor elevated above ground level by fill, solid foundation perimeter wall pilings, columns, posts or piers, shear walls, or breakaway walls.
57. **Building Frontage** - the linear dimensions of a building which faces upon a public street, projected along the street property line. Where a building faces two or more streets, the frontage containing the principal street address shall be designated as the building frontage.
58. **Building Height** - the vertical distance measured in feet from finished grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs.
59. **Building Mezzanine** - a low-ceilinged story between two main stories of a building. A mezzanine shall be counted as one story if it covers more than one-third of the area of the floor below.
60. **Building Permit** -
- a. an official document or certificate issued by the governmental authority having jurisdiction, authorizing the construction of any building. Building permit includes a tie-down permit for a structure or building that does not require a building permit, such as a mobile home, in order to be occupied.
 - b. for the purposes of Art. 12, a Development Order under [F.S. §163.3164](#), issued under the Standard Building Code by the Building Division of PZB in the unincorporated area or similar department in a municipality authorizing the construction of a structure.
61. **Building Site** - a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use and customary accessory buildings and open spaces.
62. **Building Square Footage** - the gross constructed area of all buildings and structures covered by a solid or screened roof and totally or partially enclosed by walls or other material. Nonresidential outdoor areas covered or uncovered which functionally extend the primary use, such as open seating and open retail are included, except that uses which generally completely occur outdoors, such as vehicle or monument sales, nurseries, gasoline sales, salvage yards, and outdoor storage, are not

included. Nonresidential canopies and screened enclosures, which functionally extend the primary use, are included. Decorative canopies or canopies designed to protect from weather are not included. For [Art.13, Impact Fees](#), purposes of residential development, the square footage is the conditioned area of the building as measured to the outside of the exterior wall. If the residential structure or addition has no conditioned area, square footage shall be the living area of the building as measured to the outside of the exterior wall.

63. **Building Story** - the Florida Building Code says for purposes of determining construction type (material requirements, etc.), that a basement is not counted as a story when the upper surface of the first floor above it complies with all of the following:
 - a. Is less than seven feet above grade;
 - b. Is less than seven feet above finish ground level for more than 50 percent of the perimeter of a building; and
 - c. Is less than 12 feet above finish ground level around the entire building perimeter.
 64. **Building, Modular** - constructed in accordance with PBC Building Code, composed of components substantially manufactured and assembled off-site and shipped for final assembly on the building site on a permanent foundation.
 65. **Building, Principal** - a building in which is conducted the primary use of the lot on which it is located.
 66. **Building Supplies** -
 - a. **Retail** - an establishment engaged in the retail sale of building supplies and home improvement products.
 - b. **Wholesale** - an establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.
 67. **Building Supplies, Wholesale** - an establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.
 68. **Buildout Period** – for the purposes of Art. 12, the anticipated time between the issuance of the Specified Development Order and completion of a proposed Project as approved by the County Engineer in accordance with the standards set forth in [Art.12.C.1.B.3, Projected Buildout Period](#), of this Section. For the purpose of preparing and reviewing traffic studies, completion of a project shall mean the issuance of the final certificates of occupancy (CO) for buildings in a project. In the case of a non-residential project, final CO for interior tenant improvements for 80 percent of the gross leasable area shall be the completion of the proposed project for purposes of this Article. In the case of a residential project, the completion of the proposed project shall be the issuance of building permits for 80 percent of the units as set forth in the master plan or site plan as applicable. **[Ord. 2005-002]**
 69. **Bulkheads** - for the purposes of Art. 11, structures of concrete, wood, or other permanent material affixed to the land adjacent to a water management tract or other water body for the purpose of establishing a vertical surface at the waters edge and stabilizing the land behind the bulkhead; provided, however, that water control structures and endwalls around outfalls and bridges shall not be considered bulkheads.
 70. **Butcher Shop, Wholesale** - an establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.
- C. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Camouflage Tower** - a tower or structure, which is incorporated into and is compatible with existing or proposed uses on site (i.e., antenna incorporated into site lighting at a park or incorporated into an electrical distribution center).
 2. **Campground** – a parcel of land used for a temporary camping and recreational uses and not as permanent living quarters. May be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground, free of enclosed walls.
 3. **Canopy** – a permanently roofed shelter whether fabric or hand construct, projecting over a sidewalk, driveway, entry, window, or similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground, free of enclosed walls.
 4. **Canopy Tree** - see Tree, canopy or shade.
 5. **Capacity** - for the purposes of Art. 13, the maximum number of vehicles for a given time period which a road can safely and efficiently carry, usually expressed in terms of vehicles per day.
 6. **Capital Drainage Facility** – the planning of, engineering for, acquisition of land for, or the construction of drainage facilities necessary to meet the LOS for Capital Drainage Facilities.
 7. **Capital Facilities** - for the purposes of Art. 13, land, infrastructure, structures, and fixtures having a cost or value of at least \$1,000; personal property and equipment having an aggregate cost or value

of at least \$1,000; hard-bound books and materials having a cost or value of at least \$25, which must be of a non-consumable nature and be expected to be in service for at least one year.

8. **Capital Facility Costs** - all costs directly associated with the acquisition, design, engineering, site preparation, construction and placement of a capital facility. It excludes operation and maintenance costs, and the repair, replacement, or renovation of existing capital facilities where the capital facility improvement does not add capacity
9. **Capital Fire-Rescue Facilities** - for the purposes of Art. 13, the planning of, engineering for, acquisition of land for, or the construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS for Capital Fire-Rescue Facilities.
10. **Capital Improvement Element** - the Capital Improvement Element of the Plan.
11. **Capital Mass Transit Facilities** - the planning of, engineering for, acquisition of land for, or the construction of or purchase of mass transit facilities and equipment necessary to meet the LOS for Capital Mass Transit Facilities.
12. **Capital Potable Water Facilities** - the planning of, engineering for, acquisition of land for, or the construction of potable water facilities necessary to meet the LOS for Capital Potable Water Facilities.
13. **Capital Recreation and Park Facilities** - the planning of, engineering for, acquisition of land for, or the construction of buildings and park equipment necessary to meet the LOS for Urban Capital Park and Recreation Facilities and Rural Capital Park and Recreation Facilities.
14. **Capital Road Facilities** - the planning of, engineering for, acquisition of land for, or the construction of roads on the Major Road Network System necessary to meet the LOS for Capital Road Facilities.
15. **Capital Sanitary Sewer Facilities** - the planning of, engineering for, acquisition of land for, or the construction of sanitary sewer facilities necessary to meet the LOS for Capital Sanitary Sewer Facilities.
16. **Capital Solid Waste Facilities** - the planning of, engineering for, acquisition of land for, or the construction of solid waste facilities necessary to meet the LOS for Capital Solid Waste Facilities.
17. **Car Wash** - a permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.
18. **Carport/Private Garage** - a roofed accessory structure or a portion of a main building providing space for the parking or storage of motor vehicles of the occupants of the main building.
19. **Catchment** - for the purposes of Art. 11, a sub-area of a drainage basin which contributes stormwater runoff by overland flow to a common collection point.
20. **Catering Service** - an establishment where food and beverages are prepared and delivered for consumption off the premises. A catering service may also provide personnel, serving equipment, and decorations.
21. **Cemetery** - land used or intended to be used for human or animal burial. A cemetery may include an office, chapel, mausoleum, columbarium or crematory.
22. **Certificate of Appropriateness** - for the purposes of Art. 9, a written document, issued under the terms and conditions of this Article, allowing specified alterations, demolition, construction, or other work to a designated historic site, or for a building or structure within a designated historic district.
23. **Certificate of Completion** - see Chapter 1 of the Florida Building Code with PBC Amendments.
24. **Certificate of Occupancy (CO)** - see Chapter 1 of the Florida Building Code with PBC Amendments.
25. **Certificate to Dig** – for the purposes of Art. 9, a written document, issued under terms and conditions of this article and is necessary prior to:
 - a. Issuance of a development order for parcels identified on the map of known archaeological sites;
 - b. Removal of a suspension order on a site where artifacts or fossilized human remains or non-human vertebrate fossils are found during the development process; or
 - c. Issuance of a development order for a, Type III Excavation.
26. **Certification** - all applicable code regulations and standards have been addressed.
27. **Champion Tree** - the largest tree of a species which has been designated by the Florida Department of Agriculture and Consumer Services.
28. **Change of Message** - each text frame of an electronic message center sign shall hold constant for a minimum of two seconds.
29. **Chipping and Mulching** - an establishment using equipment designed to cut tree limbs, brush or wood construction debris into small pieces for use as mulch.
30. **Circumference** - for the purposes of Art.14.C, a measurement of the circular distance around a tree trunk measured at a point four and one half feet above the ground.
31. **Climb Gradient** - for the purposes of Art. 16, an aircraft instrument departure procedure requiring adherence to minimum climb stops or grade expressed in feet per nautical mile.

32. **Closure Permit** - for the purposes of Art. 14.B, that permit required by activities which must cease operation pursuant to the provisions of [Art. 14.B.7, Wellfield Protection](#).
33. **Clustered Lots** - residential parking lots grouped on a common street or parking tract where access is either a dead-end street, loop, or otherwise designed so as to preclude its extension for access to additional lots.
34. **Coastal Construction** - means the carrying out of any activity within jurisdictional boundaries specified in Art. 14, Coastal Protection, to modify or improve site conditions including, but not limited to, building, clearing, filling, excavation, grading, removal or planting of vegetation, or the making of any material change in the size or use of any structure or the appearance of site conditions, or the placement of equipment or material upon such sites.
35. **Coastal High Hazard Area** -
 - a. The area subject to high velocity waters, including, but not limited to, hurricane wave wash or tsunamis. The area is designated on the FIRM as Zone VI-30.
 - b. For the purposes of Art. 18, a SFHA extending from offshore to the inland limit of a primary frontal dune along an open coast and any other areas including, but not limited to, hurricane surges or subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE, or V. **[Ord. 2004-013]**
36. **Coastal Protection Zone** - an area of jurisdiction established by this section. This zone extends from the mean high water line of the Atlantic Ocean to a line 25 feet landward of the crest of the dune or the State of Florida Coastal Construction Control Line, whichever is more landward.
37. **Code** - Code of Laws and Ordinances of PBC, including the Unified Land Development Code (ULDC).
38. **Code Inspector** - any authorized agent or employee of PBC whose duty is to assure Code compliance.
39. **College or University** - an institution of higher learning offering undergraduate or graduate degrees, and including the buildings required for educational or support services, such as classrooms, laboratories, dormitories and the like.
40. **Collocated Use** - Development in a standard zoning district with two or more uses classified with the definition of a use listed in Art. 4.B.1, Uses. **[Ord. 2006-013]**
41. **Collocation** – the placement of more than one service providers’ antenna on an existing commercial communication tower or structure. The term collocation also includes the ground-mounted, structure-mounted or roof-mounted installation of the accessory equipment and structures needed for the functioning of the wireless facility. **[Ord. 2006-004]**
42. **Colonnade** - a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns. Awnings are not considered colonnades.
43. **Combined Transmission/Communication Structure** - any combination of communication tower and electrical transmission line constructed within an electrical transmission line streets created pursuant to the “Transmission Line Sitting Act” in [F.S. §403.52](#).
44. **Commercial Agricultural Development** - agriculture conducted for commercial purposes within the Agricultural Production Plan Category North of the L-8 Canal and East of the North Tieback Canal, the Agricultural Reserve (AGR) Plan Category, and those activities classified as special agriculture.
45. **Commercial Sewage Waste** – as defined by [Rule 64E-6, F.A.C.](#)
46. **Commercial Vehicle** - a vehicle principally used in commerce or trade or any vehicle that is not a recreational vehicle that exceeds the following limits: rated capacity of one ton; gross weight of 10,000 pounds, including load; height exceeds nine feet, including any load, bed or box; and total vehicle length of 26 feet. Such vehicles shall include tow trucks, transport vehicles construction vehicles, semi-trucks and step-vans.
47. **Communication Tower, Commercial** - for the purposes of Art. 4.C, any tower whose principal use is to facilitate transmissions for AM/FM radio, television, microwave, cellular, digital, personal communication services, enhanced specialized radio, and related communication services. Towers located on school sites and utilized for educational purposes only, pursuant to [F.S. Chapter 1013.18](#), shall not be considered commercial communication towers.
48. **Communication Tower, Monopole** - see Monopole tower.
49. **Community Vegetable Garden** - a plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.
50. **Community Water System** - for the purposes of Art. 15.B, a public water system which serves at least 15 service connections used by year round residents or which serves at least 25 year round residents.

51. **Community Well** - for the purposes of Art. 15.A, a water well that is a source of potable water and functions as part of a community water system.
52. **Commuter Bus** – For the purposes of Art. 12, transit service connecting communities to employment centers. **[Ord. 2006-036]**
53. **Compatible/Compatibility** -
 - a. For the purposes of Art. 5, design, which utilizes accepted site planning (e.g. building placement, orientation and siting) and the elements of architectural composition within the context of the surrounding area. Similar adjacent land uses or square footage shall not necessarily constitute architectural compatibility.
 - b. Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions.
54. **Compatible Sites** - residential uses or pods adjacent to residential uses or pods; or adjacent to residential uses or pods with a density difference less than or equal to two units per acre.
55. **Complaining Land** - for the purposes of Art. 5, that land which is included in a residential district receiving sound levels above those permitted by [Art. 5.E, Performance Standards](#).
56. **Complement/Complementary** - for the purposes of Art. 5, having similar architectural composition.
57. **Complete Application** -
 - a. For the purposes of Art. 12, an application filed with the Local Government which satisfied all application requirements of state law; and the relevant land development regulations, the general rules and policies adopted, and the customary general practices of the Local Government.
 - b. For the purposes of Art. 14, an application which includes all materials and documents which are necessary to support the application and which has been accepted as complete by ERM.
58. **Completely Enclosed** - a building separated on all sides from adjacent open area, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods, or vehicles.
59. **Composting Facility** - a facility designed and used for transforming food, yard waste and other organic material into soil or fertilizer through biological decomposition. This use does not include backyard-composting bins serving individual families.
60. **Comprehensive Plan** - see Plan.
61. **Conceptual Master** - for the purposes of Art. 8, a conceptual plan indicating the total number, location, and sign area of all proposed signs on a site plan or typical building elevation.
62. **Concurrency, Affidavit of Waiver** - a document evidencing the grant of an exception to the platting requirement or the required improvements installation requirement.
63. **Concurrency Certificate** - for the purposes of Art. 12, in the unincorporated area, Concurrency Reservation, or Adequate Public Facilities Determination, as defined in [Art. 2.F, Concurrency](#), and [Art 1.I, Definitions and Acronyms](#); or similar confirmation in a Municipality.
64. **Concurrency, 80 Percent Built Out** - 80 percent built out means the evaluation of the entire project.
65. **Concurrency Exemption Certificate** - a properly issued order of the Hearing Officer pursuant to the Code of Laws and Ordinances of PBC, Florida, as amended, by which a parcel or lot is exempt from the concurrency requirements of the Plan.
66. **Concurrency Exemption Determination** -
 - a. For the purposes of Art. 2, a determination that the land in the unincorporated area is exempt from the concurrency standards of the Plan and this Code;
 - b. For the purposes of Art. 12, a determination that the property in the Unincorporated Area is exempt from the concurrency requirements of the Plan pursuant to the Ord. No.1989-005, as amended.
67. **Concurrency Exemption (Exemption)** - an order approved by the Zoning Director that the development is exempt from the concurrency standards of the Plan pursuant to meeting the requirements of [Art. 2.E, Monitoring](#).
68. **Concurrency Exemption Extension** - an order issued by the Zoning Director extending a Concurrency Exemption for a two-year period.
69. **Concurrency, Equivalency Determination** - a determination approved by the Zoning Director that the proposed development or uses would require equal or lesser public facility capacity than the valid concurrency reservation or existing use(s) require(s). Approval of an equivalency determination

results in either (1) amending an existing reservation or exemption or (2) the issuance of a new reservation.

70. **Concurrency, Level of Service (LOS)** - an indicator of the extent or degree of service provided by, or proposed to be provided by a public facility or service based on and related to the operational characteristics of the public facility or service.
71. **Concurrency, Public Facilities** - capital facilities including, but not limited to, roads, parks and recreation, fire-rescue, library law enforcement, public buildings, and school sites.
72. **Concurrency, Public Facilities Agreement** - an agreement entered into by PBC or a service provider and a developer or landowner for the purpose of ensuring public facility capacity is reserved for a proposed development.
73. **Concurrency Requirements of the Plan** - the provisions in the Plan and the implementing land development regulations requiring that public facilities for traffic circulation, mass transit, sanitary sewer, potable water, recreation/open space, fire-rescue, solid waste, and drainage are available at the minimum LOS concurrent with the impact of the Development; and, as to the applicability of expanded or more stringent traffic performance standards pursuant to State of Florida mandates under [F.S. Chapter 163](#), and [Rule 9J-5, F.A.C.](#) such requirements as set forth in the future traffic performance standards ordinance(s).
74. **Concurrency Reservation** - a certificate approved by the Zoning Director with or without conditions, which may be considered in conjunction with a Development Agreement, public facility agreement, or other binding agreement and pursuant to the terms of [Art. 2.F.1, General](#). Adequate Public Facility Standards, that constitutes proof of adequate public facilities to serve the proposed development.
75. **Concurrency Service Area (CSA)** - the specific geographic unit within a school district in which school concurrency is applied and measured.
76. **Concurrency, Service Provider** - any agency that is responsible for the provision of public facilities to development in PBC.
77. **Condition of Approval** - imposed as part of, or associated with, the issuance of a valid local government development order.
78. **Conditional Use** - those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration, intensity and density of use, structures, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location.
79. **Cone of Depression** - for the purposes of Art. 14.B, an area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, de-watering site or quarry. The aerial extent and depth of the depression is a function of the hydraulic properties of the aquifer, the pumping rates and recharge rates. **[Ord. 2006-036]**
80. **Confluent Growth** - for the purposes of Art. 15.B, a continuous bacterial growth covering the entire filtration area of a membrane filter used for coliform detection, or a portion thereof, in which bacterial colonies are not discrete.
81. **Conforming** - complies with the current regulations.
82. **Congregate Living Facility** - this term includes assisted living facilities; extended congregate care facilities, transitional living facilities, community residential homes, community transitional residences; rehabilitative home care services, boarding home, or home for the aged or any other residential structure, whether or not operated for profit, which undertakes for a period exceeding 24 hours: care, housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, this term shall include other residential uses such as dormitories, group homes with a central dining facility, and similar bed-based uses.
83. **Congregate Living Personal Services** - assistance with or supervision of essential activities of daily living such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication and such other similar services as may be defined by the State of Florida Department of Health and Rehabilitative Services.
84. **Conical Zone** - for the purposes of Art. 16, the area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet.
85. **Consecutive Water System** - a water supply system which serves at least 15 service connections used by year round residents or which serves at least 25 year round residents which receives its water from a community water system. **[Ord. 2005-003] [Ord. 2006-004]**
86. **Consistency** - determined to satisfy the specific requirement(s) of this Code or [F.S. § 163.3194](#).
87. **Constrained Facility** - for the purposes of Art. 12, a Link which is widened (or assumed to be widened under Test 2) to its adopted width as determined by the BCC as part of the Thoroughfare R-O-W Identification Map.

88. **Construction** - the placement, assembly, erection, substantial repair, alteration or demolition of a building or structure on land, the placement of concrete, asphalt, similar materials on land, or grading or earthwork of land.
89. **Construction Equipment** - a mechanical implement principally used in construction activity. Such equipment shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.
90. **Construction Work** –
- Any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action to buildings or land.
 - For the purposes of Art. 5, the use of mechanical or manual equipment to build or improve a lot or structure such as but not limited to: shovels, saws, drills, hammers that creates noise.
91. **Contaminant** - for the purposes of Art. 15.B, any physical, chemical biological or radiological substance or matter in water.
92. **Contiguous** -
- Lots that share a common border, or lands separated only by streets, easements, pipelines, power lines, conduits, R-O-W under ownership of the land owner of one of the subject parcels, a POA or a governmental agency, or a public utility. **[Ord. 2006-004]**
 - For density purposes lots that touch point-to-point, or lots which are separated by waterways, streets or major easements are not considered contiguous. **[Ord. 2006-004]**
 - For the purpose of AGR preservation parcels, the following shall not be considered contiguous: lots that touch point-to-point or are separated by collector or arterial streets. **[Ord. 2006-004]**
93. **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.
94. **Contributing Resource** - for the purposes of Art. 9, building, site, structure, or object adding to the historic significance of a property or district.
95. **Control Device** - the element of a discharge structure which allows release of water under controlled conditions.
96. **Control Elevation** - for the purposes of Art. 11, the lowest elevation at which water can be released through a control device.
97. **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.
98. **Convenience Store with Gas Sales** - a convenience store which includes accessory gasoline retail sales to the general public.
99. **Corner Clip** - an area at each side of a street intersection, or driveway connection to a street, which is subject to restrictions on the construction, installation, placement, or maintenance of visual obstructions. The location and dimensions of said area, whether located within or adjacent to the legally established street boundaries, shall be as shown in Figure 3.D.1.D-2, Corner Clip.
100. **Corner Store** - a small store located in a multi-story mixed use building devoted to the retail sale of a limited line of food and household items with a corner entrance.
101. **County** - Palm Beach County, Florida. Also referred to as PBC in this Code.
102. **County Archaeologist** - for the purposes of Art. 9, staff member of or contracted to PZB who shall be a qualified Archaeologist.
103. **County Standards** - the minimum standards, specifications, and details for design and construction of streets and other infrastructure improvements, as promulgated by the County Engineer pursuant to Resolution R-90-740 of the BCC as may be amended. Said standards include, but are not limited to those compiled in the most current edition of the Palm Beach County Land Development Design Standards Manual.
104. **Covenant** - a recordable instrument that runs with the land, binds the fee simple owner, heirs, successors, and assigns, and is recorded. It may include recorded Development Agreements or other agreements. Covenants may include PBC as a party or intended beneficiary, shall recite the benefit intended, and shall include any terms or conditions under which it may be released.
105. **Covered Walkway** - a pedestrian walkway that is covered by a roofed structure that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.
106. **CRALLS** - constrained roadway at a lower LOS - a Major Thoroughfare on which a lower LOS is set pursuant to [Art. 12.H, Constrained Facilities](#), herein.

107. **Credit** - for the purposes of Art. 13, a reduction in the particular impact fee based on: (1) previous payments for which no benefit was received and future payments of the development toward the capital facilities for which the impact fee is assessed; (2) a reduction of impact due to: redevelopment of existing square footage; other assessments for the same capital facilities; in-kind contributions; or, in the case of park impact fees, alternative municipal provision of like capital facilities, or proximity to the beach.
108. **Credit Factor** – For the purposes of Art. 12, a multiplier used in calculating points available as a result of a project’s use of congestion mitigation strategies. **[Ord. 2006-036]**
109. **Crest of Dune** – for the purposes of Art. 14.A, the highest point in elevation of the dune.
110. **Crime Prevention Through Environmental Design (CPTED)** - design philosophy which promotes proper design and effective use of the built environment with the goal of reducing the fear and incidence of crime, and improving quality of life.
111. **Critical Facility** – for the purposes of Art. 18, a facility for which any flooding would adversely affect essential public services. Critical facilities include, but are not limited to, nursing homes, hospitals, police, fire and emergency response installation, or installations which produce, use or store hazardous materials or hazardous waste. **[Ord. 2004-013]**
112. **Critical Volumes** - for the purposes of Art. 12, the sum of all movements in an intersection which conflict with one or more other movements as established pursuant to the Transportation Research Board, Special Report 209, Highway Capacity Manual (1985), "Planning Analysis", pages 9-21 and 9-22, as amended by the PBC Intersection Analysis by Critical Sum Method. (See LOS D and E definitions).
113. **Cross-connection** - for the purposes of Art. 15, any physical arrangement whereby any drinking water supply is connected, directly or indirectly, with any other supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the drinking water supply as the result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeable devices and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross connections.
114. **Crown** – for the purposes of Art. 7, the main point of branching or foliage of a tree or plant, or the upper portion of a plant or tree.
115. **Cul-de-sac** – see Street, Cul-de-sac.
116. **Cultural Resources** - for the purposes of Art. 9, districts, sites, structures, and objects and evidence of some importance to a culture, a subculture, or a community for scientific, traditional, religious, and any other reasons. These resources and relevant environmental data are important for describing and reconstructing past life ways, for interpreting human behavior, and for predicting future courses of cultural development.
- D. **Terms defined herein or referenced Article shall have the following meanings:**
1. **D Factor** - for the purposes of Art. 12, the ratio of peak hour directional traffic to peak hour two-way traffic, as provided in the FDOT Quality/LOS Handbook. Example: Peak Hour Two Way = 1,000 peak hour direction volume = 600, D = .60.
 2. **Damage** – loss in structural integrity or value due to an act of nature or calamity.
 3. **Data and Information Processing** - the use of an establishment for business offices of an industrial nature, including corporate centers, mail processing and telemarketing centers. Such uses are not frequented by the general public.
 4. **Day** – Calendar day unless otherwise stated.
 5. **Day Camp** - an establishment which provides care, protection and programmed activities for children five years of age and older for a period of less than 24 hours per day. This use shall not operate as a day care as defined and regulated by the Department of Children and Family Services.
 6. **Day Care** -
 - a. **General** - an establishment licensed by the Health Department, which provides care, protection and supervision for 21 or more children or adults for a period of less than 24 hours per day on a regular basis.
 - b. **Limited** - an establishment licensed by the Health Department, which provides daytime care, protection and supervision for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. Limited day care does not include nighttime or overnight care.
 7. **Day Labor** – an establishment engaged in providing temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades.

