

ARTICLE 4

USE REGULATIONS

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ARTICLE 4

USE REGULATIONS

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

Section 1 Overview

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

Section 2 Variance Relief Prohibited

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

Section 3 Zoning and Future Land Use Consistency

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

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

Section 4 Overlays

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

Section 5 Airport Zones

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

Section 6 Specific Regulations for Standard Zoning Districts

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

Section 7 **Determining Approval Process**

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

A. Organization

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

B. Use Classification

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

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

C. Use Matrix

Each Use Matrix identifies all zoning districts, uses, and approval process, except as indicated otherwise. The Use Matrix indicates the approval process for each Use Type in Standard Zoning Districts, PDDs, TDDs, URAO, and IRO. A number in the column under the "Supplementary Use Standard" of the Use Matrix refers to the Definition and Supplementary Use Standards applicable to each use. [Ord. 2018-002] [Ord. 2019-005]

1. Permitted by Right

Uses identified with a "P" are allowed in the zoning district, subject to the Supplementary Use Standards and the other applicable requirements of this Code. Uses in this category that do not require a Building Permit or Zoning Division Site Plan approval are still required to comply with all applicable requirements of the ULDC.

2. Development Review Officer (DRO)

Uses identified with a "D" or exceeding the thresholds of Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, are allowed subject to approval by the DRO in accordance with Art. 2.C, Administrative Processes. [Ord. 2019-005]

3. Class B Conditional Use

Uses identified with a "B" are allowed in the zoning districts only if approved by the ZC in accordance with Art. 2.B, Public Hearing Processes. [Ord. 2019-005]

4. Class A Conditional Use

Uses identified with an "A" are allowed in the zoning districts with a recommendation by the Zoning Commission, and approved by the BCC in accordance with Art. 2.B, Public Hearing Processes. [Ord. 2019-005]

5. Temporary Use

Uses identified in Table 4.B.11.A, Temporary Use Matrix with a "D" are allowed in the zoning districts with an approval by the Development Review Officer subject to the Zoning Agency Review process. Temporary Uses are not permanent in nature; not intended to be permanently fixed at a location; and, are typically approved for a defined period of time. [Ord. 2017-007] [Ord. 2019-005]

6. Prohibited Use

Uses identified with a dash "-", in a zoning districts column of the Use Matrices, are prohibited in that zoning district, unless otherwise expressly stated under the Supplementary Use Standards for the use, or within any applicable Zoning Overlays. [Ord. 2019-005]

D. General Standards

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

E. Definitions and Supplementary Use Standards for Specific Uses

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

Section 8 Use Functions

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

A. Principal

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

B. Collocated

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

C. Accessory

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

D. Flex Space

This option allows for limited office or retail opportunities where otherwise prohibited in industrial zoning districts, or inversely allows for a limited type of industrial uses in the commercial zoning districts that are consistent with the CH FLU designation. Flex space is only permitted when approved in accordance with Art. 5.B.1.D, Flex Space. [Ord. 2019-005]

Section 9 Development Thresholds

A. Development Review Officer

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

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

Zoning District	Number of Units or Square Feet
RM	16 du
CN	3,000 sq. ft.
CLO	3,000 sq. ft.
CC	8,000 sq. ft.
CHO	8,000 sq. ft.
CG	10,000 sq. ft.
CRE	15,000 sq. ft.
IL	20,000 sq. ft.
IG	20,000 sq. ft.
IPF	20,000 sq. ft. or 16 du
IR	Any project utilizing the Infill Redevelopment Overlay
Notes:	
1.	Approval of a Subdivision Plan is required for all subdivision of land for which a plat or plat waiver has not been granted pursuant to Art. 11, Subdivision, Platting, and Required Improvements or which exceeds the threshold above.
2.	Projects exceeding the thresholds above shall comply with Art. 5.C, Design Standards.
3.	DOs with a Final Master Plan shall receive approval of a Final Site Plan or Subdivision Plan by the DRO pursuant to Art. 2.C, Administrative Processes. [Ord. 2020-020]

B. Public Hearing Approval

Any amendment to an existing development, or new construction of residential, commercial, or industrial projects that meets or exceeds either the maximum square footage or units, or maximum acreage of Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioners Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art. 2.B.7.B, Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD. Projects that meet or exceed the thresholds of this Table that do not meet the access and dimension requirements of a PDD or TDD; are not allowed to be a PDD or TDD by the Plan; or for non-residential projects, consist of only one use, shall be approved as a Class A Conditional Use.

1. Exemptions

The following projects shall be exempt from this requirement:

- a. Projects located in the PO Zoning District or that propose to rezone to the PO Zoning District, that support existing or proposed Government Facilities; and
- b. Infill Redevelopment Overlay projects approved by the DRO.

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

FLU Designation	Threshold
Residential (Excluding RR FLU)	200 du (including density bonus), or 50 ac.
AGR (with Residential)	250 ac.
CL-O, CL	30,000 sq. ft.
CH-O, CH, CR, MLU, INST	50,000 sq. ft.
IND, CMR, EDC	100,000 sq. ft.
[Ord. 2023-011]	
Notes:	
1.	Land area devoted to retention pursuant to the requirements of the C-51 drainage basin, or land area devoted to vegetation preservation pursuant to Art. 14.C, Vegetation Preservation and Protection, excluding AGR or Sector Plan Preserve Areas, shall not be counted toward the maximum acreage threshold.

C. Density Bonus

Any amendment to an existing development, or new construction of projects, which includes an existing or proposed WHP, AHP, TDR, or WCRAO Density Bonus Program residential density bonus, shall require confirmation of any applicable thresholds for approval process in accordance with Art. 5.G, Density Bonus Programs, or Art. 3.B.14.H, WCRAO Density Bonus Program. [Ord. 2017-025] [Ord. 2021-006]

D. Agricultural Reserve Design Elements

The Development Area shall comply with FLUE Policy 1.5.1-r, Ag Reserve Design Elements.

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

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

A. Residential Use Matrix

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

Table 4.B.1.A – Residential Use Matrix

[illegible]

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B. General Residential Standards

1. Accessory Affordable Housing

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

C. Definitions and Supplementary Use Standards for Specific Uses

1. Congregate Living Facility (CLF)

a. Definition

A facility which provides long-term care, housing, food service, and one or more assistive care services for persons not related to the owner or administrator by blood or marriage. A permanent or temporary group living arrangement for people without disabilities, or a group living arrangement in which normalization and/or community integration are not integral elements, or a group living arrangement for people undergoing treatment in a program under the same or affiliated ownership, or congregate housing for people with disabilities who pose a direct threat to the health or safety of others including as an alternative to incarceration, or intermediate care or assisted living facilities that do not emulate a family. [Ord. 2021-022]

b. Typical Uses

Typical uses may include, but are not limited to: [Ord. 2021-022]

- 1) Group home or other CLF for housing for people without disabilities that does not emulate a family; [Ord. 2021-022]
- 2) Group home or other CLF arrangement for people who may be considered a direct threat to the health or safety of others, that requires monitoring; [Ord. 2021-022]
- 3) Intermediate care facility for people with developmental disabilities that does not emulate a family; [Ord. 2021-022]
- 4) Assisted Living Facilities for adults with disabilities or elderly for the number of people that exceed the thresholds to be considered a Community Residence and do not emulate a family; [Ord. 2021-022]
- 5) Shelters for victims of domestic abuse; [Ord. 2021-022]
- 6) Previously approved Type 3 CLF, for people with disabilities that do not meet the requirements of a Community Residential Home pursuant to F.S. § 419.001, and the residents are: [Ord. 2021-022]
 - a) Frail elders or disabled adults (F.S. § 429.65); [Ord. 2021-022]
 - b) Persons with disabilities (F.S. § 760.22(3)(a)); [Ord. 2021-022]
 - c) Persons who have a developmental disability (F.S. § 393.063); [Ord. 2021-022]
 - d) Non-dangerous person who has a mental illness (F.S. § 394.455); [Ord. 2021-022]
 - e) A child who is found to be dependent (F.S. § 39.01 or § 984.03); [Ord. 2021-022]
 - f) A child in need of services (F.S. § 984.03 or § 985.03); or, [Ord. 2021-022]
- 7) Previously approved Type 1 CLF or Type 2 CLF for people without disabilities that do not meet the definition and requirements for Family Community Residence or Transitional Community Residence. [Ord. 2021-022]

c. Approval Process

1) RS Zoning District

A CLF may be allowed in the RS Zoning District with an MR-5, HR-8, HR-12, or HR-18 FLU designation subject to a Class A Conditional Use approval. A CLF in the RS Zoning District with an LR-1, LR-2, and LR-3 FLU designation shall be prohibited. [Ord. 2019-005] [Ord. 2021-022]

d. Maximum Occupancy

A CLF may include multiple dwelling units on a single lot. The maximum occupancy shall be determined by FLUE Table 2.2.1-g.1 of the Plan and multiplying the maximum allowable density by 2.39. A dwelling unit is equivalent to 2.39 residents/beds. [Ord. 2019-005] [Ord. 2021-022]

e. Location

- 1) A CLF shall have a front or side street property line abutting a Local Commercial, Collector, or an Arterial Street, except for the following: [Ord. 2021-022]
 - a) A CLF having 25 residents or less may have frontage and access from a Local Street. [Ord. 2021-022]

- b) A CLF having 250 or fewer residents may be located in a Residential Pod with attached housing, and may have access to a Local Residential Street or a Residential Access Street. [Ord. 2021-022]
 - 2) A proposed CLF with 14 or fewer residents shall be located a minimum of 660 feet or seven lots whichever is greater, from an existing Community Residence, Recovery Community, or other CLF. A proposed CLF with more than 14 residents shall be located a minimum of 1,200 feet from an existing Community Residence, Recovery Community, or other CLF with more than 14 residents. The separation requirement in this Section shall be measured in linear feet from the closest points between the property lines. [Ord. 2021-022]
 - a) **Exception**
A CLF approved as a Type 3 CLF prior to the effective date of Ordinance No. 2021-022, shall be considered a legal conforming use and not subject to these separation requirements, unless the proposed request is to add land area and will decrease the existing separation from the closest Community Residence, Recover Community, or other CLF. [Ord. 2021-022]
 - f. **Drop-Off Area**
A drop-off area shall be provided for group transportation, such as vans or similar vehicles, when more than 14 residents. [Ord. 2021-022]
 - g. **Accessory Commercial Uses**
A limited amount of commercial uses may be Permitted by Right as accessory uses in a CLF. Such uses shall be limited to Medical or Dental Office, Personal Services, and Retail Sales uses designed exclusively to serve the residents of the facility, such as a barber or beauty shop, banking services, and convenience retail sales. No more than ten percent of the GFA of the facility shall be used for accessory commercial uses. There shall be no exterior signage or other indication of the existence of these uses in the facility that may attract non-residents. [Ord. 2021-022]
 - h. **Congregate Living, Assistive Care Services**
Assistance with activities of daily living and limited nursing services. [Ord. 2021-022]
 - i. **Cooking Facilities**
A CLF shall provide and continuously maintain a central dining facility. Individual kitchen facilities may be provided in the living quarters of a CLF. [Ord. 2021-022]
2. **Cottage Home**
- a. **Definition for Cottage Homes**
The use of a lot or a structure for one detached dwelling unit with reduced property development regulations. [Ord. 2018-018] [Ord. 2019-034]
 - b. **Cottage Home Size**
A maximum of 1,000 square feet per unit.
 - c. **Cottage Homes in RS Zoning District**
May be allowed in the RS Zoning District with an MR-5 or higher FLU designation, subject to Full DRO approval. [Ord. 2019-034]
 - d. **Cottage Homes in MF Pod or Lot**
If Cottage Homes are developed in an MF Pod or lot, they shall be developed in a cluster with open space that is commonly shared by the individual tenants or owners, subject to the following: [Ord. 2019-034]
 - 1) **Rear Garage**
May have garage and driveways located in the rear of each unit. [Ord. 2019-034]
 - 2) **Open Space**
The units shall front on a commonly owned open space with a minimum width of 75 feet, measuring from the front façade of each unit or front porch, whichever is applicable. [Ord. 2019-034]
3. **Family Community Residence**
- a. **Definition**
A Community Residence that provides a relatively permanent living arrangement for five to ten people with disabilities which, in practice and/or under its rules, charter, or other governing document, does not limit how long a resident may live there. The intent is for residents to live in the dwelling unit on a long-term basis, of at least a year. A Family Community Residence emulates a biological family to foster normalization of its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter; foster and facilitate life skills; and, meet the physical, emotional, and social needs of the residents in a mutually supportive family-like environment. Medical treatment is incidental, as in any home. [Ord. 2021-022]

b. Typical Uses

Typical uses shall conform to the definition and include, but not are limited to the following: [Ord. 2021-022]

- 1) Oxford House or other long-term housing for people in recovery from substance use disorder, and with no limit on tenancy in practice or in rules; [Ord. 2021-022]
- 2) Community Residential Home (F.S. ch. 419); [Ord. 2021-022]
- 3) Assisted Living Facility for the elderly or other people with disabilities (F.S. § 429.02(5)); [Ord. 2021-022]
- 4) Adult Family-Care Home (F.S. § 429.60); [Ord. 2021-022]
- 5) Intermediate Care Facility for people with developmental disabilities (F.S. § 400.960); [Ord. 2021-022]
- 6) Housing licensed by F.S. ch. 394; [Ord. 2021-022]
- 7) Recovery Residences certified pursuant to F.S. ch. 397 currently the Florida Association of Recovery Residences, typically Levels 1-2 certified homes, when residency is one year or longer; or, [Ord. 2021-022]
- 8) Previously approved Type 1 CLF or Type 2 CLF for people with disabilities that meets the definition and requirements for a Family Community Residence. [Ord. 2021-022]

c. Approval Process

1) Permitted by Right

a) CL/CH/CHO-MUPD, IND/L-PIPD, TND Residential Use Zone Exurban/Rural Tier, TMD U/S, Exurban/Rural Tiers, or AGR Development Area Zoning Districts

A Family Community Residence may be Permitted by Right within previously approved Single Family, Zero Lot Line, Cottage Home, Townhouse, or Multifamily dwelling units, subject to compliance with Licensing, Certification, or Charter, Occupancy, and Location. [Ord. 2021-022]

2) DRO Approval

a) CL/CH/CHO-MUPD Zoning Districts

A Family Community Residence may be allowed in a proposed Zero Lot Line, Townhouse, or Multifamily dwelling units, subject to the approval procedures for those housing types. [Ord. 2021-022]

3) Type 2 Waiver

A Family Community Residence may request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the requirements of one or more of the following: [Ord. 2021-022]

- a) Art. 4.B.1.C.3.d.1), Licensing or Certification, when licensing or certification is not required or available from the State of Florida or Florida Association of Recovery Residences or the Family Community Residence is not eligible for an Oxford House Charter. This does not apply when the Family Community Residence has been denied a license, certification, or Oxford House Charter, or it has been revoked; [Ord. 2021-022]
- b) Art. 4.B.1.C.3.e.2)a), Number of Residents, Including Staff That Reside in the Dwelling Unit, are more than ten, but still meets the definition of Family Community Residence; or, [Ord. 2021-022]
- c) Art. 4.B.1.C.3.f, Location, when the proposed Family Community Residence does not meet the minimum distance between other Community Residences, Recovery Communities, or Congregate Living Facilities. [Ord. 2021-022]

4) Zoning Confirmation Letter

An Applicant proposing to have a Family Community Residence shall apply for a Zoning Confirmation Letter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility, in order to confirm compliance with Licensing or Certification, Occupancy, and Location requirements. [Ord. 2021-022]

d. Licensing, Certification, or Charter

- 1) A Family Community Residence shall be licensed or certified by one of the licensing entities referenced in F.S. § 419.001, § 397.311, or § 397.487; or obtain an Oxford House Charter, as follows: [Ord. 2021-022]

- a) The appropriate available license, or certification that the State of Florida, or Florida Association of Recovery Residences, offers or requires to operate the proposed Family Community Residence, including any provisional license or certification issued prior to granting a full license or certification; pursuant to F.S. § 419.001, ch. 394, or § 397.487. [Ord. 2021-022]

- b) A “conditional” Oxford House Charter within 30-calendar days of the date on which the first individual occupies the Oxford House and a “permanent” Oxford House Charter within 180-calendar days after the “conditional” charter was issued. [Ord. 2021-022]
 - 2) An existing Type 1 or Type 2 CLF, or other facility or use that conforms to the definition of Family Community Residence, located in the unincorporated area of Palm Beach County as of the effective date of Ordinance No. 2021-022, that is not currently licensed or certified by the State of Florida, and that does not receive licensure, certification, or recertification from the designated state entity within one calendar year from the effective date of Ordinance No. 2021-022, shall not be considered a conforming use and shall cease operation one calendar year from the effective date of Ordinance No. 2021-022 or within 60-calendar days of the date on which certification, recertification, or the required license is denied, whichever date comes first. The operator of the unlicensed or uncertified Family Community Residence must return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]
 - 3) An existing use that conforms to the definition of Family Community Residence, and located in the unincorporated area of Palm Beach County that was previously licensed or certified by the State of Florida, or has an Oxford House Charter as of the effective date of Ordinance No. 2021-022, shall provide proof of license, certificate, or charter to the Zoning Division, within one calendar year from the effective date of Ordinance No. 2021-022. Should the operator fail to provide proof of license, certificate, or charter, they shall: [Ord. 2021-022]
 - a) Cease operation and vacate the premises within 60-calendar days and the operator shall return residents to their families or relocate them to a safe and secure living environment; or [Ord. 2021-022]
 - b) Request approval for the applicable use pursuant to adopted Ordinance. [Ord. 2021-022]
- 4) Annual Notification of License, Certificate, or Charter**
 The Applicant shall annually provide proof of the valid license, certification, or charter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility. Failure to provide proof of final licensure or certification from the State of Florida, or an Oxford House Charter will result in revocation of the approval for the use. [Ord. 2021-022]
- e. Occupancy**
 - 1) Residents of a Family Community Residence may include, but are not limited to non-dangerous persons who are: [Ord. 2021-022]
 - a) Frail elders or other adults with disabilities (F.S. § 429.65); [Ord. 2021-022]
 - b) Persons with disabilities (F.S. § 760.22(3)(a)); [Ord. 2021-022]
 - c) Persons with developmental disabilities (F.S. § 393.063); [Ord. 2021-022]
 - d) Persons who have a mental illness (F.S. § 394.455); [Ord. 2021-022]
 - e) A child who is found to be dependent (F.S. § 39.01 or § 984.03); [Ord. 2021-022]
 - f) A child in need of services (F.S. § 984.03 or § 985.03); [Ord. 2021-022]
 - g) Residents of an Oxford House or persons recovering from a substance use disorder; or, [Ord. 2021-022]
 - h) Staff who reside in the home as part of the Family Community Residence and play an integral part of emulating a family. [Ord. 2021-022]
 - 2) **Number of Residents, Including Staff That Reside in the Dwelling Unit**
 - a) Minimum five and no more than ten residents; or [Ord. 2021-022]
 - b) Minimum five and no more than 14 residents defined pursuant to F.S. § 419.001. [Ord. 2021-022]
- f. Location**
 A Family Community Residence shall be located at least 660 feet or seven lots whichever is greater, from another Community Residence, Recovery Community, or Congregate Living Facility. The separation requirement in this Section shall be measured in linear feet from the closest points between the property lines. [Ord. 2021-022]
 - 1) **Exemption**
 Per State law, Family Community Residences for people with developmental disabilities located in a “planned residential community” as defined by F.S. § 419.001(1)(d), are exempt from the spacing requirements between Community Residences, Recovery Communities, and Congregate Living Facilities established in this Code. [Ord. 2021-022]

g. Revocation

An operator must provide evidence of license, certificate, or charter prior to the expiration of the 12-month Zoning Confirmation Letter for Family Community Residence, as issued. An operator who has not received licensure, certification, or charter; or where a license, certification, or charter was denied, revoked, or suspended, shall not be allowed to operate in PBC and the Zoning Confirmation Letter for the Family Community Residence shall become null and void. An operator must notify the Zoning Director, or designee, that its license, certification, or Oxford House Charter has been suspended or revoked within five-calendar days of the operator being notified of the suspension or revocation. Such an operator shall cease operation and vacate the premises within 60-calendar days and the operator of the Family Community Residence shall return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]

4. Mobile Home Dwelling

a. Definition

The use of a residential lot or unit for one Mobile Home.

b. Principal Use

Only Mobile Home Dwellings located within the MHPD Zoning District, or within an existing approved Mobile Home Park, shall be treated as a principal use.

c. Accessory Use – Bona Fide Agriculture

One Mobile Home structure may be allowed accessory to a principal Bona Fide Agriculture use.

1) Lot Size

a) AR (USA) and AGR Districts

A minimum of five acres.

b) RR-2.5, RR-5, RR-10, and AP FLU Designation

A minimum of ten acres.

c) RR-20 FLU Designation

A minimum of 20 acres.

2) Setbacks

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

3) Mobile Home Removal Agreement

A removal agreement shall be executed and notarized between the Building Division and Property Owner and recorded on the property in the Official Records of the PBC Clerk prior to issuance of any Building Permit. The agreement shall be recorded against the property stating that the Mobile Home shall be removed within 30 days in the event the property is sold or the Bona Fide Agriculture operation ceases to exist.

5. Multifamily

a. Definition

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

b. Typical Uses

Typical uses include apartments and residential condominiums.

c. Overlay – WCRAO

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

d. Zoning District

1) TMD District

AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC.

2) RM District

Multifamily units may be allowed in the RM Zoning District as follows: [Ord. 2017-025]

a) MR-5 FLU Designation

(1) Existing RM Zoning

The property was zoned RM prior to the 1989 adoption of the Plan, and for lots less than three acres, provided that the proposed Multifamily development does not introduce Multifamily housing into a subdivision that is exclusively Single Family. [Ord. 2021-006] [Ord. 2023-009]

(2) Density Bonus

The property is three acres or greater, utilizes the Transfer of Development Rights and/or Workforce Housing Program to increase density, and provided that the

proposed Multifamily development does not introduce Multifamily housing into a subdivision that is exclusively Single Family. [Ord. 2023-009]

(3) Approval Process

The approval process shall be as follows:

- (a) Permitted by Right for projects with one to four dwelling units; [Ord. 2023-009]
- (b) DRO for projects with five to eight dwelling units; [Ord. 2023-009]
- (c) Class B Conditional Use for projects with nine to 24 dwelling units; [Ord. 2023-009]
- (d) Class A Conditional Use for projects with 25 or greater dwelling units. [Ord. 2023-009]

(4) Development Order

Prior approvals for Multifamily units in the RM Zoning District with an MR-5 FLU designation shall be considered legal conforming uses.

b) HR-8, HR-12, or HR-18 FLU Designation

Multifamily units on parcels with an HR-8, HR-12, or HR-18 FLU designation, may be Permitted by Right unless Development Thresholds in Art. 4.A.9, Development Thresholds are triggered. [Ord. 2017-025]

c) Limestone Creek

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

d) Multifamily Units in Single Family Subdivisions

Multifamily units in the RM Zoning District shall not be approved on lots less than three acres within an existing exclusively Single Family subdivision. [Ord. 2023-009]

6. Recovery Community

a. Definition

Multiple dwelling units in Townhouses or Multifamily housing, or a group of Single Family or other detached dwellings, that are not held out to the general public for rent or occupancy, that provides a drug-free and alcohol-free mutually supportive living arrangement for people in recovery from substance use disorder, which, taken together, do not emulate a biological family and are under the auspices of a single entity or group of related entities. Recovery Communities include land uses for which the operator is eligible to apply for certification or licensing from the State of Florida. The term does not include any other group living arrangements for people who are not disabled nor any Community Residence, Congregate Living Facility, institutional or medical use, shelter, lodging or boarding house, extended-stay hotel, nursing home, vacation rental, or other use defined in this this Code. [Ord. 2021-022]

b. Non-Conformities

- 1) An existing Type 1 or Type 2 CLF, or other facility or use that conforms to the definition of Recovery Community, located in the unincorporated area of Palm Beach County as of the effective date of Ordinance No. 2021-022, that is not currently licensed or certified by the State of Florida, and that does not receive licensure, certification, or recertification from the designated State entity within one calendar year from the effective date of Ordinance No. 2021-022, shall not be considered a conforming use and shall cease operation one calendar year from the effective date of Ordinance No. 2021-022 or within 60-calendar days of the date on which certification, recertification, or the required license is denied, whichever date comes first. The operator of the unlicensed or uncertified Recovery Community must return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]
- 2) An existing use that conforms to the definition of Recovery Community, and located in the unincorporated area of Palm Beach County that was previously licensed or certified by the State of Florida, as of the effective date of Ordinance No. 2021-022, shall provide proof of license or certificate to the Zoning Division, within one calendar year from the effective date of Ordinance No. 2021-022. Should the operator fail to provide proof of license, certificate, or charter, they shall: [Ord. 2021-022]
 - a) Cease operation and vacate the premises within 60-calendar days and the operator shall return residents to their families or relocate them to a safe and secure living environment; or [Ord. 2021-022]
 - b) Request approval for the applicable use pursuant to adopted Ordinance. [Ord. 2021-022]

c. Approval Process

1) Permitted by Right

a) Residential Pod – PUD within Townhouse or Multifamily Housing

A Recovery Community may be located within an existing or proposed pod for attached housing subject to the approval process for the specific housing structure, and compliance with Art. 4.B.1.C.6.d, Licensing or Certification and Art. 4.B.1.C.6.e, Location. [Ord. 2021-022]

2) RM Zoning District

A Recovery Community may be allowed in the RM Zoning District as follows: [Ord. 2021-022]

a) MR-5 FLU Designation

(1) Existing RM Zoning

The property was zoned RM prior to the 1989 adoption of the Plan. [Ord. 2021-022]

(2) Previous Approval for Multifamily in the RM Zoning District with an MR-5 FLU Designation

A Recovery Community may be Permitted by Right when located within existing Multifamily units in the RM Zoning District with an MR-5 FLU designation, subject to compliance with Art. 4.B.1.C.6.d, Licensing or Certification and Art. 4.B.1.C.6.e, Location. Where a Multifamily with five or more units does not exist, the Applicant shall seek approval for a Multifamily use pursuant to Art. 4.B.1.C.5.d.2), RM District. [Ord. 2021-022]

(3) A proposed Recovery Community with a maximum of four units may be Permitted by Right in the RM Zoning District with an MR-5 FLU designation, subject to compliance with Art. 4.B.1.C.6.d, Licensing or Certification and Art. 4.B.1.C.6.e, Location. [Ord. 2021-022]

b) HR-8, HR-12, or HR-18 FLU Designation

A Recovery Community located on a parcel(s) with an HR-8, HR-12, or HR-18 FLU designation, may be Permitted by Right unless Development Thresholds in Art. 4.A.9, Development Thresholds are triggered, subject to compliance with Art. 4.B.1.C.6.d, Licensing or Certification and Art. 4.B.1.C.6.e, Location. [Ord. 2021-022]

c) Limestone Creek

A Recovery Community in the RM Zoning District shall be prohibited in the area bounded on the north by 184th Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street). [Ord. 2021-022]

3) Type 2 Waiver

A Recovery Community may request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the minimum distance between other Community Residences, Recovery Communities, or CLFs pursuant to Art. 4.B.1.C.1.e.2), Location. [Ord. 2021-022]

4) Zoning Confirmation Letter

An Applicant proposing a Recovery Community shall apply for a Zoning Confirmation Letter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility, in order to confirm compliance with Art. 4.B.1.C.6.d, Licensing or Certification and Art. 4.B.1.C.6.e, Location requirements. [Ord. 2021-022]

d. Licensing or Certification

A Recovery Community shall be licensed or certified by one of the certifying entities referenced in F.S. § 397.487 and be actively managed by a certified recovery residence administrator. Certificate of Compliance and/or renewal shall be provided for application review. [Ord. 2021-022]

1) Annual Notification of License, Certificate, or Charter

The Applicant shall annually provide proof of the valid license, certification, or charter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility. Failure to provide proof of final licensure or certification from the State of Florida, will result in revocation of the approval for the use. [Ord. 2021-022]

e. Location

A proposed Recovery Community shall be located at least 1,200 feet or ten lots whichever is greater, from the closest Recovery Community, Community Residence, or Congregate Living Facility. [Ord. 2021-022]

- 1) The separation requirement in this Section shall be measured in linear feet from property line to property line. [Ord. 2021-022]
- 2) The separation requirement, when developed as a group of Single Family or other detached dwellings and located on separate adjacent lots, shall be measured in linear feet from the perimeter property lines of the combined lots to the property line of the closest Recovery Community, Community Residence, or Congregate Living Facility. [Ord. 2021-022]

f. Revocation

An operator must provide evidence of licensure or certification prior to the expiration of the 12-month Zoning Confirmation Letter for Recovery Community, as issued. An operator who has not received licensure or certification; or where a license or certification was denied, revoked, or suspended, shall not be allowed to operate in PBC and the Zoning Confirmation Letter for the Recovery Community shall become null and void. An operator must notify the Zoning Director, or designee, that its license, certification, or Oxford House Charter has been suspended or revoked within five-calendar days of the operator being notified of the suspension or revocation. Such an operator shall cease operation and vacate the premises within 60-calendar days and the operator of the Recovery Community shall return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]

7. Single Family

a. Definition

The use of a lot or a structure for one detached dwelling unit. [Ord. 2019-034]

8. Townhouse

a. Definition

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

b. Approval Process – RS Zoning District

Townhouses shall only be allowed in the RS Zoning District on parcels with an LR-2 or higher FLU designation. Townhouses on parcels with an HR-8, HR-12, or HR-18 FLU designation, may be allowed subject to DRO approval.

9. Transitional Community Residence

a. Definition

A Community Residence that provides a relatively temporary living arrangement for unrelated people with disabilities with a limit on length of tenancy less than a year which may be measured in weeks or months as determined either in practice or by the rules, charter, or other governing document of the Transitional Community Residence. A Transitional Community Residence may service residents with substance use disorder who may be undergoing detoxification at another location. A Transitional Community Residence emulates a biological family to foster normalization of its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter; foster and facilitate life skills; and, meet the physical, emotional, and social needs of the residents in a mutually supportive family-like environment. Medical treatment is incidental, as in any home. Transitional Community Residences include, but are not limited to, those residences that comport with this definition that are licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elder Affairs, the Florida Agency for Health Care Administration, and the Florida Department of Children and Families, under F.S. ch. 419, and Recovery Residences certified by the State's designated credentialing entity established under F.S. § 397.487. [Ord. 2021-022]

b. Typical Uses

Typical uses shall conform to the definition, with less than one year of tenancy, and include but are not limited to the following: [Ord. 2021-022]

- 1) Halfway houses for people with disabilities that emulate a family, including people with illness, substance use disorder, physical disabilities, or mental illness; [Ord. 2021-022]
- 2) Community Residential Facility licensed under F.S. ch. 419; [Ord. 2021-022]
- 3) Housing licensed by F.S. ch. 394 with only outpatient treatment; [Ord. 2021-022]

- 4) Recovery Residences certified pursuant to F.S. ch. 397 currently the Florida Association of Recovery Residences, typically Levels 1-4 certified homes, when residency is less than one year; [Ord. 2021-022]
- 5) Short-term group home; [Ord. 2021-022]
- 6) The Community Housing component associated with a day or night residential treatment center licensed under F.S. § 397.311; or, [Ord. 2021-022]
- 7) Previously approved Type 1 CLF or Type 2 CLF for people with disabilities with less than one year of tenancy and meeting the definition of Transitional Community Residence. [Ord. 2021-022]

c. Approval Process

1) Permitted by Right

- a) AGR, AR, RE, RT, or RS Zoning Districts, Detached Units Residential Pod of a PUD, or Residential Land Use Zone of a TND; or ZLL or Cottage Homes within CL/CH/CHO-MUPD or IND/L-PIPD Zoning Districts; or the NR Sub-area of the WCRAO shall meet the following: [Ord. 2021-022]
 - (1) Art. 4.B.1.C.9.d, Licensing, Certification, or Charter; [Ord. 2021-022]
 - (2) Art. 4.B.1.C.9.e.2)a)(1), Occupancy, maximum six residents defined pursuant to F.S. § 419.001; and, [Ord. 2021-022]
 - (3) Art. 4.B.1.C.9.f, Location. [Ord. 2021-022]
- b) IRO, UC, UI, or RM Zoning Districts; or existing attached housing within a Residential Pod of a PUD, CL/CH/CHO-MUPD, Residential or Neighborhood Center Land Use Zones of a TND, or TMD Zoning Districts shall meet the following: [Ord. 2021-022]
 - (1) Art. 4.B.1.C.9.d, Licensing, Certification, or Charter; [Ord. 2021-022]
 - (2) Art. 4.B.1.C.9.e.2)b), Occupancy; and, [Ord. 2021-022]
 - (3) Art. 4.B.1.C.9.f, Location. [Ord. 2021-022]

2) Type 2 Waiver

a) Use Approval

A Transitional Community Residence, when the residents are not defined pursuant to F.S. § 419.001, shall request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, to allow the use within the AGR, AR, RE, RT, or RS Zoning Districts, Detached Units Residential Pod of a PUD, or Residential Land Use Zone of a TND; or ZLL or Cottage Homes within CL/CH/CHO-MUPD or IND/L-PIPD Zoning Districts; or the NR Sub-area of the WCRAO subject to the following requirements: [Ord. 2021-022]

- (1) Art. 4.B.1.C.9.d, Licensing or Certification; [Ord. 2021-022]
- (2) Art. 4.B.1.C.9.e.2)a)(2), Occupancy; and, [Ord. 2021-022]
- (3) Art. 4.B.1.C.9.f, Location. [Ord. 2021-022]
- (4) An Applicant may seek additional Type 2 Waivers, when the Transitional Community Residents does not meet the requirements of one or more of the following: [Ord. 2021-022]
 - (a) Art. 4.B.1.C.9.d, Licensing or Certification, when licensing or certification is not required or available from the State of Florida or Florida Association of Recovery Residences. This does not apply when the Transitional Community Residence has been denied a license or certification, or it has been revoked; [Ord. 2021-022]
 - (b) Art. 4.B.1.C.9.e.2)a)(2), Occupancy, when the number of residents including staff that reside in the dwelling unit, are more than ten, but still meet the definition of Transitional Community Residence; or, [Ord. 2021-022]
 - (c) Art. 4.B.1.C.9.f, Location, when the proposed Transitional Community Residence does not meet the minimum distance from other Community Residences, Recovery Communities, or Congregate Living Facilities. [Ord. 2021-022]

- b) A Transitional Community Residence may request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the requirements of one or more of the following: [Ord. 2021-022]

(1) AGR, AR, RE, RT, or RS Zoning Districts, Detached Units Residential Pod of a PUD, or Residential Land Use Zone of a TND; or ZLL or Cottage Homes within CL/CH/CHO-MUPD or IND/L-PIPD Zoning Districts; or the NR Sub-area of the WCRAO

- (a) Art. 4.B.1.C.9.d.1), Licensing or Certification, when licensing or certification is not required or available from the State of Florida or the Florida Association of Recovery Residences. This does not apply when the Transitional Community

Residence has been denied a license or certification, or it has been revoked; [Ord. 2021-022]

(b) Art. 4.B.1.C.9.e.2)a)(1), Number of Residents, including staff that reside in the dwelling unit, are more than six but not exceeding 14 residents; or, [Ord. 2021-022]

(c) Art. 4.B.1.C.9.f, Location, when the proposed Transitional Community Residence does not meet the minimum distance from the closest Community Residence, Recovery Community, or Congregate Living Facility. [Ord. 2021-022]

(2) IRO, UC, UI, or RM Zoning Districts; or Existing Attached Housing within a Residential Pod of a PUD, CL/CH/CHO-MUPD, Residential or Neighborhood Center Land Use Zones of a TND, or TMD Zoning Districts

A Transitional Community Residence may request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the requirements of one or more of the following: [Ord. 2021-022]

(a) Art. 4.B.1.C.9.d.1), Licensing or Certification, when licensing or certification is not required or available from the State of Florida or Florida Association of Recovery Residences. This does not apply when the Transitional Community Residence has been denied a license or certification, or it has been revoked; [Ord. 2021-022]

(b) Art. 4.B.1.C.9.e.2)b)(1), Number of Residents, including staff that reside in the dwelling unit, are more than ten, but still meets the definition of Transitional Community Residence; or, [Ord. 2021-022]

(c) Art. 4.B.1.C.9.f, Location, when the proposed Transitional Community Residence does not meet the minimum distance from the closest Community Residence, Recovery Community, or Congregate Living Facility. [Ord. 2021-022]

3) Zoning Confirmation Letter

An Applicant proposing to establish a Transitional Community Residence shall apply for a Zoning Confirmation Letter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility, in order to confirm compliance with Licensing or Certification, Occupancy, and Location requirements. [Ord. 2021-022]

d. Licensing, Certification, or Charter

1) A Transitional Community Residence shall be licensed or certified by one of the licensing entities referenced in F.S. § 419.001, § 397.311, or § 397.487; as follows: [Ord. 2021-022]

a) The appropriate available license or certification that the State of Florida or Florida Association of Recovery Residences, offers or requires to operate the proposed Transitional Community Residence, including any provisional license or certification issued prior to granting a full license or certification pursuant F.S. § 419.001, § 397.311, or § 397.487. [Ord. 2021-022]

2) An existing Type 1 or Type 2 CLF, or other facility or use that conforms to the definition of Transitional Community Residence, located in the unincorporated area of Palm Beach County as of the effective date of Ordinance No. 2021-022, that is not currently licensed or certified by the State of Florida, and that does not receive licensure, certification, or recertification from the designated State entity within one calendar year from the effective date of Ordinance No. 2021-022, shall not be considered a conforming use and shall cease operation one calendar year from the effective date of Ordinance No. 2021-022 or within 60-calendar days of the date on which certification, recertification, or the required license is denied, whichever date comes first. The operator of the unlicensed or uncertified Transitional Community Residence must return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]

3) An existing use that conforms to the definition of Transitional Community Residence, and located in the unincorporated area of Palm Beach County that was previously licensed or certified by the State of Florida, as of the effective date of Ordinance No. 2021-022, shall provide proof of license or certificate to the Zoning Division, within one calendar year from the effective date of Ordinance No. 2021-022. Should the operator fail to provide proof of license, certificate, or charter, they shall: [Ord. 2021-022]

a) Cease operation and vacate the premises within 60-calendar days and the operator shall return residents to their families or relocate them to a safe and secure living environment; or, [Ord. 2021-022]

b) Request approval for the applicable use pursuant to adopted Ordinance. [Ord. 2021-022]

4) Annual Notification of License, Certificate, or Charter

The Applicant shall annually provide proof of the valid license, certification, or charter pursuant to Art. 2.C.8.A.2.d, Confirmation for a Community Residence, Recovery Community, or Congregate Living Facility. Failure to provide proof of final licensure or certification from the State of Florida, will result in revocation of the approval for the use. [Ord. 2021-022]

e. Occupancy

1) Residents of a Transitional Community Residence may include but are not limited to: [Ord. 2021-022]

- a) Frail elders or other people with disabilities (F.S. § 429.65); [Ord. 2021-022]
- b) Persons with disabilities (F.S. § 760.22(3)(a)); [Ord. 2021-022]
- c) Persons with development disabilities (F.S. § 393.063); [Ord. 2021-022]
- d) Non-dangerous person who has a mental illness (F.S. § 394.455); [Ord. 2021-022]
- e) A child who is found to be dependent (F.S. § 39.01 or § 984.03); [Ord. 2021-022]
- f) A child in need of services (F.S. § 984.03 or § 985.03); [Ord. 2021-022]
- g) Persons recovering from substance use disorder; [Ord. 2021-022]
- h) Staff who reside in the home of the Transitional Community Residence and play an integral part of emulating a family. [Ord. 2021-022]

2) Number of Residents, Including Staff That Reside on the Property

a) **AGR, AR, RE, RT, or RS Zoning Districts, Detached Units Residential Pod of a PUD, or Residential Land Use Zone of a TND; or ZLL or Cottage Homes within CL/CH/CHO-MUPD Zoning Districts**

- (1) Maximum six residents defined pursuant to F.S. § 419.001; [Ord. 2021-022]
- (2) Residents not defined pursuant to F.S. § 419.001 require a Type 2 Waiver to allow the use with a minimum of five and a maximum of ten residents. [Ord. 2021-022]

b) **IRO, UC, UI, or RM Zoning Districts; or Existing Attached Housing within a Residential Pod of a PUD, CL/CH/CHO-MUPD, Residential or Neighborhood Center Land Use Zones of a TND, or TMD Zoning Districts**

- (1) Minimum five and a maximum of ten; or [Ord. 2021-022]
- (2) Minimum five and a maximum of 14 for residents defined pursuant to F.S. § 419.001. [Ord. 2021-022]

f. Location

A Transitional Community Residence shall be located at least 660 feet or seven lots whichever is greater, from another Community Residence, Recovery Community, or Congregate Living Facility. The separation requirement in this Section shall be measured in linear feet from property line to property line. [Ord. 2021-022]

1) Exemption

Per State law, Transitional Community Residences for people with developmental disabilities located in a “planned residential community” as defined by F.S. § 419.001(1)(d), are exempt from the spacing requirements between Community Residences, Recovery Communities, and Congregate Living Facilities established in this Code. [Ord. 2021-022]

g. Revocation

An operator must provide evidence of a license or certificate prior to the expiration of the 12-month Zoning Confirmation Letter for Transitional Community Residence, as issued. An operator who has not received licensure or certification; or where a license or certification was denied, revoked, or suspended, shall not be allowed to operate in PBC and the Zoning Confirmation Letter for the Transitional Community Residence shall become null and void. An operator must notify the Zoning Director, or designee, that its license, certification, or Oxford House Charter has been suspended or revoked within five-calendar days of the operator being notified of the suspension or revocation. Such an operator shall cease operation and vacate the premises within 60-calendar days and shall either return residents to their families or relocate them to a safe and secure living environment. [Ord. 2021-022]

10. Zero Lot Line Home (ZLL)

a. Definition

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

b. Approval Process – RS Zoning District

A ZLL Home shall only be allowed in the RS Zoning District with an LR-2 or higher FLU designation. ZLL Homes on parcels with an HR-8, HR-12, or HR-18 FLU designation, may be allowed subject to DRO approval.

D. General Standards for Accessory Uses

Accessory uses shall comply with the specific Supplementary Use Standards contained in this Section.

1. Corresponding Accessory Use to a Principal Use

Accessory uses identified in Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, shall be:

- Permitted by Right unless stated otherwise; and
- Allowed to the corresponding principal use in the Table.

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

Accessory Use	Principal Use													
	Mobile Home Dwelling	Multifamily	Single Family	Townhouse	Zero Lot Line	Bona Fide Agriculture	Stable, Commercial/ Stable, Private	Agricultural Uses	Commercial Uses	Industrial Uses	Institutional, Public, and Civic Uses	Recreation Uses	Utility and Excavation Uses	Transportation Uses
Accessory Quarters	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Caretaker Quarters	-	-	-	-	-	P	P	P	P	P	P	P	P	P
Employee Housing	-	-	-	-	-	-	-	-	-	-	-	A	-	-
Estate Kitchen	-	-	P	-	P	-	-	-	-	-	-	-	-	-
Family Day Care Home	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Farm Residence (2)	-	-	-	-	-	P (1)	-	-	-	-	-	-	-	-
Farm Workers Quarters	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Garage Sale	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Groom's Quarters	-	-	-	-	-	-	A	-	-	-	-	-	-	-
Guest Cottage	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Home-based Business	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Kennel, Type 1	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Limited Pet Boarding	-	-	A (3)	-	-	-	-	-	-	-	-	-	-	-
[Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001] [Ord. 2023-023] [Ord. 2024-004]														
Notes:														
-	Accessory use not allowed.													
P	Permitted by Right.													
A	Accessory use subject to Class A Conditional Use unless stated otherwise—See principal use and accessory use supplementary standards.													
1.	Farm Residence may only be accessory to Bona Fide Agriculture in the AGR and AP Zoning District.													
2.	Accessory uses to Single Family are Permitted by Right to a Farm Residence.													
3.	Limited Pet Boarding shall be allowed in the AGR and AR/RSA and AR/USA Zoning Districts only.													

2. Property Development Regulations (PDRs)

Accessory residential uses shall be subject to the PDRs of the zoning district in which the use is located unless stated otherwise.

3. Ownership

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

4. Duplicate Use

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

5. Discontinuation of Use

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

E. Accessory Residential Uses and Standards

1. Accessory Quarters

a. Definition

A complete, separate living quarter equipped with a kitchen and provisions for sanitation and sleeping, located on the same lot as the owner-occupied principal dwelling. [Ord. 2023-023]

b. Approval

One Accessory Quarter is Permitted by Right as accessory to a Single Family, Townhouse, and Zero Lot Line principal use. [Ord. 2023-023]

c. Building Area

The use shall be subject to the following:

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

d. Architectural Character

The Accessory Quarters shall be architecturally complementary in character and materials with the principal dwelling. [Ord. 2023-023]

e. No Separate Utility Service

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

f. Design and Development Standards – Townhouse or Zero Lot Line

A detached Accessory Quarters associated with a Townhouse or a Zero Lot Line shall be located in the rear of the lot. [Ord. 2023-023]

2. Caretaker Quarters

a. Definition

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

b. Approval

One Caretaker Quarter is Permitted by Right as accessory to all non-residential uses. [Ord. 2023-023]

c. Building Area, Except When Accessory to Government Facilities

The use shall be subject to the following:

- 1) On less than one acre: a maximum of 800 square feet.
- 2) On one acre or more: a maximum of 1,000 square feet.

d. Occupancy

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

e. Temporary Use

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

f. Mobile Home

A Mobile Home may be used for a Caretaker Quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. A Mobile Home used in the AGR, AP, or AR districts, shall be subject to the minimum acreage requirement pursuant to Art. 4.B.1.C.4.c, Accessory Use – Bona Fide Agriculture. [Ord. 2018-002]

g. Mobile Home Removal Agreement

A removal agreement shall be executed and notarized between the Building Division and Property Owner and recorded on the property in the Official Records of the PBC Clerk prior to issuance of the Building Permit. The agreement shall be recorded against the property stating that the Mobile Home shall be removed within 30 days in the event the property is sold or the principal use ceases to exist.