8. **Day-Night Average Sound Level (Ldn)** - a 24-hour average Noise level in weighted decibels, for a period from midnight to midnight, adding a ten-decibel penalty for each Noise event during the hours between midnight and 7:00 a.m. and 10:00 p.m. and midnight.
9. **DBA** - the total sound level of all noise as measured with a sound level meter using A- Weighting Network. The unit is decibel based on a reference sound pressure of .0002 microbars.
10. **Decibel** - a unit of sound pressure level abbreviated as dB.
11. **Decision Height** - for the purposes of Art. 16, the height at which a pilot must decide, during an Instrument Landing System (ILS) approach, to either continue the approach or to execute a missed approach.
12. **Defined Search Area** - the geographic area in which an antenna is proposed to be located to provide the carrier's designed service. **[Ord. 2006-004]**
13. **Demolition** - the act or process of wrecking, destroying, or removing any building or any exterior or structural part thereof.
14. **Density** - the ratio of the number of dwelling units per acre of land.
15. **Density Bonus** - an increase in the residential density above the maximum or PDD density permitted by the Plan for the applicable residential future land use category.
16. **Density, Entitlement** - granted by PBC which permits use of land until concurrency provisions can be satisfied as shown in Figure 2 of the FLUE of the Plan, as amended.
17. **Density, Maximum Level** - allowed by the Plan, as amended, with a Planned Development, as shown in the FLUE.
18. **Density, Minimum Level** - must be attained when land is developed pursuant to the 1989 Plan, as amended in the FLUE.
19. **Density, Standard** - allowed by the Plan, as amended, without a Planned Development as shown in Table 2.1-1 in the FLUE.
20. **Department** -
 - a. For the purposes of Art. 14, PBC Department of Environmental Resources Management or the PBC PZB Departments, or an entity of any municipality in PBC which has been assigned the responsibility of administering and enforcing this Code;
 - b. For the purposes of Art. 15, PBC Health Department.
21. **Design Professional** - an architect, landscape architect, or engineer licensed in the State of Florida with good standing.
22. **Designated Exterior** - for the purposes of Art. 9, all outside surfaces of any improvement, building, or structure as defined in the historic preservation survey and pursuant to [Art. 9.B, Historic Preservation Procedures](#), or an exterior designated under Art. 9.B, Historic Preservation Procedures, as having significant value to the historic character of the building, district, or PBC.
23. **Designated Public Utility** - for the purposes of Art. 14.B, that public utility which operates a well or wells for which the Zones of Influence include part or all of the property on which the nonresidential activity is located.
24. **Designation** - for the purposes of Art. 9, the act of designating specific historic sites or districts pursuant to the provisions of this Code.
25. **Detention** - the collection and temporary storage of stormwater runoff for the purpose of treatment and/or discharge rate control with subsequent gradual release directly to surface waters. See also dry detention/retention.
26. **Determination** - for the purposes of Art. 16, the term used by FAA to denote the outcome of an aeronautical study under FAR Part 77 (See: Airport Hazard or No Hazard).
27. **Developed Area** - that portion of a site upon which any building structure, pavement, landscape material, stormwater facility, excavated lake, or other improvement has been or will be placed or on which a development activity occurs or has occurred.
28. **Developer** - any person, including a governmental agency, undertaking any development.
29. **Developer's Engineer** - for the purposes of Art. 11, a single engineering firm or a professional engineer registered in the State of Florida, and engaged by the developer to coordinate the design and monitor the construction of the work required under Art. 11, Subdivision, Platting and Required Improvements.
30. **Development** -
 - a. The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of land, or the dividing of land into two or more parcels;
 - b. For the purposes of Art. 9, archaeological preservation, the definition in [F.S. § 380.04](#), as well as site preparation work consisting of excavation, earth moving, and the like. This definition shall not include the dividing of land into two or more parcels;

- c. For the purposes of Art. 12, as defined in [F. S. § 380.04](#), except that it shall not include the following items listed therein the: (1) demolition of a structure except as an adjunct of construction; (2) clearing of land except as an adjunct of construction; and (3) deposit of refuse, solid or liquid waste, or fill on a lot unless the Site Specific Development Order is specifically for such as the end use and not as an adjunct to the end use;
 - d. For the purposes of Art. 13, as the context indicates, either the carrying on of construction or any physical alteration of a building or structure; the result of such activity; a legally divisible parcel of land developed under a common plan; or the change in any use of a structure or land that increases the impact on capital facilities for which the particular impact fee is assessed. It includes the placement of a mobile home for dwelling purposes;
 - e. For the purposes of Art. 18, any man-made change of a building or other structure, or the carrying out of any activity to improved or unimproved real estate so as to change the use or appearance of the land, including, but not limited to, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment. **[Ord. 2004-013]**
31. **Development Agreement** - a development agreement, public facilities agreement, or other binding agreement entered into between the applicant and PBC or other service provided for the purpose of assuring compliance with the adopted LOS standards. The form of the agreement may include, but not be limited to a development agreement pursuant to [F.S. § 163.3220](#).
 32. **Development Order –**
 - a. Any order granting or granting with conditions an application for a development permit.
 - b. For the purposes of Art. 9 and Art. 12, as defined in [F. S. § 163.3164](#).
 33. **Development Order, Final** - a development order for site plan/final subdivision plan, or a building permit.
 34. **Development Order, Local Government** - a development order properly issued by PBC through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. It shall include affidavits of exemption and subdivision approval. It typically involves the submission and review of a master plan, site plan, or building plans, but may not necessarily involve such. It shall not include land use designations established by Local Government's Comprehensive Plan. It does not include comprehensive general rezoning district boundary changes initiated by PBC. It typically involves a petition of the landowner for his property alone and not adjoining properties. It does not include vegetative removal, clearing, grading or demolition permits.
 35. **Development Order, Preliminary** - a development order for an amendment to the official zoning map, a planned development, a conditional use, a special use, a variance, a coastal protection permit, a flood prevention permit, an environmentally sensitive lands permit, a wetlands permit, a Wellfield protection permit, or a sea turtle protection permit.
 36. **Development Permit** - any amendment to the text of this Code or Official Zoning Map (rezone), conditional use, special use, planned development, site plan/final subdivision plan, subdivision, building permit, variance, special exception, certificate of conformity or any other official action of PBC having the effect of permitting the development of land or the specific use of land.
 37. **Development Plan, Preliminary** - a generalized depiction of use categories presented to the appropriate review body for planned development districts, previously approved planned developments (master plans and site plans), and Class A conditional use and Class B conditional use approvals.
 38. **Development of Regional Impact** - as defined in [F.S. § 380.06](#).
 39. **Dewatered Domestic Wastewater Residuals** - the solid, semisolid or liquid residue removed during the treatment of wastewater which is more than 12 percent or greater dry solids by weight. Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant.
 40. **Diameter at Breast Height (DBH)** - the diameter of a tree trunk measured at a point four and one half feet above the ground.
 41. **Discharge Structure** - a structural device, constructed or fabricated from durable material such as concrete, metal, or decay-resistant timber, through which water is released to surface water from detention.
 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, taxi, limousine, and ambulance services.
 43. **Disposition, Off-site** - the off-premises transportation of excavated material.
 44. **Disposition, On-site** - the on-premise use of extractive or excavated material.

45. **District** - any certain described zoning district of PBC to which these regulations apply and within which the zoning regulations are uniform.
 46. **Disturbed Excavated Area** - the total area altered by excavation activities.
 47. **Dock, Private** - a structure built on or over the water which is designed or used to provide no more than ten boat slips, and anchorage for, and access to, one or more boats belonging to the property owner. Necessary services such as water, and other utilities are considered a part of a dock; which does not provide a fuel facility, however, no cooking, sleeping or business activity shall be permitted.
 48. **Dog Daycare** - an establishment which provides daytime care and training for domestic dogs.
 49. **Domestic Sewage Waste** - as defined by [F.S. §381.0065\(2\)](#). Domestic sewage is further categorized as:
 - a. Blackwater by [F.S. §381.0065\(2\)](#).
 - b. Graywater by [F.S. §381.0065\(2\)](#).
 - c. Domestic Sewage Characteristics.
 - 1) Carbonaceous Biochemical Oxygen Demand, maximum 300 mg/l.
 - 2) Total Suspended Solids, maximum 200 mg/l.
 - 3) pH, 6 - 8; or within 1 pH unit of the water supply pH.
 - 4) Nitrogen (TKN) maximum 100 mg/l.
 50. **Domestic Sludge** - a solid waste resulting from sewage, seepage, or food service operations, or any other such waste having similar characteristics. Domestic sludge includes sludge resulting from the treatment of domestic wastewater.
 51. **Domestic Wastewater** - wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage.
 52. **Downtown Revitalization** - the physical and economic renewal of a central business district of a community as designated by the local government in its Comprehensive Plan, and including both downtown development and redevelopment.
 53. **Drainage Basin** - a sub-area of a watershed which contributes stormwater runoff to a watercourse tributary to the main receiving water.
 54. **Drainage Easement** - see easement, stormwater management.
 55. **Drainfield** - for the purposes of Art. 15, as defined by [Rule 64E-6, F.A.C.](#)
 56. **Dripline** - an imaginary vertical line extending from the outermost circumference of the branches of a tree to the ground.
 57. **Drive-through** - any place of business which serves, sells or otherwise makes available its services or products to patrons in automobiles for their off premise use or consumption.
 58. **Driveway, Shared** - a driveway that serves more than one dwelling unit.
 59. **Drop Lens Fixture** – Any luminaire that is not a full cut off luminaire. **[Ord. 2005-041]**
 60. **Drought-tolerant Tree** – see Tree, drought-tolerant. **[Ord.2004-013]**
 61. **Dry Detention/Retention** - detention or retention of water in a storage facility which is designed, constructed, and operated to limit the duration of ponding within the facility so as to maintain a normally dry bottom between rainfall events.
 62. **Dune** - a hill or ridge of windblown sand and marine deposits lying landward of, and adjacent to, the beach which is formed by natural or artificial processes.
 63. **Dune Profile** - the cross-sectional configuration of the dune.
 64. **Dwelling Unit** - one or more rooms designed, occupied or intended for occupancy as separate living quarters, with only one kitchen plus sleeping and sanitary facilities provided within the unit, for the exclusive use of a single family maintaining a household. Specialized residences, such as accessory apartments for the elderly or handicapped, congregate living facility quarters, groom's quarters, farm worker quarters, or migrant labor quarters shall not be considered "dwelling units" for the purpose of applying restriction on density contained in the Plan or this Code unless otherwise stated in the Plan or the Code.
- E. Terms defined herein or referenced Article shall have the following meanings:**
1. **Easement** - any strip of land created by subdivision or granted by the owner, for public or private access utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the land owner, subject to the right of use designated in the reservation of the servitude.
 2. **Easement Holder or Beneficiary** - the grantee or persons directly benefiting from the existence of the easement.
 3. **Easement, Lake Maintenance** - created by plat dedication or other instrument of record, establishing access and use rights on or to the periphery of a water management tract for purposes of

construction, maintenance, and repair of wet detention/retention facilities and appurtenant structures therein.

4. **Easement, Limited Access** - established adjacent to a street for the purpose of prohibiting vehicular access to the street from abutting property except at those locations specifically authorized by the BCC.
5. **Easement, Public** - granted to a governmental entity, public agency, a utility, or the public.
6. **Easement, Quasi-public** - granted to a POA in which PBC or the public have some beneficial interest.
7. **Easement, Stormwater Management** - establishing rights to collect, drain or convey surface water by way of natural or man-made facilities, including, but not limited to water bodies, water courses, canals, ditches, swales, storm sewers and overland flow. It also includes any fee interest of a governmental entity in land to collect, drain, or convey water.
8. **Easement, Utility** - established for the purpose of the installation, operation, repair, or maintenance of facilities and equipment used to provide utility services.
9. **Ecosystem** - an assemblage of living organisms (plants, animals, microorganisms, etc.) and nonliving components (soil, water, air, etc.) that functions as a dynamic whole through which organized energy flows.
10. **Elderly Person** - as defined in the Plan.
11. **Electrical Transmission Line** - street means the area necessary for construction and maintenance of a 230 kilovolt or greater electrical transmission line, as provided in [F.S. §403.52](#).
12. **Electric Power Facility** - The principal use of property for electric generation. **[Ord. 2006-004]**
13. **Electric Transmission Facility** – Mechanical equipment associated with electric transmission networks, including transmission voltage facilities or switching substations, and electrical distribution substations that exceed the standards of Art 4.B.1.A.134.a.1), Residential Districts and 2) Non-residential Districts. **[Ord. 2006-004]**
14. **Elevated Building** - see Building, Elevated.
15. **Emergency** - any unusual incident which results in immediate danger to the health, safety, welfare or resources of the residents of PBC, including damages to, or erosion of, any shoreline resulting from a hurricane, storm, or other such violent disturbance.
16. **Emergency Hazardous Situation** - or the purposes of Art. 14.B, occurs whenever there is an immediate and substantial danger to human health, safety, or welfare or to the environment.
17. **Emergency Work** - work made necessary to restore land to a safe condition following an emergency, or work required to protect persons or land from imminent exposure to danger.
18. **Eminent Domain Proceeding** – for the purposes of Art. 1, a formal court initiated civil action to acquire fee simple, easement, or R-O-W interest in land for governmental purposes, or a voluntary conveyance of such in lieu of formal court initiated action.
19. **Encroachment** - for the purposes of Art. 18, the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a SFHA, which may impede or alter the flow capacity of floodwaters. **[Ord. 2004-013]**
20. **Encroachment, Vehicular** - for the purposes of Art. 7, any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape or other area.
21. **Encumber** - to reserve or earmark funds for a specific expenditure or an identified development.
22. **Engineer** - a person registered to engage in the practice of engineering under F.S. § 471.001-471.037, and includes the terms “professional engineer “and “registered engineer.”
23. **Endangered, Threatened, Rare, and Species of Special Concern** - any species listed as endangered, threatened, rare, or of special concern by one or more of the following agencies:
 - a. U.S. Fish and Wildlife Service;
 - b. Florida Game and Fresh Water Fish Commission;
 - c. Florida Committee on Rare and Endangered Plants and Animals;
 - d. Florida Department of Agriculture and Consumer Services; or
 - e. Treasure Coast Regional Planning Council.
24. **Entertainment, Indoor** - An establishment offering games of skill to the general public for a fee or charge and wholly enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades. **[Ord. 2005-002]**
25. **Entertainment, Outdoor** - An establishment offering entertainment or games of skill to the general public where any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses include archery ranges, athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing. **[Ord. 2005-002]**

26. **Entrance Area** – 66 feet (see IES definition). [Ord.2005-041]
27. **Environmental Appeal Board (EAB)** - or the purposes of Art. 15, is the five member board appointed by the Environmental Control Board (ECB) to hear appeals under this Article. [Ord. 2006-004]
28. **Environmental Control Board (ECB)** - for the purposes of Art. 15, is the board consisting of the seven members of the BCC, which adopts, reviews and amends ordinances and rules under Chapter 77-616, Special Acts, Laws of Florida, as amended.
29. **Environmental Control Hearing Board (ECHB)** - for the purposes of Art. 15, is the five member board appointed by the ECB, pursuant to Chapter 77-616, Special Acts, Laws of Florida, as amended, to conduct hearings on alleged violations of this Article.
30. **Environmental Control Officer (ECO)** - is the person appointed by the ECB under Chapter 77-616, Special Acts, Laws of Florida, as amended.
31. **Environmentally Sensitive Lands** - ecological sites (ecosites), other than wetlands, that are designated in the Inventory of Native Ecosystems in Palm Beach County and on its accompanying aerial photographs as “A” quality, representing high-quality native Florida upland ecosystems. These sites are indicated on the aerial photographs (received on May 30, 1989) that are on file at ERM and are incorporated herein by reference. Inventory of Native Ecosystems in Palm Beach County is a report and annotated aeriels produced during the study with this title, which was conducted by consultants under contract to PBC.
32. **Equestrian Arena, Commercial** - an establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes.
33. **Equestrian Use** – use of land for boarding, breeding, training, riding, showing or raising horses, ponies, mules or donkeys.
34. **Equivalency Determination** - means a determination approved by the Zoning Director that the proposed development or uses will require equal or lesser public facility capacity than the valid Concurrency Reservation or existing use(s) require(s). Approval of an Equivalency Determination results in either (1) amending an existing Reservation or Exemption or (2) the issuance of a new Reservation.
35. **Establishment** -
 - a. Single structure or a group of structures other than a single family residence on one or more parcels of land with common access, parking, drainage facilities and/or water supply. It may also include the premise on which the business is located, including the interior of the business, or portion thereof, upon which activities or operations are being conducted for commercial gain. [Ord. 2005-041]
 - b. For the purposes of Art. 15, single structure or a group of structures other than a single family residence on one or more parcels of land with common access, parking, drainage facilities and/or water supply.
36. **Estate Kitchen**- an accessory use which is physically integrated with the main residence.
37. **Excavate or Excavation** - the extraction of minerals from the earth necessary to (1) construct a single family dwelling; or (2) support bona-fide agricultural production operations; or (3) to implement a final site development plan; or (4) any act wherein the earth is cut into, dug, quarried, uncovered, removed, displaced, or deliberately disturbed to create a temporary or permanent body of water, including the conditions resulting there from. Excavation excludes agricultural plowing, site grading, dry retention/detention, demucking and canal dredging in preparation for construction.
38. **Excavation**– displacement of soil or sand by the processes not limited to digging, dredging, scooping, or hollowing out.
39. **Exceptional Hardship** – for the purposes of Art. 18, (as applied to variance criteria), a condition of a parcel of property which is unusual or exhibits peculiar physical characteristics. These characteristic(s) must be unique only to that property and not to be shared by adjacent parcels. These unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners. Mere economic or financial hardship alone is not “exceptional”. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors cannot, as a rule, qualify as exceptional hardships. A hardship shall not necessarily exist even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended. [Ord. 2004-013]
40. **Excessive Noise** - noise that disturbs a reasonable person of normal sensitivity.

41. **Exfiltration System** – for the purposes of Art. 14, any gallery, perforated or "leaky" pipe or similarly designed structure which is used to dispose of untreated stormwater by allowing the routed water to percolate by subsurface discharge directly or indirectly into the groundwater.
 42. **Existing** – for the purposes of Art. 18, (as applied to building, development or structure), any man-made improvement on which the start of construction commenced before the enactment of the first Flood Damage Prevention Regulations adopted by the County, Ordinance 79-1, on January 31, 1979. **[Ord. 2004-013]**
 43. **Existing Manufactured Home Park or Subdivision** - for the purposes of Art. 18, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads was completed before the effective date of the first Flood Damage Prevention Regulations adopted by the County, Ordinance 79-1, on January 31, 1979. **[Ord. 2004-013]**
 44. **Existing Residential Use** - any residential structure on a parcel of land or property possessing either residential designation by the FLU atlas of the Plan or a residential zoning designation consistent with the underlying FLU designation.
 45. **Exotic Plant Species** - a plant species not indigenous to State of Florida including those plants listed as prohibited and invasive non-native plant species. A list of exotic plant species shall be maintained by ERM.
 46. **Expansion** – the increase in the floor area of a structure, including covered attached decks and porches, outdoor seating, coolers, and interior mezzanines or the increase in the height of a structure.
 47. **Expansions to an Existing Manufactured Home Park or Subdivision** - for the purposes of Art. 18, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads. **[Ord. 2004-013]**
 48. **Expenditure** – the irrevocable contractual obligation which requires the remittance of money by the applicant for services, goods, facilities, or fixtures, for the project; the post remittance of money for such.
 49. **Exterior** - for the purposes of Art. 9, the outside surfaces of a building.
- F. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Facility** – for the purposes of Art. 14, main structures, accessory structures and activities which store, handle, use or produce Regulated Substances. Where contiguous facilities exist and such facilities are separate in the nature of the businesses, they shall remain separate under this Chapter.
 2. **Family** - either a single person occupying a dwelling unit and maintaining a household, including not more than one boarder, roomer, or lodger as herein described; or two or more persons related by blood, marriage, or adoption occupying a dwelling, living together and maintaining a common household, including not more than one such boarder, roomer, or lodger; or not more than four unrelated persons occupying a dwelling, living together and maintaining a non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.
 3. **Farm Residence** - a dwelling unit, other than a mobile home, located on a parcel of land used for a bona fide agricultural use and occupied by the owner or operator of the farm operation.
 4. **Farm Workers Quarters** - one or more residential structures occupied by farm workers who provide labor in conjunction with agricultural operations.
 5. **Farmers Market** - an establishment for the wholesale sale of farm produce.
 6. **Farrrier** - one that shoes horses. May be accessory to a blacksmith, farm, equestrian facility, or is mobile and shoes the horses on site.
 7. **Farm Structure** - any building or structure used for agricultural purposes excluding those used for residences.
 8. **F.A.R. (Part 77)** - for the purposes of Art. 16, Federal Aviation Regulation. The "Part numbers" identify specific subject areas. All FARs are contained in [Title 14, CFR. \(Part 77 - Title: Objects Affecting Navigable Airspace\)](#).
 9. **Feeder Transit Services** – For the purposes of Art. 12, transit service connecting communities and/or employment centers directly to rail stations or bus terminals. **[Ord. 2006-036]**
 10. **Feepayer** – for the purposes of Art. 13, the person paying the impact fee associated with a building permit or change in use, or the feepayer's agent.
 11. **Fence** - an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

12. **Filling** - the placement of any material in, on, or over a jurisdictional wetland.
13. **Film Production Studio** - the use of a lot or building for the production of films or videotapes for exhibition or sale.
14. **Final Plan** - the most recent site or subdivision plan approved by the DRO.
15. **Financial Institution** - an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines and drive-thru only facilities.
16. **Finished Floor Elevation** – the highest finished ground floor surface elevation to which no additional permanent finished material would be applied. **[Ord. 2005-002]**
17. **Fire-Rescue Facilities** - mean the planning, engineering for, preparation of acquisition documents for, acquisition of land for, or the construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS for fire-rescue facilities.
18. **Firewall** - a wall of incombustible construction which subdivides a building or separates buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all stories to and above the roof, except where the roof is of fireproof or fire resistive construction and the wall is carried up tightly against the underside of the roof slab, pursuant to the PBC Building Code.
19. **First Directly Accessed Link** – For the purposes of Art. 12, Roadway(s) providing a main entrance to a project. **[Ord. 2006-036]**
20. **Fitness Center** - an enclosed building or structure containing multi-use facilities for conducting recreational activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. This use also includes dance studios and karate schools. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting, food service, and the serving of alcoholic beverages consumed on the premises.
21. **Fixed Mechanical Equipment** - mechanical equipment, such as an air conditioning unit, water cooling tower, swimming pool pump, irrigation pump, well water pump, fan, power generator or other similar power source equipment, permanently affixed to land or structure, as distinguished from temporary, portable, non-fixed mechanical equipment.
22. **Fixture** – the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and/or a refractor or lens. **[Ord. 2005-041]**
23. **Flag** - a fabric or plastic sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one end.
24. **Flag, Official** - a flag which represents a political/public region or jurisdiction and is not used for advertising purposes.
25. **Flag Poles** – a pole used to display a fabric or plastic sheet of square, rectangular or triangular shape.
26. **Flea Market, Enclosed** - for the purposes of Art. 4.B, a retail sales within a building permanently enclosed by walls and roof in which floor space is rented to individual merchants to display and sell goods.
27. **Flea Market, Open** - for the purposes of Art. 4.B, an outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.
28. **Flood or Flooding** –
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source. Terms associated with flooding include: Frequent, flooding which occurs more than once every two years on the average; and ten year flood elevation, which has a ten in 100 probability of being equaled or exceeded in any calendar year.
 - b. For the purposes of Art. 18, a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or, the unusual and rapid accumulation or runoff of surface waters from any source. **[Ord. 2004-013]**
29. **Flood Boundary and Floodway Map (FBFM)** - for the purposes of Art. 18, the latest edition of the official map on which the FEMA or Federal Insurance Administration (FIA) has delineated SFHAs and regulatory floodway. **[Ord. 2004-013]**
30. **Flooding, Area of Shallow** - a designated AO or VO Zone on the FIRM; the base flood depth ranges from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminable; and velocity flow may be evident.
31. **Flooding, Area of Special Flood Hazard** - the land in the flood plain subject to a one percent or greater chance of flooding in any given year.

32. **Flood Insurance Study** – the official report provided by the Federal Emergency Management Agency (FEMA) that contains flood profiles, as well as the Flood Hazard Boundary Map and the water surface elevation of the base flood. [Ord. 2004-013]
33. **Flood Damage Prevention** – for the purposes of Art. 18, the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the flood prone areas including, but not limited to, emergency preparedness plans, flood control works, flood damage prevention regulations, open space plans, and setting of minimum floor elevations. [Ord. 2004-013]
34. **Flood Damage Prevention Administrator** - for the purposes of Art. 18, the County Building Official hereby appointed to administer and enforce these flood damage prevention regulations, including, but not limited to, all variance and appeal hearings before the Flood Damage Prevention Board or a designee of the Building Official's holding a FEMA Certified Floodplain Manager Designation. [Ord. 2004-013]
35. **Flood Damage Prevention Board** – for the purposes of Art. 18, a group of citizens appointed to the Construction Board of Adjustments and Appeals, who shall hear and decide variance requests and appeals made under Art. 18, Flood Damage Prevention. [Ord. 2004-013]
36. **Flood Damage Prevention Ordinance** - for the purposes of Art. 18, the regulations and FEMA documents referenced in Art. 18.A.1.A.1. In addition, there may be other controls on development in flood prone areas contained in zoning ordinances, subdivision regulations, building codes and other state and federal regulations. [Ord. 2004-013]
37. **Flood Hazard Boundary Map (FHBM)** –
 - a. The official map of PBC, produced by the FEMA or by PBC, where the boundaries of the areas of special flood hazard have been designated as Zone A.
 - b. For the purposes of Art. 18, the latest edition of an official map of the County, issued by FEMA that indicate approximate areas of 100-year flood hazards in a community. [Ord. 2004-013]
38. **Flood Insurance Rate Map (FIRM)** – – for the purposes of Art. 18, the latest edition of an official map of the County, on which FEMA has delineated both the FEMA SFHAs and the risk premium zones applicable to the County. [Ord. 2004-013]
39. **Flood Insurance Study (FIS)** – for the purposes of Art. 18, the official hydraulic and hydrologic report provided by FEMA. This report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood. [Ord. 2004-013]
40. **Floodplain** -
 - a. The land area adjacent to the normal limits of a watercourse or water body which is inundated during a flood event of specified magnitude or return period.
 - b. For the purposes of Art. 18, any land area susceptible to flooding, as defined in FIRM and any area without a master storm water drainage system. [Ord. 2004-013]
41. **Floodway** –
 - a. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
 - b. For the purposes of Art. 18, the channel of a river or other watercourse, intercoastals, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 12 inches. [Ord. 2004-013]
42. **Floor** - the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
43. **Floor Area, Gross (GFA)** - horizontal square footage of all floors of a building measured from the exterior face of exterior walls or other type of enclosure, or from the centerline of a wall separating two buildings.
44. **Floor Area, Gross Leasable** - the GFA minus the floor area of: elevator shafts and stairways; public restrooms; public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior, and/or aesthetic enhancement or natural lighting purposes; and permanently designated corridors.
45. **Floor Area, Total Leasable** - see Floor Area, Gross Leasable.
46. **Floor Area Ratio (FAR)** - the ratio of the GFA of all structures on a lot to the lot area, excluding vertical core circulation areas for multistory structures.
47. **Floor, Ground** - a level of building, the floor of which is located not more than two feet below nor more than six feet above finished grade.

48. **Florida Inventory of School Houses (FISH)** - for the purposes of Art. 2, the report of the capacity of existing facilities. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on using a percentage of the number of existing satisfactory student stations and a designated size for each program. In PBC, permanent capacity does not include the use of relocatables unless they meet the standards for long-term use pursuant to F.S. §235.061.
 49. **Florida's Turnpike** - a.k.a Ronald Reagan Turnpike
 50. **Focal Point** - non-commercial design element, either landscape, water feature or accessory structure, intended to create a visual point of interest.
 51. **Food Service** - at least one full meal being provided to each resident, every day, in a central dining area.
 52. **Foot-candle** - for the purposes of Art. 5, unit of light quantity or density when the foot is the unit of measure. One (1) foot-candle (fc) equals one (1) lumen per square foot of area. When metric units are used, lux is the unit of light quantity. One (1) lux equals one (1) lumen per square meter of area. One (1) foot-candle equals ten and seventy-six hundredths (10.76) lux. **[Ord. 2005-041]**
 53. **Fossil** - for the purposes of Art. 9, a remnant or trace of an organism of a past geological age.
 54. **Frontage** - see Lot frontage.
 55. **Front Façade** - for the purposes of Art. 3, the wall of a building parallel with and facing a frontage line.
 56. **Full-cutoff Luminaire** – A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. **[Ord. 2005-041]**
 57. **Functions** - the roles wetlands serve, including but not limited to flood storage, flood conveyance, ground water recharge and discharge, erosion control, wave attenuation, water quality enhancement and protection, nutrient removal, food chain support, wildlife habitat, breeding and habitat grounds for fishery species, and recreational values.
 58. **Funeral Home** - an establishment which arranges and manages funeral and prepares the human deceased for burial.
 59. **Future Land Use** - as defined in the Plan, FLU Map.
- G. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Gallery** - a covered promenade over a pedestrian walkway, contiguous to a street, plaza or square that is open to the public, with no usable floor area above. **[Ord. 2006-004]**
 2. **Garage Sale** - the sale of household articles by the occupants of a dwelling unit.
 3. **Garden Trash** - waste consisting or accumulation of leaves, grass, shrubbery, vines and trees, or parts thereof.
 4. **Gas and Fuel, Wholesale** - the use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.
 5. **Gathering** - the bringing together of a group of people for social, civic, or other casual, public assembly.
 6. **Gazebo** - accessory building consisting of detached, freestanding open on all sides of the structure with a solid roof.
 7. **Generic Substance List** - for the purposes of Art. 14, those general categories of substances set forth in Appendix 1, Generic Substances List attached hereto and incorporated herein.
 8. **Glare** - a discomforting condition that occurs when the brightness of a light contrasts with a low brightness background and makes it difficult for the human eye to adjust. **[Ord. 2005-041]**
 9. **Golf Course** - a facility providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.
 10. **Government Services** - buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. Typical uses include administrative offices for government agencies, public libraries, police, and fire stations.
 11. **Grade, Finished** - see [Chapter 2, Section 202 of the Florida Building Code](#) for definition of Grade and all applicable PBC Amendments.
 12. **Grain Milling or Processing** - means facilities for processing and storing grain or other nonperishable crops. Typical uses include cotton gins and grain mills.
 13. **Grass Parking** - for the purposes of Art. 6, off-street turf parking spaces on an improved subbase.
 14. **Grease Trap** - for the purposes of Art. 15, a watertight receptacle or reservoir receiving wastewater from a kitchen or other source containing grease.
 15. **Green Market** - a temporary gathering of vendors for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on a retail basis.

16. **Greenhouse** - an accessory structure consisting of a glass or hard plastic enclosure used to protect plants from insects, heat, cold and exposure to the sun.
 17. **Greenway** - multi-purpose open space corridors of private and public lands, which may be located within a public street, an edge area, a landscape buffer, or an easement, and may contain pedestrian paths, bicycle facilities, jogging paths, equestrian paths and fitness trails. Greenways are employed to provide usable open space close to residential areas, and provide alternative access ways connecting a variety of uses, such as residential areas, parks, school, cultural facilities and employment centers. Greenways also provide aquifer recharge, preserve unique features or historic or archaeological sites, and can link urban rural areas.
 18. **Groom's Quarters** - on-site living quarters for persons responsible for grooming and caring for horses boarded at a stable. Occupancy shall be limited to on-site employees and members of the employees' family only.
 19. **Gross Acreage** - see Gross Land Area.
 20. **Gross Land Area** - the total area, including all public and private areas within the legal boundaries of a particular parcel of land or project.
 21. **Gross Leasable Area (GLA)** - see Floor Area, Gross Leasable.
 22. **Gross Trips** - for the purposes of Art. 12, Project Trips plus internal trips.
 23. **Ground Cover** - for the purposes of Art. 7, plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.
 24. **Ground Floor** - a level of building, the floor of which is located not more than two feet below nor more than six feet above finished grade.
 25. **Ground-Level Barrier** - for the purposes of Art. 14, any natural or artificial structure rising above the ground which prevents beachfront lighting from shining directly onto the beach-dune system.
 26. **Ground Water** –
 - a. Water beneath the surface of the ground within a zone of saturation where such water is at or above atmospheric pressure, whether within the voids between soil particles or within solution channels or fractures in rock.
 - b. For the purposes of Art. 14.B, water that fills all the unblocked voids of underlying material below the ground surface, which is the upper limit of saturation, or water which is held in the unsaturated zone by capillarity.
 - c. For the purposes of Art. 15, a source of water existing below the surface of the ground and not exposed to the atmosphere.
 27. **Groundwater and Natural Resources Protection Board (GNRPB)** - for the purposes of Art. 14.B, that board designated by the BCC, to hear alleged violations of this Chapter and other state and local laws protecting the groundwater and natural resources of PBC.
 28. **Groves/Row Crops** - the cultivation of fruits and vegetables for bona-fide agricultural purposes.
 29. **Grubbing** - removal of vegetation from land by digging, raking, dragging or otherwise disturbing the roots of the vegetation and the soil in which roots are located.
 30. **Guarantee** - sufficient funds over which PBC has control irrevocably committed by written instrument to secure complete performance of a contract for required improvements, condition of a Development Order or Road Agreement.
 31. **Guest Cottage** - accessory sleeping quarters provided for non-paying guests by the occupant of a single-family or ZLL dwelling unit.
 32. **Gun Club** - an open or enclosed facility used for the discharge of firearms or projectiles at targets.
 33. **Gun Range, Private** - for the purposes of Art. 4, a private facility, open or enclosed, used for the discharge of firearms or projectiles at targets and not to be used for commercial purposes or by the general public.
 34. **Guyed Tower** - a structure that is supported either partially or completely by guy wires and ground anchors.
- H. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Habitable Room** - a room occupied by one or more persons for living, eating, sleeping, or working purposes. It does not include toilets, laundries, serving and storage pantries, corridors, cellars, and spaces that are not used frequently or during extended periods.
 2. **Handicap Space** - for the purposes of Art. 6, a parking space designed, marked and reserved for exclusive use by persons registered as handicapped.
 3. **Handicapped Person** - has the meaning given in [F.S. §760.22\(7\)](#).
 4. **Hardship** – for the purposes of Art. 18, see Exceptional Hardship. **[Ord. 2004-013]**
 5. **Hatchling** - for the purposes of Art. 14, any specimen of sea turtle, within or outside of a nest, which has recently hatched from an egg.

6. **Hatracking** - see Pruning, Hatracking.
7. **Hazard** - for the purposes of Art. 16, an advisory determination rendered by the FAA at the conclusion of an Aeronautical Study made under [FAR Part 77](#) indicating the proposed structure is not a safe and/or efficient use of airspace.
8. **Health Hazard** - any condition, device, or practice in a water supply system or its operation, which creates or may create an imminent or substantial danger to the health and well-being of the water consumer.
9. **Health Threat** - for the purposes of Art. 15, any condition, device or practice in a water supply system or its operation which creates or may create an imminent or substantial danger to the health and well being of the water consumer.
10. **Heavy Industry** - an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous, or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials; fat rendering plants; slaughterhouses and tanneries; steel works; and petroleum refineries.
11. **Hedge** - for the purposes of Art. 7, a landscape barrier consisting of a continuous, dense planting of shrubs. A series of shrubs planted in a manner so as to form a continuous visual screen.
12. **Heliport or Vertiport** -
 - a. Any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft.
 - b. For the purposes of Art. 16, an identifiable ground level or elevated area which is validly licensed by the State of Florida for public use and is intended to be used for the take off and landing of helicopters, tilt rotors or any other vertical takeoff and landing rotorcraft.
13. **Highest Adjacent Grade** - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
14. **Highest Adjacent Natural Grade (HANG)** – for the purposes of Art. 18, the highest natural elevation of the ground surface, prior to the start of any past or proposed construction, immediately next to the proposed exterior walls of a building. **[Ord. 2004-013]**
15. **Historic District** - for the purposes of Art. 9, a geographically defined area with a significant concentration, linkage, or continuity of sites, improvements, or landscape features united by historic events or by plan or physical development, and which area has been designated as a historic district, pursuant to [Art. 9.B, Historic Preservation Procedures](#). Any historic district may have within its area contributing and non-contributing buildings or other structures that contribute to the overall visual character of the district.
16. **Historic Resources** - for the purposes of Art. 9, all evidences of human occupations that date from historic (i.e., recorded history) periods. These resources include documentary data (i.e., written records, archival material, photographs, maps, etc.) sites, artifacts, buildings, structures and all other cultural resources and relevant information pertaining to them. Historic resources are cultural resources and may be considered archaeological resources when archaeological work is involved in their identification.
17. **Historic Structure** - for the purposes of Art, 18, any structure that is listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register or certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district or individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on the Historic Palm Beach County Preservation Board's inventory of historic places. **[Ord. 2004-013]**
18. **Historical Traffic Growth Table** - for the purposes of Art. 12, a table prepared by the County Engineer showing the preceding three year's increase or decrease in Average Daily Traffic or two-way Peak Hour Traffic on various Links, based upon traffic counts and which provide the information to be used in Projecting the Background Traffic.
19. **Home Instruction, Inside** - teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.
20. **Home Instruction, Outside** - teaching which takes place outside the dwelling unit, on the property of the instructor. This type of instruction is limited to subject matter which necessitates outside

instruction. Typical instruction includes tennis, swimming lessons, dog training and equestrian lessons.

21. **Home Occupation** - a business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation shall not include those businesses which are required by State of Florida agencies to be open to the public, such as gun dealers.
 22. **Home(s)** – for the purposes of Art. 7, single family houses, zero-lot line houses, townhouses, duplexes, multi-family dwellings or other structures intended or used for residential housing. **[Ord. 2005-002]**
 23. **Horizontal Plane** - means an imaginary line drawn across the bottom of a light fixture above which no light shall be emitted. **[Ord. 2005-041]**
 24. **Horizontal Zone** - for the purposes of Art. 16, the area around each airport with an outer boundary constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runways and connecting adjacent area by lines tangent to those arcs. The radius of the arc specified for each end of a value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the Horizontal Zone.
 25. **Hospital or Medical Center** - a facility licensed by the State of Florida which maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. A hospital is distinguished from a medical center by the provision of overnight care.
 26. **Hotel or Motel** - an establishment requiring a license by the State of Florida used, maintained or advertised as a place where furnished sleeping accommodations are supplied for short term rent to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses.
- I. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Illuminance** - the quantity of light arriving at a surface divided by the area of the lighted surface, measured in footcandles. Horizontal illuminance applies to a horizontal surface; vertical illuminance applies to a vertical surface. Average illuminance is the level of illuminance over an entire illuminated target area. Maximum illuminance is the highest level of illuminance on any point within the entire area; minimum illuminance is the lowest level of illuminance on any point within the target area. **[Ord. 2005-041]**
 2. **Illuminance Levels** - for the purpose of [Art. 5.E.4.E, Outdoor Lighting](#), all illuminance levels and foot candles means the maintained illuminance levels utilizing lamp manufacture mean lumen values. The average illuminance level applies to an entire illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal illuminance levels. **[Ord. 2005-041]**
 3. **Illumination** - for the purposes of Art. 14, any artificial light source directly or indirectly cast within the jurisdictional boundaries of this Chapter and visible from the beach.
 4. **Impact Fee Coordinator** - the person responsible for the administration of PBC's Impact Fee program.
 5. **Improvement** - for the purposes of Art. 9, any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, foundation, sign, work of art, earthworks, sidewalk, or other man-made objects constituting a physical change or betterment of real property, or any part thereof.
 6. **Improved Parcel** - for the purposes of Art. 14, real property which has undergone an alteration from its natural state, initiated by the parcel owner or predecessor in interest, but not those alterations initiated on private property by a governmental agency. For the purpose of this Chapter alterations are at least the following: land clearing and relocation of native vegetation, mining and excavation, agriculture; installation of construction of paved or unpaved roads and paths, canals and structures for human or agricultural use.
 7. **Incinerator** - a permanent facility operated alone or in conjunction with a resource recovery facility or landfill for the purpose of burning biohazardous waste, solid waste or trash to ash as regulated by the ERM under [Ord. No.1992-022] and Ord. No.1992-023, as amended.
 8. **Incompatibility of Land Uses** - the undesirable health and safety effects arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including aesthetics, noise, vibration, smoke, hazardous odors, radiations and other land use and environmental conditions such as the intensity, character, impact or amount of traffic.
 9. **Incompatible Sites** -
 - a. Residential uses or pods adjacent to non-residential uses or pod.

- b. Residential uses or pods adjacent to residential uses or pods with a density difference greater than three units per acre.
10. **Inconsistent Use** - any and all construction not related to the purpose of the easement, and any and all landscaping other than turf grass (seed/sod).
 11. **Incorporated Vegetation Plan** - for the purposes of Art. 14, a comprehensive document or site plan that provides parcel specific information for native trees, excluding trees within Native Upland Preserves or Tree Preservation Areas, to be incorporated on the parcel. Documented trees are to be three inches or greater DBH, and palm trees with a minimum overall clear trunk height of eight feet. The Incorporated Vegetation Plan may be performed by a State of Florida licensed surveyor and mapper, using contemporary surveying techniques, or other professional using Global Positioning System (GPS) equipment with sub meter accuracy.
 12. **Independent Calculation/Independent Analysis** - for the purposes of Art. 13, the data, analysis and report prepared by a fee payer for the purpose of establishing a different impact fee amount than the one set forth in the Impact Fee Schedule.
 13. **Industrial Equipment/Heavy Machinery** - farm tractors and implements, bulldozers, drag lines, cranes, derricks, heavy earth moving equipment normally used in farming, excavation or heavy construction activities. For the purposes of this definition, all machinery that uses steel tracks for traction shall also be considered heavy machinery.
 14. **Industrial, Hazardous or Toxic Waste** - for the purposes of Art. 15, as defined by Rule 64E-6, F.A.C..
 15. **Infill Project** - a development project located on a parcel located in a predominantly developed area and adjacent to existing residential, commercial, or civic land uses on at least two sides.
 16. **Ingress** - entry to lot or structure.
 17. **In-kind Contribution** - for the purposes of Art. 13, the conveyance, dedication, construction, placement, delivery or remittance of land, buildings, improvements, fixtures, personal property or money to PBC or the PBC School Board for capital facilities for which impact fees are levied in Art. 13, Impact Fees.
 18. **Inhabited Residential** - for the purposes of Art. 5, regularly occupied by the complainant and occupied at the time of the complaint.
 19. **Instrument Approach Procedure** - for the purposes of Art. 16, a specified, published set of operating procedures issued by the FAA and used by a pilot to land an aircraft at an airport without visual reference to the ground.
 20. **Integration** – For the purposes of [Art. 3.B.15.E.1, Mixed Use](#) and determining consistency with FLUE Policy 2.4-b and the vertical integration provision of FLUE Policy 2.2.2-f of the Plan, functional or vertical integration shall mean the horizontal or vertical combination of residential and non-residential uses that forms a single project providing for pedestrian and built form connectivity between uses, parking areas and public spaces. **[Ord. 2006-004] [Ord. 2006-036]**
 21. **Instrument Landing System (ILS)** - for the purposes of Art. 16, a landing approach system that establishes a course and a descent path to align aircraft with a runway for final approach.
 22. **Intensity** - the number of square feet per acre and specific land use for non-residential uses.
 23. **Intensity Entitlement** - for the purposes of Art. 2, the amount of intensity granted by PBC if a parcel couldn't satisfy concurrency as stated in the FLUE of the Plan, as amended.
 24. **Interior Area** - for the purposes of Art. 7, the entire parcel to be developed exclusive of the required front, rear, or side perimeter landscape areas.
 25. **Internal Trips** - for the purposes of Art. 12, trips from a Proposed Project that do not exit the Project or enter the Major Thoroughfare system.
 26. **Inundation** - the presence of water, in motion or standing, of sufficient depth to damage property due to the mere presence of water or the deposition of silt or which may be a nuisance, hazard or health problem.
 27. **Invasive Non-Native Plant Species** - any plant not indigenous to the State of Florida, which exhibits, or has the potential to exhibit, uncontrolled growth and invasion or alteration of the natural qualities of any native habitat. A list of invasive, non-native plant species shall be maintained by the ERM.
 28. **Irreparable or Irreversible Harm** - A substantial injury that is beyond the possibility of repair; the injury suffered cannot be undone; damage or destruction of a natural resource that is so substantial and permanent that it is beyond the possibility of being repaired or restored to its previous condition. A natural resource shall be deemed irreparably harmed when an activity taken or caused by a person or persons alters the natural resource to such a degree that it cannot reasonably be restored or returned to the condition existing immediately prior to such alteration. A non-renewable natural resource shall be deemed irreparably harmed when the resource has been permanently removed or

consumed. There shall be a rebuttable presumption that a natural resource has been irreparably harmed when the nature or extent of the alteration makes it impossible to ascertain the pre-alteration condition of the natural resource. A natural resource shall not be deemed irreparably harmed when the alteration of the natural resource is authorized by County law. **[Ord. 2006-036]**

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

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

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

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

1. **K Factor** - for the purposes of Art. 12, the ratio of peak hour traffic to average daily traffic, as provided in the FDOT Quality/Level of Service Handbook. Example: ADT=10,000, peak hour traffic=1,000, k=0.10.
2. **Kenel, Commercial** - Type II: a commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit. ; and, Type III: A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit. **[Ord. 2006-036]**
3. **Kenel, Type I (Private)** - any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, owned by the occupants of the premises. **[Ord. 2006-036]**
4. **Kiosk** - a freestanding outdoor unmanned structure which offers products for sale.
5. **Kitchen** - that portion of a structure used or designed to be used for the preparation of food, and including or designed to include a stove with a 220 volt line, refrigerator, sink and cupboards.

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

1. **Laboratory** - for the purposes of Art.14, a designated area or areas used for testing, research, experimentation, quality control, or prototype construction, but not used for repair or maintenance activities (excluding laboratory equipment), the manufacturing of products for sale, or pilot plant testing.
2. **Laboratory, Industrial Research** - an establishment engaged in industrial, scientific or medical research, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.
3. **Lake, Excavated** - a body of water, excluding canals of conveyance, greater than one acre in size or greater than six feet in depth from OWL and which will remain open for longer than 180 days. Multiple (more than one) bodies of water constructed on a parcel or parcels of property under common ownership or control shall be considered a lake when such water bodies have a combined surface area greater than one acre.
4. **Lake, Excavated-existing** - body of water constructed, under construction or to be constructed under permit of a jurisdictional agency prior to June 16, 1992.
5. **Lake, Finger** - that portion of a dead-end water body, which is less than 50 feet in width, and longer than one and one half times its width, as measured from the point at which the dead-end water body is less than 50 feet wide.
6. **Lake Maintenance Easement** - see Easement, Lake Maintenance.
7. **Lake, Mined** - a lake created by the extraction of minerals from the earth for commercial purposes.
8. **Land** - the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.
9. **Land Application** – for the purposes of Art. 14, means the application or disposal of effluent or sludge on, above or into the surface of the ground through spray irrigation, land spreading, or other methods.
10. **Landing Strip** – any private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners, farm operators, or commercial operations.
11. **Landscape** - for the purposes of Art. 7, any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

12. **Landscape Architect** - a person licensed to practice landscape architecture under [F.S. Chapter 481, Part II](#) (Landscape Architecture) and includes the term "registered landscape architect".
13. **Landscape Barrier** - for the purposes of Art. 7, a landscape design feature constructed within a landscape buffer that is intended to channel pedestrian movement and impede vehicular access and to provide an abrupt transition between otherwise incompatible uses. A landscape barrier may consist of living plants (such as a hedge), structures (such as a wall or fence), or changes in grade (such as a berm).
14. **Landscape Buffer** - a continuous area of land which is required by [Art. 7, Landscaping](#), to be set aside along the perimeter of a lot or parcel in which existing native vegetation, relocated native vegetation, and landscaping is used to provide a transition between and to reduce the negative environmental, aesthetic, compatibility and other impacts of one use upon another.
15. **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.
16. **Landscaping** - any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) or nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). Landscaping may include the preservation and incorporation of existing trees, vegetation, or ecosystems into site development.
17. **Land Development Permit** - for the purposes of Art. 11, the development permit issued by PBC authorizing construction of required improvements for a subdivision.
18. **Land Development Regulations** - ordinances enacted by PBC for the regulation of any aspect of development and includes any zoning, rezoning, subdivision, health, environmental, or sign regulations controlling the development of land.
19. **Landscape Feature** - for the purposes of Art. 9, any improvement or vegetation including, but not limited to: outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture or exterior lighting.
20. **Landscape Hierarchy** - for the purposes of Art. 7, planting creating a ranking of plants from small to large.
21. **Landscape Plan** - a plan showing the location, quantity, and variety of plants to be installed on a non-residential, multi-family, or residential planned development. This plan may also show the location of hardscape elements, buffers, or other landscape-related items.
22. **Laundry Service** – for the purposes of Art. 4, an establishment that provides washing, drying, dry-cleaning, or ironing machines for hire to be used by customers on the premises, or that is engaged in providing laundry and dry cleaning services with customer drop-off and pick-up.
23. **Legal Access** - see Access, Legal.
24. **Legal Positive Outfall** - the permanently established connection of a stormwater discharge conveyance facility serving a development site to a watercourse or water body under the control and jurisdiction of one or more public agencies, said connection being subject to all applicable agency permitting and approval requirements.
25. **Level of Service (LOS)** -
 - a. For the purposes of Art. 2, the measure of the utilization, expressed as a percentage, which is the result of comparing the number of students enrolled in any school with the satisfactory student stations (FISH capacity) at a given location or within a designated area (i.e., a CSA), e.g., a facility with 1,000 students and a FISH capacity of 970, has a LOS of 103 percent. Also referred to as the utilization of a facility.
 - b. For the purposes of Art. 12, the measure of the functional and operational characteristics of a roadway based upon traffic volume in relation to road capacity or the amount of vehicle delay or average speed.
26. **Level of Service (LOS) D** - for the purposes of Art. 12, as to Average Daily Traffic, Peak Hour Traffic two-way and Peak Direction on a Link, the numbers set forth in [Table 12.B.2.C-1, 1A: LOS D Link Service Volumes](#), as to Traffic at an intersection, a Critical Volume of 1,400 or average delay of greater than 35 and less than or equal to 55 seconds based on the HCM 2000 operations analysis; as to speed thresholds, the numbers set forth in [Table 12.B.2.C-3, 1C LOS D Speed Thresholds](#). [**Ord. 2005-002**]
27. **Level of Service (LOS) E** - for the purposes of Art. 12, as to Average Daily Traffic, Peak Hour Traffic two-way and Peak Direction on a Link, the numbers set forth in [Table 12.B.2.C-4, 2A: LOS E-Link Service Volumes](#) as to Peak Hour Traffic at an intersection, a Critical Volume of one 1,500 or average delay of greater than 55 and less than or equal to 80 seconds based on the HCM 2000

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

28. **Level of Service (LOS) for Rural Service Area** - the LOS established for the areas identified as the Rural Service Area in the FLUA of the Plan.