3. Employee Housing

a. Definition

On-site living quarters within attached or detached structures owned by a business or corporation, or other entity that serve as housing for its employees. [Ord. 2023-023]

b. Approval and Applicability

Employee Housing is subject to a Class A Conditional Use approval as an accessory use to a principal Recreational Use for a Golf Course and/or Country Club. The Employee Housing use shall not be converted to another housing type or use. [Ord. 2023-023]

c. Ownership or Rental

- 1) The Employee Housing and the Recreational Use shall be owned by the same entity or person. [Ord. 2023-023]
- 2) There shall be no fee simple subdivision of lots, or sale of individual quarters for ownership. If the Employee Housing is sold or transferred to a different entity or person, the Employee Housing use will no longer be a permissible accessory use to the Recreational Use. [Ord. 2023-023]
- 3) There shall be no rental or subleasing of individual quarters to persons not employed by the owners of the principal Recreational Use. [Ord. 2023-023]

d. Location

The Employee Housing shall be located within the Recreation Pod of a PUD or the CRE Zoning District within the same development as the principal non-residential Recreational Use. [Ord. 2023-023]

e. Number of Employees and Building Type

- 1) The land dedicated to Employee Housing may be approved for a maximum 20 employees per acre subject to the Class A Conditional Use approval process. [Ord. 2023-023]
- 2) The Employee Housing shall consist of individual living quarters that provide separate living facilities equipped with a kitchen, living/dining area, bathroom(s), and bedroom(s). [Ord. 2023-023]
 - a) The structures may be developed as detached single quarters or attached such as multiple quarters in one structure. [Ord. 2023-023]
 - b) Each quarter shall provide from one to four bedrooms. One full bathroom shall be provided for quarters with one or two bedrooms, and two full bathrooms shall be provided for quarters with three or four bedrooms. [Ord. 2023-023]
 - c) Each bedroom shall accommodate a maximum of two employees. [Ord. 2023-023]
 - d) The height of the structures shall not be more than one story higher than any residential dwelling units adjacent to the parcel with the Employee Housing, unless separated by a distance of more than 100 feet with the provision of additional landscaping and buffering. [Ord. 2023-023]
 - e) The architecture shall be complementary (material, roof lines, fenestration) with the residential dwelling units adjacent to the parcel with the Employee Housing within the development. [Ord. 2023-023]
 - f) Parking shall be provided pursuant to Multifamily requirements in Art. 6, Parking, Loading, and Circulation. A Type 2 Waiver may reduce the number of parking spaces concurrent with the Employee Housing request (see Employee Housing Standards of Review). [Ord. 2023-023]
 - g) A Type 2 Waiver may reduce or eliminate landscaping requirements concurrent with the Employee Housing request. [Ord. 2023-023]
 - h) The land area dedicated to Employee Housing shall include recreational amenities for its residents. [Ord. 2023-023]

f. Standards for Review

In addition to the Standards for a Class A Conditional Use under Art. 2.B.7.B.2, Standards, the BCC shall utilize the Standards indicated below when considering applications for Employee Housing: [Ord. 2023-023]

- 1) Demonstration for the need of the requested number of employees and housing units considering the operation of the specific Recreational Use; [Ord. 2023-023]
- 2) Demonstration that the floor plans are consistent with the housing requirements for the employees; [Ord. 2023-023]
- 3) Demonstration that the recreation amenities on the Site Plan and justification for the types of amenities and recreation provided; [Ord. 2023-023]
- 4) Demonstration that Employee Housing is compatible with the surrounding properties, and if a Type 2 Waiver for buffering or landscaping is requested, demonstration that the Employee Housing is adequately buffered and landscaped to ensure compatibility with adjacent uses; and, [Ord. 2023-023]

- 5) Demonstration of adequate parking considering factors such as transportation provided by the facility, and if a Type 2 Waiver to reduce the number of parking spaces is requested, demonstration that the reduction in parking doesn't impact the adjacent properties. [Ord. 2023-023]
- 4. Estate Kitchen**
- a. Definition**
A second kitchen located within a principal Single Family, Zero Lot Line, or Farm Residence.
- b. Conversion to Duplex Prohibited**
A secondary kitchen may be added provided there shall not be the presence of a second complete and separate living environment associated with the secondary kitchen.
- 5. Family Day Care Home**
- a. Definition**
An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, consistent with F.S. § 125.0109 as amended.
- b. Signage**
Signs shall not be permitted.
- 6. Farm Residence**
- a. Definition**
A dwelling unit, other than a Mobile Home, located on a parcel of land used for a Bona Fide Agriculture use and occupied by the owner or operator of the farm operation.
- b. Approval**
A Farm Residence is Permitted by Right as accessory to a Bona Fide Agriculture principal use limited to the AGR and AP Zoning Districts. [Ord. 2023-023]
- c. Principal Dwelling**
One principal dwelling shall be permitted for each *bona fide* farm operation.
- 7. Farm Workers Quarters**
- a. Definition**
One or more residential structures providing a complete living environment, occupied by farm workers who provide labor in conjunction with a Bona Fide Agriculture operation.
- b. Approval**
Farm Workers Quarters are Permitted by Right as accessory to a Bona Fide Agriculture principal use. [Ord. 2023-023]
- c. Building Area**
One Farm Workers Quarters may be allowed for each 25 acres, subject to the following:
1) Limited to a maximum of four beds; and
2) The structure shall not exceed 1,000 square feet of GFA under a solid roof.
- d. AGR Tier**
AGR-PUD or TMD Preserves shall be allowed one dwelling unit per acre provided such units are clustered onto a single compact area of the preserve and are restricted to occupancy by farm workers. Farm Workers Quarters shall not be located on property in the AGR Tier to which no residential density is assigned by the FLU designation.
- e. Mobile Home Removal Agreement**
A Mobile Home may be used for a Farm Workers Quarters. A removal agreement shall be executed and notarized between the Building Division and Property Owner and recorded on the property in the Official Records of the PBC Clerk prior to issuance of the Building Permit. The agreement shall be recorded against the property stating that the Mobile Home shall be removed within 30 days in the event the property is sold or the Bona Fide Agriculture operation ceases to exist.
- 8. Garage Sale**
- a. Definition**
Temporary sale of household articles, in the front yard or garage of a dwelling unit, by the occupant.
- b. Duration**
A maximum of 72 hours.
- c. Number of Sales**
A maximum of two per year per dwelling unit.
- 9. Groom's Quarters**
- a. Definition**
On-site living quarters for persons responsible for grooming and caring for horses boarded at a Stable.

b. Approval

Groom's Quarters are allowed as accessory to a principal equestrian use with equestrian Stables, with the approval process varying by number of Groom's Quarters. The approval process for Groom's Quarters shall be based upon the number of Groom's Quarters proposed as provided below: [Ord. 2023-023]

- 1) 1 to 4 are Permitted by Right; [Ord. 2023-023]
- 2) 5 to 20 are subject to DRO approval; [Ord. 2023-023]
- 3) 21 to 100 are subject to Class B Conditional Use approval; [Ord. 2023-023]
- 4) 101 and greater are subject to Class A Conditional Use approval. [Ord. 2023-023]

c. Zoning Districts – AGR-PUD or AGR-TMD

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

d. Number of Groom's Quarters

1) 20 Acres or Less

One Groom's Quarters may be allowed for every four horse stalls.

2) More Than 20 Acres

One Groom's Quarters may be allowed for every three horse stalls.

e. Building Area

1) Each Unit

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

2) 20 Acres or Less

The total GFA for all Groom's Quarters shall not exceed 5,000 square feet per lot.

3) Occupancy

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

f. Kitchen Facilities Removal

Groom's Quarters may contain individual kitchen facilities and/or one common dining facility. An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and Property Owner and recorded on the property in the Official Records of the PBC Clerk prior to issuance of the Building Permit for the Groom's Quarters. The agreement shall require the kitchen to be removed within 90 days of the unit ceasing to operate as a Groom's Quarters. [Ord. 2023-023]

10. Guest Cottage

a. Definition

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

b. Approval

A Guest Cottage is Permitted by Right as accessory to a Single Family, Townhouse, and Zero Lot Line principal use. [Ord. 2023-023]

c. Building Area

The use shall be subject to the following:

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

d. Kitchen Facilities

There shall be no kitchen facilities in a Guest Cottage. [Ord. 2023-023]

e. Architectural Character

A Guest Cottage shall be architecturally complementary in character and materials with the principal dwelling unit. [Ord. 2023-023]

f. No Separate Utility Service

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

11. Home-based Business

a. Definition

A business, profession, occupation, trade, artisan, or handcraft for commercial gain by a resident of the unit on the property. A Home-based Business shall not include those businesses that are open to the public including those required by State of Florida agencies. [Ord. 2024-004]

b. Approval Process

Home-based Businesses on residential properties are Permitted by Right unless otherwise regulated by this Article. Home-based Businesses within certain zoning districts may be approved subject to additional standards and approval processes for Home-based Businesses with Limited Pet Boarding, limited Landscape Service, or limited Contractor Storage Yard pursuant to this Article. [Ord. 2018-018] [Ord. 2024-004]

c. Location

The Home-based Business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property. Instructional services, which by their nature must be conducted outside of the residential dwelling, such as swimming lessons, shall be located in a rear or side yard. [Ord. 2024-004]

d. Incidental Nature

The activities of the Home-based Business shall be secondary to the property's use as a residential dwelling and shall be clearly incidental and subordinate to the residential use of the property. As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a Home-based Business must conform to the residential character and architectural aesthetics of the neighborhood. [Ord. 2024-004]

e. Employees

The employees of the Home-based Business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the residential dwelling. The business may have additional remote employees that do not work at the residential dwelling. [Ord. 2024-004]

f. Advertising

No external evidence or sign shall advertise, display, or otherwise indicate the presence of the Home-based Business, nor shall the street address of the Home-based Business be advertised through signs, billboards, television, radio, or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet requirements mandated by F.S. ch. 489 or Chapter 67-1876 of the PBC Contractor's Certification Division Manual. [Ord. 2024-004]

g. Cottage Foods

No food preparation shall be allowed, except as allowed in accordance with F.S. § 500.80, Cottage Food Operations, as amended.

h. On-Premise Sale of Goods and Services

A Home-based Business shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services or incidental retail sales. [Ord. 2024-004]

i. Instructional Services

Instructional services shall meet the following additional regulations:

1) Home Instruction, Inside

Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.

2) Home Instruction, Outside

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

3) Hours of Operation

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

4) Number of Students

A maximum of three students at a time may be allowed to receive instruction during a lesson. [Ord. 2024-004]

j. Nuisances and Hazards

The Home-based Business activities shall comply with Art. 5.E.4, Nuisances, and with any Local and State regulations with respect to signage and equipment or processes that create noise, vibration, heat, glare, smoke, dust, fumes, or noxious odors. All Home-based Business activities shall comply with any relevant Local, State, and Federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. [Ord. 2019-034] [Ord. 2024-004]

k. Vehicles, Parking, and Outside Storage

1) Parking

The need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces on the lot operating the Home-based Business and shall not be parked within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. The operation of refrigeration units is prohibited while the vehicle is parked or stored on the property. [Ord. 2024-004]

2) Employee Parking

One parking space shall be provided on the property for each employee working at the residence. [Ord. 2024-004]

3) Hours of Operation

The loading or unloading, or movement of any parked or stored Commercial Vehicles, equipment, or other similar activities, or arrival/departure of employees shall be prohibited between the hours of 8:00 p.m. and 6:00 a.m. [Ord. 2024-004]

4) Commercial Vehicle Registration and Ownership

The Commercial Vehicles parked on the Home-based Business property must be registered to the Home-based Business and/or owned by a resident of the dwelling unless approved as a Home-based Business Contractor Storage Yard pursuant to the approval process in this Article. [Ord. 2024-004]

5) Number of Commercial Vehicles

- a) A maximum of two Commercial Vehicles and two trailers shall be allowed in the AR/RSA Zoning District; [Ord. 2024-004]
- b) A maximum of one Commercial Vehicle and one trailer shall be allowed on all other residential properties. [Ord. 2024-004]

6) Commercial Vehicle Maximum GVWR

Commercial Vehicles shall be limited to the following categories and GVWR: [Ord. 2024-004]

a) Residential Properties Except AR/RSA

Class 1, 2, and only those vehicles in Class 3 up to a maximum of 12,500 pounds GVWR and a trailer up to a maximum of 10,000 pounds GVWR shall be allowed on all residential properties, except AR/RSA; and [Ord. 2024-004]

b) AR/RSA Zoning District

Class 1, 2, 3, and 4 up to a maximum of 16,000 pounds GVWR and trailers up to a maximum of 10,000 pounds GVWR shall be allowed in the AR/RSA Zoning District. [Ord. 2024-004]

12. Kennel, Type 1

a. Definition

A residential lot with a Single Family dwelling designed or arranged to facilitate the non-commercial care of domestic dogs and cats, owned by the occupants of the premises.

b. Private Non-Profit

A Type 1 Kennel may include a private non-profit animal organization that is not open to the public. A PBCACC Excess Animal Habitat permit shall be prohibited.

c. Hobby Breeder

A person who breeds up to two litters of dogs or cats or 19 dogs or cats per one-year period, on their property. A hobby breeder is further defined and regulated by the PBCACC pursuant to Ordinance No. 98-22, as amended.

13. Limited Pet Boarding

a. Definition

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

b. Approval Process

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

c. Lot Size

A minimum of one acre.

d. Separation Distance

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

e. Maximum Number

No more than a total of seven cats or dogs shall be boarded at any given time. The total number of cats and dogs boarded and owned by the resident of the Single Family dwelling shall not exceed the maximum limits for dogs and cats established by Animal Care and Control pursuant to Sec. 4-22 of the PBC Code.

f. Boarding

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

g. Hours

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

h. Outdoor Areas

- 1) Cats and dogs shall be personally supervised during the outdoor activity; and
- 2) Shall be set back a minimum of 25 feet from all property lines.

i. Signage

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

j. ACC Permit

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

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A. Commercial Use Matrix

Supplementary Use
Standards #

Unified Land Development Code
Supplement No. 32 (Printed 10/25)

Article 4 – Use Regulations
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Table 4.B.2.A – Commercial Use Matrix

[illegible]

Table 4.B.2.A – Commercial Use Matrix

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B. General Commercial Standards

1. Bay Doors

Unless stated otherwise in this Article or Art. 6.E, Loading Standards, service bay doors shall not face any residential use, or vacant parcel of land with a residential FLU designation, except as follows:

- a. When separated by an Arterial or Collector Street a minimum of 80 feet in width.
- b. When separated by a Local Commercial Street, provided the R-O-W Buffer is upgraded to include a minimum six-foot-high hedge.
- c. When separated by a parcel with a non-residential use such as utilities, canal R-O-W, easements, FDOT, or County drainage, a minimum of 80 feet in width, subject to the provision of a Type 3 Incompatibility Buffer with a continuous two-foot-high berm. The required wall shall be placed on the top of the berm. Canopy trees shall be one and one-half times the required tree quantity.
- d. Requests for a Type 2 Variance from bay door regulations may be allowed in accordance with Art. 2, Application Processes and Procedures.
- e. When residential uses are within the same MUPD and not vertically integrated, the non-residential structure with the bay doors shall be separated from a residential structure by a minimum of 50 feet and screened from view. [Ord. 2019-005]

C. Definitions and Supplementary Use Standards for Specific Uses

1. Adult Entertainment

a. Establishment

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

b. Definitions

The following definitions apply for the purposes of the Adult Entertainment establishment provisions of this Code.

1) Adult Arcade

Any place or establishment operated for commercial gain, which invites or permits the public to view adult material. For purposes of this Code, "adult arcade" is included within the definition of "adult theater."

2) Adult Bookstore/Adult Video Store

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

- a) More than 30 percent of the gross public floor area is devoted to adult material; or
- b) More than 30 percent of the stock in trade consists of adult material.

3) Adult Booth

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

4) Adult Dancing Establishment

An establishment selling, serving, or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others, regardless of whether the employees actually engage in dancing.

5) Adult Entertainment

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

6) Adult Material

Any one or more of the following, regardless of whether it is new or used:

- a) Books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings or 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
- b) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

7) Adult Motel

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

8) Adult Theater

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

9) Adult Video Store

See Adult Bookstore.

10) Commercial Gain

Operated for pecuniary gain, which shall be presumed for any establishment which has received a Business Tax Receipt. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss.

11) Educational Institution

A 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.

12) Employee

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

13) Person

Includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and all other or any other similar entity.

14) Religious Activities

Any daily, weekly, or periodic activity associated with or that occurs at a religious institution.

15) Religious Institution

A premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat site, camp, or similar facilities owned or operated by a *bona fide* religious group for religious activities shall be considered a religious institution.

16) Specified Anatomical Areas

Less than completely and opaquely covered:

- a) Human genitals and pubic region; or
- b) The opening between the human buttocks, i.e. the anal cleft; or
- c) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human

female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or

d) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

17) Specified Sexual Activities

a) Human genitals in a state of sexual stimulation, arousal, or tumescence; or

b) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or

c) Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or

d) Excretory functions as part of or in connection with any of the activities set forth in Art. 4.B.2.C.1.b.16), Specified Anatomical Areas and this Subsection.

c. Exclusions

Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.

d. License per Palm Beach County Adult Entertainment Code

1) An establishment that possesses an Adult Entertainment license as indicated in Art. 4.B.2.C.1.n.1)c), is presumed to be an Adult Entertainment establishment.

2) An Adult Entertainment use approved by the DRO, after March 2, 2017, shall hold a valid Adult Entertainment license pursuant to the “Adult Entertainment Code,” Chapter 17, Article V of the PBC Code, as may be amended, prior to issuance of a Business Tax Receipt.

e. Review and Approval Process

1) Applications for new Adult Entertainment establishments or legal non-conforming establishments exceeding the thresholds in Art. 1.F, Non-Conformities, shall be subject to DRO approval.

2) An Adult Entertainment establishment shall be exempt from the requirements under Development Thresholds in this Article or any thresholds in this Code that require the use to be subject to a Conditional Use approval. [Ord. 2019-005]

3) The Zoning Director shall determine what DRO Agencies shall review the application, including but not limited to the Building Division, Fire Department, and Zoning Division. The DRO shall approve, approve with conditions, or deny the application within 21 days of a determination of application sufficiency as contained in Art. 2.B.2, Sufficiency Review.

f. Conditions

The Zoning Director shall take into consideration DRO Agency-recommended conditions that clearly implement their specific Agency Code provisions.

g. Relief from a Decision

A Person seeking a DRO approval or a Person holding a previously approved Special Permit or an Adult Entertainment Establishment License, has the right to immediately seek relief from a denial of application sufficiency for a DRO, denial of a DRO application, or revocation or suspension of a Special Permit or DRO approval, as applicable, to the Circuit Court in the 15th Judicial Circuit of the State of Florida.

h. Purpose and Intent

The following standards are intended to provide for the proper location of Adult Entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks, and other commercial uses. Proper separation of Adult Entertainment uses prevents the creation of “skid-row” areas in unincorporated PBC that result from the concentration of these uses and their patrons. It is also the intent of these standards to limit the secondary effects of Adult Entertainment uses and to ensure that residential districts, religious uses, educational uses, parks, and other commercial uses are located in areas free from the secondary effects of Adult Entertainment uses. The location of residential districts, religious uses, educational uses, parks, and other commercial uses within viable, unblighted, and desirable areas supports the preservation of property values and promotes the health, safety, and welfare of the public.

i. Findings of Fact

Based on the evidence and testimony presented at the October 5, 2004 preliminary reading and the October 19, 2004 and November 16, 2004 Public Hearings before the BCC, and the August 27, 2009 preliminary reading and the September 24, 2009 and October 22, 2009 Public Hearings before the BCC, and on the findings incorporated in: the “Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard,” October 1991; “Adult Entertainment Businesses in Indianapolis: An Analysis” conducted by the

Department of Metropolitan Development, Division of Planning, February 1984; the “Study of the Effects of Concentration of Adult Entertainment Establishments in the City of Los Angeles” conducted by the Los Angeles City Planning Department for the Los Angeles City Council, June 1977; the study conducted by the City of Austin, Texas; the “Presentation to the Orange County Commission” by the Metropolitan Bureau of Investigation (MBI) for the Ninth Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach County by Eric Damian Kelly, Ph.D., FAICP, dated September 24, 2004; letter from Dale M. Tarvis, M.D.; “Analysis of Availability of Sites for Adult Entertainment in Palm Beach County” prepared for Palm Beach County by Duncan Associates, November 2003; Adult Entertainment Analysis for Palm Beach County, Florida, Final Report, by Cooper Planning Consultants, January 2019; the “Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the County Attorney, Palm Beach County, Florida” prepared by Valerie Jenness, Ph.D., Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D., August 15, 2007; the “Survey of Florida Appraisers – Effects of Land Uses on Surrounding Property Values” prepared for Palm Beach County by Duncan Associates, December 2007 (Report 2008); and, information from Tampa, Florida detailing the effects of Adult Entertainment establishments in the Tampa area, the BCC hereby finds the following: [Ord. 2019-034]

- 1) Commercial uses exist or may exist within unincorporated PBC where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties, and/or other devices that depict, illustrate, describe, or relate to specified sexual activities are possessed, displayed, exhibited, distributed, and/or sold.
- 2) Commercial uses exist or may exist within unincorporated PBC:
 - a) Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded, and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;
 - b) Where dancers, entertainers, performers, or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical area; or,
 - c) Where lap dancing occurs.
- 3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce, and the community environment in PBC.
 - a) When the activities described in Art. 4.B.2.C.1.b.16), Specified Anatomical Areas and Art. 4.B.2.C.1.b.17), Specified Sexual Activities, are presented in commercial uses, other activities that are illegal, immoral, or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution, and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and land.
 - b) When the activities described in Art. 4.B.2.C.1.b.16), Specified Anatomical Areas and Art. 4.B.2.C.1.b.17), Specified Sexual Activities, are present in commercial uses within PBC, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, promote crime, and ultimately lead residents and businesses to move to other locations.
 - c) There is a direct relationship between the display and depiction of specified anatomical areas as described in Art. 4.B.2.C.1.b.16), Specified Anatomical Areas and Art. 4.B.2.C.1.b.17), Specified Sexual Activities, and an increase in criminal activities, moral degradation, and disturbances of the peace and good order of the community, and the occurrence of these activities are hazardous to the health and safety of those persons in attendance and tend to depreciate the value of adjoining land and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, the tone of commerce, and the community environment in PBC.
- 4) Based upon these findings, the BCC finds that there are a sufficient number of available locations for new Adult Entertainment uses within unincorporated Palm Beach County.

- 5) Based upon these findings, it is in the interest of the health, safety, morals, and general welfare of the citizens of PBC that Adult Entertainment uses are regulated pursuant to the following standards.
- j. Separation**
There shall be no Variance to the location standards contained herein.
- 1) General**
An Adult Entertainment use shall be located outside of the minimum distances indicated below including properties within a municipality or within the unincorporated area of PBC:
- a) Other Adult Entertainment**
2,000 feet.
 - b) A Place of Worship**
1,000 feet.
 - c) An Educational Institution**
1,000 feet.
 - d) A Public Park**
500 feet.
 - e) A Residential Zoning District**
Which is Designated as Residential by any Local Comprehensive Plan,
500 feet.
 - f) A Cocktail Lounge**
750 feet.
- 2) Measurement of Distance**
The distance set forth above shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed Adult Entertainment establishment to the nearest point on the property line of the relevant Place of Worship, educational institution, Public Park, or residential zoning district. For the purpose of measuring the distance, also see Art. 1.C, Rules of Construction and Measurement, between Adult Entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing Adult Entertainment establishment and the nearest point on the exterior wall or bay of another Adult Entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects.
- 3) WCRA Overlay**
Adult Entertainment is prohibited within the boundaries of the WCRAO, as per Art. 3.B.14.E, Use Regulations.
- k. Subsequent Development within Location Standards**
The subsequent approval of a Development Order for a Place of Worship, educational institution, Public Park, or residential district within the distances outlined above shall not change the status of the Adult Entertainment use to that of a non-conforming use.
- l. Landscaping**
A Type 2 Incompatibility Buffer, pursuant to Art. 7.C, Landscape Buffer and Interior Landscape Requirements with Canopy trees spaced a minimum of 20 feet on center and a wall a minimum of six feet in height shall be installed along any property line that abuts a residential district.
- m. Lighting**
Outdoor low-intensity lighting shall be provided that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures that do not exceed 16 feet in height from finished grade.
- n. Non-Conformity**
- 1) Establishment of Non-Conformity**
An Adult Entertainment use shall be deemed a non-conforming use, provided the establishment:
- a) Was in operation as an Adult Entertainment use, generally known and held out in the neighborhood and community as an Adult Entertainment establishment, and was open to the public as an Adult Entertainment establishment use on November 28, 1988; and
 - b) Possessed a valid and current Business Tax Receipt authorizing the general type of use, which would correspond to the Adult Entertainment use being claimed as non-conforming on November 28, 1988; and

- c) Submitted an application for an Adult Entertainment license pursuant to the "Adult Entertainment Code," Chapter 17, Article V of the PBC Code, as may be amended, with appropriate filing fees by August 15, 1992.
- d) Any Special Permit submitted between August 16, 1992 and March 2, 2017.

2) Standards for Non-Conformance

A non-conforming Adult Entertainment use as determined in Art. 4.B.2.C.1.n, Non-Conformity, above shall be subject to the following Supplementary Use Standards, in addition to Art. 1.F, Non-Conformities.

a) Landscape Buffer

The Adult Entertainment shall construct and install a Type 2 Incompatibility Buffer, as defined in Art. 7.C.2.C, Incompatibility Buffer, with Canopy trees spaced a maximum of 20 feet on center along any property line that abuts a residential district, within 90 days of the date of issuance of the Adult Entertainment license by the occupational licensing department.

b) Building Permit

If a Building Permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the Adult Entertainment use, the requirements of Art. 7, Landscaping, shall apply to the entire site of the Adult Entertainment use.