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29. **Level of Service (LOS) for Urban Service Area** - the LOS established for those areas identified as the Urban Service Area in the FLUA of the Plan.
30. **Library Services** - those services provided by the PBC Library Taxing District.
31. **Light Cutoff** - for the purposes of Art. 5, a luminary with elements such as shields, reflectors, or refractor panels which direct light and eliminate light spillover and glare.
32. **Light Fixture** - any device that holds protects and provides the optical system and power connections for a lamp or emits illumination. **[Ord. 2006-036]**
33. **Lighting, Animated** – for the purposes of [Art. 5.E.4.E, Outdoor Lighting](#), flashing or moving lights that otherwise change at intervals more frequently than once every six seconds. **[Ord. 2005-041]**
34. **Light Loss Factor** – for the purposes of [Art. 5.E.4.E, Outdoor Lighting](#), a percentage amount applied to the actual anticipated foot-candle levels of a fixture, which reduces the calculated light level output on the photometric plan to account for lower light level output from a fixture due to the age of the bulb, debris or dust on the fixture, and other factors that degrade the output capacity of the fixture. **[Ord. 2005-041]**
35. **Light trespass** – the illumination of light produced by a luminaire, which is beyond the boundaries of the property on which the luminaire is located. **[Ord. 2005-041]**
36. **Limb** - see Branch.
37. **Limitation Ratings** - for the purposes of Art. 15, as defined by Rule 64E-6, F.A.C..
38. **Limited Use Water Systems** - for the purposes of Art. 15, a water system not covered or included in the State of Florida Safe Drinking Water Act, which is further defined as either:
 - a. Limited use commercial water system serves one or more non-residential establishments; or
 - b. Limited use community water system serves five or more residences or two or more rental residences.
39. **Limited Use Well** - for the purposes of Art. 15, a water well that is a source of potable water and is part of a limited use water system.
 - a. U.S. Fish and Wildlife Service;
 - b. Florida Fish and Wildlife Conservation Commission;
 - c. Florida Committee on Rare and Endangered Plants and Animals;
 - d. Florida Department of Agriculture and Consumer Services; and
 - e. Treasure Coast Regional Planning Council.
40. **Line of Sight of Beach** - for the purposes of Art. 14, any position that is visible from any portion of the nesting beach at sand level and is not limited to a shore perpendicular direction.
41. **Link** - for the purposes of Art. 12, the portion of a Major Thoroughfare between two Major Intersections.
42. **Listed Species** - for the purposes of Art. 14, any animal or plant species listed as endangered, threatened, rare, or of special concern by one or more of the following agencies:
 - a. U.S. Fish and Wildlife Service;
 - b. Florida Fish and Wildlife Conservation Commission;
 - c. Florida Committee on Rare and Endangered Plants and Animals;
 - d. Florida Department of Agriculture and Consumer Services; and
 - e. Treasure Coast Regional Planning Council.
43. **Litter** - any garbage, rubbish, trash, refuse, can, bottle, box, container, paper, tobacco product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, or air pollution control facility, or substance in any form resulting from domestic, industrial, commercial, mining, or government operations.
44. **Littoral Zone** - that region of the shoreline beginning at the OHW and extending waterward to a maximum depth of minus three feet OHW.
45. **Loading Space** – for the purposes of Art. 6, the space within which vehicles are temporarily parked during loading and unloading operations.
46. **Local Bus** – For the purposes of Art. 12, transit service interconnecting communities with employment centers and/or other attractions. **[Ord. 2006-036]**
47. **Local Government** - PBC, or a municipality in PBC.
48. **Local Government Development Order** - a Development Order properly issued by PBC through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. It shall include Affidavits of Exemption and Subdivision approval. It typically involves the submission and review of a master plan, site plan, or building plans, but may not necessarily involve such. It shall

not include land use designations established by a Local Government's Comprehensive Plan. It does not include comprehensive general rezoning/district boundary changes initiated by PBC. It typically involves a petition of the land owner for his property alone and not adjoining properties. It does not include vegetative removal, clearing, grading or demolition permits.

49. **Local Government Plan** - for the purposes of Art. 12, the Comprehensive Plan of the Local Government adopted pursuant to Part II of F.S. Chapter 163.
50. **Local Planning Agency** - the local planning agency designated by the BCC to prepare the Comprehensive Plan pursuant to [F.S. § Sec. 163.3161](#).
51. **Local Shuttle** – For the purposes of Art. 12, transit service connecting two developments: a) residential to interrelated services, or b) residential to employment centers. **[Ord. 2006-036]**
52. **Lot** -
 - a. The smallest division of land identified as a single unit of ownership for conveyance and legal development purposes, and delineated by a closed boundary, which is either:
 - 1) Depicted on a recorded plat;
 - 2) Depicted on a survey, map, or drawing for which an affidavit or waiver or affidavit of exemption has been recorded; or
 - 3) Described on a recorded deed or agreement for deed.
 - b. The total area of abutting lands joined pursuant to a recorded unity of title shall be deemed a single lot for the purposes of this Code. As used herein, the term shall be synonymous with the terms "plot," "parcel," or "tract" when referring to lands within a closed boundary not further divided by one or more interior property lines.
 - c. For the purposes of [Art. 15.A](#), as defined by [F.S. §381.0065\(2\)](#).
53. **Lot Area** - the total horizontal area included within lot lines.
54. **Lot, Corner** - either a lot bounded entirely by streets, or a lot which adjoins the point of intersection of two or more streets.
55. **Lot Depth** - the horizontal length of a straight line drawn from the midpoint of the front property line of a lot to the midpoint of the rear property line.
56. **Lot Frontage** -
 - a. That side of the property line abutting a legally accessible street. On a corner lot, the frontage may be designated by the owner, subject to the approval by the Zoning Division who will determine whether it is consistent with the orientation of the other lots and improvements on the same side of the accessible street. **[Ord. 2006-004]**
 - b. For the purposes of buildings in a TDD or in the WCRAO where a build to line is required, and vehicular access may be from the side or rear of the property, the property line used to meet the build to line requirements shall be the lot frontage. **[Ord. 2006-004]**
57. **Lot, Flag** - a lot not meeting the minimum frontage requirement and where access to a public street is established by a narrow private street or easement.
58. **Lot, Interior** - any lot neither a corner lot nor a through lot.
59. **Lot Line, Front** - the lot line adjacent to a street.
60. **Lot Line, Interior** - any lot line not adjacent to a street.
61. **Lot Line, Rear** - that lot line which is opposite, generally parallel to, and most distant from the front lot line.
62. **Lot, Double Frontage** - any lot having frontage on two nonintersecting streets.
63. **Lot Width** – the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear property lines.
64. **Lots, Clustered** - residential parking lots grouped on a common street or parking tract where access is either a dead-end street, loop, or otherwise designed so as to preclude its extension for access to additional lots.
65. **Lounge, Cocktail** - for the purposes of Art. 4, a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, nightclubs, and similar uses other than restaurants or alcohol sales for off-premises consumption. A cocktail lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.
66. **Lowest Adjacent Roadway Crown (LARC)** - for the purposes of Art. 18, the lowest elevation of any point in the crown of a street or road immediately next to the site of a new structure. **[Ord. 2004-013]**
67. **Lowest Floor** - for the purposes of Art. 18, the lowest floor of the lowest enclosed area (including basement) of a building. Any unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's

lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards. [Ord. 2004-013]

68. **Lumen** – a unit of luminous flux. One footcandle is one lumen per square foot. [Ord. 2005-041]

69. **Luminaire** – a complete lighting system, which includes a fixture and any associated freestanding pole or other similar structure. [Ord. 2005-041]

70. **Luminaire Height** – the measurement from a paved or landscaped surface at ground level directly under the fixture to the top of the luminaire. [Ord. 2005-041]

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

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

2. **Machinery, Heavy** - see Industrial equipment/heavy machinery.

3. **Maintenance** - repair or fix existing nonbearing walls, fixtures, wiring, air conditioning and plumbing necessary to permit structures to remain in a state of good repair without creating additional improvements.

4. **Major Intersection** - for the purposes of Art. 12, the juncture of two or more Major Thoroughfares.

5. **Major Project** - for the purposes of Art. 12, any Project, including those within municipalities, which is:

a. A Development of Regional Impact;

b. A project which generates more than seven 700 Net peak hour two-way Trips; or

c. Any project of any type or size which is contractually or by condition of approval bound to financing or constructing any portion of a Major Thoroughfare which is not site related.

6. **Major Project Table** - for the purposes of Art. 12, a table or tables (or map) prepared by the County Engineer indicating the location of all Major Projects in PBC.

7. **Major Road Network System** - all arterial and major collector roads in PBC (excluding local roads and minor collectors), and all roads on the thoroughfare R-O-W identification map of the Plan. The distinction between major and minor collectors shall be made by the County Engineer, based upon accepted traffic engineering principles. Consideration shall be given to such factors as traffic volumes, trip length continuity, and access.

8. **Major Thoroughfares** - for the purposes of Art. 12, Major Thoroughfares are:

a. All streets as defined in the Thoroughfare R-O-W Identification Map, Map TE 14.1 of the Plan as it may be amended.

b. All existing, proposed or approved roadways that function or would function as major thoroughfares as determined by the County Engineer based on consideration of the following criteria:

1) Provides continuity of an existing roadway;

2) Provides connectivity to other Links of the thoroughfare network;

3) Carries or is projected to carry a volume of at least 1,310 two - way peak hour trips;

4) Provides an opportunity for decreasing vehicle miles traveled;

5) Provides an alternative to a parallel thoroughfare network roadway such that the demand on the parallel roadway is decreased.

c. All proposed and approved roads that would, if built, function as arterials and major collectors during the Buildout Period of the Proposed Project as determined by the County Engineer in accordance with accepted Traffic Engineering principles.

d. As to restricting the issuance of Site Specific Development Order's, it shall not include roads, which are the responsibility of any Municipality pursuant to functional classification under [F. S. Chapter 335](#).

9. **Mangrove** - any specimen of the species *Avicennia germinans* (black mangrove), *Laguncularia racemosa* (white mangrove), *Rhizophora mangle* (red mangrove), or *Conocarpus erecta* (buttonwood).

10. **Mangrove Fringe** - those shoreline mangrove areas whose width does not exceed 30 feet as measured from the landward edge of the mangrove trunk most landward of MHW (or MHW itself in the absence of any landward tree), waterward along a line perpendicular to MHW, to the waterward edge of the mangrove trunk most waterward of MHW.

11. **Mangrove Stand** - an assemblage of mangrove trees that is mostly low trees noted for a copious development of interfacing adventitious roots above the ground and that contain one or more of the following species: black mangrove (*Avicennia germinans*); red mangrove (*Rhizophora mangle*); white mangrove (*Laguncularia racemosa*); and buttonwood (*Conocarpus erecta*).

12. **Manufactured Building** - a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems

manufactured with or without other specified components, as a finished building or as part of a finished building, which is used as a dwelling unit or residence or office. This definition does not apply to mobile homes. Manufactured building may also mean, at the option of the manufacturer, any dwelling unit or residence of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.

13. **Manufactured Home** – for the purposes of Art. 18, a single-family dwelling constructed entirely in a controlled factory environment built to HUD standards; defined in [24 CFR 3280.2 Subpart A Definitions](#) as amended or replaced, as a structure transportable in one or more sections, which in the traveling mode, is eight feet or more in width or 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities which includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purpose of this Article, “mobile home” is considered to be synonymous with manufactured home. The term includes, but is not limited to, park trailers, travel trailers and commercial trailers placed on site for 180 consecutive days or longer and intended to be improved property. Those manufactured buildings for residential, commercial, institutional or other use, constructed under DCA programs for compliance with Florida Building Code are excluded from this definition. **[Ord. 2004-013]**
14. **Manufactured Home Park or Manufactured Home Subdivision** –
 - a. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, or the construction of streets) is completed on or after the effective date of this Code. See also manufactured building.
 - b. For the purposes of Art. 18, a parcel or contiguous parcel, of land divided into two or more manufactured home lots for rent or sale.
15. **Manufacturing and Processing** - for the purposes of Art. 4.B, an establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing and food processing.
16. **Map of Known Archaeological Sites** - for the purposes of Art. 9, a map adopted as part of this Article and updated as needed identifying known archaeological sites in the unincorporated areas of PBC.
17. **Marginal Access Street** – see Street, Marginal Access.
18. **Marina** - see Marine Facility.
19. **Marine Facility** - for the purposes of Art. 4.B, a commercial facility related to boating. Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels.
20. **Market Value** – for the purposes of Art. 18, the building value, excluding the land, as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value), or adjusted assessed values. **[Ord. 2004-013]**
21. **Mass Transit Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or the construction of or purchase of mass transit facilities and equipment necessary to meet the LOS for mass transit facilities.
22. **Master Plan or Site Plan** – For the purposes of Art. 12, a Master Plan or Site Plan shows how parcels and uses in a mixed-use development will integrate with one another. The plan dictates access and mitigation strategies and dictates the build-out timeframe and any associated conditions and shall be the controlling document for a mixed-use development. All development, access, density, and intensity in the project shall be consistent with the plan. All site plans, subdivisions and plats shall be consistent with the plan. In cases of conflict between plans, the most recent approved Master Plan or Site Plan shall control to the extent of the conflict. Approval of a Master Plan or Site Plan shall be binding upon the landowners subject to the Development Order, their successors and assigns, and shall constitute development regulations for the land. Development of the land shall be limited to the uses, intensities, access, configuration, mitigation strategies, and all other elements and conditions set forth in the Master Plan or Site Plan. **[Ord. 2006-036]**
23. **Master Sign Plan** - for the purposes of Art. 8, a coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.

24. **Master Storm Water Drainage System** – for the purposes of Art. 18, an engineered system, which may include culverts, retention areas, water control gates, control devices, earth grading and/or minimum floor elevations in development of building sites, designed to ensure less than one percent annual chance of flooding of the building sites. **[Ord. 2004-013]**
25. **Material, Excess** - excavated material not required for backfill or grading of the premises as determined by a final site plan.
26. **Material, Extractive or Excavated** - earth, sand, gravel, rock, shellrock, muck, or other mineral or organic substance, other than vegetation, which naturally occurs upon a lot.
27. **Maximum Contaminant Level** - for the purposes of Art. 15, the maximum permissible level of a contaminant in water which is delivered to any user of a water supply system.
28. **Maximum Day** - for the purposes of Art. 15, the highest day of water consumption within any 24-hour period from midnight to midnight excluding fire flow.
29. **Mean High Water** - for the purpose of Art. 15, the average height of tidal high water over a 19-year period.
30. **Mean Sea Level** –
 - a. The average height of the sea for all stages of the tide based on the NGVD.
 - b. For the purposes of Art. 18, the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Article, the term is synonymous with 1929 National Geodetic Vertical Datum (NGVD). **[Ord. 2004-013]**
31. **Medical Office or Dental Clinic** - 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, chiroprudists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida.
32. **Medical or Dental Laboratory** - a facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.
33. **Mezzanine** - see Building Mezzanine.
34. **Military Installation** - a facility designed for use by a branch of the United States Armed Forces.
35. **Minimum Descent Altitude (MDA)** - for the purposes of Art. 16, the lowest altitude expressed in feet above mean sea level (AMSL), to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure (SIAP) where electronic glide slope is not provided.
36. **Minimum Obstruction Clearance Altitude (MOCA)** - for the purposes of Art. 16, the lowest published altitude in effect between radio fixes on Federal VOR airways, off-airway routes, or route segments that meets obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage only within twenty-two miles to a VOR.
37. **Minimum Vectoring Altitude (MVA)** - for the purposes of Art. 16, the lowest altitude AMSL at which aircraft operating under IFR conditions will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.
38. **Mitigation** - for the purposes of Art. 9, a process designed to ameliorate adverse impact of an activity on a cultural resource by the systematic removal of the prehistoric, historic, or architectural data in order to acquire the fundamental information necessary for understanding the property within its proper historic context.
39. **Mixed Housing Projects** – for the purposes of Art. 5.G, Density Bonus Programs, projects that include both market rate and affordable units, and promote a balance of housing opportunities. **[Ord. 2005-002]**
40. **Mixed Use** - for the purposes of Art. 13, means a group of different uses of land within a tract of land or a building for which applications for development permits are sought.
For the purposes of [Art. 3.B.15, WCRAO, Westgate Community Redevelopment Agency Overlay](#), also means the combination of residential and one or more non-residential uses that are functionally integrated. **[Ord. 2006-004]**
41. **Mixed-Use Strategy** – For the purposes of Art. 12, the development of a neighborhood, tract of land, building, or structure combining residential development with a variety of complementary and integrated uses, such as, but not limited to, office, manufacturing, retail, public, and recreation, in a compact urban form. The purpose of a mixed-use development strategy for the Okeechobee Boulevard corridor is to internalize as much site-generated traffic as possible so as to reduce impact on the external streets. However, not all mixed use developments will necessarily maximize

internalization and limit the amount of additional external traffic impact. Studies (such as the ITE Trip Generation Handbook) which show interactions between various land use combinations should be used as a guide in determining the optimal mix and quantities of land uses for a particular site. [Ord. 2006-036]

42. **Mobile Home** - A detached, transportable single family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.
43. **Mobile Home Dwelling** - for the purposes of Art. 4, the use of a lot or a unit for one mobile home.
44. **Mobile Home Subdivision** –
 - a. For the purposes of Art. 4, a subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Art. 11, Subdivision, Platting and Required Improvements.
 - b. For the purposes of Art. 11, a subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Art. 11, Subdivision, Platting and Required Improvements.
45. **Model** - for the purposes of Art. 12, the Florida Standard Urban Transportation Modeling Structure, using socioeconomic data to assign trips between traffic analysis zones on the Major Thoroughfare system on a daily basis.
46. **Model Plan** - for the purposes of Art. 12, the 2025 Transportation System for PBC Highway Component by the Palm Beach MPO, as amended by the County Engineer, to be published twice annually.
47. **Model Radius of Development Influence** – for the purposes of Art. 12, the radius of development influence used in the model test as set forth in Table 12.B.2.D-9, 3B: Test 2 – Model Test – Maximum Radius Development Influence. The distance shall be measured in road miles from the point at which the Proposed Project's traffic enters the first Link, not as a geometric radius. [Ord. 2005-002]
48. **Model Table** - for the purposes of Art. 12, the table or map of the Major Thoroughfares maintained by the office of the MPO showing Model Traffic.
49. **Model Traffic** - for the purposes of Art. 12, the anticipated traffic assigned by the Model on the future Major Thoroughfare system resulting from all approved (both built and unbuilt) Projects, expressed in terms of Average Daily Traffic, as adjusted in accordance with generally accepted traffic engineering principles to more closely match PBC conditions.
50. **Monopole Tower** - for the purposes of Art. 4, a structure that consists of a single pole supported by a permanent foundation.
51. **Monument Sales, Retail** - for the purposes of Art. 4, an establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, gargoyles and ledges, for placement on graves, including indoor or outdoor storage.
52. **Motor Vehicle** - the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.
53. **Mound System** - for the purpose of Art. 15, a drainfield system in which the distribution pipe is installed in fill material above natural grade.
54. **Mulch** - for the purposes of Art. 7, non-living organic material customarily used in landscape design to retard erosion and retain moisture.
55. **Multi-Family** - the use of a structure designed for two or more dwelling units which are attached, or the use of a lot for two or more dwelling units excluding mobile homes. Typical uses include apartments and residential condominiums. Multi-family uses are also subject standards in [Art. 3, Overlays and Zoning Districts](#).
56. **Multi-Family Water System** - for the purposes of Art. 15, a water system that provides potable water for three to four residences, one of which may be a rental residence.
57. **Multi-Family Well** - for the purposes of Art. 15, a water well that is a source of potable water and is part of a multi-family water system.
58. **Municipal Engineer** - for the purposes of Art. 12, a Professional Engineer practicing traffic engineering employed or retained by the Municipality.
59. **Municipal Official** - for the purposes of Art. 12, the public official responsible for coordinating the application of this Section in the Municipality, it may be the Municipal Engineer.
60. **Municipalities** - for the purposes of Art. 2, all municipalities in PBC, except those that are exempt from participating in the school concurrency program, pursuant to [F.S. §163.3180](#).

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

1. **National Geodetic Vertical Datum (NGVD)** – for the purposes of Art.18, as corrected in the year of 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain. This datum is referenced on existing FIRM of FEMA. **[Ord. 2004-013]**
2. **National Register of Historic Places** - for the purposes of Art. 9, official Federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.
3. **Native Tree(s) or Native Vegetation** - for the purposes of Art. 14, vegetation with a natural geographic distribution indigenous to the State of Florida and not introduced by humans.
4. **Native Upland Vegetation** - the plant component of a native State of Florida upland community (a characteristic assemblage of native plant and animal species which are interrelated and occupy predominantly upland terrain), which includes intact upland vegetation include, but are not limited to, Florida scrub, pine flatwoods, scrubby flatwoods, coastal dune and strand, hammocks (natural, tropical, mesic, and hydric), dry prairies, and drained cypress heads.
5. **Native Vegetation Community** - for the purposes of Art. 14, a characteristic assemblage of native vegetation including scrub, pine flatwoods, scrubby flatwoods, hammocks, dry prairies, wetlands, dunes, maritime forests, freshwater and saltwater marshes, swamps and mangroves.
6. **Natural Area** - for the purposes of Art. 14, all public or private parcels as approved under this Chapter containing high quality native ecosystems that are under or assigned to a public entity for management, maintenance, and operation; or private parcels for which the parcel owner applies to ERM for designation as a natural area, is operating under a management plan approved or accepted by ERM, and is legally described in an applicable deed restriction, plat, restricted covenant, conservation easement, or a separate instrument recorded pursuant to [F.S. § 704.06](#).
7. **Natural Disaster** - natural disaster is the consequence or effect of a hazardous event, occurring when human activities and a natural phenomenon (a physical event, such as a hurricane or landslide etc.) become enmeshed. The resulting fatalities, or property damages depend on the capacity of the population to support or resist the disaster. **[Ord. 2006-036]**
8. **Nautical Mile** - for the purposes of Art. 16, a unit of length used in air navigation, based on the length of one minute of arc of a great circle, and equivalent to U.S. unit equal to 1,852 meters, or 6,076 feet.
9. **Neighborhood Center** - as defined in the Plan.
10. **Nest** - for the purposes of Art. 14, the area in which sea turtle eggs are naturally deposited or relocated beneath the sediments of the beach/dune system.
11. **Nesting Season** - for the purposes of Art. 14, the period from March 1 through October 31 of each year.
12. **Net Acreage** – For the purposes of Art. 12, a measure of the net area of the site that is available for development, excluding non-site related areas donated to and accepted by a governmental agency, by deed or easement, in perpetuity, for utility, drainage, roadway, and preservation purposes. **[Ord. 2006-036]**
13. **Net Trips** - for the purposes of Art. 12, Project Trips minus Pass-By Trips and the Previous-Approval Traffic or traffic from the Existing Use established in accordance with [Art. 12.A.3.B, Credits Against Project Traffic](#).
14. **Net Usable Land** - for the purposes of Art. 15, the total area of a parcel less all street, wet areas, canals, R-O-Ws, drainage easements and other impairments to the owner’s unrestricted use thereof as a building site.
15. **New Building** – for the purposes of Art. 18, a structure that encloses an area for any use, and shall not include structures such as walls, playground equipment or gas tanks, for which the “start of construction” commenced on or after the effective date of this Article. The term also includes any subsequent improvements to such buildings. **[Ord. 2004-013]**
16. **New Capital Facilities** - for the purposes of Art. 13, newly constructed, expanded or added capital facilities which provide additional capacity. New capital facilities shall not include that portion of reconstruction or remodeling of existing facilities that does not create additional capacity.
17. **New Construction** -
 - a. For the purposes of Art. 13, structures for which the start of construction commenced on or after the effective date of this Code.
 - b. For the purposes of Art. 18, any structure, including duct work and Heating, Ventilating, and Air Conditioning (HVAC) equipment, for which the “start of construction” commenced on or after the effective date of this Article. The term also includes any subsequent improvements to such structures. **[Ord. 2004-013]**
18. **New Manufactured Home Park or Manufactured Home Subdivision** –
 - a. See Manufactured Home Park or Manufactured Home Subdivision.

- b. For the purposes of Art. 18, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of this Article. **[Ord. 2004-013]**
19. **No-Hazard** - for the purposes of Art. 16, an advisory determination rendered by the FAA at the conclusion of an Aeronautical Study made under FAR Part 77 indicating the proposed structure may be safely and/or efficiently accommodated in navigable airspace.
 20. **Noise Level Reduction** - for the purposes of Art. 16, a comparison of outdoor to indoor Noise levels, expressed in dB., i.e., a structure requiring a 30 dB NLR is one to which modifications must be made to achieve a 30 dB reduction in interior noise levels as compared to exterior noise levels.
 21. **Non-Combustible Refuse** - wastes that are unburnable at ordinary incinerator temperature (800 to 1800 degrees Fahrenheit) such as metals, mineral matter, appliances, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to operation of stores or offices.
 22. **Non-Commencement** - the failure to begin, or the discontinuation of, construction activity that would make a material change in a structure as evidenced by the cancellation, lapsing, or revocation of a building permit; or the failure to begin, or the discontinuation of, any other land use activity that would make a material change in the use of land.
 23. **Non-Community Water System** - for the purposes of Art. 15, a public water system that is not a community water system. A non-community system is either a non-transient non-community water system or a transient non-community water system, which are further defined as:
 24. **Non-Transient Non-Community Water System** - a non-community water system that regularly serves at least 25 of the same persons for more than six months per year.
 25. **Non-Community Well** – for the purposes of Art. 15, a water well that is a source of potable water and is part of a non-community water system.
 26. **Non-Conforming, Sign** - for the purposes of Art. 8, a sign or advertising structure or parts therein existing within the unincorporated area on the effective date of this Code which, by its height, square foot area, location, use, operating characteristics or structural support does not conform to the requirements of [Art. 8, Signage](#).
 27. **Non-Conforming Lot** - for the purposes of Art. 1, a single lot, tract or parcel of land of record that was conforming at the time of its creation, but which fails to meet the requirements for area, width or depth under the current district regulations of this Code or the Plan.
 28. **Non-Conforming Structure** - for the purposes of Art. 1, a structure that was lawfully established before this Code was adopted or amended, and that does not conform to the property development regulations of area, height, lot coverage, yard setbacks, lot location, parking, or other dimensional requirements for the zoning district in which it is located.
 29. **Non-Conforming Use** - a use that was lawfully established prior to the adopted code or amendment that creates the nonconformity and now does not conform to the use regulations of the zoning district in which it is located.
 30. **Non-Conforming Use, Major** - a major nonconforming use is a use that was legally established in a zoning district where the use is now prohibited under the terms of this Code. Major nonconforming uses are inappropriately located so as to create or threaten to create incompatibilities detrimental to the public welfare.
 31. **Non-Conforming Use, Minor** - a minor nonconforming use is a use that was legally established in a zoning district where the use is now prohibited under the terms of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare.
 32. **Non-Conformities** - for the purposes of Art. 1, uses of land, structures, lots and property development regulations and site development standards that were lawfully established before this Code was adopted or amended, that are not in conformity with the terms and requirements of this Code.
 33. **Non-Contributing Resource** - for the purposes of Art. 9, building, site, structure, or object that does not add to the historic significance of a property or district.
 34. **Non-Native Vegetation** - for the purposes of Art. 14.C, a plant not indigenous to the State of Florida, including those listed as prohibited and invasive non native vegetation in this Chapter.
 35. **Non-Plan Collector Street** - see Street, Collector, Non-Plan.
 36. **Non-Potable Water Well** – for the purposes of Art. 15, as defined by [Rule 64E-6, F.A.C.](#)
 37. **Non-Precision Instrument Runway** – for the purposes of Art. 16, a runway having a non-precision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area

type of navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision instrument approach facilities are planned or indicated on an appropriate FAA civil or military service airport planning documents.

38. **Non-Residential** - for the purposes of Art. 2.
 39. **Non-Residential Construction** – for the purposes of Art. 18, new construction or substantial improvement of structures not defined as “Residential Construction” and including, but not limited, to small business concerns and commercial hotels/motels as defined by FEMA, churches, schools, nursing homes, farm buildings, government buildings, mercantile structures, industrial plants and warehouses. [Ord. 2004-013]
 40. **Non-Residential Activity** - for the purposes of Art. 14, any activity which occurs in any building, structure or open area which is not used primarily as a private residence or dwelling.
 41. **Non-Transient Non-Community Water Supply** - for the purpose of Art. 15, a water system for provision of piped water under pressure for human consumption, culinary, sanitary, or domestic purposes that regularly serves at least 25 of the same person over six months per year but is not a community water system.
 42. **North American Vertical Datum (NAVD)** – for the purposes of Art. 18, a proposed replacement datum of NGVD, identified by FEMA to be the reference of new FIRM from FEMA when current 1979 and 1982 flood maps are replaced. [Ord. 2004-013]
 43. **Nuisance** - for the purposes of Art. 5, interference with the enjoyment and use of property.
 44. **Nursery, Retail** - for the purposes of Art. 4, the cultivation and retail sale of horticultural specialties such as flowers, shrubs, sod, and trees intended for ornamental or landscaping purposes.
 45. **Nursery, Wholesale** - for the purposes of Art. 4, the cultivation and wholesale of horticultural specialties such as flowers, shrubs, sod, and trees intended for ornamental or landscaping purposes.
 46. **Nursing or Convalescent Facility** - for the purposes of Art. 4, an establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.
- O. **Terms defined herein or referenced Article shall have the following meanings:**
1. **“O” Horizon** – for the purposes of Art. 15, the layer of organic matter on the surface of a mineral soil. This soil layer consists of decaying plant residues.
 2. **Objectionable Odor** - An objectionable odor is defined as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance, in accordance with Rule 62-210 F.A.C. [Ord. 2006-004]
 3. **Obstruction to Air Navigation** - for the purposes of Art. 16, any existing or proposed manmade object or object of natural growth or terrain that exceeds the standards contained in this Article, and contained in [14 CFR ss. 77.21, 77.23, 77.25, 77.28, and 77.29](#).
 4. **Off-Peak Season** - for the purposes of Art. 12, the time from June 1 through August 15, inclusive.
 5. **Off-Site Improvements** - improvements constructed outside of the boundaries of the project which are required as a part of a development approval.
 6. **Office** - for the purposes of Art. 13, a building used primarily for conducting the affairs of or the administration of a business, organization profession, service, industry or similar activity.
 7. **Office, Business or Professional** - for the purposes of Art. 4, an establishment providing executive, management, administrative, or professional services, but not involving medical or dental services or the sale of merchandise, except as an incidental use. Typical uses include property and financial management firms, employment agencies (other than day labor), travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations.
 8. **Office of Industrial Nature** - an establishment providing executive, management, or administrative support, but not involving medical or dental services, the sale of merchandise, or professional services (business or professional offices). Typical uses involve corporate headquarters or other similar offices whose function does not include frequent visits by the public or the provision of services.
 9. **Official Zoning Map** - the official map upon which the boundaries of each district are designated and established as approved and adopted by the governing body, made a part of the official public records of PBC, and shall be the final authority as to the zoning status of land and water areas,

buildings, and other structures in the unincorporated area of PBC and incorporated into this Code by reference.

10. **Onsite** - within the boundaries of a facility location, property or site including sites separated by public or private R-O-W.
 11. **Onsite Sewage Treatment and Disposal System (OSTDS)** - for the purposes of Art. 15, as defined by [Rule 64E-6, F.A.C.](#)
 12. **One-foot Drawdown Contour** - for the purposes of Art. 14, the locus of points around a well or wellfield where the free water elevation is lowered by one foot due to a specified pumping rate of the well or wellfield.
 13. **Open Space** - unbuilt land reserved for, or shown on the approved site plan or PDP, as one or more of the following uses: preservation, conservation, wetlands, well site dedicated to PBCWUD, passive recreation, greenway, landscaping, landscape buffer, and water management tracts. In the AGR district, open space shall also include unbuilt land use for bona fide agriculture uses.
 14. **Open to the Public** - see Park, Open to the Public.
 15. **Operating Permit** - for the purposes of Art. 14, means the permit required of certain activities under [Art. 14.B.7, Wellfield Protection](#).
 16. **Ordinary High Water (OHW)** - for areas with an established control elevation, the control elevation will be the OHW. For areas without an established control elevation, the wet season water table prior to the excavation activity will be OHW.
 17. **Ordinary Maintenance or Repair** - for the purposes of Art. 9, any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any physical deterioration or damage of an improvement, or any part thereof by restoring it, as nearly as practical, to its appearance prior to the occurrence of such deterioration or damage.
 18. **Ordinary Water Level (OWL)** - the average level of water as determined by an engineer or by the applicant's appointee. The established water surface elevation shall consider seasonal fluctuations in the groundwater table and other factors that may cause fluctuations of the water level.
 19. **Original Value of the Structure** - the value of the structure at the time it was issued a CO, based upon an appraisal by a Member of the Appraiser's Institute (MAI).
 20. **Other Than Utility Runway** - for the purposes of Art. 16, a runway designed for and intended to be used by all types of aircraft including those having gross weights greater than 12,500 pounds.
 21. **Outdoor Display of Merchandise, Temporary** - a temporary display for the introduction, promotion or announcement of a new product.
 22. **Overlay Zoning District** - for the purposes of Art. 3, a set of zoning regulations for a defined area which are required either in addition to the standard zoning district's regulations or in lieu of those regulations. Overlay zoning is used to protect the character of an area of special concern or to encourage new development subject to additional controls.
 23. **Owner** - the owner of the freehold estates, as appears by deed of record. It shall not include lessees, reversioners, remainderman, or mortgagees.
 24. **Owner, Motor Vehicle** - the person to which the motor vehicle is registered on the motor vehicle certificate of title and shall include, if under lease, rental agreement or loan under any other type of arrangement, gratuitous or otherwise, the person having possession or control of the vehicle.
- P. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Parcel** - for the purposes see Land; Art. 14, a unit of land with a legally established property line.
 2. **Park, Beach** - for the purposes of Art. 5, facilities that front the Atlantic Ocean or its inlets and provide public beach access. Recreational facilities include those necessary to support beach access, swimming, surfing, fishing, and snorkeling as well as play areas, picnic areas, and adequate parking areas to serve those utilizing the facility.
 3. **Park, Beach/Park, District/Park, Regional** - for the purposes of Art. 13, refer to Art. 5.D, Parks and Recreation Standards.
 4. **Park, Community** - for the purposes of Art. 5, facilities generally more than five but less than 40 acres in size that provide active, and to a lesser degree passive, recreational facilities to population areas within three miles or less of the facility. Recreational facilities include play areas, small groups of lighted fields or courts suitable for programmed youth activities, community centers, and adequate bicycle and automobile parking areas and pedestrian paths to serve the facility.
 5. **Park, Countywide Level** - for the purposes of Art. 5, those large scale recreational facilities for which Countywide Park Impact Fees are assessed on new residential development and that include a system of public parks generally classified as Regional, District or, Beach, and that are designed to meet the general active and passive recreational needs of the countywide populace.

6. **Park, District** - for the purposes of Art. 5, facilities generally greater than 40 acres in size that primarily provide active recreational facilities, and to a lesser degree some passive recreational facilities, to population areas within five miles or less of the facility if within the USA, or within ten miles or less of the facility if outside the USA. Recreational facilities typically include groups of lighted fields or courts suitable for scheduled athletic league activities, exercise trails and support facilities such as restrooms and concessions with bicycle and automobile parking areas and pedestrian path systems to accommodate park users. Special facilities such as recreation centers, aquatic centers, golf courses, and boat ramps and docks may also be included.
7. **Park, Local Level** - for the purposes of Art. 5, those relatively small scale recreational facilities that include both public parks generally classified as community, neighborhood, or infill neighborhood, and required private recreation areas that are designed to meet the recreational needs for specific population areas or for planned developments.
8. **Park, Neighborhood** - for the purposes of Art. 5, facilities generally less than five acres in size. Neighborhood parks include passive and active recreational facilities, are generally few in number due to size constraints and are developed according to the demands and character of the specific neighborhoods that they serve. In addition to the above-mentioned characteristics, for the purposes of Art. 3.E.3, Multiple Use Planned Development (MUPD) Art. 3.E.4, Mixed Used Planned Development (MXPD), and Art. 3.F.3, Traditional Neighborhood Development (TND), neighborhood parks shall consist of usable open space within walking distance of housing.
9. **Park, Neighborhood Infill** - for the purposes of Art. 4, facilities usually less than two and one half acres located in the Revitalization and Redevelopment Overlay as designated by the BCC or in any residential neighborhood. Infill neighborhood parks include passive and active recreational facilities, are generally few in number due to size constraints and are developed according to the demands and character of the specific neighborhoods that they serve. Access is primarily pedestrian oriented with no support facilities such as parking lots or restrooms provided.
10. **Park, Open Space, Usable** - for the purposes of Art. 5, an area such as a park, square, plaza, or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings.
11. **Park, Open to the Public** - for the purposes of Art. 5, those park acres developed according to the Parks and Recreation Department's adopted Park Master Plan and made available to the general public for specific recreational purposes whether for a fee or free of charge.
12. **Park, Passive** - for the purposes of Art. 4, a public or private outdoor recreation area relying on a natural or man-made resource base and developed with a low intensity of impact on the land. Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relate to the natural qualities of the area, and support facilities for such activities.
13. **Park, Private** - for the purposes of Art. 5, a privately-owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.
14. **Park, Public** - for the purposes of Art. 4, a publicly owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.
15. **Park, Regional** - for the purposes of Art. 5, facilities generally more than 200 acres in size that also provides access to a substantial natural or manmade resource base. Regional parks primarily provide passive recreational facilities, and to a lesser degree, active recreational facilities where no adverse impact on the resource base results. Recreational facilities in regional parks are primarily passive or resource based with picnicking, camping, hiking, fishing, and boating as the main activities. Special facilities such as museums, nature centers, special event areas, golf courses, or water skiing facilities may also be included, as well as some of those active facilities often found in district parks.
16. **Park Recreation and Park Facilities** - for the purposes of Art. 5, the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of buildings and park equipment necessary to meet the LOS for Urban Park and Recreation Facilities and Rural Park and Recreation Facilities.
17. **Parking Garage/Structure** - for the purposes of Art. 4, a building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use and subject to:

18. **Parking Lot** - for the purposes of Art. 6, an off-street, area constructed at grade that is used for the temporary parking of automobiles, motorcycles and trucks. Parking lots include access aisles, ramps, maneuvering and all related vehicle use areas.
19. **Parking Lot, Commercial** - for the purposes of Art. 4, a lot used for temporary parking or storage for motor vehicles as a principal use for a fee.
20. **Parking Lot, Shared or Common** - for the purposes of Art. 6, an off-street parking lot that serves more than one lot building use or dwelling.
21. **Parking, Off-Street** - for the purposes of Art. 6, the minimum number of parking spaces on the same lot or parcel of the facility that it serves.
22. **Parking, Shared** - for the purposes of Art. 6, the development and use of parking areas for joint use by separate businesses in one or more properties. Typically, sharing of parking space during off-peak hours and confirmed by a traffic analysis allows for a shared parking agreement.
23. **Parking Space** - for the purposes of Art. 6, a paved enclosed or unenclosed grass area, meeting the dimensional and access requirements of this Article, and approved to temporarily park or store one motor vehicle.
24. **Parking Tract** - for the purposes of Art. 6, a parking lot delineated on a plat or otherwise created by an instrument of record for the purpose of providing common off-street parking and legal access for owners of adjacent lots.
25. **Pass-By-Trips** - for the purposes of Art. 12, trips generated by a proposed Project which are trips already on the road Link on which the proposed Project is located.
26. **Patio** - an open unoccupied space which may be partially enclosed by a wall, fence, or building and not considered part of the residential living structure.
27. **Patio Home** - see Zero Lot Line Home.
28. **Pawnshop** - for the purposes of Art. 4, the location at which a pawnbroker, as defined in F.S. §539.001(2)(i), does business. Consignment activities are excluded from this definition.
29. **PBC Register of Historic Places** - for the purposes of Art. 9, official PBC list of archeological sites identified on the Map of Known Archeological Sites, and historic sites and districts designated by the BCC.
30. **PBC Standards** - for the purposes of Art. 11, the minimum standards, specifications, and details for design and construction of streets and other infrastructure improvements, as promulgated by the County Engineer pursuant to R-90-740 of the BCC as may be amended. Said standards include, but are not limited to those compiled in the most current edition of the PBC Land Development Design Standards Manual.
31. **Peak Hour Traffic** - for the purposes of Art. 12, shall mean the one hour of traffic representative of the peak period, as defined in Art.12.C.1.B.5 and includes two-way and peak direction volumes. Peak Hour Traffic shall be determined from actual traffic counts conducted by the PBC. The Project may provide actual counts, at the approval of the County Engineer, or at the approval of the County Engineer, the Peak Hour Traffic may be determined by factoring the Average Daily Traffic by an approved "K" factor. **[Ord. 2005-002]**
32. **Peak Season** - for the purposes of Art. 12, the time from January 1 through March 31, inclusive.
33. **Pennant** - see Flag.
34. **Percolation Pond** - for the purposes of Art. 14, an artificial impoundment similar to a holding pond for which the design and operation provides for fluid losses through percolation or seepage.
35. **Performance Security** –
 - a. To secure the complete performance of a contract or condition of a development order, Development Agreement, or covenant. Performance securities shall be denominated in United States dollars. The form of the security shall be approved by the County Attorney, and may include:
 - 1) Irrevocable letter of credit;
 - 2) Escrow agreement;
 - 3) Surety bond; or
 - 4) Cash bond.
 - b. For the purposes of Art. 12, sufficient funds over which PBC has control irrevocably committed by written instrument to secure complete performance of a contract or condition of a Development Order, or other Agreement in the form set forth by PBC policy of a:
 - 1) Letter of Credit;
 - 2) Escrow Agreement;
 - 3) Surety Bond; or
 - 4) Cash Bond.

36. **Permitted Agent of the State** - for the purposes of Art. 14, any qualified individual, group or organization possessing a permit from the Florida Fish and Wildlife Conservation Commission (FFWCC) to conduct activities related to sea turtle protection and conservation.
37. **Person** -
- a. For the purposes of Art. 14, any individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, owner, lessee, tenant or any other entity whatsoever or any combination of such jointly or severally.
 - b. For the purposes of Art. 15 - any individual, corporation, company, association, partnership, state, subdivision of the State, municipality or federal agency.
38. **Personal Services** - for the purposes of Art. 4, an establishment engaged in the provision of frequently or recurrently services of a personal nature: or the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Typical uses include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons.
39. **Pervious Surface** - ground cover through which water can penetrate at a rate comparable to that of water through undisturbed soils.
40. **Phased Development** - development which is designed, permitted or platted in distinct, sequential stages to be developed over a specified period of time.
41. **Places of Assembly** - Includes Nonprofit Institutional Assembly, Nonprofit Membership Assembly, and Places of Worship. **[Ord. 2006-004]**
42. **Place of Worship** - A sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that may require additional approval, such as a day care, school, cemetery, or CLF. **[Ord. 2006-004]**
43. **Plan, Planting** - for the purposes of Art. 7, a plan that is not required to be done by a landscape architect, showing the location, quantity, and variety of plants to be installed on a single family, two-unit townhouse, or two-unit multi-family lot or other use as authorized by this Code.
44. **Plan** – the 1989 Comprehensive Plan of PBC, Florida, as amended.
45. **Planned Development** - a planned development district or a previously approved planned development. A regulation containing the term "planned development" that the regulation applies to a planned development district and a previously approved planned development.
46. **Planned Development, District (PDD)** - a zoning district which is approved pursuant to the policies and procedures of Art. 3.D, Planned Development Districts of this Code including: PUD, Residential Planned Unit Development District; MXPDP, Mixed-Use Planned Development District; MUPDP, Multiple Use Planned Development District; PIPDP, Planned Industrial Park Development District; MHPDP, Mobile Home Park Planned Development District; and RVPDP, Recreational Vehicle Park Planned Development District.
47. **Planned Development, Previously Approved** – for the purposes of Art. 3 - a Planned Development approved by rezoning, special exception or conditional use prior to the effective date of this Code. Previously Approved Planned Developments include: Planned Unit Developments (PUD); Traditional Neighborhood District (TND) Developments; Mixed-Use Developments; Planned Neighborhood Commercial Developments (PNCD); Planned General Commercial Developments (PGCD); Large Scale Community and Regional Shopping Center Developments 30,000 square feet and 50,000 square feet; Planned Office Business Park Developments (POBPD); Planned Industrial Park Developments (PIPD); Mobile Home Rental Park, Condominium, and Conditional Use Developments; Recreational Vehicle Park Developments (RVPDP); Sanitary Landfill, Resource Recovery Facility, Volume Reduction Plant and Incinerator Developments; and other special exceptions, or conditional uses approved prior to the effective date of this Code which support land uses regulated by [Art. 3.E, Planned Development Districts \(PDDs\)](#).
48. **Plant Species, Controlled** - those plant species, that are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.
49. **Plant Species, Native** - any plant species with a geographic distribution indigenous to all or part of South Florida. Plant species which have been introduced by man are not native vegetation.
50. **Plant Species, Prohibited** - those species as defined in the landscape section of this Code, as being demonstrably detrimental to native plants, wildlife, the ecosystem or public health, safety, or welfare.
51. **Plat** - for the purposes of Art. 11, a map or delineated representation of the subdivision of lands, being a complete, exact representation of the subdivision and other information in compliance with

the requirements of all applicable provisions of [Art. 11, Subdivision, Platting and Required Improvements](#), and [F.S. Chapter 177](#), and may include the terms "replat," "amended plat," or "revised plat".

52. **Plat, Boundary** - for the purposes of Art. 11, a map or delineated representation for recordation of a single lot for development purposes prepared, approved, and recorded in accordance with requirements and procedures for a plat pursuant to [Art. 11, Subdivision, Platting and Required Improvements](#), and [F.S. Chapter 177](#).
53. **Plat, Final** - for the purposes of Art. 11, a finished plat including all signatures required for recordation except those signifying approval by PBC.
54. **Plat, Preliminary** - for the purposes of Art. 11, a copy of the plat in sufficient form to readily compare the plat with the subdivision plan and construction plans.
55. **Plat of Record** - for the purposes of Art. 11, a plat which conforms to the requirements of the applicable state laws and Art. 11, Subdivision, Platting and Required Improvements which has received all required PBC approvals for recordation, and which has been placed in the official records of PBC.
56. **Pole Barn** - a permanent structure constructed for storage or shelter purposes with no horizontal structural components or walls, excluding beams which support a roof system.
57. **Pole Trailer** - shall have the meaning ascribed by F.S. providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.
58. **Pollutant** - any substance which is harmful or threatening to plant, animal or human life.
59. **Pond** - a permanent body of water less than one acre in size and less than six feet in depth.
60. **Positive Drainage** - for the purposes of Art. 11, the provision of a stormwater management system which conveys stormwater runoff to a point of legal positive outfall.
61. **Potable Water** - for the purposes of Art. 14, water that is intended for drinking, culinary or domestic purposes, subject to compliance with PBC, State of Florida or Federal drinking water standards.
62. **Potable Water Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of potable water facilities necessary to meet the LOS for potable water facilities.
63. **Potting Soil Manufacturing** - for the purposes of Art. 4, an establishment engaged in producing potting soil, including the use of incineration.
64. **Precision Instrument Runway** - for the purposes of Art. 16, a runway having an instrument approach procedure utilizing horizontal and vertical guidance through an Instrument Landing System (ILS), Microwave Landing System (MLS), or a Precision Approach Radar (PAR) including a runway for which such a system is planned and is so indicated on an approved civil or military airport layout plan, other FAA planning documents, or comparable military service planning documents.
65. **Preliminary Development Plan** - for the purposes of Art. 3, a generalized depiction of use designations presented to the appropriate review body for planned development districts, previously approved planned developments (master plans and site plans), and Class A and B conditional use approvals.
66. **Premises** - any lot, area, or tract of land whether used in connection with a building or not.
67. **Preservation** - for the purposes of Art. 9, the identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties.
68. **Preserve or Preserve Area** - that portion of native vegetation which is required to be set aside from development to be retained in its natural state in perpetuity.
69. **Pre-application Conference** - a meeting to review preliminary application and conceptual site plan for review by the Zoning Division.
70. **Previous Approval, Previously Issued DO, Previously Approved DO** - for the purposes of Art. 12, a Site Specific Development Order which:
 - a. In the unincorporated area, received a Concurrency Exemption Determination based on a Development Order for which completed application was made prior to or on May 21, 1987. It does not include an amendment or amendments to a Previous Approval applied for after May 21, 1987; and
 - b. In the incorporated area is a Valid Site Specific Development Order formally approved by a municipality: (1) for which a complete application was made to, and accepted by, a Municipality, prior to February 1, 1990; or (2) in the case of a Development of Regional Impact, a Development of Regional Impact which received a report and recommendation by the Treasure Coast Regional Planning Council prior to February 1, 1990, all pursuant to formally established procedures pursuant to the Municipality's land development regulations. It does not include applications for

Site Specific Development Order's on a lot subject to an Interlocal Agreement entered into by the municipality and PBC, after May 21, 1987, as a result of an annexation where the agreement requires compliance with traffic performance standards. A determination of a Previous Approval in Incorporated Areas shall be in accordance with [Art. 12.A.3.E, Municipal Concurrency Management System](#). It does not include an amendment or amendments to a Previous Approval applied for on or after February 1, 1990.