3) Modification or Improvement to Site Elements

When an Adult Entertainment establishment has been determined to be a non-conforming use, or is located within a non-conforming structure, modifications or improvements to conforming or non-conforming site elements or exterior architecture shall be permitted. The total cost associated with these improvements will not be used in determining the allowable improvements to the interior of the structure, pursuant to Art. 1.F, Non-Conformities.

o. Accessory Food Service in Industrial Districts

In the IL and IG Zoning Districts, food service may be allowed as an accessory use to Adult Entertainment, only in conjunction with and during the hours of operation for an adult theater or an adult dancing establishment.

p. Collocated Cocktail Lounge

A Cocktail Lounge may be Permitted by Right as a collocated use only when operated in conjunction with and during the hours of operation for an Adult Entertainment establishment.

2. Auction

a. Definition

An establishment engaged in the display and sale of merchandise to the highest bidder in an enclosed building or outdoor site.

b. Use Types

1) Indoor

All activities, display, and sale of merchandise shall occur within an enclosed building, unless stated otherwise. An Indoor Auction may include an outdoor display area subject to the following:

- a) The merchandise shall be relocated to the interior of the enclosed building prior to the end of each business day;
- b) Shall not exceed ten percent of the GFA of the enclosed building;
- c) Shall comply with the minimum setback requirements of the applicable zoning district; and,
- d) Shall not be located in any required parking spaces, loading or vehicular use areas, fire lanes, or landscape buffers. The outdoor display area shall not encroach upon pedestrian pathways, sidewalks, or ADA accessible routes.

2) Outdoor

An Auction with all or a portion of the activity, display, and sale of merchandise occurring outdoors on site.

c. Zoning District – AGR District

An Auction shall be limited to only farm equipment and supplies.

3. Bed and Breakfast

a. Definition

An owner-occupied Single Family dwelling that offers transient lodging and meal services only to paying guests.

b. Signage

One sign, a maximum of eight square feet in sign face area, and three feet in height, indicating the business name and contact information only may be allowed.

Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing a Bed and Breakfast. A Single Family dwelling may require structural or other modifications to ensure compliance with the applicable Building Code and Fire Rescue regulations.

Activities such as weddings, receptions, or social events shall be prohibited, unless approved as Special Event.

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

A Car Wash may include but is not limited to an automatic, full-service, hand wash, or self-service car wash.

A Car Wash may be Permitted by Right when collocated with a Retail Gas and Fuel Sales establishment.

An automatic Car Wash may be allowed as an accessory use to a Retail Gas and Fuel Sales subject to DRO approval when it is located on the same lot. Auto detailing or other extended services shall be prohibited.

A maximum of one Car Wash may be allowed. The Car Wash shall be located outside the Main Street, and may be accessed from a secondary street, alley, or from a parking lot. The Car Wash shall not be visible from the Main Street. [Ord. 2017-025]

An establishment primarily engaged in providing event-based food services where food and beverages are prepared and delivered for consumption off the premises.

Catering Service may be Permitted by Right as an accessory use to a Restaurant limited to food preparation. The accessory use shall be limited to three delivery vehicles.

Delivery vehicles shall be located at the rear of the property and screened from view when located within 100 feet of a parcel of land with residential FLU designation or use, unless blocked from view by other existing structures.

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises.

A Cocktail Lounge located in the CG Zoning District, or in a TDD or PDD with a CH FLU designation, may be subject to the following: [Ord. 2017-029]

- 1) Permitted by Right when located outside the separation requirements; or [Ord. 2017-029]
- 2) the BCC may allow the use within the distances established in the separation requirements, subject to Class A Conditional Use approval. [Ord. 2017-029]

Examples of a Cocktail Lounge include but are not limited to bars, taverns, pubs, nightclubs, and similar uses. [Ord. 2023-011]

A Cocktail Lounge shall not exceed 3,000 square feet of GFA.

- e. **Accessory Use**
An accessory Cocktail Lounge to an office, Hotel, or Motel shall not exceed ten percent of the GFA.
 - f. **Separation Requirements**
A Cocktail Lounge, which includes outdoor areas, shall not be located within 250 feet of a parcel of land with a residential FLU designation or use and shall be separated a minimum of 750 feet from another Cocktail Lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida, F.S. § 562.45, as amended. Measurement shall be taken from the structure to the property line of a residential use or FLU designation. [Ord. 2017-029]
 - g. **Restaurant**
A Cocktail Lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.
 - h. **Brewery-Distillery**
A Cocktail Lounge with MUPD zoning and a CL or CH FLU designation may include a Manufacturing and Processing Brewery-Distillery use on up to 50 percent of the gross floor area, including outdoor seating, for that establishment. [Ord. 2023-011]
7. **Convenience Store**
- a. **Definition**
An establishment serving a limited market area and engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.
 - b. **Floor Area**
A maximum of 7,000 square feet of GFA.
 - c. **Overlay – WCRAO**
Convenience Store is prohibited in the NR, NRM, NG, and NC Sub-areas per Table 3.B.14.E, WCRAO Sub-area Use Regulations.
 - d. **Zoning Districts – CN and CC**
Shall comply with Art. 5.E.1, Major Intersection Criteria.
 - e. **Collocated Use**
A Convenience Store that is collocated with a Retail Gas and Fuel Sales shall be reviewed and approved concurrently.
8. **Dispatching Service**
- a. **Definition**
An establishment for receiving and transmitting messages associated with the tracking of vehicles and equipment, or coordinating mobile or transportation operations, which may include storage of dispatched vehicles or equipment.
 - b. **Typical Uses**
A Dispatching Service may include but is not limited to janitorial, pest control, or emergency services; and taxi, limousine, or courier operations.
 - c. **Approval Process**
 - 1) **CH FLU Designation and Commercial Pod of PIPD**
A Dispatching Service may be allowed subject to DRO approval in the following situations:
 - a) Limited to three service or delivery vehicles; or
 - b) All dispatched vehicles are stored indoors; or
 - c) Outdoor storage of vehicles is separated a minimum of 250 feet from a parcel of land with a residential FLU designation or use.
 - 2) A Dispatching Service without vehicles on site and limited to office only may be Permitted by Right in the zoning districts where the use is allowed.
9. **Dog Day Care**
- a. **Definition**
An establishment which provides daytime care and training for domestic dogs. Overnight care of domestic dogs is prohibited.
 - b. **ACC Permit**
The owner or operator shall obtain Zoning approval prior to application for an ACC Operational Permit. All Dog Day Care uses shall be licensed and regulated in accordance with ACC Ordinance No. 98-22, as amended.

c. Waste Disposal

A Dog Day Care shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD, and SWA.

d. Runs and Drop-Off

Facilities shall be subject to the following standards:

- 1) Outdoor runs, outdoor play areas, and yards shall be prohibited;
- 2) Adequate drop-off areas shall be provided; and,
- 3) Three drop-off spaces measuring 12 feet in width by 20 feet in length shall be provided for every 50 dogs.

e. Outdoor Areas

Outdoor activities shall be prohibited except as follows:

- 1) Shall be personally supervised and under the restraint or control of a person by means of a leash;
- 2) Shall only be allowed within areas designated for such activities on the Final Site Plan, unless Dog Day Care is sole use of property; and,
- 3) Waste shall be picked up immediately and disposed of properly within the establishment. [Ord. 2023-012]

10. Financial Institution

a. Definition

An establishment engaged in deposit banking.

b. Typical Uses

A Financial Institution may include but is not limited to commercial banks, savings institutions, and credit unions.

c. Approval Process – CC District, PDD with CL or CL-O FLU, and Commercial Pod of PUD

A Financial Institution 5,000 square feet or less in the CC Zoning District, PDD with CL or CL-O FLU designation, or Commercial Pod of a PUD, may be Permitted by Right. [Ord. 2019-005]

d. Zoning Districts – CN and CLO Districts, and Neighborhood Center of TND

A Financial Institution in the CN and CLO Zoning Districts, and Neighborhood Center of a TND, shall be limited to a maximum of 5,000 square feet.

11. Financial Institution with Drive-Through Facilities

a. Definition

A Financial Institution that includes drive-through teller facilities. [Ord. 2019-005]

b. Approval Process

1) CC District, Commercial Pod of PUD, PDD with CL and CL-O FLU, and TMD

A Financial Institution 5,000 square feet or less, and with three drive-through lanes or less, may be allowed subject to DRO approval, in the following zoning districts: [Ord. 2017-025] [Ord. 2019-005]

- a) CC;
- b) PDD with CL or CL-O FLU designation; and, [Ord. 2017-025] [Ord. 2019-005]
- c) TMD in the Rural Tier, Exurban Tier, and the Development Area of the AGR Tier. [Ord. 2019-005]

2) CG Zoning District, PDD with CH and CH-O FLU, Commercial Pod of PIPD, and TDD

A Financial Institution 5,000 square feet or less in size with three or less drive-through lanes, may be Permitted by Right, in the following zoning districts: [Ord. 2019-005]

- a) CG district; [Ord. 2019-005]
- b) PDD with CH or CH-O FLU designation; [Ord. 2019-005]
- c) Commercial Pod of a PIPD; and, [Ord. 2019-005]
- d) the Development Area of an AGR-TMD. [Ord. 2019-005]

3) Single Drive-Through ATM Exception

A maximum of one drive-through ATM lane shall not be considered a drive-through lane for purposes of determining the threshold above. [Ord. 2019-005]

c. Zoning District – TDD

Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a Main Street.

12. Financial Institution – Freestanding ATM

a. Definition

An entirely automated unstaffed Financial Institution, either located in a stand-alone kiosk or the façade of a building where the owner or tenants have no managerial authority over the operation of the ATM.

b. Zoning District – TDD

A Freestanding ATM with a drive-through ATM lane shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a Main Street. [Ord. 2017-025]

c. Thresholds

All Freestanding ATMs shall be subject to the following requirements:

- 1) The owner or operator shall maintain at least one manned full-service Financial Institution within Palm Beach County;
- 2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather;
- 3) Customer access to the interior of the structure shall be prohibited, except for transparent glass security enclosures;
- 4) Shall not be located within 1,000 feet of another Freestanding ATM. When within a TMD, the 1,000-foot separation distance may be reduced to accommodate a maximum of two Freestanding ATMs, provided they are constructed in common public plazas; and,
- 5) Shall be limited to a maximum of one drive-through ATM lane.

13. Flea Market, Indoor

a. Definition

Retail sales within a building permanently enclosed by walls and roof, in which floor space is rented to individual merchants to display and sell goods.

14. Flea Market, Outdoor

a. Definition

An outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.

15. Gas and Fuel Sales, Retail

a. Definition

An establishment engaged in the sale of gasoline or motor fuels to the general public.

b. Non-Conformities

1) Automotive Service Station or Convenience Store with Gas Sales

A prior approval for an Automotive Service Station or Convenience Store with Gas Sales, shall correspond to Retail Gas and Fuel Sales, and any other collocated uses such as Convenience Store, or Light or Heavy Repair and Maintenance.

2) Approvals Prior to Establishment of Location Criteria

An Automotive Service Station or Convenience Store with Gas Sales that was a conforming use on the effective date of Ordinance No. 2001-029 (August 3, 2001), shall be exempt from the location criteria of Art. 4.B.2.C.15.e.1), Intersection Criteria, and Art. 4.B.2.C.15.e.2), Separation Criteria, listed below.

c. Approval Process – IRO District with CH FLU Designation

Retail Gas and Fuel Sales located on a parcel with a CH FLU designation within the Core Transect Zone may be allowed subject to DRO approval.

d. Zoning District – TMD

Retail Gas and Fuel Sales shall only be allowed on sites that are within 500 feet of the perimeter of the development. Gasoline pumps shall be located at the side or rear of a building with access from an alley, interior parking area, or a street not designated as a Main Street. [Ord. 2017-025]

e. Location Criteria

1) Intersection Criteria

A maximum of two Retail Gas and Fuel Sales establishments may be allowed at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria.

2) Separation Criteria

A Retail Gas and Fuel Sales establishment shall be separated from any other Retail Gas and Fuel Sales establishment pursuant to Art. 5.E.2.C.1, Separation Criteria.

3) Major Intersection Criteria for CL FLU in U/S Tier

Retail Gas and Fuel Sales with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria.

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

Retail Gas and Fuel Sales shall be located within 1,000 feet of the intersection of one Collector and Arterial Street, or two Arterial Streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table.

5) WCRA Overlay

Retail Gas and Fuel Sales is prohibited in the NR, NRM, NG, and NC Sub-areas, per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

6) Exceptions

a) I-95 Interchanges

A parcel with a Commercial High (CH) Future Land Use designation within one-half mile of an I-95 interchange shall be exempt from the location criteria of Art. 4.B.2.C.15.e.1), Intersection Criteria, and Art. 4.B.2.C.15.e.2), Separation Criteria, listed above.

b) MUPD

Retail Gas and Fuel Sales located within an MUPD may be exempt from the location criteria for Art. 4.B.2.C.15.e.1), Intersection Criteria, and Art. 4.B.2.C.15.e.2), Separation Criteria, where in compliance with the following:

- (1) Required perimeter landscape buffers, where located between all Retail Gas and Fuel Sales use areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and
- (2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with minimum standards for ingress/egress, stacking, turn lanes, and pedestrian connectivity.

f. Accessory Use

Retail Gas and Fuel Sales may be allowed as an accessory use to Wholesale Gas and Fuel in industrial districts with an IND or EDC FLU designation, subject to Class A Conditional Use approval, and the following: [Ord. 2023-011]

- 1) Gas and fuel sold retail shall be limited to motor fuels sold wholesale;
- 2) Maximum of four fueling positions;
- 3) Maximum of one wall or freestanding sign, where permitted, not to exceed six feet in height, or 25 square feet of sign face area.
- 4) Wholesale Gas and Fuel Sales may include regional corporate headquarters or maintenance facility for a State-regulated public utility that sells natural gas or other similar fuels.

16. Green Market

a. Definition

Gathering of vendors for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread, and prepared food on a retail basis.

b. Lot Size

A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required.

c. Accessory Uses – Green Market

A Green Market may be allowed as an accessory use to a Community Vegetable Garden in the WCRAO and CCRT areas subject to DRO approval and the following: [Ord. 2019-005] [Ord. 2021-006]

- 1) The use shall be operated by a CCRT neighborhood organization or the WCRA.
- 2) Items for sale shall be limited to those grown or prepared by neighborhood residents.
- 3) The accessory use and structure shall be limited to 30 percent of the total growing area for the Community Vegetable Garden. [Ord. 2019-005]
- 4) Shall be limited to the hours of 7:00 a.m. and 7:00 p.m. [Ord. 2019-005]
- 5) Where a Green Market is allowed as an accessory use to a Community Vegetable Garden, a six-foot-high landscape barrier, which includes but not limited to: a hedge, a vinyl-coated chain link fence with hedge, or an opaque fence shall be provided along any property line that abuts a parcel with a residential FLU designation or residential use. An accessory Green Market to an existing Community Garden, approved prior to the effective date of this amendment, that has complied with the buffer requirements of Art. 7, Landscaping, is not required to provide a six-foot-high landscape barrier. [Ord. 2019-005]

d. Duration

The use shall operate no more than three days a week.

e. Vendor Stands

The stand shall remain transportable and shall be removed from the site at the close of the market each week. Motor vehicles such as vans or small trucks may be allowed subject to the preceding removal requirements.

17. Hotel or Motel

a. Definition

An establishment typically licensed by the State of Florida, used, maintained, or advertised as a place where furnished sleeping accommodations are supplied to the guest for a short period of time.

b. Approval Process

1) TMD District – U/S Tier

The use may be Permitted by Right when located in the CH FLU designation. [Ord. 2020-020]

c. Zoning District – PO District

1) An existing Hotel located in the PO district shall be considered a conforming use.

2) Collocated Hotel

a) Approval Process – PARK FLU

A Hotel may be allowed as a collocated use to a PBC Regional Park with a PARK FLU, subject to Class A Conditional Use approval.

b) Park Resource Base

The Regional Park shall include a resource base which promotes heritage tourism, eco-tourism, or is otherwise planned to attract patrons from a Countywide or greater population for historical, cultural, scientific, educational, or other similar purposes. Such resource base shall be operational prior to approval of a Hotel, or approved and permitted concurrently with a Hotel.

c) Conceptual Master Plan

A Hotel shall be a component of a Conceptual Master Plan or equivalent that is approved by the Board of County Commissioners.

d) Frontage and Access

The Regional Park in which a Hotel is located shall have frontage on an Arterial or Collector Street(s). Vehicular access to a Hotel shall be prohibited from any Residential Street abutting the park, unless approved by the BCC as part of the Conditional Use approval for the Hotel.

e) Site Plan – Affected Area

When a Site Plan is not required for the overall park site, the required Site Plan for the Hotel shall regulate only the development area for the Hotel and access related thereto.

d. Accessory Services

Hotels and Motels may provide services and facilities, such as food and beverage, recreational, meeting, or conference rooms, ballrooms, and laundry.

e. Commercial Pod of a PUD

1) Approval Process

A Hotel or Motel may be allowed in a Commercial Pod of a PUD subject to a Class A Conditional Use approval and the following requirements: [Ord. 2021-039]

a) Compliance with Art. 3.E.2.E.2, Commercial Pod; and [Ord. 2021-039]

b) The Hotel or Motel shall be subject to the following location criteria: [Ord. 2021-039]

(1) Shall be located abutting a Recreation Pod with a Golf Course; and [Ord. 2021-039]

(2) Shall be located within a 1,000-foot radius of a Golf Course clubhouse facility, and pedestrian access shall be provided to connect these uses. [Ord. 2021-039]

18. Kennel, Type 2 (Commercial)

a. Definition

A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g., dogs and cats), not necessarily owned by the occupants of the premises, for profit.

b. ACC Permit

The owner or operator shall obtain Zoning approval prior to application for an ACC Operational Permit. A Type 2 Commercial Kennel shall be licensed and regulated in accordance with ACC Ordinance No. 98-22, as amended.

c. Lot Size

A minimum of two acres.

d. Outdoor Runs

1) Setbacks

Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a parcel of land with a residential FLU designation or use, or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. [Ord. 2021-006]

2) Fencing and Screening

A minimum six-foot-high safety fence shall be required around outdoor runs. If the safety fence is not opaque or screened from view of adjacent properties or R-O-W, a continuous solid opaque hedge a minimum of four feet at installation shall be provided around the outdoor run/area.

3) Waste Disposal

A Type 2 Commercial Kennel shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD, and SWA.

e. Accessory Residential Use – AGR District

A Single Family dwelling unit may be Permitted by Right as an accessory use to a Type 2 Commercial Kennel in the AGR Zoning District.

19. Kennel, Type 3 (Commercial)

a. Definition

A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g., dogs and cats), not owned by the occupants of the premises, for profit.

b. ACC Permit

The owner or operator shall obtain Zoning approval prior to application for an ACC Operational Permit. A Type 3 Commercial Kennel shall be licensed and regulated in accordance with ACC Ordinance No. 98-22, as amended.

c. Maximum Square Footage

Shall not exceed 3,000 square feet in the CC and TMD districts, or 7,500 square feet in any other zoning district the use is allowed.

d. Standards

All use areas shall be within an enclosed building constructed, maintained, and operated so that no noise or odor nuisances related to the Kennel operations can be detected outside the building. With exception to designated drop-off areas, no outdoor runs, playgrounds, walking areas, yards, or similar uses shall be permitted.

e. Waste Disposal

A Type 3 Commercial Kennel shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD, and SWA.

20. Landscape Service

a. Definition

An establishment engaged in the maintenance or installation of landscaping. [Ord. 2019-039]

b. Typical On-Site Activities

Includes administrative office; customer and employee parking; and, storage or parking of landscape vehicles, chemicals, fertilizers, landscape materials, and equipment. [Ord. 2019-039]

c. Typical Off-Site Activities

May include, but are not limited to: lawn mowing; trimming of vegetation including trees, shrubs, or hedges; irrigation; fertilizer application; leaf blowing; landscaping design; maintenance; or, installation. [Ord. 2019-039]

d. Common Operations Area

A common area that is shared between the Nursery and the Landscape Service, which may include, but is not limited to: drive aisles; customer parking; and, structures that are commonly shared between the Nursery and the Landscape Service. It shall not include areas, structures, or facilities which serve solely the Landscape Service (On-Site Activities). [Ord. 2019-039]

e. Nursery Growing Area

Consists of an area(s) used solely for the propagation, cultivation, growing, storage, and staging of plants. [Ord. 2019-039]

f. Easements

The Applicant may allocate drainage or street/canal right-of-way easements to the Common Operations, Nursery, or Landscape Service Areas based on their proximity to each respective area and the purpose and scope of the easement, subject to the approval by the DRO. [Ord. 2019-039]

g. AR District in RSA

Shall be permitted subject to applicable requirements of a Home-based Business pursuant to Art. 4.B.1.E.11, Home-based Business; Art. 4.B.2.C.20.i, Collocated Use; or, as a Principal Use subject to the additional requirements as follows: [Ord. 2019-039]

1) Shall be located on a Collector or Arterial Street; and [Ord. 2019-039]

2) Shall be on a minimum of three acres. [Ord. 2019-039]

h. AGR-PUD Zoning District Preserve Area

1) Applicability

Landscape Service under this Section shall be permitted only for existing Landscape Service uses, on the following 29 sites, subject to the restrictions contained herein: [Ord. 2020-016] [Ord. 2021-004]

a) 24 sites within the AGR-PUD Zoning District Preserve Area, as depicted in the list of AGR-PUD Preserve sites attached as Exhibit B in Ordinance No. 2021-004. [Ord. 2020-016] [Ord. 2021-004]

b) Five additional sites within the AGR Zoning District, as depicted in the list of AGR-PUD Preserve sites attached as Exhibit B in Ordinance No. 2021-004. [Ord. 2020-016] [Ord. 2021-004]

(1) These five sites shall provide sufficient evidence demonstrating that the Property Owner has entered into a private transactional agreement, such as an assignment agreement or other similar agreement, recorded in the Official Records of PBC prior to January 1, 2019, with the intent of converting the site to the AGR-PUD Zoning District Preserve Area. [Ord. 2020-016] [Ord. 2021-004]

2) Landscape Service must be compact and contiguous in design and not located in more than two separate locations on a site; and, [Ord. 2020-016]

3) Landscape Service shall be allowed only in conjunction with a Wholesale Nursery and both uses shall be operated under the same ownership. [Ord. 2020-016]

4) Approval Process – Full DRO

a) The DRO shall determine what Agencies will review the proposed application. [Ord. 2020-016]

b) The 24 sites located within the AGR-PUD Zoning District Preserve Area shall submit an application to allow a Landscape Service and be determined to be sufficient by the DRO within 180-calendar days of the effective date of Ordinance No. 2020-016. [Ord. 2020-016] [Ord. 2021-004]

c) Prior to January 1, 2021, the five sites within the AGR Zoning District shall submit an application and be determined to be sufficient by the DRO, for a rezoning to the AGR-PUD Zoning District Preserve Area. These five sites shall then submit an application to allow the Landscape Service and be determined to be sufficient by the DRO within 60 days of the effective date of the rezoning to the AGR-PUD Zoning District Preserve Area. [Ord. 2020-016] [Ord. 2021-004]

d) A minimum of 70 percent of the lot area shall be a Wholesale Nursery, and may also include limited areas for Open Space. [Ord. 2020-016]

e) A maximum of 30 percent of the lot area or one and one-half acres, whichever is less, shall include Typical On-Site Activities, Common Operation Areas, and any buildings not associated with the propagation, cultivation, growing, storage, and staging of plants. [Ord. 2020-016]

f) Driveways shall be allocated to either the Wholesale Nursery or Typical On-Site Activities and Common Operation Areas based on their proximity to each respective area, subject to approval by the DRO. [Ord. 2020-016]

5) Location – Access

Minimum access shall be any Legal Access, as defined by Art. 1.H.2, Definitions, that exists at the time of application for use approval. If the existing access is not legal, then minimum access shall be in accordance with Art. 11.E.2.A.2. Minimum Legal Access Requirement, unless a Variance is approved pursuant to Art. 2.B.7.E, Type 2 Variance. [Ord. 2020-016]

i. Collocated Use

Shall be allowed only in conjunction with a Retail or Wholesale Nursery, and both uses shall be operated under the same ownership, subject to the following: [Ord. 2019-039]