71. **Previous Approval-Traffic** - for the purposes of Art. 12, Project Traffic resulting from units or square footage of a Previous Approval established pursuant to [Art.12.A.3.B, Credits Against Project Traffic](#).
72. **Primary Zone** - for the purposes of Art. 16, an area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.
73. **Principal Use** - see Use, Principal.
74. **Printing and Copying Services** - for the purposes of Art. 4, an establishment engaged in retail photocopy, reproduction, or blueprinting services.
75. **Prior Ordinances** - prior Ordinances include [Ord. No.1957-3-1957]; [Ord. No.1973-002]; [Ord. No.1973-004]; and, [Ord. No.1992-020]; as amended.
76. **Privacy Fence or Wall** - a structural barrier of an opaque quality, constructed such that the privacy of the area to be enclosed is maintained.
77. **Private Street** - see Street, Private.
78. **Private Water System** - for the purposes of Art. 15, a water system that provides piped water for one or two residences, one of which may be a rental residence.
79. **Private Well** - for the purposes of Art. 15, a water well that is a source of potable water and is part of a private water system.
80. **Produce Stand** – for the purposes of Art. 4, an establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products, such as jelly, jam, honey and juice. The sale of grocery or convenience-type foods or products shall not be permitted.
81. **Project** -
 - a. Land use or group of land uses involving the development of a particular parcel of land at a particular density which was granted a valid local government development order, or which substantially complies with applicable provisions of the PBC Subdivision Code as determined by the Director of the Land Development Division of the PBC Engineering Department.
 - b. For the purposes of Art. 12, a land use or group of land uses, or land development activity or activities, or amendment thereto, which require the issuance of a Development Order(s). All Public Civic Sites dedicated as part of a PUD or otherwise obtained by a governmental agency for public use shall be considered a Project separate from the PUD for the purposes of reviewing the traffic impacts of the Civic Sites under this Article.
 - c. For the purposes of Art. 12, a land use or group of land uses, or land development activity or activities, or amendment thereto, which require the issuance of a Development Order. **[Ord. 2006-036]**
82. **Project Accessed Link** - for the purposes of Art. 12, the paved Link(s) that serve as the Projects immediate and direct access or means of ingress and egress. If not directly accessed, the first Link reached. Each access point of a Project shall be considered to have access to at least one Link provided that the access points of a Project may be considered to share a common Link.
83. **Project to Provide Affordable Housing** - for the purposes of Art. 12, a Project eligible for the special applicability in [Art.12.G, Affordable Housing](#), pursuant to either:
 - a. BCC determination, upon the recommendation of the Commission on Affordable Housing, both based upon the criteria developed by the Commission on Affordable Housing and adopted by ordinance of the BCC; or
 - b. [Art.12.G.1, Applicability](#), of this Section.
84. **Project Traffic/Project Trips** - for the purposes of Art. 12, the number of trips generated by the proposed Project (this includes reductions for internal trips). In the event no specific use, size, or density is proposed, the maximum trips possible under the Site Specific Development Order shall be Project Traffic. Average Daily Project traffic shall be generated using the "Official Daily Trip Generation Rate" Table 10.8-1 of [Art. 13, Impact Fees](#). If the appropriate rate is not provided in this table, then latest edition of Trip Generation published by the Institute of Transportation Engineers (ITE) shall be used to determine the trip generation rate. Peak hour Project traffic volumes shall be generated using the latest edition of the ITE Trip Generation handbook or as approved by the County Engineer pursuant to [Art.12.C, Traffic Impact Studies](#).

85. **Prop Root** - the structures originating below the lowest limbs of the red mangrove that are also known as stilt roots.
86. **Propagation Study** - for the purposes of Art. 4, a method utilized by radio-frequency (RF) engineers for site placement. The study indicates signal strength as it relates to adjacent sites, including the potential for towers or tall structures within the study area to be utilized for collocation and the avoidance of additional towers. **[Ord. 2006-004]**
87. **Property Control Number** - 17 digit PBC identification number assigned for each parcel of land.
88. **Proposed New Residential Development** - for the purposes of Art. 2, any application for residential development or amendment to a previously approved residential development that increases the number of housing units. This shall include any request for any approval of the type that establishes a density of development and which approves a site-specific development order on a specific parcel of property.
89. **Protection** - for the purposes of Art. 9, the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archaeological sites, the protective measure may be temporary or permanent.
90. **Pruning** - for the purposes of Art. 7, the removal of plant parts, dead or alive, in a careful and systematic manner so as to not damage other parts of the plant.
91. **Pruning, Hatracking** - for the purposes of Art. 7, or tree topping means the cutting back of limbs to a point between branch collars/buds larger than one inch in diameter within the tree's crown.
92. **Pruning, Hatracking, Type 1** - for the purposes of Art. 7, trees that are damaged to the extent they will never regrow a natural canopy and must be replaced.
93. **Pruning, Hatracking, Type 2** - for the purposes of Art. 7, trees that are damaged to the extent they will not regrow a natural canopy without proper pruning.
94. **Pruning, Topping** - for the purposes of Art. 7, undesirable pruning practices resulting in internodal cutting back of branches with little regard to the natural shape of the tree.
95. **Pruning, Tree Shaping** - for the purposes of Art. 7, the pruning of a tree beyond its natural growth habit to create a distinct shape or form.
96. **Public Agency** - any government or governmental agency, board, commission, authority or public body of PBC, the State of Florida, or of the United States government, or any legally constituted governmental subdivision or special district.
97. **Public Civic Sites** - for the purposes of Art. 4, any property in any zoning district which accommodates a use under the ownership of or leased by a public agency as defined in [Art. 3, Overlays and Zoning Districts](#), of the Code.
98. **Public Easement** - see Easement, Public.
99. **Public Facilities** - capital facilities including but not limited to roads, parks and recreation, fire-rescue, library, law enforcement, public buildings, and school sites.
100. **Public Facilities Agreement** - an agreement entered into by PBC or a Service Provider and a developer or landowner for the purpose of ensuring public facility capacity is reserved for a proposed development.
101. **Public Health, Safety and General Welfare** – for the purposes of Art. 18, conditions concerning the safety or health of an entire community or neighborhood, or any considerable number of people. **[Ord. 2004-013]**
102. **Public Street** - see Street.
103. **Public Utility** -
 - a. An entity owning, operating, managing or controlling a system or proposing construction of a system that is providing or proposing to provide water or sewer service, electricity, natural or manufactured gas, or any similar gaseous substance, telephone, telegraph or other communication service to the public for compensation.
 - b. For the purposes of Art. 14, any privately-owned, municipally-owned, PBC-owned, special district-owned, or State of Florida-owned system providing water or wastewater service to the public which has at least 15 service connections or regularly serves at least 25 individuals daily for at least 60 days of the year.
104. **Public Water System** - for the purposes of Art. 15, a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system is either a community water system or a non-community water system. The term “Public Water System” includes:

- a. Any collection, treatment, storage, and distribution facility or facilities under the control of the operator of such system and used primarily in connection with such system; and
- b. Any collection or pretreatment storage facility or facilities not under the control of the operator of such system but used primarily in connection with such system.

105. **Public Works Projects** - projects that may be conducted by government agencies or are linear projects, such as pipelines, transmission lines, telephone lines, etc., that are constructed for no single property.

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

1. **Qualified Parcel** - for the purposes of Art. 14, for unincorporated County, a parcel improved prior to April 28, 1986. For incorporated areas, a qualified parcel is a parcel improved prior to the effective date of a municipal ordinance requiring removal of prohibited invasive non native vegetation.
2. **Quasi-public Easement** - see Easement, Quasi-public.
3. **Quasi-public Use** - a use or group of uses open for general public use, such as stadiums, amphitheaters, civic centers, and colleges. It does not include shopping centers or other retail uses, or hotels.
4. **Queuing** - for the purposes of Art. 6, a one-way aisle that provides a waiting area for a specified number of cars.

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

1. **Radius of Development of Influence** - for the purposes of Art. 12, the area surrounding a proposed Project as set forth in Table 12.B.2.D-7, 3A: Test One – Maximum Radius of Development Influence herein. The distance shall be measured in road miles from the point at which the proposed Project's traffic enters the first Link, or Links, not as a geometric radius. If a Project's Traffic is only significant in one direction from the point at which it enters the first Link, then the Radius of Development Influence shall only include that portion of the first Link. **[Ord. 2005-002]**
2. **Raised Basement** - for the purposes of Art. 3, a semi-underground story of a building.
3. **Real Estate Sales Model** - a single-family residential unit used for real estate marketing, real estate sales, builder's office, and other services directly associated with the sale of a residential unit.
4. **Real Estate Sales Model, Non-PDD** - for the purposes of Art. 4, a single family residential unit used for real estate marketing, real estate sales, builder's office, and other services directly associated with the sale of a residential unit and limited to the areas referenced below. In a real estate sales model, sales shall be limited to new units built by the company operating the sales model.
5. **Real Estate Sales Office, Planned Development** – for the purposes of Art. 3, an office for the sale and resale of new and existing residential units in a planned development.
6. **Rebuild or Reconstruct** - replacement or rehabilitation of a structure due to damage or proposed modification in excess of 30 percent of its' original assessed value.
7. **Reclamation** - re-establishments if the soil and earth to a useable condition.
8. **Recreation, Facility** - a facility designed and intended for use by occupants of a residential development. Typical uses include golf courses, swimming pools and tennis courts and required recreational areas.
9. **Recreation and Park Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of buildings and park equipment necessary to meet the LOS for Urban Park and Recreation Facilities and Rural Park and Recreation Facilities.
10. **Recreation, Required Areas** - recreational tracts of land with facilities required within a residential development, dedicated or reserved to a property owners association for the perpetual use by all residents of the development for recreation.
11. **Recreational Vehicle** -
 - a. For the purposes of Art. 6, a truck, bus, trailer, pickup camper, pop-up camper, fifth wheel or other vehicle with or without motor power which has been converted or equipped with living or sleeping quarters and is designed and constructed to travel on public thoroughfares without a special permit in accordance with the provisions of the Vehicle Code of the State of Florida.
 - b. For the purposes of Art. 18, a vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle (see F.S. 320.01), as amended or replaced. Such vehicles shall comply with the length and width provisions of [F.S. 316.515](#), as amended or replaced. **[Ord. 2004-013]**
12. **Recycling Center** - for the purposes Art. 4, a permanent facility designed and used for collecting, purchasing, storing, dropping-off and redistributing pre-sorted, recyclable materials that are not intended for disposal. A recycling center shall be used for limited processing of recyclable materials, such as can and glass crushing and sorting.

13. **Recycling Drop-Off Bin** - for the purposes of Art. 4, a totally enclosed mobile structure, containing no more than four cubic yards, within which pre-sorted, non-biodegradable recovered materials are collected for redistribution or sale for the purpose of reuse.
14. **Recycling Plant** - for the purposes of Art. 4, a permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching.
15. **Recycling Collection Station** - for the purposes of Art. 4, a totally enclosed structure or mobile container, containing more than four cubic yards, within which pre-sorted, recyclable and recovered materials are collected for redistribution or sale for the purpose of reuse.
16. **Regional Water Management Areas** - areas which are managed consistent with the multiple objectives and purposes of [F.S. Chapter 373](#), including but not limited to water supply development, environmental restoration, water quality improvement, flood protection, water storage, see also page management, and wetland enhancement and mitigation.
17. **Regulated Substances** -
 - a. For the purposes of Art. 14,
 - 1) Those deleterious substances or contaminants, including degradation and interaction products which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non degradability) in nature, or any other characteristic, may cause significant harm to human health and environment (including surface and groundwater, plants, and animals).
 - 2) Those substances set forth in, but not limited to, the lists, as amended from time to time, entitled [Lists of Hazardous Wastes \(40 CFR Part 261, Subpart D\)](#), 40 CFR, Part 261, Appendix VIII-Hazardous Constituents, and EPA Designation Reportable Quantities and [Notification Requirements for Hazardous Substances Under CERCLA \(40CFR302\)](#), effective July 3, 1986); provided, however, that this Chapter shall only apply whenever the aggregate sum of all quantities of any one Regulated Substance at a given facility/building at any one time exceeds 5 gallons where said substance is a liquid, or 25 pounds where said substance is a solid.
 - b. This Chapter shall also apply if no single substance exceeds the above reference limits but the aggregate sum of all Regulated Substances present at one facility/building at any one time exceeds 100 gallons if said substances are liquids, or 500 pounds if said substances are solids.
 - 1) Where Regulated Substances are dissolved in or mixed with other non Regulated Substances, only the actual quantity of the Regulated Substance present shall be used to determine compliance with the provisions of this Article.
 - 2) Where a Regulated Substances is a liquid, the total volume of the Regulated Substances present in a solution or mixture of said substance with other substances shall be determined by volume percent composition of the Regulated Substance, provided that the solution or mixture containing the Regulated Substances does not itself have any of the characteristics described in 1 above.
18. **Regulating Plan** - See TND, Regulating Plan.
19. **Regulatory Floodway** – for the purposes of Art. 18, the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 12 inches. **[Ord. 2004-013]**
20. **Rehabilitation** - for the purposes of Art. 9, the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historic, architectural and cultural value.
21. **Renovation** - improvements to modify the interior or exterior physical characteristics of an existing structure. Renovation may include: conversion, rehabilitation, remodeling, or modernization of floor area, air conditioning, wiring or plumbing.
22. **Repair** - for the purposes of Art. 15, as defined by [Rule 64E-6, F.A.C.](#)
23. **Repair and Maintenance, General** - for the purposes of Art. 4, an establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops.

24. **Repair Services, Limited** - for the purposes of Art. 4, an establishment engaged in the repair of personal apparel or household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.
25. **Repetitive Loss** – for the purposes of Art. 18, flood-related damages sustained by a property, which the National Flood Insurance Program has paid two or more flood claims of \$1,000.00 or more in any given ten year period since 1978. **[Ord. 2004-013]**
26. **Required Recreation Areas** - recreational tracts of land with facilities required within a residential development, dedicated or reserved to a POA for the perpetual use by all residents of the development for recreation.
27. **Residence** - see Dwelling unit.
28. **Residential** - for the purposes of Art. 4, property possessing either a residential designation by the FLUA of the Plan or a residential zoning designation consistent with the underlying FLU designation.
29. **Residential Access Street** - see Street, Residential Access.
30. **Residential Construction** – for the purposes of Art. 18, new construction or substantial improvement of structures including, but not limited to, high-rise and low-rise condominium units, apartment buildings, timeshares, townhouse/rowhouse structures, residential hotels/motels and “other residential structures” as defined by FEMA, manufactured and mobile/trailer homes, single family structures and duplexes. **[Ord. 2004-013]**
31. **Residential Development** -
 - a. For the purposes of Art. 2, any development that is comprised in whole, or part, of dwelling units; for permanent human habitation.
 - b. For the purposes of Art. 13, a building, or many buildings or dwelling units, or portion of a building or land used primarily for human habitation.
32. **Residential District** - any area that has a district classification of AR, RE, RT, RM, and RS as well as residential pods of any PDD or TND. Any creation of an additional residential district by amendment to the Official Zoning Map which occurs shall automatically be included in the definition of residential district for the purposes of this Code.
33. **Respondent/Alleged Violator** - those persons including both landowners and tenants who have been issued a notice of violation.
34. **Restaurant, Type I** - for the purposes of Art. 4, an establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take out who place orders through a window or remote transmission device; or sales to patrons for take out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments. **[Ord. 2006-036]**
35. **Restaurant, Type II** - for the purposes of Art. 4, an establishment with no drive through, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption. **[Ord. 2006-004]**
36. **Restoration** -
 - a. For the purposes of Art. 1, return to a former, normal or unimpaired condition. A reconstruction of the original form or structure.
 - b. For the purposes of Art. 9, the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time, by means of the removal of later work or by replacement of earlier work.
37. **Retail Sales, Auto Accessories and Parts** - for the purposes of Art. 4, an establishment providing retail sales of auto accessories and parts.
38. **Retail Sales, General** - for the purposes of Art. 4, an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, and marine supply sales (excluding boat sales). Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for

their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services.

39. **Retail Sales, Mobile, or Temporary** - for the purposes of Art. 4, general retail sales without a fixed or permanent location.
 40. **Retention** - the collection and storage of a specific portion of stormwater runoff without subsequent direct release to surface waters of said portion or any part thereof.
 41. **Retention or Detention Pond** - for the purposes of Art. 14, any pit, pond, or excavation excluding canals of conveyance which creates a body of water by virtue of its connection to groundwater, and which is intended to receive stormwater.
 42. **Ridesharing** – For the purposes of Art. 12, shall mean the use of one motor vehicle by two or more employees to commute to and from the project site for at least of 60 percent of the total number of days the ridesharing employees travel to and from the project site. **[Ord. 2006-036]**
 43. **Right of Way (R-O-W)** - a strip of land dedicated or deeded for the perpetual use of the public. See also Street.
 44. **Road Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of roads on the major road network system necessary to meet the LOS for road facilities.
 45. **Ronald Reagan Turnpike** - a.k.a Florida's Turnpike.
 46. **Rooming House** - see Boarding House.
 47. **Rubbish** - waste consisting of any accumulation of paper, excelsior, rags, wooden or paper boxes or containers, sweeping, and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, and also any bottles, cans, container, or any other products which due to their ability to retain water may serve as breeding places for mosquitoes or other water-breeding insects; rubbish shall not include noncombustible refuse.
 48. **Runway** - for the purposes of Art. 16, a defined area on an airport prepared, used or intended to be used for the taking-off and landing of aircraft along its length.
 49. **Runway Protection Zone (RPZ)** - for the purposes of Art. 16, an area off the runway end established to enhance the protection of people and property on the ground. Specifically, the RPZ is an area off the runway end extending outward and upward, parallel to the extended runway centerline, in the dimensions shown in Table 1.
 50. **Rural Service Area (RSA)** - that area as designated by the Plan.
 51. **Rural Subdivision** - for the purposes of Art. 11, a division of land within an Agricultural Reserve (AGR), Agriculture Residential (AR), or Agricultural Production (AP) district.
- S. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Salvage or Junk Yard** - for the purposes of Art. 4, a lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof.
 2. **Sand** - for the purposes of Art. 14, sediments having a distribution of particle diameters between 0.074 and 4.76 millimeters, as defined in the Unified Soils Classification System. Sand grain analyses shall follow the methodology described in Folk, Robert L. 1980, Petrology of Sedimentary Rocks to determine grain size distribution.
 3. **Sand Preservation Zone (SPZ)** - for the purposes of Art. 14, an area of jurisdiction, established by this Chapter, for the purpose of maintaining the volume of beach sand within the beach/dune system. This zone extends from the mean high water line of the Atlantic Ocean to a line 600 feet landward.
 4. **Sanitary Hazard** - any percolation pond for domestic wastewater effluent disposal, the land application of domestic wastewater sludge or domestic wastewater effluents that have not received high-level disinfection as defined in [Chapter 17-610, F.A.C](#) and any on-site sewage disposal system (septic tank).
 5. **Sanitary Landfill or Incinerator** - for the purposes of Art. 4, a facility employing an engineered method of disposing of solid waste in a manner which minimizes environmental hazards by spreading solid waste in layers, providing a sand clean fill or similar cover.
 6. **Sanitary Nuisance** - any act, or the keeping, maintaining, propagation, existence or permission of anything, by an individual, municipality, organization or corporation, by which the health or life of an individual may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused.

7. **Sanitary Sewer Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of sanitary sewer facilities necessary to meet the LOS for sanitary sewer facilities.
8. **Sanitary Survey** – for the purposes of Art. 15, onsite review of the water source, facilities, equipment, operation and maintenance of a public water system to evaluate the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.
9. **School Board** - the PBC School Board.
10. **School District** - for the purposes of Art. 2, the school district for PBC created and existing pursuant to Section 4, Article IX of the State Constitution.
11. **School District Five Year Capital Facilities Plan** - for the purposes of Art. 2, the School District of PBC Five Year Work Plan and Capital Budget as authorized by [F.S. §235.185](#).
12. **School, Elementary or Secondary** - for the purposes of Art. 4, an institution of learning, whether public, private or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.
13. **School, Public** - A use and attendant buildings operated by the PBC School District for educational or training purposes, as follows:
 - a. An elementary school;
 - b. A middle school;
 - c. A high school;
 - d. A vocation or technical school.
14. **School, Private** - for the purposes of Art. 4.B.
15. **Screen Enclosure** - a structure, which may or may not be roofed, used to completely enclose an outdoor living space with screening.
16. **Seagrasses** - those submerged beds of the genera Halophila, Syringodium, Halodule, Thalassia, and/or the green algae Caulerpa spp.
17. **Sea Turtle(s)** - for the purposes of Art. 14, any specimen belonging to the species Caretta caretta (loggerhead turtle), Chelonia mydas (green turtle), Dermochelys coriacea (leatherback turtle) or any other marine turtle using PBC beaches as a nesting habitat or natal beach.
18. **Sea Turtle Lighting Plan (STLP)** - for the purposes of Art. 14, a plan showing elevations and locations of structures, vegetation and proposed lighting fixtures and meets the requirements of [Art. 14.A.8.F, Sea Turtle Protection Lighting Plan](#), for the purpose of ensuring no adverse impacts to sea turtles, their nests, or habitat.
19. **Sea Turtle Protection Zone (STPZ)** - for the purposes of Art. 14, an area of jurisdiction, established by this Chapter, for the purpose of regulating coastal lighting. This zone extends from three miles offshore of the Atlantic Ocean and along inlet shorelines to a line 600 feet landward of the mean high waterline.
20. **Security or Caretaker Quarters** - for the purposes of Art. 4, an accessory residence used by a caretaker or security guard actively engaged in providing security, custodial or managerial services upon the premises.
21. **Seedling, Sapling, Runner, or Sucker** - any young plant or tree in early stages of growth.
22. **Segment** - for the purposes of Art. 12, a section of roadway containing thoroughfare and non-thoroughfare Links and intersections which comprise a unit of roadway, of sufficient length and characteristics to be defined by the County Engineer, for the HCM operational analysis allowed under Test One – Link Analysis Alternative.
23. **Self-Service Storage** - for the purposes of Art. 4, a facility consisting of individual, self-contained units that are leased for the storage of business or personal goods.
24. **Self Support/Lattice Tower** - for the purposes of Art. 4, a structure that is constructed without guy wires or ground anchors.
25. **Semi-public Water System** - for the purpose of Art. 15, a water system for provisions of piped water under pressure for human consumption, culinary, sanitary or domestic purposes to:
 - a. Less than 25 individuals daily at least 60 days out of the year, or
 - b. At least 25 individuals daily less than 60 days out of the year.
26. **Septage** - for the purposes of Art. 15, a mixture of sludge, fatty materials, human feces, and wastewater removed during pumping of an OSTDS. Excluded from this definition are contents of portable toilets, holding tanks and grease interceptors.
27. **Septic Tank** - for the purposes of Art. 15, as defined by [Rule 64E-6, F.A.C.](#) .
28. **Septic Tank System** - for the purposes of Art. 15, septic tank, distribution box and drainfield. When pump equipment is utilized, it is also considered part of the septic tank system.

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

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

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

- or at an angle to the wall on which it is mounted and located under a canopy or cover, and usually has two message surfaces.
- 50) **Public Service Information** - for the purposes of Art. 8, any sign intending to promote items of general interest to the community, such as time, temperature, date, weather, news, or traffic information.
 - 51) **Real Estate** - for the purposes of Art. 8, any sign erected by the owner, or an agent, advertising the land upon which the sign is located for rent or for sale.
 - 52) **Recreational Vehicle Park** - for the purposes of Art. 8, any sign erected by the owner, or an agent, advertising the land upon which the sign is located for rent or for sale a land area under unified control designed and intended to accommodate short term, overnight parking of recreational vehicles and not for permanent residential use.
 - 53) **Roof** - for the purposes of Art. 8, any sign erected, constructed, and maintained wholly upon or over the roof of any building.
 - 54) **Sale, Lease, and Rent** - for the purposes of Art. 8, temporary signs, which indicate that a parcel or building is currently for sale, lease or rent.
 - 55) **Snipe** - for the purposes of Art. 8, any sign made of any material, including paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which the sign is located.
 - 56) **Temporary Balloon Type** - for the purposes of Art. 8, a temporary display using a balloon to display a sign message for the introduction, promotion or announcement of a new product or new business.
 - 57) **Vehicular** - for the purposes of Art. 8, a sign affixed to or painted onto a transportation vehicle or trailer, for the purposes of business advertising; however, or vehicular sign shall not include signs affixed to vehicles or trailers for identification purposes or signs required by licensing ordinances.
 - 58) **Wall** - for the purposes of Art. 8, any sign affixed to the building which shall not extend beyond the peak of the roof at the location of the sign. Wall graphics, murals and art work are considered as signs and shall be included when calculating the total and art work are considered as signs and shall be included when calculating the total permitted square footage.
45. **Significant** – for the purposes of Art. 12, significant or significance shall refer to the amount of traffic that has been deemed to be of a level that requires the analysis of roadway Links and or intersections. For purposes of Test One, significance is calculated as the amount of two-way peak hour Project traffic assigned to a link taken as a percent of the LOS D service volume for that Link, as shown in [Table 12.B.2.D.7. For Test Two](#), Significance shall be calculated as the amount of Average Daily Project traffic assigned to a Link divided by the LOS E service volume for that link, as shown in [Table 12.B.2.D.8. \[Ord. 2005-002\]](#)
 46. **Significant Archeological Value** - for the purposes of Art. 9, an archaeological site, fossil or artifact which could yield or has yielded information deemed by a qualified archaeologist to be of significant scientific, historical, ethnic or public significance to the history or prehistory of the PBC, the State or Nation.
 47. **Significant Degradation** – for the purposes of Art. 7, means any of the following: **[Ord. 2005-002]**
 - a. Where 20 percent or more of the homes on one side of a street within the same address block have been demolished and the remaining lots are left vacant; or **[Ord. 2005-002]**
 - b. Where homes on two or more contiguous lots are demolished and the remaining lots are left vacant; or **[Ord. 2005-002]**
 - c. Where a home(s) on a contiguous lot(s) is demolished and the remaining lot(s) is left vacant, creating a gap in the combined lot frontage measuring 100 linear feet or greater in length. **[Ord. 2005-002]**
 48. **Single-Faced, Sign** - for the purposes of Art. 8, only one side of a double-faced sign.
 49. **Single Family** - for the purposes of Art. 4.B, the use of a lot or a structure for one detached dwelling unit, excluding a mobile home but including a manufactured building.
 50. **Single-Family Cluster** - a dwelling unit which is part of a cluster of similar dwelling units within a planned development but which is separated from other similar units by common areas dedicated to a POA.
 51. **Single-family District** - the AR, RE, RT, RM and RS districts, as well as single-family pods of PDD's.
 52. **Site** - the total area within the property boundaries of a principal parcel to be developed, or contiguous parcels intended for development under a common scheme or plan.