1) AGR, AP, CN, CRE, and PO Zoning Districts

a) Approval Process – Full DRO

- (1) A minimum of 50 percent of the lot area shall be Retail or Wholesale Nursery; [Ord. 2019-039]
- (2) A maximum of 30 percent of the lot area or one and one-half acres, whichever is less, shall be Landscape Service (On-Site Activities); and, [Ord. 2019-039]
- (3) The areas designated for Common Operations Area shall be a maximum of 20 percent of the lot area. [Ord. 2019-039]

b) Approval Process – Class A Conditional Use, except the AGR Zoning District

- (1) A minimum of 50 percent of the lot area shall be Retail or Wholesale Nursery; [Ord. 2019-039]
- (2) A maximum of 45 percent of the lot area or two acres, whichever is less, shall be Landscape Service (On-Site Activities); and, [Ord. 2019-039]
- (3) The areas designated for Common Operations Area shall be a maximum of 20 percent of the lot area. [Ord. 2019-039]

2) CC or CG Zoning Districts

a) Approval Process – Full DRO

- (1) A minimum of 50 percent of the lot area shall be Retail and/or Wholesale Nursery; [Ord. 2019-039]
- (2) A maximum of 30 percent of the lot area or one and one-half acres, whichever is less, shall be Landscape Service (On-Site Activities); and, [Ord. 2019-039]
- (3) The area designated for Common Operations Area shall be a maximum of 20 percent of the lot area. [Ord. 2019-039]

3) IL, IG, and IND/L, COM, or IND/G Pods of a PIPD Zoning District

A Landscape Service use may be Permitted by Right when collocated with Wholesale or Retail Nursery. [Ord. 2019-039]

4) AR/RSA Zoning District

- a) Shall be on a minimum of three acres. [Ord. 2019-039] [Ord. 2020-007]
- b) The area(s) designated for Landscape Service (On-Site Activities) shall be a maximum of 30 percent of the Growing Area or one acre, whichever is less. [Ord. 2019-039]

c) Approval Process

A Landscape Service shall be subject to a Class A Conditional Use approval process, unless stated otherwise below: [Ord. 2019-039]

(1) Exception

A Landscape Service may be subject to the Full DRO process if the Applicant submits an application and is determined to be sufficient by the DRO within 195-calendar days of the effective date of Ordinance No. 2019-039 (June 17, 2020), and provides sufficient evidence that the Landscape Service existed on the subject property prior to June 2, 2020. [Ord. 2019-039] [Ord. 2020-007]

5) AR/USA, RE, RT, RM, RS, UC, UI, CH-MUPD, NC-TND, and TMD within the U/S, Rural, or Exurban Tiers

- a) Shall be on a minimum of three acres; and [Ord. 2019-039] [Ord. 2021-023]

b) Approval Process – Class A Conditional Use

- (1) The area(s) designated for Landscape Service (On-Site Activities) shall be a maximum of 30 percent of the Growing Area or one acre, whichever is less. [Ord. 2019-039]

6) Location – Access

a) AR/RSA and AR/USA Zoning Districts

Minimum access shall be in accordance with Art. 11.E.2.A.2, Minimum Legal Access Requirement, unless a Type 2 Waiver is granted pursuant to Art. 2.B.7.D, Type 2 Waiver. [Ord. 2020-007]

b) AGR Zoning Districts

Minimum access shall be any Legal Access, as defined by Art. 1.H.2, Definitions, that exists at the time of application for Landscape Service use approval. If the existing access is not legal, then minimum access shall be in accordance with Art. 11.E.2.A.2, Minimum Legal Access Requirement, unless a Type 2 Variance is granted pursuant to Art. 2.B.7.E, Type 2 Variance. [Ord. 2020-007]

c) Other Zoning Districts

Minimum access in the RE, RT, RM, RS, UC, UI, CH-MUPD, NC-TND, and TMD within the U/S, Rural, or Exurban Tier Zoning Districts shall be in accordance with Art 11.E.2.A.2, Minimum Legal Access Requirement, unless a Subdivision Variance is granted pursuant to Art. 2.B.7.E, Type 2 Variance. [Ord. 2020-007] [Ord. 2021-023]

j. Hours of Operation

Landscape Service shall be prohibited to operate on Sundays within the Agricultural Residential (AR) Zoning District. [Ord. 2019-039]

k. Landscape Buffer

A Compatibility Buffer shall not be required if the use is adjacent to a property with an existing agriculture use pursuant to Art. 4.B.6, Agricultural Uses. [Ord. 2018-018] [Ord. 2019-039]

1) AGR and AP Zoning Districts

R-O-W and Incompatibility Buffers shall be required in accordance with the requirements for the Wholesale or Retail Nursery. [Ord. 2019-039]

l. Yard Waste Storage

Landscape Service with storage of yard waste shall front on a Collector or Arterial Street, and shall comply with the following requirements:

1) Setbacks

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

2) Standards

- a) Only one yard waste storage area shall be permitted on site;
- b) Shall not exceed 30 by 40 feet;
- c) Yard waste shall be screened on three sides by a wall with a maximum height of 12 feet. The open end of the wall shall not face any property with residential use or FLU designation;
- d) Yard waste piles shall not exceed the height of the wall;
- e) Surface of the storage area shall be paved with concrete and have positive drainage; and,
- f) Yard waste that is not generated by the Landscape Service shall be prohibited on site.

m. Home-based Business

A limited Landscape Service, not including yard waste or landscape installation services, may be allowed as a Home-based Business subject to the requirements of Art. 4.B.1.E.11, Home-based Business. [Ord. 2018-018]

1) Exception – AR/RSA Zoning District

A limited Landscape Service on a lot three acres or more may be allowed as follows: [Ord. 2018-018]

- a) Subject to DRO approval through the ZAR process prior to issuance of a Business Tax Receipt. [Ord. 2018-018]
 - b) A maximum of three persons living outside of the home may be employed under the DRO approval. [Ord. 2018-018]
 - c) Outdoor Storage shall be limited to equipment such as lawnmowers, hedgers, weed eaters, and a small trailer. Storage shall not include heavy equipment such as bobcats, loaders, dump trucks, or heavy equipment trailers. [Ord. 2018-018]
 - d) Storage areas shall be screened from view from any R-O-W or parcel of land with a residential FLU designation or use through the use of opaque fences, walls, or existing or newly planted native vegetation. [Ord. 2018-018]
 - e) Parking spaces shall be provided for every employee in addition to the spaces required for a Single Family. All vehicle parking or storage areas shall utilize improved surfaces such as asphalt, pavement, or shell rock. [Ord. 2018-018]
- 2) Home-based Business having Landscape Service shall be exempt from the Incompatibility Buffer requirements. [Ord. 2018-018]

21. Laundry Service

a. Definition

An establishment that provides washing, drying, dry cleaning, or ironing services or machines to be used by customers on the premises, or that is engaged in providing cleaning services.

b. Typical Uses

A Laundry Service may include but is not limited to coin laundry establishments, laundromats, neighborhood cleaners and dry cleaners, and industrial cleaning facilities serving commercial cleaners or the hospitality industry.

c. Approval Process

1) In all commercial zoning districts including Commercial Pod of PIPD and PUD, where the use is allowed, the use may be:

a) Permitted by Right if less than 3,000 square feet of GFA.

b) Allowed subject to DRO approval if less than 5,000 square feet of GFA.

2) **Industrial Districts, Except with CMR FLU Designation and Commercial Pod of a PIPD**

May be allowed subject to DRO approval if less than 15,000 square feet of GFA. [Ord. 2023-011]

d. Zoning District – CN

The use shall not exceed 3,000 square feet of GFA.

e. Zoning Districts – Industrial Except with CMR FLU Designation and Commercial Pod of a PIPD

1) The use shall be limited to facilities serving the hospitality industry and commercial cleaner centers; and [Ord. 2023-011]

2) Shall not include customer drop-off or pick-up on site, or utilize customer-operated machinery.

f. Business Vehicles

Shall not be parked or stored in required parking spaces.

g. Environmental Approval

Prior to issuance of a Building Permit, a Laundry Service Permitted by Right shall provide documentation demonstrating that the use is approved by ERM.

22. Marina

a. Definition

A commercial establishment related to boating, located on a navigable waterway.

b. Typical Uses or Activities

A Marina may include, but is not limited to servicing, fueling, pumping out, chartering, launching, dry storage of boats and boating equipment, dockage, yacht clubs, charter boat operations, and boatels.

c. Setbacks

Dry storage of boats and other Marina-related uses may be set back zero feet from the water's edge.

d. Boatel Units

A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one unit per 1,000 square feet of dry land.

e. Boat Facility Siting Plan

Any Marina with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan.

23. Medical or Dental Office

a. Definition

An establishment where patients, who are not lodged overnight, are admitted for examination, elective surgical care, immediate but not emergent care, or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida.

b. Typical Uses

A Medical or Dental Office may include, but is not limited to, an Ambulatory Surgical Center or Urgent Care Center.

c. INST FLU Designation

A Medical or Dental Office may be allowed subject to DRO approval, within the boundaries of the following five Site Specific FLUA amendments:

1) SCA 2005-027, Linton/Jog Institutional, Ordinance No. 2006-005;

2) SCA 2008-015, Jog/Joe Delong Institutional, Ordinance No. 2008-005;

- 3) SCA 2009-002, Atlantic/Sims Medical Office, Ordinance No. 2009-008;
- 4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ordinance No. 2010-031; and,
- 5) LGA 2012-002, AGR Boynton Beach Institutional, Ordinance No. 2012-017.

d. Zoning Districts – CN, CLO, and CHO

Permitted by Right when not exceeding 3,000 square feet of GFA. [Ord. 2018-018] [Ord. 2023-011]

24. Office, Business or Professional

a. Definition

An establishment providing executive, management, administrative, or professional services.

b. Typical Uses

A Business or Professional Office may include but is not limited to property and financial management firms; employment, travel, advertising, or real estate agencies; payday lending offices, check cashing services, and currency exchange agencies; contract post offices; professional or consulting services; and, business offices of private companies, utility companies, public agencies, and trade associations.

c. Approval Process

The use may be Permitted by Right if limited to the following:

- 1) A maximum of 10,000 square feet of GFA per parcel in the CN Zoning District.
- 2) A maximum of 15,000 square feet of GFA per parcel in the CLO Zoning District.
- 3) A maximum of 20,000 square feet of GFA per parcel in the CC Zoning District.

d. Employment Agencies

Business or Professional Offices that include employment agencies for temporary day or manual labor service for the construction, maintenance, agricultural, or industrial trades, shall be subject to the additional standards:

1) Westgate Overlay

Shall be prohibited within the boundaries of the WCRAO, as per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

2) Outdoor Activities

Outdoor loitering, waiting, or seating shall be prohibited on site. Outdoor seating areas may be allowed provided the site includes one or more architectural focal points such as fountains, architectural shaded structures, or gazebos.

e. Accessory Office

Business or Professional Office Supplementary Use Standards shall not apply to:

- 1) A temporary office in temporary structures associated with the construction of a building or real estate sales; or
- 2) Areas of a building dedicated to the administrative operation of a use listed in the Use Matrices.

25. Parking, Commercial

a. Definition

An establishment used for temporary parking or storage for motor vehicles as a principal use, for a fee.

b. Proximity to Residential

Commercial Parking shall not be located within 200 feet of a parcel of land with a residential FLU designation or use, except as follows:

- 1) The perimeter landscape buffer along the applicable lot line complies with the minimum standards for a Type 3 Incompatibility Buffer; and
- 2) Building openings used by vehicles and unglazed architectural openings shall not face a parcel of land with a residential FLU designation or use.

c. Access

Access from Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

26. Pawnshop

a. Definition

An establishment at which a pawnbroker, as defined in F.S. § 539.001(2)(i), does business.

b. Separation Distance

Shall be located a minimum of 2,000 feet from another Pawnshop.

c. Setbacks

Shall be set back a minimum of 150 feet from any parcel of land with a residential FLU designation or use.

d. Hours of Operation

Shall not be open to the public prior to 7:00 a.m. or later than 10:00 p.m. daily.

27. Personal Services

a. Definition

An establishment engaged in the provision of recurrent services of a personal nature, or, the provision of informational, instructional, personal improvement, or similar professional services.

b. Typical Uses

Personal Services may include but are not limited to art, music, and driving schools, beauty salon, barbershops, licensed therapeutic massage studios, photography studios, spas, saunas, tattoo parlors, diet and weight reducing centers, pet grooming, and tanning salons.

c. Approval Process – CN District

The use may be Permitted by Right in the CN Zoning District, when limited to 3,000 square feet of GFA.

d. Accessory Use

Personal Services may be Permitted by Right as accessory to Business or Professional Office; or Medical or Dental Office in CLO and CHO Zoning Districts and PDDs with CL-O and CH-O FLU designation.

e. Sale or Dispensing of Controlled Substances

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

28. Repair and Maintenance, Heavy

a. Definition

An establishment engaged in the repair and maintenance of automobiles, recreational vehicles, boats, motorcycles, or personal watercraft; or the repair and maintenance of heavy equipment or machinery, commercial vehicles or trailers, marine vessels, or similar; or media blasting, paint stripping, and paint or body work.

b. Typical Uses

Heavy Repair and Maintenance may include but is not limited to:

- 1) Machine shops, welding services, engine and transmission shops, and radiator shops;
- 2) Paint or body shops, collision damage repairs and frame straightening, fiberglass repair, media blasting or paint stripping, powder coating, and steam cleaning;
- 3) Garages for general engine type repair including rebuilding, repairing or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, brake systems, hydraulics, fuel systems, cooling systems, exhaust, electrical or electronic systems, propulsion systems, drive train, and steering systems; or,
- 4) Any Light Repair and Maintenance Use, which involves any of the above or requires outdoor storage or activities.

c. Overlays – Westgate Community Redevelopment Area Overlay (WCRAO)

Heavy Repair and Maintenance uses are prohibited in the NR, NRM, NG, and NC Sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations.

d. Setbacks

No repair or maintenance building, structure, or activity shall be allowed within 100 feet of a parcel of land with a residential FLU designation or use.

e. Nuisances

1) Enclosed Repair Activities

All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts with an IND FLU designation, and PDDs with an IND FLU designation, where in compliance with Art. 5.B.1.A.3, Outdoor Storage and Activities. [Ord. 2023-011]

2) Vehicle or Equipment Testing on Residential Streets

Testing of vehicles or equipment shall be prohibited on Residential Streets.

f. Outdoor Parking or Storage

- 1) The outdoor storage of disassembled vehicles, equipment, or parts shall be prohibited, except in the IL and IG districts with an IND FLU designation, and PDDs with an IND FLU designation. [Ord. 2023-011]
- 2) All vehicles or equipment shall be parked in designated storage areas, except for the following:
 - a) Automobiles dropped off by customers may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period; and
 - b) Automobiles placed for customer pick-up may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period.

29. Repair and Maintenance, Light

a. Definition

An indoor establishment engaged in the minor repair or maintenance of automobiles, light duty commercial vehicles rated one ton capacity or less, boats, motorcycles, personal watercraft, golf carts, mopeds, lawn mowers, major household appliances, or household furniture.

b. Typical Uses

Light Repair and Maintenance establishments may include but are not limited to tune-up stations, glass shops, quick-lube stations, muffler shops, upholstery shops, tire installation and service, alignment shops, replacement of brake linings, and lawn mower repair and maintenance.

c. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)

Light Repair Maintenance uses are prohibited in the NR, NRM, NG, and NC Sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations.

d. Zoning Districts – CN and CC District and Commercial Pod of PUD

Shall be limited to a maximum of 5,000 square feet of GFA.

e. Accessory Use

Light Repair and Maintenance may be Permitted by Right as an accessory use to Heavy Repair and Maintenance.

f. Setbacks

No repair or maintenance building, structure, or activity shall be allowed within 100 feet of any parcel of land with a residential FLU designation or use.

g. Nuisances

1) Enclosed Repair Activities

All repair and maintenance activities shall be conducted within an enclosed structure.

2) Vehicle or Equipment Testing on Residential Streets

Testing of vehicles, equipment, or other similar shall be prohibited on Residential Streets.

h. Outdoor Parking or Storage

1) The outdoor storage of disassembled vehicles, equipment, or parts shall be prohibited.

2) All vehicles or equipment shall be stored in designated storage areas, except for the following:

a) Automobiles dropped off by customers may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period; and

b) Automobiles placed for customer pick-up may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period.

30. Repair Services, Limited

a. Definition

An establishment engaged in the minor repair of personal apparel or household appliances, and similar items.

b. Typical Uses

Limited Repair Services may include but are not limited to apparel repair and alterations, small appliance repair (excluding major appliances such as washers and dryers, refrigerators, stoves, and dishwashers), bicycle repair, clock and watch repair, and shoe repair shops.

c. Zoning Districts – CN District, Commercial Pod of PUD, and TND Neighborhood Center

Shall be limited to a maximum of 3,000 square feet of GFA.

d. Enclosed Repair Activities

All repair activities shall be conducted within an enclosed structure.

e. Storage

Outdoor storage shall be prohibited.

31. Restaurant, Type 1

a. Definition

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.

b. Approval Process

1) DRO Approval

A Type 1 Restaurant without a drive-through where the use is allowed provided the GFA including outdoor dining areas does not exceed 5,000 square feet.

2) Permitted by Right

A Type 1 Restaurant without a drive-through or located in an outparcel, may be Permitted by Right in any PDD or TDD with a commercial or institutional FLU designation, or pod; the Commercial or Recreation Pod of a PUD, MHPD, or RVPD; and, all commercial zoning districts, provided the GFA including outdoor dining areas does not exceed 1,500 square feet.

c. Tier Specific – Exurban and Rural

A Type 1 Restaurant shall comply with the following:

- 1) Shall not be the sole use on the property;
- 2) Shall be located in an MUPD or TDD;
- 3) Shall not have direct ingress/egress to an adjacent Arterial or Collector Street. Ingress/egress shall be from the interior of the overall vehicular circulation system for the development or interior streets, whichever is applicable; and,
- 4) Shall comply with the design requirements outlined under Art. 4.B.2.C.31.f.3), Location Criteria, Exceptions.

d. Zoning District – TMD

A Type 1 Restaurant shall be limited to: [Ord. 2017-025]

- 1) 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA.
- 2) Located in an outparcel or freestanding building; or
- 3) A drive-through, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building.

e. Accessory Alcohol Sales

A Type 1 Restaurant may include the on-premises sale, service, and consumption of alcoholic beverages as an accessory use.

f. Location Criteria

A Type 1 Restaurant with a drive-through shall be subject to the following:

1) Intersection Criteria

A maximum of two Type 1 Restaurants shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria.

2) Separation Criteria

A Type 1 Restaurant shall be separated from any other Type 1 Restaurant in accordance with Art. 5.E.2.C.2, Separation Criteria.

3) Exceptions

a) Design Criteria

A Type 1 Restaurant may be exempt from the location criteria if the site is designed to: address the additional trips associated with a drive-through restaurant; as well as enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design, and architectural treatment that incorporates the following:

- (1) Drive-through facilities, including queuing and by-pass lanes that run parallel and are visible from adjacent streets, shall provide additional landscaping to mitigate views of the vehicular use areas.
- (2) If located in a non-residential Planned Development District or a Commercial Pod, all the required parking spaces shall be located in close proximity to the restaurant that they serve. Required parking shall not be separated from the restaurant main entrance by a distance of more than 150 feet. The Applicant may request an increase to this distance up to a maximum of ten percent of the dimensional requirement through a Type 1 Waiver.

- (3) If located in Standard Zoning Districts and required by the Zoning Director, cross-access shall be provided to all abutting parcels that have commercial FLU designation. If required, the cross-access easement shall be recorded prior to Final Approval by the DRO. The Zoning Director may elect not to require the cross-access easement based on review of the existing or approved use for the abutting property.
- (4) Consideration shall be given to site design that promotes a safe pedestrian environment and addresses vehicular circulation and maneuvering. A restaurant located on a single parcel with a Standard Zoning District is allowed continuous vehicular circulation:
 - (a) on all four sides of the building if the site is limited to only one access point to the subject property; or
 - (b) on all three sides of the building if site is limited to two access points to the subject property.
- (5) Landscape Plans and Architectural Elevations shall be required as part of any application for a Conditional Use, or any DOA affecting the items listed herein.

b) MUPD

A Type 1 Restaurant located within an MUPD may be exempt from the location criteria of Art. 4.B.2.C.31.f.1), Intersection Criteria, and Art. 4.B.2.C.31.f.2), Separation Criteria, where in compliance with the following:

- (1) Required perimeter landscape buffers, where located between all Type 1 Restaurant areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and
- (2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with minimum standards for ingress/egress, stacking, turn lanes, and pedestrian connectivity.

g. Major Intersection Criteria for CL FLU

A Type 1 Restaurant with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria, unless the restaurant meets the requirements of one or more of the following: Art. 4.B.2.C.31.b.1), DRO Approval, Art. 4.B.2.C.31.b.2), Permitted by Right, is located within a TMD, or complies with the design requirements outlined under Art. 4.B.2.C.31.f.3), Exceptions.

h. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 1 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Special Permit from the Zoning Division in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233. [Ord. 2021-027] [Ord. 2022-001]

- a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area. [Ord. 2021-027]
- b) A participating restaurant shall ensure that the Dog Friendly Dining Special Permit is available for inspection during hours of operation. [Ord. 2021-027] [Ord. 2022-001]
- c) A Dog Friendly Dining Special Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale. [Ord. 2021-027] [Ord. 2022-001]

32. Restaurant, Type 2

a. Definition

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.

b. Approval Process – DRO Approval

1) TND NCs

A Type 2 Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type 2 Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2023-011]

2) CHO District; and PDDs with a CH-O FLU

If contained in an office, or Hotel or Motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO.

3) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial Pod

A Type 2 Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO.

c. Brewery-Distillery

A Restaurant may include a Manufacturing and Processing Brewery-Distillery use on up to 50 percent of the gross floor area, including outdoor seating, for that establishment. [Ord. 2023-011]

d. Accessory Alcohol Sales

A Type 2 Restaurant may include the on-premises accessory sale, service, and consumption of alcoholic beverages. [Ord. 2023-011]

e. Accessory Take-Out Service

Accessory take-out service shall be allowed provided there are no vehicle take-out windows that include exterior menu boards, queuing lanes, or order services. [Ord. 2023-011]

f. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 2 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Special Permit from the Zoning Division in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233. [Ord. 2021-027] [Ord. 2022-001]

a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area. [Ord. 2021-027]

b) A participating restaurant shall ensure that the Dog Friendly Dining Special Permit is available for inspection during hours of operation. [Ord. 2021-027] [Ord. 2022-001]

c) A Dog Friendly Dining Special Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale. [Ord. 2021-027] [Ord. 2022-001]

33. Retail Sales

a. Definition

An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another Use Type.

b. Typical Uses

Retail Sales may include but are not limited to clothing stores, bookstores, business machine sales, food and grocery stores, window tinting, marine supply sales (excluding boat sales), auto accessories and parts, building supplies and home improvement products, monument sales, printing and copying, pharmacies, and medical marijuana dispensing facilities. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, and mopeds. [Ord. 2017-028]

c. Zoning Districts

1) TND District

In a Neighborhood Center, Retail Sales shall not exceed 5,000 square feet of GFA per establishment.

- a) A maximum of 40,000 square feet of GFA for a food store or 20,000 square feet of GFA for a food store when the TND is developed as part of a TTD.
- b) In a Multifamily building with more than 50 units, a “corner store” may be allowed, provided it does not exceed 1,000 square feet of GFA and is integrated into the building and at a corner location.

2) TMD District

a) In a TMD, a single establishment shall not exceed the following:

- (1) 100,000 square feet of GFA in the U/S Tier;
- (2) 50,000 square feet of GFA in the Exurban and Rural Tiers; and,
- (3) 65,000 square feet of GFA in the AGR.

b) A drive-through facility for a drug store is allowed subject to the following:

- (1) If located in the rear of a building;
- (2) Access shall be from an alley, an interior parking area, or a street not designated as a Main Street; and,
- (3) The drive-through facility shall be covered by a canopy or the second story of a building.

3) CN District

Shall be limited to a maximum of 3,000 square feet of GFA per establishment.

d. Outdoor Display Areas – Monument Sales

An outdoor display area for the retail sale of monuments, gravestones, markers, or headstones for placement on graves shall be exempt from the provisions in Art. 5.B.1.A.3, Outdoor Storage and Activities when located in a designated display area on the Final Site Plan.

e. Fireworks

The retail sale or storage of fireworks as a principal use in any commercial district is prohibited. [Ord. 2018-002]

1) Exception

Temporary sale of sparklers, subject to a DRO approval through the ZAR process.

f. Sale or Dispensing of Controlled Substances – Pharmacy

A pharmacy shall be subject to the following:

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

g. Collocated Use

A Retail Sales use may be Permitted by Right in the IL, IG, PO, or IPF Zoning District or MUPD with an INST FLU designation when collocated with an Animal Shelter. [Ord. 2018-018]

h. Unmanned Retail Structure

An unmanned structure which stores or dispenses items for sale, rent, or customer pick-up.

1) Definition and Typical Uses

a) Freestanding

Includes Unmanned Retail Structures that are not attached to a building and located farther than 15 feet from the nearest principal structure.

- b) **In-Line**
Includes Unmanned Retail Structures that are adjacent to, attached to, or located within 15 feet of a principal structure, and not separated by vehicular access drives.
 - 2) **Accessory Use – Industrial Zoning Districts**
May be allowed as an accessory use to Data and Information Processing, Research and Development, Government Services, or Wholesaling.
 - 3) **Size**
Shall not exceed 150 square feet, excluding canopies provided for decorative aesthetics or protection from weather.
 - 4) **Number**
Shall not exceed one per development.
 - 5) **Design Standards**
Shall not encroach any required site design elements, including but not limited to: drive aisles, easements, landscaping, parking spaces, and ADA paths.
 - a) **Freestanding**
 - (1) Shall achieve architectural compatibility with the other structures in the development, including texture, paint, and similar building materials.
 - (2) Shall be limited to one story, not to exceed 15 feet in height.
 - b) **In-Line**
 - (1) Shall not exceed eight feet in height, or nine feet if including a weather protection canopy.
 - (2) Shall not obstruct more than 20 percent of the windows.
 - 6) **Signage**
 - a) **Freestanding**
Wall signs may be allowed for buildings that meet the requirements for Art. 5.C.1.H.1.a, Guidelines for Non-Residential Design Elements.
 - b) **In-Line**
Shall be limited to a maximum of 20 percent of each side's façade of the structure, or a maximum of four square feet, per side, whichever is less.
 - i. **Medical Marijuana Dispensing Facility**
 - 1) **Definition**
A facility, operated by a Medical Marijuana Treatment Center (MMTC) in accordance with the Florida Department of Health as a medical marijuana dispensing facility that dispenses medical marijuana to qualified patients or caregivers. A medical marijuana dispensing facility does not prepare, transfer, cultivate, or process any form of marijuana or marijuana product. [Ord. 2017-028]
 - 2) **Location**
Medical marijuana dispensing facility shall not be located within 500 feet of an existing Elementary or Secondary School, unless approved as a Type 2 Waiver. [Ord. 2017-028]
- 34. Rooming and Boarding House**
- a. **Definition**
A Single Family dwelling with lodging for a maximum of up to five persons, where meals may or may not be regularly prepared and served, and facilities such as kitchen and bathrooms may be shared with other residents.
 - b. **Zoning District**
A Rooming and Boarding House shall only be allowed in the RM Zoning District with an HR FLU designation.
 - c. **Dwelling Modifications**
Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood. A Single Family dwelling may require structural or other modifications to ensure compliance with the applicable Building Code and Fire Rescue regulations.
- 35. Self-Service Storage**
- a. **Definition**
A facility consisting of individual, self-contained units that are leased for the storage of business, household, or other personal goods.
 - 1) **Types Permitted**
Self-Service Storage facilities may include but are not limited to Limited or Multi Access storage units, with or without Outdoor Storage areas, limited to the storage of personal or household

goods, automobiles, recreational vehicles, boats, or personal watercraft, only, subject to the following:

a) Limited Access

Limited Access is a Self-Service Storage facility with limited access points from the exterior of the building to interior halls that serve individual storage units.

b) Multi-Access

Multi-Access is a one-story Self-Service Storage facility with multi-access points from the exterior of the building to individual storage units.

b. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)

Self-Service Storage is prohibited in the NR, NRM, NG, and NC Sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations.

c. Zoning Districts – Commercial Pod of PUD or Neighborhood Center of TND

Self-Service Storage in Commercial Pods of a PUD or Neighborhood Center of a TND, shall be limited as follows:

- 1) Maximum of 50 percent of the overall GFA; and
- 2) Multi-Access shall be prohibited; and
- 3) Outdoor Storage shall be limited to a maximum of 30 percent of overall Self-Service Storage building square footage.

d. Accessory Uses – Industrial Districts

Where permitted in industrial districts, a Self-Service Storage use may include accessory retail use, limited to the rental and sale of retail items used for moving and storage, such as hand trucks, cartons, tape, and packing materials.

e. Architecture

1) Storage Access or Storage Unit Door Screening

Access points and storage unit doors shall be screened from all public streets, residential uses, or vacant parcels with a residential FLU designation, through the use of buildings, walls, opaque vehicular gates which primarily remain closed, or other similar barriers. [Ord. 2018-002]

2) Fenestration

The use of fenestration that allows visibility of storage unit doors or is designed in conjunction with interior signage, logos, lighting, or paint schemes intended to expand permitted exterior signage shall be prohibited. [Ord. 2018-002]

f. Landscaping – Incompatibility Buffer Screening Requirements

Where an Incompatibility Buffer is required, the minimum six-foot screening requirement may be waived, subject to the following:

1) Façades

The exterior façades of storage structures present an unbroken, wall-like appearance when seen from adjacent lots and streets.

2) Wall

Separate storage structures are connected by a solid opaque wall to give the appearance of structural continuity. This option may be permitted where Fire Rescue may require access for emergency purposes upon demonstration that any required gates are designed and constructed to provide the same visual barrier as the required wall.

3) Access Aisles

No aisleways or other vehicle access ways are located in the area between the building and the adjacent property line.

g. Storage

1) Hazardous Materials Prohibited

The storage of flammable, hazardous, or explosive materials, goods, or products shall be prohibited.

2) Outdoor Storage Standards

Outdoor storage shall be subject to the following:

a) Permitted Vehicles

Shall be limited to the storage of vehicles of the type customarily maintained by households for personal use such as recreational vehicles or pleasure boats, or a Home Occupation Vehicle.

b) Location

The storage shall occur only within a designated area.

- c) **Storage Area**
The storage area shall not exceed 50 percent of the lot area.
 - d) **Screening**
The storage area shall be completely screened from view from adjacent properties and public streets by landscaping, fences, walls, or buildings.
 - e) **Mobility**
All vehicles and trailers shall be licensed for use on public streets. Other vehicles, including recreational vehicles, boats, and personal watercraft, shall be stored on wheeled trailers.
 - f) **Repair Prohibited**
Vehicle repair shall be prohibited.
 - h. **Supplemental Circulation Standards for Multi-Access Facilities**
 - 1) **Interior**
The minimum width of aisleways between storage structures shall be 20 feet for one-way traffic, and 30 feet if two-way traffic.
 - 2) **Flow**
Traffic flow patterns in aisleways shall be clearly marked. Markings shall consist at a minimum of standard directional signage and painted lane markings with arrows.
 - i. **Business Uses Prohibited**
Businesses shall be prohibited from operating within any Self-Service Storage facility or storage unit or outdoor storage area, except as follows:
 - 1) **Storage of Business Goods**
A storage unit shall not be used to store inventory, equipment, or material required on a daily or recurring basis necessary for a business trade or occupation.
 - 2) **Home Occupation Vehicles**
A maximum of one business-related vehicle per storage customer a maximum of 8,000 pounds curb weight may be stored in a Multi-Access storage unit or outdoor storage area.
- 36. Single Room Occupancy (SRO)**
- a. **Definition**
An establishment with lodging for five or more persons housed in individual rooms, where meals may or may not be regularly prepared and served, and facilities such as kitchen and bathrooms may be shared with other residents. [Ord. 2020-020]
- 37. Theater and Performance Venue**
- a. **Definition**
An establishment that hosts live performances, viewings, seminars, or exhibitions.
 - b. **Typical Uses**
Typical uses may include but are not limited to movie theaters, theaters, conference centers, and exhibition halls.
 - c. **Approval Process**
May be Permitted by Right if it is indoor and less than 15,000 square feet of GFA, and located in the zoning districts where the use is allowed, unless stated otherwise. [Ord. 2020-020]
 - d. **Building Area – CN Zoning District**
Shall be limited to 3,000 square feet of GFA.
- 38. Vehicle or Equipment Sales and Rental, Heavy**
- a. **Definition**
An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used mobile homes or commercial vehicles, as may be defined by the Florida Department of Motor Vehicles, or equipment, including but not limited to the following: heavy trucks, truck tractors, road tractors, straight trucks, special mobile equipment, buses, school buses, farm tractors, farm implements, heavy equipment including construction and earth moving equipment, trailers, and semi-trailers.
 - b. **Typical Uses**
Typical uses include independent dealers, franchise dealers, wholesale dealers, or mobile home dealers or brokers; or moving truck or trailer rental, construction or farm equipment sales or rental yards, and large implement sales or rental.
 - c. **Approval Process**
 - 1) **Moving Truck and Trailer Rental**
Moving Truck and Trailer Rental, limited to a maximum of five vehicles per lot, may be permitted as an accessory use to Retail Gas and Fuel Sales or a Large Scale Commercial Development, subject to DRO approval.

- 2) **IL District with IND FLU Designation, MUPD with IND FLU Designation, and Light Industrial Pod of a PIPD – Rental Equipment**
The rental of construction equipment, moving trucks or trailers, farm equipment, and farm implement and machinery sales and rental uses may be allowed subject to DRO approval. [Ord. 2023-011]
- 3) **Rural Tier Farm Equipment – MUPD with CL FLU Designation**
Heavy Vehicle or Equipment Sales and Rental limited to farm equipment that supports the residents of the Rural Tier may be allowed in an MUPD with a CL FLU designation, subject to Class A Conditional Use approval.
- d. **Overlay – Westgate Community Redevelopment Area (WCRA) Overlay**
Heavy Vehicle or Equipment Sales and Rental is prohibited in the NR, NRM, NG, and NC Sub-areas, as per Table 3.B.14.E, WCRAO Sub-area Use Regulations.
- e. **Lot Size**
 - 1) **Commercial Districts**
A minimum of three acres.
 - 2) **IL District with IND FLU Designation**
A minimum of one acre. [Ord. 2023-011]
- f. **Accessory Uses**
 - 1) **Accessory Retail Sales**
Retail sale of parts may be provided as an accessory use.
 - 2) **Accessory to Heavy Repair and Maintenance**
Limited Heavy Vehicle Sales and Rental, may be permitted as an accessory use to Heavy Repair and Maintenance facilities, subject to DRO approval, and the following:
 - a) Limited to the display or advertising of a maximum of five vehicles per lot.
 - b) All storage spaces shall be located indoors, or set back a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of buildings or walls, or opaque fences or landscaping.
 - c) Vehicles on display shall be located within 100 feet of a repair bay.
- g. **Nuisances – Test Drives**
Test drives of motor vehicles shall be prohibited on Residential Streets.
- h. **Storage or Display**
Outdoor storage or display of vehicles or equipment shall only be permitted in areas designated for storage or display on an approved Development Order, subject to the following requirements:
 - 1) **General**
 - a) **Vehicle Operating Conditions**
 - (1) The storage or display of inoperable vehicles or equipment shall be prohibited, with exception to designated storage areas permitted under an approved accessory or collocated use.
 - (2) No vehicles or equipment shall be stored or displayed on site except those intended for sale, rental, or lease. An exception shall be permitted for new motor vehicle or equipment inventory owned by another dealership, provided that such vehicles or equipment is of the same type approved for the subject site.
 - b) **Loading Spaces**
Loading spaces shall be set back a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation.
 - c) **Required Parking**
Parking for vehicle storage, sales, or display may not be counted toward meeting the number of on-site parking spaces required for customers and employees.
 - 2) **Standards for Bull Pen Storage**
 - a) **Location or Design**
Bull Pen Storage areas shall be located towards the side or rear of the property and designed in a manner that clearly distinguishes the storage area from vehicle showroom or Outdoor Display areas, by placement behind buildings, or through use of opaque fences, walls, or landscape barriers a minimum of six feet high.
 - b) **Outdoor Storage**
Bull Pen Storage areas shall comply with the Outdoor Storage area requirements of Art. 5, Supplementary Standards. This shall not preclude the ability to seek Variance relief.

3) Standards for Display Areas

a) General

No vehicle shall be parked, stored, or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part.

b) Barrier

A barrier shall be provided between display areas, and customer parking, related driveway access, or drive aisles. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.

c) Design Standards

Display areas shall conform to Art. 6, Parking, Loading, and Circulation, except for space striping.

4) Standards for Moving Truck and Trailer Rental

Designated storage spaces for each truck or trailer shall be depicted on the approved Site Plan. All storage spaces shall be set back a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences, or landscaping.

39. Vehicle Sales and Rental, Light

a. Definition

An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used motor vehicles as may be defined by the Florida Department of Motor Vehicles, or boats, and recreational vehicles, including but not limited to the following vehicles typically acquired for personal non-commercial use:

- 1) Automobiles, sport utility vehicles (SUVs), and light trucks or vans with a curb weight of 8,000 pounds or less; or
- 2) Boats, personal watercraft, recreational vehicles (RVs), off-highway vehicles (OHVs), motorcycles, golf carts, or swamp buggies.

b. Typical Uses

Typical uses include independent dealers, franchise dealers, wholesale dealers, or new and used recreational vehicle dealers, auto and truck rental, and boat or personal watercraft rental and sales.

c. Approval Process

1) Indoor Vehicle Showroom

An indoor Vehicle Sales and Rental facility located in the CG or MUPD districts shall be exempt from the minimum three-acre lot size requirement, and may be allowed subject to DRO approval and the following criteria. [Ord. 2021-006]

a) Floor Area

A maximum of 30,000 square feet and 15 display vehicles.

b) Test Drives

Test drives shall not be permitted from the Indoor Vehicle Showroom or on site.

c) Vehicle Operations

Display vehicles shall not operate engines during store hours. Engines shall only be permitted to operate during the transport of vehicle into or out of the showroom.

d) Parking

Vehicles for sale or lease shall not be parked or displayed outside of the showroom.

e) Stand-Alone Exception

A stand-alone facility may be exempt from the limitations of a) through c) above, provided that all vehicle display, storage, detailing, or other collocated uses or activities occur indoors. [Ord. 2021-006]

2) Neighborhood Vehicle Rental Facility

A Neighborhood Vehicle Rental Facility may be allowed in the CN, CC, and CG Zoning Districts; the Commercial Pod of a PUD; PDDs with a CH or CL FLU designation; or, the Neighborhood Center (NC) of a TDD, subject to DRO approval and the following: [Ord. 2021-006]

a) Vehicle Limitations

A maximum of six vehicles stored on site, limited to cars, SUVs, standard pick-up trucks, and minivans.

b) Minimum Lot Size

The lot size shall comply with the minimum required for the applicable zoning district. Legal non-conforming Lots of Record shall be able to develop a Neighborhood Vehicle Rental Facility provided all other minimum site development regulations can be met.

- c) **Parking**
The rental vehicles shall be parked in specifically designated spaces or located in Bull Pen Storage.
 - d) **Outdoor Activities**
Maintenance, repair, detailing, washing, cleaning, or related activities shall not be conducted on site.
- d. **Overlay – Westgate Community Redevelopment Area (WCRA) Overlay**
Light Vehicle Sales and Rental is prohibited in the NR, NRM, NG, and NC Sub-areas, as per Table 3.B.14.E, WCRAO Sub-area Use Regulations.
- e. **Zoning Districts**
 - 1) **Commercial Pod of PUD and Neighborhood Center of TND**
Shall be limited to a Neighborhood Vehicle Rental Facility.
 - 2) **TMD**
Shall be limited to Indoor Vehicle Showroom. [Ord. 2017-025]
 - 3) **Districts with Commercial Low FLU Designation**
The sale or rental of OHVs, RVs, boats, or motorcycles shall be subject to the standards for accessory uses.
 - 4) **IL District with IND FLU Designation – Automobile Rental**
An Automobile Rental may be allowed in the IL Zoning District where the front or side street property line is adjacent to a Major Street, subject to a Class A Conditional Use approval. [Ord. 2021-006] [Ord. 2023-011]
- f. **Lot Size**
A minimum of three acres, excluding the following:
 - 1) Indoor Vehicle Showrooms;
 - 2) Motorcycle or OHV sales and rental;
 - 3) Boat or watercraft sales and rental when collocated with a Marina Facility; or,
 - 4) Where otherwise stated within this Subsection.
- g. **Accessory Uses**
 - 1) **Marinas**
Vehicle Sales and Rental limited to boats and personal watercraft may be permitted as an accessory use to Marina Facilities in the CRE district or an MUPD with CR FLU designation, and shall be exempt from the minimum three-acre lot size requirement.
 - 2) **Accessory to Heavy Repair and Maintenance**
Limited Light Vehicle Sales and Rental, may be permitted as an accessory use to Heavy Repair and Maintenance facilities, subject to DRO approval, and the following:
 - a) Limited to the display or advertising of a maximum of five vehicles per lot.
 - b) All storage spaces shall be located indoors, or set back a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of buildings or walls, or opaque fences or landscaping.
 - c) Vehicles on display shall be located within 100 feet of a repair bay.
- h. **Nuisances – Test Drives**
Test drives of motor vehicles shall be prohibited on Residential Streets.
- i. **Storage or Display**
Outdoor storage or display of vehicles shall only be permitted in areas designated for storage or display on an approved Development Order, subject to the following requirements:
 - 1) **General**
 - a) **Vehicle Operating Conditions**
 - (1) The storage or display of inoperable vehicles or equipment shall be prohibited, with exception to designated storage areas permitted under an approved accessory or collocated use.
 - (2) No vehicles or equipment shall be stored or displayed on site except those intended for sale, rental, or lease. An exception shall be permitted for new motor vehicle or equipment inventory owned by another dealership, provided that such vehicles or equipment is of the same type approved for the subject site.
 - b) **Loading Spaces**
Loading spaces shall be set back a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation.

c) Required Parking

Parking for vehicle storage, sales, or display may not be counted toward meeting the number of on-site parking spaces required for customers and employees.

2) Standards for Bull Pen Storage

a) Location or Design

Bull Pen Storage areas shall be located towards the side or rear of the property and designed in a manner that clearly distinguishes the storage area from vehicle showroom or Outdoor Display areas, by placement behind buildings, or through use of opaque fences, walls, or landscape barriers a minimum of six feet high.

b) Outdoor Storage

Bull Pen Storage areas shall comply with the Outdoor Storage area requirements of Art. 5, Supplementary Standards. This shall not preclude the ability to seek Variance relief.

3) Standards for Display Areas

a) General

No vehicle shall be parked, stored, or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part.

b) Barrier

A barrier shall be provided between display areas, and customer parking, related driveway access, or drive aisles. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.

c) Design Standards

Display areas shall conform to Art. 6, Parking, Loading, and Circulation, except for space striping.

40. Veterinary Clinic

a. Definition

An establishment engaged in providing medical care, treatment, and temporary boarding for animals.

b. Approval Process – AGR, AR, CLO Zoning Districts and MUPD with CL, CL-O FLU Designation

1) A Veterinary Clinic may be Permitted by Right in the AR, CLO Zoning District, and MUPD with CL or CL-O FLU designation, subject to the following limitations: [Ord. 2019-005]

a) GFA shall not exceed 5,000 square feet; and

b) Shall not include outdoor runs.

2) A Veterinary Clinic may be Permitted by Right in the AGR Zoning District. The GFA shall not exceed 5,000 square feet. [Ord. 2019-005]

c. Lot Size – AR and AGR Districts

Shall be located on a minimum of five acres.

d. Zoning District

A Veterinary Clinic shall not have outdoor runs and limited to the following:

1) CC and CN Zoning Districts

Shall not occupy more than 3,000 square feet of GFA.

2) MUPD with CL FLU Designation and TDD Districts

Shall not occupy more than 5,000 square feet of GFA. [Ord. 2017-025]

3) Infill Redevelopment Overlay

Boarding facilities shall comply with the standards for a Type 3 Commercial Kennel.

e. Outdoor Runs

A Veterinary Clinic with outdoor runs shall comply with the following standards:

1) Lot Size

A minimum of one acre.

2) Setbacks

Outdoor runs shall not be located within 50 feet of any property line adjacent to a parcel of land with a residential FLU designation or use; or 25 feet from any property line adjacent to a non-residential zoning district, use, or FLU.

3) WCRAO

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

4) Standards

A six-foot-high fence shall be required around the runs. If the fence is not opaque or screened from view of adjacent properties or R-O-W, a continuous opaque hedge, a minimum of four feet at installation, shall be provided around the run.

5) Waste Disposal

A Veterinary Clinic shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD, and SWA.

f. Facility without Outdoor Runs

A Veterinary Clinic without outdoor runs shall be required to make accommodations to ensure animal waste is properly disposed of within the facility.

g. Collocated Use

- 1) A Veterinary Clinic may be Permitted by Right in the IG, PO, or IPF Zoning District or MUPD with an INST FLU designation when collocated with an Animal Shelter. [Ord. 2018-018]
- 2) Veterinary Clinics operated by a licensed veterinarian for the care of the animals kept in the shelter facility may also offer veterinary services to the public. [Ord. 2018-018]

41. Vocational Institution

a. Definition

An establishment, that is not an Elementary or Secondary School, offering regularly scheduled instruction and training in industrial, mechanical, construction, technical, commercial, clerical, managerial, or artistic skills.

b. Typical Uses

A Vocational Institution may include but is not limited to business, real estate, building, and construction trades; machinery operation and repair; electronics, computer programming, and technology; automotive or aircraft mechanics and technology; beauty or art school; or, instruction leading to a high school diploma.

c. Zoning District – CN and CC

Shall be limited to 3,000 square feet of GFA.

d. Industrial FLU Designation

A Vocational Institution that requires the use of heavy machinery, mechanical, construction, or industrial equipment such as auto repair, masonry, automotive operation or repair, metal fabrication, welding, mechanical, or electrical repair shall be limited to sites with an IND FLU designation excluding Commercial Pod of a PIPD. [Ord. 2023-011]

e. Nuisances

The use shall be conducted within an enclosed building in a non-industrial zoning district where the use is allowed unless separated 250 feet from a parcel of land with a residential FLU designation or use.

42. Work/Live Space

a. Definition

A space within a building that is used jointly for residential and any non-residential use permitted in the zoning district, where permitted by the FBC, where the residential space is accessory to the primary use as a place of work.

b. Non-Residential Designation

Both residential and non-residential square footage shall be counted towards the maximum FAR allowed for the district.

c. Floor Area

Shall not exceed 1,000 square feet of living area.

d. Office Space

A minimum of ten percent of the living area shall be designated as office space.

e. WCRAO

Work/Live Space is prohibited in the NR Sub-area per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

A. Recreation Use Matrix

Unified Land Development Code
 Supplement No. 32 (Printed 10/25)

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B. General Recreation Standards**1. Tier Specific**

Pari-mutuel betting or gaming is prohibited in the Agricultural Reserve (AGR) Tier.

C. Definitions and Supplementary Use Standards for Specific Uses**1. Arena or Stadium or Amphitheater****a. Definition**

An establishment open, partially or fully enclosed primarily used or intended for commercial spectator sports, or performance.

b. Typical Uses

Typical uses include sports arenas, jai alai frontons, racetracks, and concert halls.

c. Location

There shall be a minimum of 200 feet of lot frontage along a Major Street from which primary point of vehicular access shall be provided. [Ord. 2021-006]

2. Campground**a. Definition**

A parcel of land used for temporary camping and recreational vehicle (RV) uses, and not as permanent living quarters.

b. Lot Size

A minimum of five acres or the minimum required by the district, whichever is greater.

c. Use**1) Campsite**

Campsites are predominantly intended for use by patrons occupying tents, pop-up style campers, or Camping Cabins.