53. **Site, Historic Preservation** - for the purposes of Art. 9, any area or location occupied as a residence or utilized by humans for a sufficient length of time to leave physical remains or traces of occupancy. Such localities vary in size, settlements and activity areas, and the transportation networks linking them. A site may consist of secondarily deposited archaeological remains.
54. **Site-related Improvements** - road construction or road improvements at or near the development site which are necessary to interface the development's external trips with the major road network system, or which are necessary to interface the development's internal trips with the major road network system where a portion of the major road network system is included within the development.
55. **Site Specific Development Order** - for the purposes of Art. 12, a Development Order issued by a Local Government which establishes the density or intensity, or maximum density or intensity, or use, group of uses, or permitted uses and which approves a specific plan of Development on a lot or lots pursuant to an application by or on behalf of an Owner or contract purchaser, including applications initiated by a Local Government. It may apply to a lot or lots under single ownership or a group of lots under separate ownership. It shall not include general rezoning/district boundary changes initiated by the Local Government which do not involve a particular development concept, except "down zonings" under this Article of the Code. It includes those Development Order's referenced in policies 2-g and 2-h of the Plan in the Capital Improvements Element, including amendments thereto. It shall apply to all parcels or lots in their entirety taken together of any Subdivision. It includes site specific rezonings, special exceptions, conditional uses, special permits, master plan approvals, site plan approvals, plat approvals, and building permits. It may or may not authorize the actual commencement of development. Two or more Development Order's which individually do not constitute a Site Specific Development Order shall be considered a Site Specific Development Order if when taken together they meet the definition of Site Specific Development Order.
56. **Sky Exposure Plane** – an imaginary inclined plane beginning at a specified height of a building façade and rising over the building at a ratio of vertical distance to horizontal distance. **[Ord. 2006-004]**
57. **Solid Waste** - garbage, rubbish, refuse, sludge, septage, dewatered domestic wastewater residuals, grit and screenings from a domestic wastewater treatment facility or other discarded solid or liquid material resulting from domestic, commercial, industrial, agricultural activities or governmental operations but does not include storm water discharges or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants.
58. **Solid Waste Facilities** - the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of solid waste facilities necessary to meet the LOS for solid waste facilities.
59. **Solid Waste Transfer Station** - for the purposes of Art. 4, a facility where solid waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at a transfer station.
60. **Sound Level** - For the purposes of Art. 5, the weighted sound pressure obtained by use of a metering characteristic with an A-Weighting as specified in the ANSI specifications for sound level meters.
61. **Sound Level Meter** - for the purposes of Art. 5, an instrument that includes a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a manner to meet ANSI standards.
62. **Source Property** - for the purposes of Art. 5, the land from which the subject sound is originating including public or private streets, sidewalks, or other public or open space areas.
63. **Special Allocation** - for the purposes of Art. 13, the assignment by the BCC of impact fee credits for in-kind contributions to a fee payer, or a portion of a development. It may involve the pro rating of impact fee credits for in-kind contributions.
64. **Special Event** - for the purposes of Art. 4, A temporary activity which includes rides, amusements, food, games, crafts, performances, or services. Typical uses include carnivals, circuses, auctions, and revivals.
65. **Special Flood Hazard Area (SFHA)** – for the purposes of Art. 18, (see Area of Special Flood Hazard) is a geographic area identified by FEMA and the county as being low lying areas or especially susceptible to flooding and shown on the latest edition of maps (FHBM or FIRM) as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE, or V; and any area developed as building sites, without a master storm water drainage system, in unincorporated Palm Beach County outside FEMA A or V zones. **[Ord. 2004-013]**
66. **Special Permit Uses** - are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use,

buildings and structures, and may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location. These uses are generally temporary for a specified, fixed period of time.

67. **Specimen Tree** - for the purposes of Art. 14, a tree that has attained an age where its size, stature, health, and appearance contributes to the aesthetics of an area. Trunk sizes designating specimen stature of the most commonly found native trees are listed in Appendix 8, Specimen Tree List. Other trees are specimen trees, if the trunk has attained a diameter size of at least 33 percent of that of the State of Florida Division of Forestry's listed State of Florida champion for the applicable tree.
68. **Speculative Clearing** - the clear cutting of a site when no final site plan or approved vegetation management plan has been prepared for the site.
69. **Spent** - the commitment of funds to a particular capital facility acquisition by the awarding of a contract.
70. **Spill** - for the purposes of Art. 14, the unpermitted release or escape of a Regulated Substance, irrespective of the quantity thresholds identified in the definition of "Regulated Substance" above directly or indirectly to soil, surface waters or groundwaters.
71. **Spillover Light** - for the purposes of Art. 5, light that is distributed into areas where the illumination is not needed or intended. **[Ord. 2005-041]**
72. **Sports Vehicle** - for the purposes of Art. 6, any wheeled or tracked motorized vehicle designed or adapted to travel on public thoroughfares, public waterways, on unpaved thoroughfares, etc. without a special permit in accordance with the provisions of the Vehicle Code of the State of Florida.
73. **Spot Light** – Any light fixture or luminaire that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction. **[Ord. 2005-041]**
74. **Square** - an outdoor civic tract located within a neighborhood to provide community services and usable open space.
75. **Square Footage** - see Building Square Footage.
76. **Stable, Commercial** - for the purposes of Art. 4, an establishment for boarding, breeding, training or raising of horses not necessarily owned by the owners or operators of the establishment; rental of horses for riding or other equestrian activities, excluding uses classified as an equestrian arena. A commercial stable may be operated in conjunction with a residence and shall comply with the PBACD.
77. **Stable, Private** – for the purposes of Art. 4, the breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A private stable shall comply with the PBACD.
78. **Start of Construction** - for the purposes of Art. 18, (for other than new construction or substantial improvement under the Coastal Barrier Resources Act P.L. 97-348, as amended or replaced), for all construction, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first installation of any foundation, wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building, on all residential, commercial, institutional, and other buildings. **[Ord. 2004-013]**
79. **State Standards** - for the purposes of Art. 11, the various design and construction guidelines, policies and standards promulgated, and amended, by the departments and agencies of the State of Florida, including but not limited to the Policy and Guidelines for Vehicular Connections to Roads on the State Highway Systems, Manual of Uniform Traffic Control Devices for Streets and Highways (as adopted by the DOT), Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (a/k/a "The Greenbook"), Standard Specifications for Road and Bridge Construction, Roadway and Traffic Design Standards, and Handbook for Drainage Connection Permits.
80. **Stealth Facility** - for the purposes of Art. 4, a structure, which is not readily identifiable as a tower and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function (i.e., bell tower, spire, flagpole, etc.).

81. **Standards of this Section** - for the purposes of Art. 12, the requirements that Site Specific Development Orders satisfy the LOS provisions of this Section.
82. **Stoop** – A small porch or platform
83. **Storage Container** - a shipping container that has been permanently located on a recognized bona fide agricultural use site that is tied down to meet building code requirements.
84. **Store Front** - for the purposes of Art. 3, the front of a retail establishment facing a street where the main building entrance is located.
85. **Stormwater** - the flow of water that results from and occurs immediately following a rainfall event.
86. **Stormwater Management Easement** - see Easement, Stormwater Management.
87. **Stormwater Management Plan** - for the purposes of Art. 11, an engineering drawing and written report outlining the proposed secondary and tertiary stormwater management system needed for the proper development of a specific increment of the unincorporated area of PBC, including details of drainage-related conditions and characteristics of the existing development site and surrounding lands.
88. **Stormwater Management System** - for the purposes of Art. 11, a comprehensive system designed and constructed or implemented to collect, convey, store, absorb, inhibit, treat, use or reuse stormwater in order to prevent or reduce inundation, flooding, over-drainage, environmental degradation, and water pollution, or otherwise affect the quantity and quality of stormwater runoff.
89. **Stormwater Runoff** - for the purposes of Art. 11, that portion of stormwater which occurs either as overland surface flow or subsurface lateral flow through normally unsaturated soils, and which is neither intercepted by vegetation, evaporated, nor recharged to groundwater.
90. **Stormwater System, Primary** - for the purposes of Art. 11, classified surface waters of the State of Florida which convey stormwater runoff toward the ocean or a major inland water body.
91. **Stormwater System, Secondary** - for the purposes of Art. 11, that component of a stormwater management system which consists of facilities and features designed to provide for treatment and control of stormwater runoff generated by specifically delineated lands, in order to meet regulatory requirements governing the quality and quantity of stormwater discharged to the primary stormwater system.
92. **Stormwater System, Tertiary** - for the purposes of Art. 11, that component of a stormwater management system which consists of facilities and features designed to provide for rapid removal of stormwater from structures, building sites, streets, and other areas of development or uses sensitive to damage or disruption by inundation.
93. **Stormwater Treatment** - for the purposes of Art. 11, removal of pollutants, debris, and other undesirable materials from stormwater runoff by of natural chemical, biological or physical processes, including, but not necessarily limited to, detention, retention, filtration, percolation, sedimentation, floatation, and skimming. This definition does not normally include active treatment processes, requiring the consumption of electrical or mechanical energy.
94. **Stream** - for the purposes of Art. 15, any river, creek, slough, or other natural watercourse whether or not the bed shall have been dredged or otherwise improved in whole or in part.
95. **Street** - a strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square, or however otherwise designated. Streets are further classified according to the function they perform.
96. **Street, Arterial** - for the purposes of Art. 11, a major street of higher classification than a plan collector street, used primarily for traffic traveling considerable distance within or through an area not served by an expressway, of considerable continuity, and used primarily as a main traffic artery.
97. **Street, Collector** - for the purposes of Art. 11, a street which carries traffic from local streets to arterial streets. Collector streets have more continuity, carry higher traffic volumes and may provide less access than local streets.
98. **Street, Collector, Non-plan** - for the purposes of Art. 11, a collector street which is not included on the Thoroughfare Plan and which is the highest classification of minor street.
99. **Street, Collector, Plan** - for the purposes of Art. 11, a collector street which is part of the Thoroughfare Plan, and which is the lowest classification of major street.
100. **Street, Cul-de-sac** - for the purposes of Art. 11, a dead-end street terminating in a circular vehicular turn-around.
101. **Street, Dead-end** - for the purposes of Art. 11, a street with only one outlet.
102. **Street Frontage** - see Lot, Frontage.

103. **Street, Limited Access** - for the purposes of Art.11, a street to which access from abutting property is under the control and jurisdiction of the County pursuant to a limited access easement or other regulatory access restriction.
104. **Street, Local Commercial** - for the purposes of Art. 11, a street designed and maintained primarily to provide legal and vehicular access to abutting commercial or industrial lots. A local commercial street is of limited continuity, is not for through traffic, and is the middle order street of minor streets.
105. **Street, Local Residential** - for the purposes of Art. 11, a street designed and maintained primarily to provide legal and vehicular access to abutting residential lots. A local residential street is of limited continuity, is not for through traffic, and is the middle order street of minor streets, being of a higher classification than a residential access street.
106. **Street, Major** - for the purposes of Art. 11, a street depicted on the adopted thoroughfare plan; a thoroughfare plan road. Major streets are further classified as collector street, arterial street, and expressway.
107. **Street, Marginal Access** - for the purposes of Art. 11, a special purpose local street which is parallel and adjacent to a plan collector street, expressway, arterial street or other limited access street and which has its principal purpose of relieving such streets from local service of abutting property by providing access to abutting property and separation from through traffic. A marginal access street may also be called a "frontage street".
108. **Street, Minor** - for the purposes of Art. 11, not classified as a major street, and includes streets providing traffic circulation within the development.
109. **Street, Private** - for the purposes of Art. 11,
- a. Has not been dedicated for public use;
 - b. Is reserved to a property owners' association pursuant to recorded restrictions and covenants or a plat of record; or
 - c. Is dedicated for public use but has not been accepted for maintenance by PBC, another local governmental entity, the State of Florida or a special district.
110. **Street, Residential Access** - for the purposes of Art. 11, the lowest order of minor street which is intended to carry the least amount of traffic at the lowest speed.
111. **Street Structure** - that which is three feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels.
112. **Structure** –
- a. For the purposes of Art. 9, three feet or more in height which is built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices and poster panels.
 - b. For the purposes of Art. 16, any object, temporarily or permanently constructed or installed by man, including but not limited to: buildings, towers, smoke stacks, utility poles, antennas, construction cranes and overhead transmission lines.
 - c. For the purposes of Art. 18, that constructed by humans, including gas or liquid storage tanks that are principally above ground, walls and roofed buildings. **[Ord. 2004-013]**
113. **Structure, Principal** - see Building, Principal.
114. **Subdivision**
- a. For the purposes of Art. 11, the division of land, whether improved or unimproved, whether previously platted or not, into two or more contiguous lots for the purpose, whether immediate or future, of transfer of ownership. The term shall include any modification of legal boundaries for the purpose of redividing or combining any lot(s) depicted on a record plat, or on a certified survey or other map recorded pursuant to an affidavit of exemption or affidavit of waiver. When appropriate to the text, the term refers to the process of subdividing or the land proposed to be or which has been subdivided.
 - b. For the purposes of Art. 12, as defined in Art. 11, Subdivision, Platting and Required Improvements of the Code of PBC, Florida as to the unincorporated area, and as defined in the Municipal Land Development Regulations in the Municipality.
 - c. For the purposes of Art. 15.A, any tract of land divided into three or more lots or parcels, regardless of the method by which the lots or parcels are described.
115. **Substantial Change in Land Use** –
- a. Change in land use or site design that increases the intensity of land use,
 - b. Change in land use or site design that increases the intensity of land use,

- c. An increase in the total floor area of multiple-family dwellings or nonresidential buildings which results in increased traffic.
116. **Substantial Damage** - for the purposes of Art. 18, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. This term also includes structures that have incurred "repetitive loss". **[Ord. 2004-013]**
117. **Substantial Improvement** –
- a. For the purposes of Art. 9, any combination of repairs, reconstruction or improvement of a structure, where the improvement creates additional enclosed space that contains equipment or utilities relative to the primary structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any development for improvement of a structure to comply with existing State or local health, sanitary, or safety Code specifications that are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Place.
- b. For the purpose of Art. 18, any combination of repairs, reconstruction, rehabilitation, addition, alteration for the purposes, or other improvements to a building taking place during a five year period, in which the cumulative cost of such improvements equals or exceeds 50 percent of the market value of the building before the "start of construction" of the repair or improvement. This term does not include any repair or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for the permit for improvement, and which are the minimum necessary to assure safe living conditions. For the purposes of this definition, "substantial improvement" occurs when the first installation of any foundation, wall, ceiling, floor, or other structural part of the building commences, whether or not that installation affects the external dimensions of the structure. This term includes structures that have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. **[Ord. 2004-013]**
118. **Substantially Improved Existing Manufactured Home Parks or Subdivisions** - for the purposes of Art. 18, the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced. **[Ord. 2004-013]**
119. **Substantial Renovation** - for the purposes of Art. 5, any expansion, alteration, renovation, addition, redevelopment, or similar improvement to an existing building that exceeds 75 percent of the assessed value of the building, as indicated in the latest official PBC Property Appraiser's records.
120. **Sugar Mill or Refinery** - for the purposes of Art. 4, an establishment for the extraction and refining of sugar from agricultural products.

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121. **Superintendent** - the Superintendent of the PBC School Board.
122. **Supplier of Water** - for the purposes of Art. 15, any person, company, or corporation that owns or operates a community, non-transient non-community, transient non-community, limited use, multi-family, or private water system; also applies to consecutive water systems. **[Ord. 2005-003]**
123. **Surface Water** - water upon the surface of the earth whether contained within natural or artificial boundaries or diffused.
- a. For the purposes of Art. 15.A, a recognizable body of water, including swamp or marsh areas, bayheads, cypress ponds, sloughs and natural or constructed ponds contained within a recognizable boundary. This does not include storm water retention or detention areas designed to contain standing or flowing water for less than 72 hours after a rainfall.
 - b. For the purposes of Art. 15.B, a source of water existing above the surface of the ground and exposed to the atmosphere. **[Ord. 2005-003] [Ord. 2006-004]**
124. **Surveyor and Mapper** – a person registered to engage in the practice of surveying and mapping under [F.S. § 472.001-471.041](#), and includes the terms “surveyor,” and “professional surveyor and mapper.”
125. **Suspension Order** - for the purpose of Art. 9, suspension of construction work directly over the potential archaeological find. During the initial site visit, a qualified archaeologist may extend the boundary of the suspension order based on the potential significance and geographic coverage of the find.
126. **Swale** – for the purpose of Art. 15, a stabilized and graded depression designed to convey stormwater runoff and retain water for only a brief period following a rainfall event.
127. **Swimming Pool** – any confined body of water, located either above or below the existing finished grade of the site, exceeding 150 square feet in surface area, and two feet in depth, designed used, or intended to be used for swimming or bathing purposes.

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

1. **Tabular Tree List** - for the purposes of Art. 14, a complete listing of all native trees three inches or greater DBH in a tabular form.
2. **TDR Agricultural Conservation Easement** - for the purposes of Art. 5, an interest in land, which interest represents the right to retain land in bona fide agriculture, fallow land, and uses permitted in the Conservation WRA future land use category, created pursuant to [F.S. §704.06](#).
3. **TDR, Bank** - for the purposes of Art. 5, accounting and monitoring system authorized by this Code empowering PBC to purchase and sell development rights. The TDR Bank offers an alternative to TDRs being transferred via the private market. The bank consists of development rights from lands designated for preservation as provided for in this Section and purchased by PBC. These rights may then be sold to developers for use in qualified receiving areas or held in reserve for future release.
4. **TDR, Community Commercial Facility** – for the purposes of Art. 5, a commercial facility constructed on ten or more acres supporting at least 100,000 square feet of GFA. The community commercial facility shall not be construed to mean the community commercial zoning district described in this Code.
5. **TDR, Conservation Easement** - for the purposes of Art. 5, an interest in land which represents the right to restrict or prevent the development or improvement of the land for purposes other than water preserve areas, wetlands, or uplands, created pursuant to [F.S. §704.06](#).
6. **TDR, Contract for Sale and Purchase of Development Rights** - for the purposes of Art. 5, a valid contract which must be in writing pursuant to the State of Florida law, for the sale of development rights for the purpose of increasing density on a receiving area parcel.
7. **TDR, Deed of Transfer of Development Rights** - for the purposes of Art. 5, a legal document which transfers the ownership of specified development rights from one parcel of land to another, and which is recorded in the Public Records of PBC.
8. **TDR, Development Right** - for the purposes of Art. 5, the ability to develop a residential dwelling unit on a parcel of land. The landowner may sell, donate, or transfer the development rights and retain title to the land and the right to use the surface of the land on a limited basis. For the purpose of this Section, one development right shall equal one residential dwelling unit.
9. **TDR, Development Rights Certificate** – for the purposes of Art. 5, a legal document presented to a property owner who deeds to PBC, without compensation, environmentally sensitive, Rural Residential 20 (RR-20) land or land designated CON on the FLUA within a sending area, or records an agricultural conservation easement for a sending area designated AGR on the FLUA. The certificate shall specify the number of development rights the property owner is entitled to sell or

trade, and the certificate shall remain valid until the development rights are permanently transferred to a property within a receiving area.

10. **TDR, Escrow Agreement** - for the purposes of Art. 5, a legal document which holds money in trust by a third party to be turned over to PBC upon the fulfillment of a condition.
11. **TDR, Major Department Store** - for the purposes of Art. 5, a nationally or regionally recognized retail store which anchors a regional commercial facility and contains at least 100,000 square feet of GFA.
12. **TDR, Major Industrial Facility** - for the purposes of Art. 5, an industrial facility constructed on more than 35 acres supporting at least 700,000 square feet of GFA.
13. **TDR, Priority Acquisition Site** - for the purposes of Art. 5, a parcel of land designated by the ESLASC or CLASC as such and approved for acquisition by the BCC.
14. **TDR, Receiving Area** - for the purposes of Art. 5, parcel of land within the USA, which are permitted to increased density, as specified herein, and receive development rights purchased from the owners of land in a sending area. The transfer capacity of these development rights is based on the number of transferable development rights which a specified area can accommodate, subject to [Art. 5.G.2.H, Receiving Areas](#), and [Art. 5.G.2.J, TDR: Receiving Area Procedure](#).
15. **TDR, Regional Commercial Facility** - for the purposes of Art. 5, a commercial facility constructed on 40 or more acres supporting at least one major department store and 350,000 square feet of GFA.
16. **TDR, Sending Area** - for the purposes of Art. 5, an area which the TDR Program is designed to protect, as specified herein, and from which development rights are transferred pursuant to the provisions of this Section.
17. **Telecommuting** – For the purposes of Article 12, a system whereby employees are allowed to work from home or another location (such as a neighborhood office) an average of at least two week days per week in order to reduce commute travel. **[Ord. 2006-036]**
18. **Temporary** - for the purposes of Art. 8, a single period or an accumulation of periods not exceeding 90 days in any 365-day period unless further restricted.
 - a. For the purposes of Art. 15.A, as defined by [Rule 64E-6, F.A.C.](#).
19. **Terminal Navigational Aid** - for the purposes of Art. 16, any visual or electronic device on the surface which provides point-to-point guidance information or position data to aircraft in flight and is located on a public use airport in PBC.
20. **Theater Drive-In** - for the purposes of Art. 4, an establishment for the outdoor viewing of motion pictures by patrons while in their vehicles.
21. **Theater, Indoor** - for the purposes of Art. 4, an establishment for showing motion pictures or live performances in an enclosed building.
22. **Third Party** - party not affiliated with the Architect or Landscape Architect who prepared the original drawings to satisfy the regulations in Art. 5, Supplementary Standards, and Art. 7, Landscaping.
23. **Thoroughfare Plan, Thoroughfare R-O-W Identification Map or Plan** -
 - a. That which is described in the Transportation Element of the Plan, Supporting Document, II, Existing Transportation System.
 - b. For the purposes of Art. 12, as described in the Transportation Element of the Plan, Support Document II, Existing Transportation System.
24. **Through-Intersection Continuity** - for the purposes of Art. 12, at least one left turn lane at the intersection and the same number of through lanes as on the Link for at least 3,120 feet beyond the Major Intersection, including transition in accordance with FDOT Standards.
25. **Tinted Glass** - for the purposes of Art. 14, any window or door glass which has: (a) a visible light transmittance value of 45 percent or less; and (b) a minimum of five year warranty; and (c) performance claims which are supported by approved testing procedures and documentation. For the purpose of this Chapter Window Tint shall be synonymous with Tinted Glass.
26. **TMD, Frontage, Primary** - for the purposes of Art. 3, a type of building frontage that is primarily located along Main Streets and is characterized by zero front setbacks and limitations on the physical separation between buildings.
27. **TMD, Frontage, Secondary** - for the purposes of Art. 3, a type of building frontage that allows for variable front setbacks and more frequent physical separation between buildings than allowed on Primary Frontages.
28. **TMD, Street, Main** - for the purposes of Art. 3.F, a street connecting adjacent land uses and local streets with parks, plazas and squares in a TMD.
29. **TMD, Street Wall** - for the purposes of Art. 3, a wall, fence or hedge installed along the frontage line to fill in building frontage.
30. **TND, Accessory Structure** - for the purposes of Art. 3, a detached accessory building constructed on a residential lot housing a garage, accessory apartment or handicapped or elderly apartment.

31. **TND, Colonnade** - for the purposes of Art. 3, a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns. Awnings are not considered colonnades.
32. **TND, Enfront** - for the purposes of Art. 3, to face across a street.
33. **TND, Meeting Hall** - for the purposes of Art. 3, a building designed for public assembly.
34. **TND, Neighborhood Center** - for the purposes of Art. 3, Neighborhood Center is intended to accommodate neighborhood-oriented retail and commercial services. It may include professional offices, community facilities, and civic uses to serve the population of the TND and adjacent neighborhoods.
35. **TND, Porch** - for the purposes of Art. 3, a roofed platform attached to the front of a dwelling unit. The structure is un-airconditioned, and may not be more than 75 percent enclosed by walls.
36. **TND, Raised Basement** - for the purposes of Art. 3, a semi-underground story of a building.
37. **TND, Regulating Plan** - for the purposes of Art. 3, a graphic and written representation of the detailed land use and development regulations applicable to a particular TND.
38. **Too Numerous to Count (TNTC)** - for the purposes of Art. 15.B, equal to or greater than 200 non-coliform bacteria per 100 ml of sample.
39. **Total Traffic** - for the purposes of Art. 12, the sum of:
 - a. Existing Traffic;
 - b. Net Trips; and
 - c. Background Traffic.
40. **Tower Hierarchy** - for the purposes of Art. 4, for the purpose of determining impact the following hierarchy has been established.