2) RV Site

RV sites are primarily intended to accommodate RVs, and shall be improved with a paved parking pad for the RV and one passenger vehicle.

d. Intensity

Campgrounds may be developed at the following intensities:

Table 4.B.3.C – Campground Intensity

Zoning Districts		Number of Sites/ac. (2)	
Standard		Campsites	RVs
AP (1)		10/ac.	N/A
PC		10/ac.	N/A
PO		12/ac.	6/ac.
IPF		12/ac.	
CRE		12/ac.	
PDD			
MUPD	CR FLU	16/ac.	8/ac.
RVPD	RR FLU (3)	10/ac. (3)	4/5 ac.
	CR FLU	24/ac.	12/ac.
Notes:			
1.	In the LOSTO only.		
2.	The acreage used to calculate campsites cannot be used to calculate RV sites, or <i>vice versa</i> . Campsites and RV sites may be interspersed throughout the site.		
3.	RVPDs existing prior to March 2, 2017 shall be considered conforming for intensity.		

e. Setback for RV or Camp Sites

All sites shall be set back a minimum of 50 feet from any property line.

f. Duration of Stay**1) Campsites and Camping Cabins**

A maximum of 30 consecutive days in a six-month period.

2) RV Sites

a) No person shall reside or be permitted to reside in a RV site for more than 180 days per calendar year.

b) Record Keeping

The Campground owner or operator shall keep the following records:

- (1) the make, model, and year of each RV;
- (2) the lot on which each RV is/was located;
- (3) the dates of occupancy for each RV owner; and,
- (4) the name and permanent address of each RV owner.

c) Mobility

The mobility of each recreational vehicle shall be maintained at all times. All recreational vehicles shall be currently licensed by the State of Florida, or the State of residency of the RV owner. The license plate shall be visible at all times.

g. Accessory Use

1) Camping Cabin

a) Definition

A rental cabin used for temporary occupancy.

b) Use

A Camping Cabin may be allowed as an accessory use to a Campground.

c) Number

A maximum of 30 percent of the total approved campsites may be used for Camping Cabins.

d) Floor Area

A Camping Cabin shall not exceed 800 square feet of GFA.

e) Additional Floor Area

Floor area under a solid roof that is utilized as a porch, patio, porte-cochère, or carport shall not exceed 500 square feet.

f) Amenities

A Camping Cabin may contain electrical outlets (excluding 220 volt), heating, lighting, air conditioning, cooking facilities, and plumbing.

2) Retail Sales, General

A camp store selling goods intended for consumption and use by the patrons of a Campground shall be allowed pursuant to the following:

a) Size

Shall not exceed 2,500 square feet of GFA, including storage.

b) Location

Shall be located to the interior of the Campground, and shall not be accessible from any external roads abutting the Campground property.

c) Parking

Shall provide one parking space per 500 square feet of GFA, plus one space per employee on duty.

d) Signage

Signage shall be limited to a maximum of 25 square feet of wall signage located on the front façade of the building, and shall not be visible from the exterior of the Campground. Freestanding signs shall be prohibited.

h. LOSTO

A Campground or Camping Cabins may be located on parcels within the LOSTO where the use is not allowed by the Use Matrix, subject to the following:

1) Campground

A Campground without RV sites may be allowed in the LOSTO subject to DRO approval.

2) Camping Cabins

A Camping Cabin may be allowed as a principal use, or as an accessory use to a Single Family dwelling, subject to a DRO approval through the ZAR process and the following: [Ord. 2018-002]

a) Density

A maximum of ten Camping Cabins per acre when developed as principal use.

b) Setback

A minimum of 25 feet from all property lines.

c) Occupants

Only users of the LOSTO Trail, such as hikers, bikers, and tourists, shall be allowed to occupy the cabins.

3. Entertainment, Indoor

a. Definition

An establishment offering recreational opportunities or games of skill to the general public for a fee in a wholly enclosed building.

b. Typical Uses

Indoor Entertainment may include, but not be limited to: bowling alleys, bingo parlors, pool halls, billiard parlors, banquet and reception facilities, and video game arcades.

c. Approval Process – CC, CG, MUPD with CL or CH FLU Designation, and PIPD Zoning Districts

An Indoor Entertainment use encompassing less than 3,000 square feet of floor area may be Permitted by Right. [Ord. 2021-023] [Ord. 2023-011]

4. Entertainment, Outdoor

a. Definition

An establishment offering recreational opportunities or games of skill to the general public where any portion of the activity takes place in the open for a fee, excluding Golf Courses and Public Parks.

b. Typical Uses

Typical uses include athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing.

c. Approval Process – PIPD Regional Recreation Pod Exception

An Outdoor Entertainment use that serves to promote economic benefits, such as enhanced tourism, job creation, and an amenity for business recruitment, and which provides for national recognition as a unique recreational facility, may be allowed within the Regional Recreation Pod of a PIPD subject to Class A Conditional Use approval, and the following: [Ord. 2017-032]

1) Notification to Business Development Board

The Applicant shall include documentation confirming that the Business Development Board (BDB) has been notified of the application for Class A Conditional Use approval, including tentative BCC public hearing dates, prior to certification for public hearing. [Ord. 2017-032]

2) Residential Separation

Shall be located a minimum of 1,000 feet from a residential use or vacant parcel with a residential FLU designation. [Ord. 2017-032]

3) Collocated Special Event

A Special Event may be collocated with an Outdoor Entertainment use subject to DRO approval, in accordance with the provisions of Art. 4.B.11.C.8, Special Event. [Ord. 2017-032] [Ord. 2019-005]

d. Location

Access to an Outdoor Entertainment use shall be prohibited from Local Residential or Residential Access Streets. [Ord. 2021-006]

e. Setbacks

No building, structure, trailer, vehicle, mechanical device, or outdoor area shall be located closer to the property line than as follows:

Table 4.B.3.C – Outdoor Entertainment Setbacks

Adjacent Use	Min. Setback
Non-Residential and Streets	50'
Residential District or Use (1)	100' (1)
[Ord. 2017-032]	
Notes:	
1.	Outdoor Entertainment within a PIPD Regional Recreation Pod shall be subject to the setbacks of Art. 4.B.3.C.4.c.2), Residential Separation. [Ord. 2017-032]

5. Fitness Center

a. Definition

An establishment containing multi-use facilities for conducting individual and/or group recreational sport activities. [Ord. 2023-011]

b. Typical Activities

Typical sport activities may include but are not limited to aerobic exercises, weight lifting, running, swimming, racquetball, pickle-ball, gymnastics, dance studios, and martial arts studios. [Ord. 2023-011]

c. Approval Process

1) CC Zoning District and MUPD with CL FLU Designation

- a) A Fitness Center that has less than 8,000 square feet of GFA shall be Permitted by Right.
- b) A Fitness Center with more than 8,000 square feet but less than 15,000 square feet shall be subject to DRO approval.

2) Commercial Pod of PUD

A Fitness Center less than 10,000 square feet may be Permitted by Right. [Ord. 2018-018]

d. Zoning District – CN Zoning District

The use shall be limited to 3,000 square feet of GFA when located in CN Zoning District and shall not include outdoor activities.

e. IND, EDC, and CMR FLU Designations

No more than 20 percent of the square footage of the development may be utilized as a Fitness Center. [Ord. 2023-011]

6. Golf Course

a. Definition

An establishment providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.

b. Accessory Use

1) Clubhouse

A Golf Course use may include a clubhouse. In addition to traditional and customary services, the clubhouse may also contain uses such as food service, catering, related retail sales, financial services, and other personal services.

2) Fencing

Fencing or netting may be erected to protect neighboring property, vehicles, pedestrians, or bicyclists from golf balls, subject to the following restrictions:

a) Maximum Height Adjacent To

(1) Residential Use

15 feet.

(2) Street or Easement

30 feet.

(3) Non-Residential Use

30 feet.

b) Variance Relief

Request for Type 2 Variance from fence or netting maximum height shall be permitted in accordance with Art. 2, Application Processes and Procedures.

7. Park, Neighborhood Infill

a. Definition

A public park facility operated by PBC located in the Revitalization and Redevelopment Overlay as designated by the BCC.

b. Lot Size

A maximum of five acres.

c. Minimum Setbacks

1) Playground Surface Areas

Ten feet.

2) Structures, Park Furniture, and Playground Equipment

15 feet.

3) Active Recreation Facilities

a) A minimum of 15 feet when adjacent to R-O-Ws and parcels of land with a non-residential FLU designation or use.

b) A minimum of 25 feet when adjacent to parcels of land with a residential FLU designation or use. The Parks and Recreation Director may authorize a setback reduction to 15 feet, when compatibility issues are addressed with any adjacent residential uses.

d. Restrictions

Sports lighting, parking spaces, and permanent sanitary facilities shall be prohibited.

e. Recreation Amenities

Active recreation amenities may include playground equipment and non-regulation basketball courts.

8. Park, Passive

a. Definition

A public or private outdoor recreation area relying on a natural or man-made resource base and developed with a low intensity of impact on the land.

b. Typical Uses

Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational, or other purposes that relate to the natural qualities of the area, and support facilities for such activities.

c. Zoning District – PC

A Passive Park use shall generally include but not be limited to nature and foot trails; canoe trails; wildlife management performed by official game, fish and wildlife commissions; public hunting and fishing camps; the use of boats, airboats, and wheeled and tracked vehicles under policies and regulations prescribed by the appropriate government agencies; hunting and fishing camps on private property under policies prescribed by official game, fish and wildlife commissions; exploration, observation, and archeological studies supervised by recognized authorities or persons granted permission to proceed by the State of Florida; preserves and passive recreation areas, and residences for preservation management officers or substantially similar recreational conservation accessory uses.

9. Park, Public

a. Definition

A park publicly owned or operated by government agencies that provide opportunities for active or passive recreational activities to the general public.

b. Type of Parks

The use includes Regional Park, District Park, Beach Park, and Community Park.

c. Collocated Uses

The following shall be collocated uses Permitted by Right in the PO Zoning District when included as part of a Public Park:

1) Outdoor Shooting Range limited to non-mechanical equipment archery;

2) Arena or Stadium or Amphitheater separated at least 1,500 feet from parcels of land with a conservation and residential FLU designation or use.

3) Commercial Equestrian Arena;

4) Marina limited to docks, wet slips, or boat ramps; and,

5) Caretaker Quarters. [Ord. 2018-018]

10. Shooting Range, Indoor

a. Definition

An indoor establishment used for the discharge of firearms or projectiles at targets for sport or training, excluding private gun ranges where preempted by State law.

b. Approval Process

An Indoor Shooting range allowed subject to a Class A Conditional Use may be approved by the DRO when limited to archery.

c. Nuisances

All use areas shall be within an enclosed building constructed, maintained, and operated so that no noise nuisances related to the range operations can be detected outside the building.

d. Separation Distance

An Indoor Shooting Range shall not be located within 500 feet of a parcel of land with a civic or residential FLU designation or use or a park, unless limited to archery.

e. Site Design

Except where preempted by State law, during Zoning or Building Permit review, whichever occurs first, the Applicant shall provide documentation demonstrating acceptable industry design and configuration standards, based on type of shooting activity, to address potential adverse safety and nuisance concerns. Range design shall include but not be limited to: ventilation, safety baffles, bullet traps, and impenetrable backstops, floors, walls, and ceilings.

11. Shooting Range, Outdoor

a. Definition

An outdoor establishment used for the discharge of firearms or projectiles at targets for sport or training, excluding private gun ranges where preempted by State law.

b. Separation Distance

An Outdoor Shooting Range shall not be located within 1,320 feet of a property line with a civic or residential use, zoning district, or FLU designation, unless the adjacent properties are owned by a government agency and utilized for other than civic or residential purposes.

c. Site Design

Except where preempted by State law, during Zoning or Building Permit review, whichever occurs first, the Applicant shall provide documentation demonstrating acceptable industry design, configuration, and operational standards, based on type of shooting activity, to address potential adverse safety and nuisance concerns. Range design shall include, but not be limited to: backstops, sideberms, sidewalls, sound and visual baffles, and target placement.

d. Archery Range

1) DRO Approval Process

An Outdoor Shooting Range allowed subject to a Class A Conditional Use may be approved by the DRO when limited to non-mechanical archery equipment.

2) Separation Distance

Shall not be subject to the 1,320-foot separation distance when limited to non-mechanical archery equipment. An alternative separation distance may be required if warranted based on the site design requirements contained above.

12. Zoo

a. Definition

An establishment where animals are kept in captivity for the public to view or for educational purposes.

b. Accessory Uses

A Veterinary Clinic, gift shop, and food service may be Permitted by Right as accessory uses to a Zoo.

c. Setbacks

No animal containment area shall be located within 500 feet of any residential district.

A. Institutional, Public, and Civic Use Matrix

Table 4.B.4.A – Institutional, Public, and Civic Use Matrix

[illegible]

Table 4.B.4.A – Institutional, Public, and Civic Use Matrix

Standard Zoning Districts																				Use Type	Planned Development Districts (PDDs)														Traditional Development Districts (TDDs)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
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B. General Institutional, Public, and Civic Standards

1. Agricultural Reserve (AGR) Tier

In the AGR Tier, institutional, public, and civic uses are prohibited west of State Road 7.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Animal Shelter

a. Definition

A non-profit establishment used for the protection of unwanted or abandoned domesticated animals.

b. Typical Services

Typical services provided by an Animal Shelter may include, but are not limited to: sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code.

c. Approval Process – ACC Permit

All Animal Shelters shall be licensed and regulated in accordance with ACC Ordinance No. 98-22, as amended. The owner or operator shall obtain Zoning approval prior to application for an ACC Operational Permit.

d. Access

Access from either Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

e. Landscaping

Any outdoor animal use area located within 300 feet of a residential use or property with a residential FLU designation, shall upgrade the Incompatibility Buffer with either of the following:

- (1) A six-foot-high fence, and double the required buffer width and planting requirements; or
- (2) A six-foot-high CBS or concrete panel wall.

f. Waste Disposal

An Animal Shelter shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD, and SWA.

g. Accessory Residential Use

A Single Family dwelling unit may be permitted as an accessory use to an Animal Shelter provided the property has an underlying residential FLU designation.

2. Assembly Institutional Nonprofit

a. Definition

An establishment open to the public, owned or operated by a non-profit organization for social, educational, or recreational purposes.

b. Typical Uses

An Assembly Institutional Nonprofit use may include, but is not limited to: museums, cultural centers, recreational facilities, botanical gardens, and community services such as after school care or tutorial services, medical services, and employment services.

c. Zoning District – TND District

Assembly Institutional Nonprofit shall be limited to a maximum of 10,000 square feet of GFA.

d. Frontage and Access

The use shall have frontage on and access from a Collector, Arterial, or Local Commercial Street, unless stated otherwise herein. An Assembly Institutional Nonprofit with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a Collector or Arterial Street.

e. Revitalization, Redevelopment, and Infill Overlay (RRIO)

An Assembly Institutional Nonprofit use owned or operated by a neighborhood group, working with the Office of Community Revitalization (OCR) within a Countywide Community Revitalization Team (CCRT) designated area, may be allowed subject to the following:

- 1) DRO approval in the zoning districts where the use is subject to a Class A Conditional Use;
- 2) Located on a Local Residential Street provided the building square footage is limited to a maximum of 5,000 square feet. An Assembly Institutional Nonprofit greater than 5,000 square feet, including accessory uses, shall be located on a Local Commercial, Arterial, or Collector Street.
- 3) No outdoor activities after 10:00 p.m.; and,
- 4) The following accessory uses shall be Permitted by Right: Limited Day Care, Day Camp, and, Government Services limited to community police substation.

3. Assembly Membership Nonprofit

a. Definition

An establishment owned or operated by a non-profit organization for social, education, or recreational purposes where paid membership is required.

b. Typical Uses

An Assembly Membership Nonprofit use may include but is not limited to: fraternal or cultural organizations, and union halls.

c. Zoning Districts

1) AR/RSA District

May be allowed in the AR/RSA with an SA FLU, subject to a Class A Conditional Use approval.

2) TND District

Nonprofit Membership Assembly shall be limited to a maximum of 10,000 square feet of GFA.

d. Frontage and Access

The use shall have frontage on and access from a Collector, Arterial, or Local Commercial Street. An Assembly Membership Nonprofit with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a Collector or Arterial Street.

4. Cemetery

a. Definition

Land used or intended to be used for human interment.

b. Zoning District – MUPD

An MUPD developed to include a Cemetery shall be limited to have Place of Worship or other Cemeteries as collocated uses.

c. Location

Where permitted in a residential zoning district, a Cemetery shall have the front or side street property line adjacent to an Arterial or a Collector Street. Access from either Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

d. Lot Size

1) A Cemetery shall be located on a site with a minimum contiguous area of 30 acres. Exceptions to the minimum acreage requirement may be permitted, as follows:

- a) Cemeteries owned and operated by a Place of Worship located within Palm Beach County, whether collocated or remotely located, on sites less than five acres, and equal to or greater than two acres, which provides only single-level ground burial.
- b) County and municipal Cemeteries.
- c) Community and non-profit association Cemeteries, which provide only single-level ground burial and do not sell burial spaces or burial merchandise.
- d) Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23, 1976.
- e) A columbarium consisting of less than one-half acre which is collocated with a Place of Worship.
- f) A mausoleum consisting of two acres or less which is collocated with a Place of Worship.
- g) A columbarium consisting of five acres or less which is located on the main campus of a State university as defined in F.S. § 1000.21(6).

2) An existing Cemetery having less acreage shall not be considered a non-conforming use if the acreage shown is consistent with a prior approval.

e. Pet Cemetery

- 1) May be allowed only in the IPF Zoning District subject to Class A Conditional Use approval.
- 2) May be allowed as an accessory use to a Cemetery, provided the area dedicated for Pet Cemetery is in addition to the minimum lot size required for the Cemetery.

5. College or University

a. Definition

An institution of higher learning offering undergraduate or graduate degrees.

b. Approval Process

A College or University may be approved by the DRO, subject to the following:

- 1) The property is separated from parcels of land with a residential FLU designation or use by a minimum of 150 feet;
- 2) A maximum of 30,000 square feet of GFA; and,
- 3) Where permitted in a residential zoning district, a College or University shall have the front or side street property line adjacent to an Arterial, Collector, or Local Commercial Street. Access from either Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

c. Accessory Use – Dormitories

Dormitories may be allowed as an accessory use. If owned or operated by the College or University shall be calculated as FAR.

d. Airport Land Use Compatibility Zoning

The establishment of a new College or University shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. [Ord. 2019-005]

6. Crematory

a. Definition

A facility that employs various methods of processing human or animal remains, consistent with F.S. § 497.005, as periodically amended. [Ord. 2018-018]

b. Equipment Location

Crematory equipment shall be located within a fully enclosed building.

c. Services Prohibited

Services such as public observances, sermons, or other similar activities shall be prohibited, unless collocated with an approved Funeral Home.

d. Collocated Use

In the RM Zoning District, a Crematory may be collocated with a Cemetery subject to Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery.

7. Day Care

a. Definition

An establishment that provides care, protection, and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA).

b. Types

1) Day Care Limited

A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis.

a) Collocated Use – AGR Zoning District

A Limited Day Care may be allowed as a collocated use to a Nonprofit Assembly Institutional subject to DRO approval.

b) Use Limitations

Limited Day Care use does not include nighttime or overnight care.

2) Day Care General

A Day Care for 21 or more children or adults for a period of less than 24 hours per day on a regular basis.

3) Large Family Child Care Home (LFCCH)

An occupied Single Family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two full-time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. The use shall be subject to the following:

a) Applicability

The Applicant or owner shall provide documentation that the establishment has operated as a licensed Family Day Care Home for at least two years and meet other licenses and regulations established by the PBC Health Department including the maximum number of children permitted.

- b) **Approval Process**
The use shall be Permitted by Right when located on lots 20,000 square feet or greater.
- c) **Site Requirements**
In addition to the property development regulations applicable to Single Family residential, the following shall apply:
 - (1) **Outdoor Activity Area**
All outdoor activity area provisions applicable to a Day Care shall apply.
 - (2) **Drop-Off**
Shall comply with all drop-off access standards applicable to Day Care.
 - (3) **Parking**
Shall provide at least four parking spaces including those required for a Single Family residential unit. Parking dimensions shall comply with Art. 6, Parking, Loading, and Circulation.
 - (4) **Site Egress**
Shall not allow backward egress from a driveway or parking area into a street.
 - (5) **Signage**
Shall not be permitted.
- 4) **Family Day Care Home**
See Supplementary Use Standards under Residential Use Classification, Accessory Residential Use Standards.
- c. **Lot Size**
A minimum of 6,000 square feet, or the minimum required by the zoning district in which the Limited or General Day Care is located, whichever is greater.
- d. **Airport Land Use Compatibility Zoning**
The establishment of new Limited or General Day Care facilities shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. [Ord. 2017-025]
- e. **Floor Area**
 - 1) **Child Care**
 - a) For a Day Care with 40 children or less, the minimum floor area, exclusive of any area devoted to a kitchen, office, storage, and toilet facilities, shall be 1,500 square feet. [Ord. 2020-020]
 - b) An additional 35 square feet of floor area or the amount required by the PBCHD shall be provided for each child over 40 children.
 - 2) **Adult Care**
For an Adult Day Care, the total amount of net floor space available for all participants shall be in accordance with Rule 58A-6.013, F.A.C., as may be amended, and as determined by the AHCA.
- f. **Outdoor Activity Area for Child Care**
 - 1) **General**
An outdoor activity area shall be provided on the same lot as the Day Care. The area shall not be located in the required front setback or adjacent to any outdoor storage area of any existing use.
 - 2) **Square Footage**
Shall be in compliance with the Palm Beach County Rules and Regulations Governing Child Care Facilities contained in Appendix D, Chapter 1, Article X, Section B of the PBC Code, as may be amended.
 - 3) **Location of Outdoor Play Equipment**
Stationary outdoor play equipment permanently anchored to the ground shall be set back a minimum of 25 feet from any residentially zoned or used property line, and ten feet from any other property line. Outdoor play equipment shall not be located in any required landscape area or easement.
 - 4) **Shade Trees**
A minimum of one 12-foot-tall native Canopy tree shall be provided or preserved within the interior of the outdoor activity area per 1,500 square feet of area provided.
 - 5) **Fence/Wall**
A minimum four-foot-high fence or wall shall surround the outdoor activity area.

- g. **Drop-Off Access**
 - 1) **Drop-Off**
One designated drop-off space shall be provided for every 20 children or adults. Drop-off spaces shall be a minimum of 12 feet in width.
 - 2) **Sidewalk Access**
A minimum four-foot-wide sidewalk running in front of, or adjacent to the drop-off spaces and connecting to the Day Care entrance shall be provided.
- 8. **Funeral Home**
 - a. **Definition**
An establishment which arranges and manages funerals and prepares human or animal remains for interment.
 - b. **Zoning Districts – IL, IG, or MUPD with IND FLU**
A Funeral Home shall be limited to preparation for interment. No public observances, sermons, or funerals shall be permitted.
 - c. **Collocated Use**
In the RM Zoning District, a Funeral Home may be collocated with a Cemetery subject to Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery.
- 9. **Government Services**
 - a. **Definition**
Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services, and Prisons, Jails, or Correctional Facilities.
 - b. **Typical Uses**
A Government Service use may include but is not limited to: administrative offices for government agencies, public libraries, and police and fire stations.
 - c. **ACC Animal Control Facilities**
An ACC-operated Animal Control Facility shall be considered a Government Services use in the PO and IPF Zoning Districts.
- 10. **Homeless Resource Center**
 - a. **Definition**
A public or private establishment that provides multiple services for the homeless population.
 - b. **Typical Services**
Typical services provided by a Homeless Resource Center may include but are not limited to: counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices.
 - c. **Approval Process**
A Homeless Resource Center owned or operated by a governmental entity may be allowed where Government Services uses are allowed by Table 4.B.4.A, Institutional, Public, and Civic Use Matrix, subject to Class A Conditional Use Approval; or may be Permitted by Right where Government Services uses are allowed in non-residential districts, provided that prior to development, or any modification to a previously approved development, program, or operation, an eligible government entity complies with the following:
 - 1) Schedule and make a presentation to the BCC at a duly noticed Public Meeting(s);
 - 2) Prepare a report documenting compliance with Palm Beach County Facilities, Development and Operations, FDO PPM #FDO-S-004, Public Outreach and Community Involvement for Homeless Resource Centers; [Ord. 2019-005]
 - 3) Provide notice of intent to the Zoning Director a minimum of 30 days prior to requesting placement on a BCC Public Meeting agenda, to include the aforementioned report;
 - 4) The BCC shall make a finding that the governmental entity has complied with FDO PPM #FDO-S-004, which may include Conditions of Approval; and, [Ord. 2019-005]
 - 5) A BCC finding of compliance, or compliance subject to conditions, may remain valid for three years, or as otherwise provided by Condition of Approval.
 - d. **Location and Separation Requirements**
For the purpose of required separations, measurements shall be made from façade to façade, except where the separation required is between a structure and a zoning district boundary.
 - 1) A minimum 250-foot separation shall be required from the property line of residentially zoned parcels. Type 2 Variance relief, in accordance with Art. 2.B, Public Hearing Processes, may be requested if this standard cannot be met.
 - 2) A Homeless Resource Center shall not be located within a 1,200-foot radius of another Homeless Resource Center.