LEAST IMPACT

- Stealth
Camouflage
Monopole
Self support/Lattice
Guyed

MOST IMPACT

41. **Towing Service and Storage** - for the purposes of Art. 4, the use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot and subject to the following standards:
 - a. Outdoor storage standards and screening requirements of Art. 5.B, Accessory and Temporary Uses.
 - b. Towtruck and towing and storage regulations of Towtruck Ord. 2002-007 as amended.
42. **Townhouse** - for the purposes of Art. 4, a dwelling unit located on an individual lot and attached by at least one but no more than two party wall(s) along 50 percent of the maximum depth of the unit, to one or more other dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots.
43. **Traffic Impact Study** - for the purposes of Art. 12, a traffic study of Links and intersections within the Radius of Development Influence and Model Radius of Development Influence of a proposed Project; and including the information, and prepared in accordance with the requirements, set forth in [Art. 12.C.1.C.2, Traffic Generation](#). For the Transportation Element of the Plan, it is the "LOS Impact Statement" referred to in the Capital Improvement Element of the Plan.
44. **Traffic Performance Standards Appeal Board** - for the purposes of Art. 12, the administrative appeals board with the authority and responsibility to hear appeals from the decision of the County Engineer or Municipal Engineer as to traffic engineering issues.
45. **Traffic Volume Maps** - for the purposes of Art. 12, the maps of the Major Thoroughfares produced and maintained jointly by the office of the MPO and County Engineer showing Average Daily Traffic, Peak Hour Traffic; two-way and peak directional.
46. **Trailer Coach** - shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida. The term shall also include all types of mobile homes and those types of self-propelled trucks or buses that have been converted or equipped with living or sleeping quarters, such as pick-up trucks with sleeping quarters installed, and converted buses. This definition shall exclude suburban, passenger vans and other types of automobiles for private use that have been equipped with camping equipment.
47. **Transfer of Development Rights (TDR) Bank** - See TDR, Bank.

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

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

14. **Urban Redevelopment** - for the purposes of Art. 12, demolition and reconstruction or substantial improvement of existing buildings or infrastructure within urban infill areas or existing urban service areas.
 15. **Urban Service Area (USA)** - that portion of PBC as designated by the Plan.
 16. **Urban Service Area, Existing** - for the purposes of Art. 12, an area defined and mapped in a local government comprehensive plan that is a built-up area where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas are already in place.
 17. **Use** - any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.
 18. **Use, Accessory** - a permitted use that is customarily associated with the principal use and clearly incidental to the principal use and is subordinate in area, extent, or purpose to and serves only the principal use.
 19. **Use, Principal** - the primary and major purpose for which land or building is used as allowed by the applicable zoning district.
 20. **Utility** -
 - a. Government or franchised provider of water, sewer, electric, gas, phone, cable television, or similar service.
 - b. For the purposes of Art. 14, a public utility, power company or telephone company which serves the general public.
 21. **Utility Easement** - see Easement.
 22. **Utility, Minor** - for the purposes of Art. 4, mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations, sewage lift stations, telephone exchange buildings, and communication substations. **[Ord. 2006-004]**
 23. **Utility Runway** - for the purposes of Art. 16, a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- V. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Vacant Lot** – for the purposes of Art. 7, any tract or parcel of land upon which a home has been demolished and which has not been redeveloped. For the purposes of this definition only, redevelopment means the construction of a home. **[Ord. 2005-002]**
 2. **Vacant Residential Parcel** - any undeveloped parcel of land or property, including any parcel or property with an approved development order, possessing either a residential designation by the FLUA of the Plan or a residential zoning designation consistent with the underlying Future Land Use designation.
 3. **Valid** - for the purposes of Art. 13, Impact Fees, a development order or other authorization which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or canceled; or is not subject to such by the passage of time or the conduct of the owner or developer, and on which or for which all conditions of approval are satisfied that must be satisfied by the terms or conditions of approval.
 4. **Valid Site Specific Development Order** - for the purposes of Art. 12, a Valid Site Specific Development Order which: was issued by a Local Government: (1) in accordance with proper procedure and in compliance with state law, and the land development regulations and codes, administrative rules and procedures, and general policies of Local Governments, and the requirements of all other agencies; (2) not by mistake; and (3) which has not expired, lapsed, or been abandoned, revoked, or canceled by operation of law, or by the Local Government or pursuant to the Local Government land development regulations or codes, rules, or policies.
 5. **Value** -
 - a. For the purposes of Art. 1, the most recent PBC Property Appraiser's assessed value of the structure.
 - b. For the purposes of Art. 13, in the case of land, the appraised value as determined by an appraiser from a list of approved appraisers of Palm Beach County. In the case of improvements to real property or chattel, it means the actual cost to the feepayer or developer of such improvements or chattel. In all cases, the values shall be established in or as if in an arm's length, bona fide transaction in a competitive market between a willing seller and a willing buyer, neither of whom are under any special circumstances, as approved by the Impact Fee Coordinator based upon the standards in Art. 13, Impact Fees. If the Impact Fee Coordinator rejects an appraised

- value, the Impact Fee Coordinator may obtain another appraisal using an appraiser from the approved list, in which case that appraisal shall prevail.
6. **Vanpool** – For the purposes of Article 12, a vehicle carrying six or more persons to and from work and on a regular basis. **[Ord. 2006-036]**
 7. **Variance** –
 - a. An abatement of the terms of the ULDC for a use, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.
 - b. For the purposes of Art. 18, after a public hearing before the Flood Damage Prevention Board, a grant of relief from the requirements of this Article, which permits construction in a manner otherwise prohibited by this Article where specific enforcement would result in exceptional hardship. **[Ord. 2004-013]**
 8. **Vegetation** - for the purposes of Art. 14.C, plant life including groundcover, grasses, herbs, vines, shrubs and trees.
 9. **Vegetation, Native** - any plant species with a geographic distribution indigenous to all or part of the State of Florida. Plant species, which have been introduced by man, are not native vegetation.
 10. **Vegetation Required to be Preserved by Law** - for the purposes of Art. 7, areas of vegetation which are clearly delineated on a Site Plan/Plat, or in some other legally binding manner based upon which the lot area is being preserved.
 11. **Vehicle Sales and Rental** - for the purposes of Art. 4, an establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental.
 12. **Vehicular Use Area** -
 - a. An area designed or used for off-street parking; or
 - b. An area used for loading, circulation, access, storage, or display of motor vehicles. Designated parking areas on public or private streets shall not be considered a vehicular use area.
 13. **Vehicular Use Area, Specialized** - an area designed for storage of vehicles in operative condition, or for warehousing, transportation or trucking operations, and which is not open to the general public.
 14. **Vested** - pursuant to the application of the State of Florida law.
 15. **Veterinary Clinic** - for the purposes of Art. 4.B, an establishment engaged in providing medical care, treatment and temporary boarding for animals.
 16. **Violation** – for the purposes of Art. 18, the failure of a structure or other development to be fully compliant with this Article. In addition, a structure or other development without a required FEMA elevation certificate, other acceptable elevation certifications, or other evidence of compliance required in this Article is presumed to be in violation until such time as that documentation is provided. **[Ord. 2004-013]**
 17. **Visual Impact Analysis** - for the purposes of Art. 5, a written and graphic assessment which determines the appropriate contextual relationship of a proposed building with respect to architectural composition and compatibility.
 18. **Visual Hazard** - for the purposes of Art. 16, any source which emits occasional or permanent smoke, glare, dust, or any other perceptible emission that could be a risk to safe aircraft operations.
 19. **Visual Runway** - for the purposes of Art. 16, a Runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation planned or indicated on the FAA approved civil or military airport layout plan, or by any other planning document submitted to the FAA by competent authority.
 20. **Vocational School** - for the purposes of Art. 4, an establishment offering regularly scheduled instruction in technical, commercial, or trade skills such as business, real estate, building and construction trades, electronics, computer programming and technology, automotive or aircraft mechanics and technology, or other type of vocational instruction.
 21. **Volume to Capacity (V/C) Ratio** - for the purposes of Art. 12, the ratio of the volume of traffic on a Major Thoroughfare Link to the capacity of that Link as set forth in [Table 12.B.2.C-1, LOS D Link Service Volumes](#).

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

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

2. **Waste** - discarded material including but not limited to garbage, rubbish, yard trash, litter, non-combustible refuse and industrial wastes.
3. **Wastewater Residuals** - the solid, semisolid, or liquid residue removed during the treatment of municipal wastewater. Not included is the treated effluent or reclaimed water from domestic wastewater treatment plant.
4. **Watercourse** -
 - a. Any stream, canal, ditch, or other natural or artificial channel in which water normally flows within a defined bed, banks, or other discernible boundaries, either continuously or seasonally, whether or not such flow is uniform or uninterrupted.
 - b. For the purposes of Art. 18, a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. **[Ord. 2004-013]**
5. **Wastewater Residuals (Dry)** - domestic wastewater residuals that contain 65 percent solids or greater, by weight.
6. **Water Management Tract** - for the purposes of Art. 11, a parcel of land under single ownership, identified and created as a single unit on a plat or other instrument of record, established for the purpose of delineating a complete facility or unified area to be utilized for detention, retention, or groundwater recharge of stormwater runoff prior to discharge from a development site.
7. **Water or Treatment Plant** - for the purposes of Art. 4, a facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.
8. **Water Supply System or Water Supply Facility or Water System or Water Facility** - for the purposes of Art. 15.B, or "Water Supply Facility" or "Water System" or "Water Facility," means any or all works and auxiliaries for collection, treatment, storage and distribution of water from the source or sources of supply to the consumer or processing plants including ice making vending machines, water vending machines and bottled water plants.
9. **Water System, Central** - for the purposes of Art. 15, a regional water supply system owned and operated by a municipality, county, special district or other governmental entity, which provides water service to several development located within its service area.
10. **Water System, Individual** - for the purposes of Art. 15, a privately owned water supply system which provides water service to a single development because of unavailability of a central water system.
11. **Water Surface Elevation** – for the purposes of Art. 18, the height, in relation to NGVD of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. **[Ord. 2004-013]**
12. **Water Table Elevation** - for the purposes of Art. 15, as defined by [Rule 64E-6, F.A.C.](#)
13. **Water Treatment Facility** - a facility designed for treatment of ground or surface water for potable and sanitary purposes, with a design capacity of more than 10, 000 gallons per day.
14. **Water Well** -
 - a. Source of water used for drinking, culinary, sanitary and other domestic purposes.
 - b. For the purposes of Art. 15, any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is to conduct groundwater from a source bed to the surface by pumping or natural flow.
15. **Waters of the State** - waters, as defined in [F.S § 403.031 \(12\)](#), subject to compliance with State Water Quality Standards adopted pursuant to F.S. Chapter 403 and set forth in [Chapter 17-3, F.A.C.](#)
16. **Watershed** - the land area, which contributes to the total flow of water entering a receiving stream or water body.
17. **WCRA Plan** - The Westgate/Belvedere Homes Community Redevelopment Plan adopted by the BCC on January 11, 2005, as may be periodically amended. **[Ord. 2006-004]**
18. **Well** - for the purposes of Art. 14, any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from a source bed to the surface by pumping, natural flow or other method.
19. **Wellfield** -
 - a. For the purposes of Art. 14, an area of land which contains one or more than one well for obtaining water.
 - b. For the purposes of Art. 15, an area of land which contains more than one potable well that is designed for a pumping rate of at least 100,000 gallons per day.
20. **Wellfield Zones 1, 2, 3 and 4** - zones of influence delineated by iso-travel time contours around public water supply wellheads. Zone 1 is identified as the land area within a 30-day travel time and Zone 2 is the land area within a 210-day travel time. Zones of influence maps, including Zones 3 and

4 are developed pursuant to the Wellfield Protection Section and are on file and maintained by ERM Department.

21. **West County Agricultural Area (WCAA)** - the WCAA area is bounded roughly by Lake Okeechobee, Palm Beach-Hendry County Line, and the SFWMD Levees L-4, L-5, L-6, L-7 and L-8.
 22. **Wet Detention/Retention** - detention or retention in a storage facility not designed, constructed, and operated so as to provide dry detention/retention.
 23. **Wetland** - any persistent or intermittent water body or area characterized by the dominance of those submerged or transitional wetland species listed in the [Chapter 17-301, F.A.C.](#) or located within or up to three miles directly offshore of PBC. Dominance shall be defined in accordance with [Chapter 17-301, F.A.C.](#) and shall be determined in the appropriate plant stratum (canopy, sub canopy, or ground cover) as outlined in Chapter 17-301, F.A.C..
 24. **Wettest Season** - for the purposes of Art. 15, as defined by [Rule 64E-6, F.A.C.](#).
 25. **Wildlife Corridor** - a continuous corridor of habitat, with a width of at least one mile, that is established by linking conservation areas, wildlife preserves, sanctuaries, refuges, parks, open space areas, and agricultural areas to provide a pathway for wildlife movement.
 26. **Whip Antenna** - for the purposes of Art. 4.C, a cylindrical or similarly shaped omni directional antenna utilized for transmission or receiving of electronic communications.
 27. **Wholesaling, General** - for the purposes of Art. 4.B, an establishment engaged in the display, maintaining inventories of goods, storage, distribution and sale of goods to other firms for resale, or the supplying of goods to various trades such as landscapers, construction contractors, institutions, industries, or professional businesses. In addition to selling, wholesale establishments sort and grade goods in large lots, break bulk and redistribute in smaller lots, delivery and refrigeration storage, but excluding vehicle sales, wholesale greenhouses or nurseries, wholesale of gas and fuel, and wholesale building supplies.
 28. **Woodworking or Cabinetmaking** - an establishment engaged in the production of finished products from wood.
 29. **Work** - for the purposes of Art. 11, all required construction as shown on approved construction plans and specifications for all facilities and features of any kind which are required, related to the process of subdivision of land under Art. 11, Subdivision, Platting and Required Improvements.
 30. **Work/Live Space** - a space within a building that is used jointly for residential, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. **[Ord. 2004-040] [Ord. 2006-004]**
- X. **Terms defined herein or referenced Article shall have the following meanings:**
- Y. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Yard** - any open space that lies between the principal building or buildings and the nearest lot line.
- Z. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Zero Lot Line Home** - for the purposes of Art. 4, the use of a lot for one detached dwelling unit with at least one wall, but not more than two walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building. Subject to additional standards in Art. 3, Overlays and Zoning Districts.
 2. **Zones of Influence** - for the purposes of Art. 14, zones delineated by iso-travel time contours and the one foot contour within cones of depression of wells which obtain water from the unconfined or surficial aquifer system. These zones are calculated, based on the rate of movement of groundwaters in the vicinity of wells at a specific pumping rate.
 3. **Zones of Influence Maps** - for the purposes of Art. 14, Zones of Influence contour lines that overlay the latest digital ortho-photography prior to BCC adoption at scales determined by ERM showing the location on the ground of the outer limits of Zones of Influence for present and future public potable water supply wells and wellfields permitted for 100,000 gallons per day or more. **[Ord. 2006-036]**
 4. **Zoo** - for the purposes of Art. 4, means a place where animals are kept in captivity for the public to view or for educational or animal rehabilitative purposes.

Section 3 Abbreviations and Acronyms

AAAB	Airports and Aviation Advisory Board [Ord. 2006-036]
AASHTO	American Association of State Highway and Transportation Officials
ACLF	Adult Congregate Living Facility
ADA	Americans with Disabilities Act
ADT	Average daily traffic
AEE	Adult Entertainment Establishment
AGR	Agricultural Reserve
ALP	Alternative Landscape Plan
ALUNZ	Airport Land Use Noise Zone
AMSL	Above Mean Sea Level
ANSI	American National Standards Institute
AOA	Accessory Overnight Accommodation [Ord. 2004-040]
AP	Agricultural Production [Ord. 2005-002]
APF	Adequate Public Facilities Determination
AR	Agricultural Residential [Ord. 2005-002]
Art.	Article
ASP	Alternate Site Plan
ASR	Airport Surveillance Radar
ATM	Automated Teller Machines
AUR	Annual Public Facilities Update Report
AZO	Airport Zoning Overlay
BA	Board of Adjustment
BCC	Board of County Commissioners
BOR	Basis of Review
CAH	Commission on Affordable Housing
CC	Community Commercial [Ord. 2005-002]
CCRT	Countywide Community Revitalization Team
CFR	Code of Federal Regulations
CG	General Commercial [Ord. 2005-002]
CH	Commercial High Intensity [Ord. 2005-002]
CHO	Commercial High Office [Ord. 2005-002]
CH-O	Commercial High Intensity-Office Only [Ord. 2005-002]
CIE	Capital Improvement Element
CLASC	Conservation Land Acquisition Selection Committee
CLF	Congregate Living Facility
CL	Commercial Low Intensity [Ord. 2005-002]
CLO	Commercial Low Office [Ord. 2005-002]
CL-O	Commercial Low Intensity-Office Only [Ord. 2005-002]
CN	Neighborhood Commercial [Ord. 2005-002]
CO	Certificate of Occupancy
CON	Conservation [Ord. 2005-002]
COZ	Conditional Overlay Zone
CPTED	Crime Prevention Through Environmental Design
CR	Commercial Recreation [Ord. 2005-002]
CRA	Community Redevelopment Association
CRALLS	Constrained Road At A Lower Level of Service
CRE	Commercial Recreation [Ord. 2005-002]
CSA	Concurrency Service Area
CTF	Citizens Task Force
dB	Decibel
DBH	Diameter at breast height
DCA	State of Florida Department of Community Affairs [Ord. 2004-013]
DEPW	Department of Engineering and Public Works
DOA	Development Order Amendment

DOA	Department of Airports – for purposes of Art. 16
DOT	State of Florida Department of Transportation
DRAB	Development Review Appeals Board
DRI	Development of Regional Impact
DRO	Development Review Officer
EAA	Everglades Agricultural Area
EAC	Expedited Application Consideration
ECR I	PBC Environmental Control Rule I (Onsite Sewage Disposal Systems)
ECR II	PBC Environmental Control Rule II (Water Supply Systems)
EDC	Economic Development Center [Ord. 2004-040]
EPA	United States Environmental Protection Agency
ERM	Environmental Resource Management Department
ERP	Environmental Resource Permit
ESL	Environmentally Sensitive Lands
ESLASC	Environmentally Sensitive Lands Acquisition Selection Committee
ESLO	Environmentally Sensitive Lands Ordinance
FAA	Federal Aviation Administration
F.A.C.	Florida Administrative Code
FAR	Floor area ratio
F.A.R.	Federal Aviation Regulation (for the purposes of Art. 16, Airport Regulation)
FDEP	Florida Department of Environmental Protection
FDO	PBC Facilities Development & Operations Department
FDOT	Florida Department of Transportation
FDPR	Florida Department of Professional Regulation
FEMA	Federal Emergency Management Agency [Ord. 2004-013]
FHBM	Flood Hazard Boundary Map
FIA	Federal Insurance Administration [Ord. 2004-013]
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FISH	Florida Inventory of School House
FLUA	Future Land Use Atlas
FLUE	Future Land Use Atlas Element
FMSF	Florida Master Site File
F.S.	Florida Statutes
GAO	Glades Area Overlay
GFA	Gross Floor Area
GLA	Gross Leasable Area
GNRPB	Groundwater and Natural Resources Protection Board [Ord. 2006-004]
GOPs	Goals, Objectives and Policies of the Comprehensive Plan
GPS	Global Positioning System
HANG	Highest Adjacent Natural Grade
HE	Housing Element of the Plan [Ord. 2005-002]
HOA	Homeowner's Association
HR-8	High Residential 8 [Ord. 2005-002]
HR-12	High Residential 12 [Ord. 2005-002]
HR-18	High Residential 18 [Ord. 2005-002]
HRRB	Historic Resources Review Board
HUD	U.S. Department of Housing and Urban Development
IESNA	Illuminating Engineering Society of North America [Ord. 2005-041]
IFR	Instrument Flight Rules
IG	General Industrial [Ord. 2005-002]
IL	Light Industrial [Ord. 2005-002]
ILS	Instrument Landing System
IND	Industrial INST Institutional and Public Facilities
INST	Institutional and Public Facilities [Ord. 2005-002]
IPF	Institutional and Public Facilities [Ord. 2005-002]
IPARC	Intergovernmental Plan Amendment Review Clearinghouse
IOZ	Indiantown Road Overlay
Ldn	Day-Night Average Sound Level

LLF	Light Loss Factor [Ord. 2005-041]
LME	Lake Maintenance Easements
LOS	Level of Service
LOST O	Lake Okeechobee Scenic Trail Overlay
LPA	Local Planning Agency
LR-1	Low Residential 1 [Ord. 2005-002]
LR-2	Low Residential 2 [Ord. 2005-002]
LR-3	Low Residential 3 [Ord. 2005-002]
LUAB	Land Use Advisory Board
LWRCCO	Lake Worth Road Commercial Corridor Overlay
MAI	Member of the Appraiser's Institute
MDA	Minimum Descent Altitude
MF	Multi-family Dwelling [Ord. 2006-004]
MLS	Microwave Landing System
MOCA	Minimum Obstruction Clearance Altitude
MPCP	Master Pedestrian Circulation Plan
MPO	Metropolitan Planning Organization
MR-5	Medium Residential 5 [Ord. 2005-002]
MSP	Master Sign Program
MVA	Minimum Vectoring Altitude
NAICS	North American Industrial Classification System
NBCTF	Northlake Boulevard Corridor Task Force
NBOZ	Northlake Boulevard Overlay Zone
NCD	Neighborhood Commercial Development
NEO	Native Ecosystem Overlay District
NGVD	National Geodetic Vertical Datum
NLR	Noise Level Reduction
NPDES	National Pollution Discharge Elimination System
OFMB	Office of Management and Budget
OHW	Ordinary High Water
OLW	Ordinary Low Water
OR	Optional Residential
OSTDS	Onsite Sewage Treatment and Disposal System
OWL	Ordinary Water Level
PAR	Precision Approach Radar
PBC	Palm Beach County
PBCACC	PBC Division of Animal Care and Control [Ord. 2006-036]
PBCHD	PBC Health Department
PBCWUD	PBC Water Utilities Department
PBIA	Palm Beach International Airport
PBIAO	Palm Beach International Airport Overlay
PC	Preservation/Conservation [Ord. 2005-002]
PCN	Property Control Number
PCP	Permanent Control Points
PDD	Planned Development Districts
PDR	Property Development Regulation
PO	Public Ownership [Ord. 2005-002]
POA	Property Owner's Association
PRCF	Peer Review Certification Form
PRM	Permanent Reference Monuments
PUD	Planned Unit Development
PZB	Planning Building and Zoning Department
RCRA	Resource Conservation and Recovery Act
RE	Residential Estate [Ord. 2005-002]
RFI	Request for Interpretation
RM	Multifamily Residential [Ord. 2005-002]
R-O-W	Right-of-Way
RPZ	Runway Protection Zone
RR-2.5	Rural Residential 2.5 [Ord. 2005-002]

RR-5	Rural Residential 5 [Ord. 2005-002]
RR-10	Rural Residential 10 [Ord. 2005-002]
RR-20	Rural Residential 20 [Ord. 2005-002]
RS	Single Family Residential [Ord. 2005-002]
RSA	Rural Service Area
RT	Residential Transitional [Ord. 2005-002]
RTO	Research and Technology Overlay
SCO	Scientific Community Overlay [Ord. 2004-040]
SCGCFO	Sugar Cane Growers Cooperative of Florida Protection Area Overlay [Ord. 2004-040]
SCS	School Capacity Study
SF	Single Family
SFD	Single-family Dwelling [Ord. 2006-004]
FWMD	South Florida Water Management District
SIAP	Standard Instrument Approach Procedure
SIC	Standard Industrial Code
SPZ	Sand Preservation Zone
STLP	Sea Turtle Lighting Plan
STPO	Sea Turtle Protection Ordinance
STPZ	Sea Turtle Protection Zone
TAPO	Turnpike Aquifer Protection Overlay
TCMA	Transportation Concurrency Management Areas
TCRPC	Treasure Coast Regional Planning Council
TDR	Transfer of Development Rights
TH	Townhouse Dwelling [Ord. 2006-004]
TMD	Traditional Marketplace Development
TND	Traditional Neighborhood Development
Tntc	Too numerous to count
TPS	Traffic Performance Standards
TPSAB	Traffic Performance Standards Appeals Board
TTD	Traditional Town Development
U/S	Urban/Suburban Tier
USA	Urban Services Area
USACE	United States Army Corps of Engineers [Ord. 2006-004]
USDA	United States Department of Agriculture
U/T	Transportation and Utilities Facilities [Ord. 2005-002]
v/c	Volume to Capacity
VFR	Visual Flying Rules
VOR	Very-high Frequency Omni-range
VPPO	Vegetation Preservation and Protection Ordinance
VRN	Vegetation Removal Notice
WCAA	West County Agricultural Area
WCRAO	Westgate Belvedere Homes Overlay
WHP	Workforce Housing Program [Ord. 2005-002]
WPZ	Wellfield Protection Zone
WRA	Water Resources Area
ZC	Zoning Commission
ZI	Zones of Influence
ZLL	Zero Lot Line

Amendment History: **[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-013; June 27, 2006] [Ord. 2006-036; August 29, 2006]**