- 3) Facilities owned or operated by a governmental entity and located in the PO Zoning District may request a PO Deviation from location and separation requirements, subject to BCC approval, utilizing the standards in Art. 2.B.7.G, Public Ownership (PO) Deviations. [Ord. 2019-005]
 - e. **Facility Use**
A minimum of 25 percent of the GFA shall be reserved for accessory service delivery other than temporary housing.
 - f. **Non-Conformities**
The subsequent approval of a Development Order for a residential zoning district shall not change the status of the HRC to a non-conforming use.
 - g. **Existing Approvals**
A prior approval for a government-owned or operated Homeless Resource Center shall be considered a legal conforming use for sites approved between October 28, 2009 (Ordinance No. 2009-040), and March 2, 2017.
- 11. Hospital**
- a. **Definition**
An establishment that maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness.
 - b. **Licensing**
A Hospital shall be required to be licensed by the State of Florida.
 - c. **Lot Size**
A minimum of five acres or the minimum required in the zoning district, whichever is greater.
 - d. **Frontage**
A minimum of 200 feet of frontage or the minimum required in the zoning district, whichever is greater.
 - e. **Incinerator**
Biohazardous waste incinerators with an allowable operating capacity equal to or less than 1,000 pounds per hour and biohazardous waste autoclaves are allowed as an accessory use, subject to the following standard:
 - 1) **Setbacks**
A minimum of 500 feet from any property line abutting a residential zoning district or use. Expansion of existing facilities may be allowed with lesser setbacks, provided the expansion is approved by the DRO.
- 12. Place of Worship**
- a. **Definition**
An establishment which may include a retreat, convent, or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily, or exclusively for religious worship, activities, or related services.
 - b. **Existing Approvals**
Applicants may seek abandonment of the existing Place of Worship approval and apply for DRO approval at any time. Prior approvals may be continued to be utilized or modified subject to the limitations in Art. 2.C.5.C, Administrative Modifications to Prior DOs. A DO exceeding the above thresholds shall be subject to a Development Order Abandonment (ABN) and a concurrent request for a DRO approval.
 - c. **Location**
A Place of Worship shall be prohibited unless in compliance with one of the following:
 - 1) A Place of Worship greater than or equal to 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial or Collector Street.
 - 2) A Place of Worship greater than or equal to 5,000 square feet and less than 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial, Collector, or Local Commercial Street.
 - 3) A Place of Worship less than 5,000 square feet, including accessory uses, may have frontage on and access from a Local Residential Street.
 - d. **Development Thresholds**
A Place of Worship shall be exempt from the requirements under Development Thresholds in this Article or any thresholds in this Code that require the use to be subject to a Conditional Use approval. [Ord. 2019-005]

e. Limited Temporary Sales

Temporary sales, such as rummage, or bake sales, shall be Permitted by Right as an accessory use to a Place of Worship for a period of up to three consecutive days, limited to four times a year.

13. Prison, Jail, or Correctional Facility

a. Definition

A government-owned or operated facility in which people are legally held as a punishment for crimes they have committed or while awaiting trial.

b. Approval Exemption

Expansion of existing facilities shall be exempt from the Class A Conditional Use approval.

14. School – Elementary or Secondary

a. Definition

An institution of learning, whether public, private, or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.

b. General

1) Setbacks

All Schools shall comply with the zoning district setbacks unless stated otherwise herein. No setback shall be less than 25 feet regardless of the zoning district.

2) South Florida Water Management District (SFWMD)

Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.

a) Preservation

Prior to commencement of construction, lot clearing, or any other site development/preparation, all applicable permits shall be obtained in conformance with Art. 9, Archaeological and Historic Preservation.

b) Wetlands Permits

On-site wetlands required by the SFWMD shall be preserved. Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.

c) Construction Documents

Prior to Site Plan approval by the DRO review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM.

3) Airport Land Use Compatibility Zoning

The establishment of a new School shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. [Ord. 2019-005]

c. Private Schools

The following standards shall apply to all Private Schools:

1) Pedestrian Access/Bike Path

Pedestrian access, bike paths, and crosswalks showing access to the School site from surrounding neighborhoods shall be shown on the Site Plan.

2) Vehicular Circulation

Designated bus and parental drop-off/pick-up areas, shall be provided. Pathways, which cross vehicular use areas, shall be defined by special paving, brick, striping, or other methods acceptable to the DRO.

3) Approval Process

This use shall be subject to the applicable approval process pursuant to the Use Matrices of Art. 3, Overlays and Zoning Districts and this Article.

d. Charter Schools

Charter Schools are considered public schools pursuant to F.S. § 1002.33 and shall be subject to the standards and procedures applicable to Public Schools. If constructed by the PBC School Board or otherwise considered a public school facility pursuant to F.S. ch. 1013, the use shall be treated as Public Schools for the purposes of this Code. Charter Schools with 200 or fewer students in a commercial, industrial, or non-residential Planned Development District shall be subject to DRO approval.

e. Public Schools

1) Applicability

Public Schools are subject to site requirements contained in Florida Building Code, Building Section 423 per F.S. § 1013.37. Public Schools are not subject to the approval process contained in the Use Matrices of this Code unless specified herein. Other types of School Board developments, such as administrative offices, warehouse buildings, etc., shall comply with the regulations of the applicable zoning district.

2) Previous Approvals and Future Amendments

Public Schools approved prior to June 16, 1992 shall be considered conforming uses.

3) Review by Zoning

a) School Site Acquisition

Comply with the procedures established by the Intergovernmental Agreement R-93-1600D adopted on December 7, 1993, as amended from time to time.

b) Development Review Officer (DRO) Administrative Review

Application shall comply with the DRO Administrative review process as stated in Art. 2.C, Administrative Processes.

4) Accessory Uses

The following uses, subject to special regulations, shall be allowed as customarily incidental and subordinate to a Public School:

a) Accessory Radio Towers

(1) Height

Towers shall have a maximum height of 100 feet or less measured from the finished grade at the base of the tower. Towers over 100 feet in height and Commercial Communication Towers shall comply with Art. 4.B.9, Commercial Communication Towers.

(2) Setbacks

(a) Towers shall meet a minimum setback equal to 50 percent of the height of the tower from all property lines.

(b) Commercial Communication Towers shall comply with the requirements pursuant to Art. 4.B.9, Commercial Communication Towers. ITV antennas shall not be subject to these requirements.

(3) Anchors

All tower supports and peripheral anchors shall be located entirely within the boundaries of the School site and in no case less than 20 feet from a property line.

(4) Fencing

Security fencing or a security wall shall be installed around the base of each tower, each anchor base, and each tower accessory building to limit access.

(5) Sign-Off

The School Board shall provide a written sign-off from the County Department of Airports stating the tower will not encroach into any public or private airport approach space as established by the Federal Aviation Administration.

(6) Removal

Obsolete or abandoned towers shall be removed within 12 months of cessation of use.

5) Setbacks

Setbacks for Public Schools shall be a minimum of 25 feet.

6) Supplemental Design Standards

a) All fences height shall be in compliance with Art. 5, Supplementary Standards and Art. 7, Landscaping.

b) Landscape shall comply with F.S. § 1013.64(5)(a).

c) R-O-W Dedication

Within six months of a request by the County Engineer, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, as required by Art. 11, Subdivision, Platting, and Required Improvements, or as warranted by the School District's Traffic Study, as well as additional right-of-way for turn lanes and corner clips, as determined by the County Engineer and warranted by the School District's Traffic Study for any affected road. The conveyance shall include documentation acceptable to the County Engineer that the land is free of all encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney. Time extension for

R-O-W dedication may be granted if approved by the County Engineer and the School District.

d) Road Improvements

Prior to School occupancy, the School Board shall fund and construct all road improvements directly associated with the School such as paving and drainage, turn lanes, traffic circulation, sidewalks, and driveway connections as determined by the County Engineer and warranted by the School District's Traffic Study.

15. Skilled Nursing or Residential Treatment Facility

a. Definition

An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require Hospital attention, or for three or more persons requiring further institutional care after being discharged from a Hospital, other than a mental hospital. In addition to nursing care, patients may require medical or psychiatric treatment for a disability, disease, or other condition, in an institutional or medical setting. [Ord. 2021-022]

b. Licensing

Shall be required to be licensed by the State of Florida. [Ord. 2021-022]

c. Typical Uses

Typical uses may include, but are not limited to: [Ord. 2021-022]

- 1) Addiction receiving facility; [Ord. 2021-022]
- 2) Detoxification Treatment Facility; [Ord. 2021-022]
- 3) Residential Treatment Facility (F.S. ch. 394 and 397) and includes inpatient treatment; [Ord. 2021-022]
- 4) Nursing Home; [Ord. 2021-022]
- 5) Convalescent Facility; or, [Ord. 2021-022]
- 6) Hospice larger than a Single Family Dwelling unit. [Ord. 2021-022]

d. Lot Size

A minimum of 10,000 square feet or the minimum requirement of the zoning district, whichever is greater.

e. Frontage

A minimum of 100 feet of frontage or the minimum requirement of the zoning district.

f. Access

If located in a residential FLU designation, access shall be provided from a Collector or Arterial Street.

g. Maximum Number of Patient Beds

One bed per 1,000 square feet of lot area. [Ord. 2021-022]

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A. Industrial Use Matrix

Table 4.B.5.A – Industrial Use Matrix

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B. General Industrial Standards

Reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Contractor Storage Yard

a. Definition

The storage of construction material, mechanical equipment used in construction activity, or commercial vehicles used by building trades and services, other than construction sites.

b. Overlay – WCRAO

1) Approval Process

The use shall be limited to the UG and UI Sub-areas of the WCRAO subject to Class A Conditional Use approval.

2) Accessory Office

The use shall include a structure required to comply with the provisions of Table 3.B.14.F, WCRAO Non-Residential and Mixed-Use Sub-area PDRs.

3) Non-Conformities

Uses approved prior to March 2, 2017 shall be considered legal conforming uses.

c. Home-based Business – AR/RSA

A limited Contractor Storage Yard may be allowed as a Home-based Business subject to the requirements of Art. 4.B.1.E.11, Home-based Business. [Ord. 2018-002] [Ord. 2018-018]

1) Exception – AR/RSA Zoning District

A limited Contractor Storage Yard on a lot five acres or more, may be allowed as follows: [Ord. 2018-018]

a) Subject to a DRO approval through the ZAR process prior to issuance of a Business Tax Receipt. [Ord. 2018-018]

b) A maximum of three persons living outside of the home may be employed under the DRO approval. [Ord. 2018-018]

c) Hours of Operation

The loading or unloading, or movement of any stored vehicles, equipment, or other similar activities, or additional employees shall be prohibited between the hours of 8:00 p.m. and 6:00 a.m.

d) Provided parking spaces for every employee vehicle is added to the site.

e) Outdoor Storage

(1) Semi-truck, trailer, or outside storage of equipment shall be screened from view from any R-O-W or parcel of land with a residential FLU designation or use, through use of opaque fences, walls, or existing or newly planted native vegetation; [Ord. 2018-018]

(2) No additional vegetation shall be required where equipment is screened from view behind permitted opaque fences or other structures; [Ord. 2018-018]

(3) Outdoor storage shall be prohibited within the front yard, and shall be set back a minimum of 25 feet; and, [Ord. 2018-018]

f) A maximum of three vehicles or equipment shall be permitted, unless the acreage requirement is met. [Ord. 2018-018]

g) All vehicle parking or storage areas shall utilize improved surfaces such as asphalt, pavement, or shell rock. [Ord. 2018-018]

h) Ownership

Permitted vehicles or equipment shall be owned or leased by the Home-based Business license holder, except for semi-trucks operated by the license holder, that are stored not more than two days per week at the home. [Ord. 2018-018]

i) Trucks and Equipment

The following vehicles or equipment owned by the business owner, may be allowed for each additional ten acres, and in accordance with the outdoor storage provisions above: [Ord. 2018-018]

(1) One semi-truck with or without trailer; or one dump truck; and [Ord. 2018-018]

(2) One trailer; and

(3) One item of heavy equipment, such as a bobcat or loader, but excluding large equipment such as cranes.

2) Home-based Business having Contractor Storage Yard shall be exempt from the Incompatibility Buffer requirements. [Ord. 2018-018]

2. Data and Information Processing

a. Definition

An establishment for business offices of an industrial nature, including corporate centers, associated with uses such as: Manufacturing and Processing plants or similar industrial complexes; mass/bulk mail processing; and, telemarketing centers. The use is often integrated into a campus-style development, and not frequented by the general public. This term does not include such uses as: Business or Professional Offices; computer-related Retail Sales establishments; and, Personal Services and Medical or Dental Offices.

3. Distribution Facility

a. Definition

An establishment for the loading, unloading, and interchange of freight or package express between modes of transportation.

b. Typical Uses

Typical uses include truck terminals, railroad depots and yards (including temporary storage), and major mail processing centers.

c. Zoning Districts with a CH FLU Designation

A facility located in these zoning districts: CG, IRO, MUPD, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001] [Ord. 2021-023]

1) Outdoor Storage and activities shall be prohibited. [Ord. 2020-001]

2) When this use is proposed to replace a previously approved use, the Net Trips and Net Peak Hour Trips must be equal to or less than the approved use. [Ord. 2020-001]

4. Equestrian Waste Management Facility

a. Definition

An establishment used for the recovery, recycling, or transfer of equestrian waste, provided used bedding is limited to organic materials, such as wood shavings, chips or sawdust, straw or hay, peat moss, or paper limited to newspapers, but excluding plastics, textiles, or sand. Recovery may include collection, separation or sorting, or limited processing necessary to reduce volume, render materials safe for transport, storage or disposal, or the cleaning and packaging of materials for reuse. The facility may include manufacturing of products utilizing the equestrian waste including, but not limited to, bedding, fertilizer, pellets, and logs. Transfer may include the transfer of equestrian manure or bedding from smaller vehicles used for collection to larger vehicles for shipment to another destination.

b. Glades and AGR Tiers

Equestrian Waste Management Facility shall be prohibited in the Glades Tier and the AGR Tier. [Ord. 2018-018]

c. Location

Shall have the front or side street property line adjacent to an Arterial or Collector Street. Access from either Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

d. Separation Distance

An Equestrian Waste Management Facility shall be separated a minimum of 1,000 feet from a food processing or packing plant. In addition to Art. 2.B.7.B.2, Standards, the BCC shall consider whether the proposed 1,000-foot separation is adequate for this use at this location as part of the findings for the final decision of the request. [Ord. 2018-018]

e. Collocated Use

Equestrian Waste Management Facility may be collocated with a Potting Soil Manufacturing, Composting Facility, or Chipping and Mulching subject to a Class A Conditional Use approval, only when located in a parcel with an industrial zoning district or FLU designation. [Ord. 2018-018]

f. Landscaping Adjacent to Residential

Any Equestrian Waste Management Facility located within 250 feet of a parcel with a residential use or FLU designation, shall provide a Type 3 Incompatibility Buffer. This buffer shall be a minimum of 30 feet in width, and shall consist of a two-foot-high berm, and double the number of required trees, planted in two staggered rows. Where outdoor activities are permitted within this distance but an Incompatibility Buffer is not required, the buffer shall also be upgraded to include a minimum six-foot hedge, fence, or wall. Measurement shall be taken from property line of the facility to the property line of the adjacent parcel of land. [Ord. 2018-018]

g. Storage or Waste Processing Areas

1) Best Management Practices

All storage areas, including the temporary or overnight parking of loaded trucks or trailers, and any outdoor waste processing areas, shall comply with Art. 5.J.3.A, Storage, related to Storage or Spreading of Livestock Waste.

2) U/S Tier

Outdoor storage shall be prohibited in the U/S Tier.

3) Outdoor Storage

Where permitted, the pile height of equestrian waste shall not exceed 12 feet, and bollards shall be provided to delineate pile locations and height, tied to a finished grade location designated on site.

h. Application Requirements – Operation Functions

An application for an Equestrian Waste Management Facility shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration, and operational standards, including but not limited to:

1) Site Plan

The Site Plan shall illustrate how the operation functions including circulation routes; and the location and size of loading and processing areas, and storage piles.

2) Waste Volume

An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

3) Dust Control Program

A program to address how dust generated from traffic, storage, and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

4) Odor and Pest Control Program

A program to address how odors and pests resulting from any vehicles transporting waste, or storage and processing areas will be managed pursuant to Art. 5.E.4.D.4, Objectionable Odors.

5. Gas and Fuel, Wholesale

a. Definition

An establishment engaged in the storage of flammable or explosive gases or fuel for wholesale distribution. [Ord. 2018-002]

b. Typical Uses

Wholesale Gas and Fuel may include but is not limited to the bulk storage, distribution, and wholesaling of motor vehicle fuels, propane, natural gas, welding gases, or other similar materials. [Ord. 2018-002]

c. Approval Process – Exception

Wholesale Gas and Fuel may be Permitted by Right subject to compliance with all of the following: [Ord. 2018-002]

- 1) Limited to a maximum of 2,500 gallons or less or 2,000 gallons water capacity. [Ord. 2018-002]
- 2) Storage areas shall be located a minimum of 200 feet from any parcel supporting residential uses or vacant parcels with a residential future land use designation. [Ord. 2018-002]
- 3) Bulk storage of flammable gases shall be prohibited unless approved by PBC Fire Rescue. [Ord. 2018-002]
- 4) The Applicant shall submit a storage management plan for all flammable liquids or gases and any non-flammable gases to include documentation demonstrating compliance with all applicable U.S. Department of Labor, Occupational Safety and Health Hazard (OSHA) standards, the National Fire Protection Association (NFPA) Compressed Gas and Cryogenic Fluids Code, Compressed Gas Association (CGA) Safe Handling of Compressed Gases, and any PBC Fire Rescue standards. [Ord. 2018-002]

d. Location

This use shall not be located within the PBIAO. [Ord. 2017-025]

e. Separation Distance

A separation distance shall be established between this use and any adjacent uses. The separation distance shall be that prescribed by the PBC Fire Rescue Department based upon recognized standards and guidelines.

6. Heavy Industry

a. Definition

An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous, or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions.

b. Typical Uses

Typical uses include asphalt or concrete plant; manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials; fat rendering plants; slaughterhouses and tanneries; and, steel works.

c. FLU Designation – EDC and CMR

Heavy Industry shall be prohibited in the EDC and CMR FLU designations. [Ord. 2023-011]

d. Fireworks

The retail sale of fireworks from a permanent fireworks storage facility or establishment shall be limited to an accessory use.

7. Machine or Welding Shop

a. Definition

A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops, tool and die fabrication, and sheet metal shops.

8. Manufacturing and Processing

a. Definition

An establishment engaged in the manufacture of products, including processing, fabrication, assembly, treatment, and packaging of such products. This use also includes incidental storage, sales, and distribution of such products, but excludes heavy industrial processing. [Ord. 2023-011]

b. Typical Uses

Typical uses include factories, large-scale production, publishing, and food and beverage manufacture and processing. [Ord. 2023-011]

c. Zoning Districts with a CH FLU Designation

A facility located in these zoning districts: CG, IRO, MUPD, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001] [Ord. 2021-023]

1) Outdoor Storage shall be prohibited. [Ord. 2020-001] [Ord. 2023-011]

d. Heavy Industry Manufacturing and Processing

A facility engaged in manufacturing and/or processing that causes or results in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted shall be considered a “Heavy Industry” use. Heavy industrial uses can include those that engage in the processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions. [Ord. 2023-011]

e. Brewery-Distillery

A Brewery-Distillery is a Manufacturing and Processing use primarily engaged in the manufacturing, purifying, bottling, and distribution of alcoholic beverage products. [Ord. 2023-011]

1) No drive-up, drive-through, or drive-in facilities shall be allowed. [Ord. 2023-011]

2) No food or beverage service is allowed on premises on sites with an IND, EDC, or CMR FLU designation unless approved with a Taproom. [Ord. 2023-011]

3) Taproom

A Brewery-Distillery allows a Taproom (also called Tasting Room) for consumption of beverages by the public on the premises, including indoor and outdoor seating areas and event hosting, subject to the following: [Ord. 2023-011]

a) Approval Process

A Brewery-Distillery Manufacturing and Processing use with MUPD or PIPD zoning may include a Taproom on up to 30 percent of the gross floor area, including square footage for outdoor dining, for that establishment by Class A Conditional Use approval. [Ord. 2023-011]

b) Location

The MUPD or PIPD shall front an Arterial Street. In addition, in the Agricultural Reserve Tier, development shall be limited to sites fronting Boynton Beach Boulevard or Atlantic Avenue east of SR 7. [Ord. 2023-011]

c) Hours of Operation

Hours for the Taproom, tasting room, and/or facility tours shall not be open to the public after 10:00 p.m., except Fridays and Saturdays, whereby it may remain open until 11:00 p.m. [Ord. 2023-011]

d) Separation

The Taproom shall not be located within 500 feet from a School as required by F.S. § 562.45, as periodically amended. [Ord. 2023-011]

e) Parking

The Taproom shall be subject to the parking requirements for a Cocktail Lounge. [Ord. 2023-011]

f) Food Service

Food service and preparation is allowed within the Taproom. Mobile Retail Sales limited to selling food (e.g., food trucks) are allowed. [Ord. 2023-011]

9. Medical or Dental Laboratory

a. Definition

An establishment for the construction or repair of medical equipment, such as dental, optical, orthopedic, or prosthetic devices; or medical testing laboratories primarily engaged in providing analytic or diagnostic services exclusively on the written work order of a licensed member of the medical profession and not for the public.

10. Multi-Media Production

a. Definition

The use of a lot or building for the production of films or videos such as digital, audio, and motion pictures; production or broadcasting of television, radio, or internet programs; or, recording of music.

b. Typical Uses

Typical uses include but are not limited to: film laboratories, stock footage film libraries, mass video publication, broadcasting studios, or soundstages.

c. Approval Process

Indoor Multi-Media Production establishments shall be Permitted by Right in the zoning districts where the use is allowed.

d. Transmission Facilities

Communication towers, antennas, and satellite dishes shall be subject to the applicable approval and Supplementary Standards contained in this Code.

e. Film Permit in Public Properties

Films in public properties such as parks, beaches, rights-of-way, or public buildings are not subject to these standards. Permits are issued by the Film and Television Commission.

11. Recycling Center

a. Definition

A permanent facility designed and used for collecting, purchasing, storing, dropping off, and redistributing of pre-sorted, recovered materials that are not intended for disposal.

b. Approval Process – DRO

A Recycling Center that is subject to a Class A Conditional Use approval may be approved by the DRO, provided that the use complies with one of the following:

- 1) Located completely within enclosed buildings; or
- 2) The use shall be located a minimum of 500 feet from a parcel with a residential, civic, institutional, recreation, or conservation FLU designation, zoning district, or use.

c. Location

Shall have the front or side street property line adjacent to an Arterial or Collector Street. Access from either Local Residential or Residential Access Streets shall be prohibited. [Ord. 2021-006]

d. Operation Functions

The Zoning application shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration, and operational standards, based on the type of materials stored. The supporting documentation shall include but not limited to the following:

1) Site Plan

The Site Plan shall illustrate how the operation functions including circulation routes; and the location of the operation areas and storage piles.

2) Dust Control

A plan to address how dust generated from traffic and storage areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

3) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

12. Recycling Plant

a. Definition

An establishment used for the recovery of non-hazardous recyclable materials that are not intended for disposal to be collected, separated and sorted, or processed, for reuse. Recyclable materials include construction and demolition debris, plastic, glass, metal, all grades of paper, textiles, or rubber.

b. Approval Process

A Recycling Plant requiring Class A Conditional Use approval may be approved by the DRO subject to the following:

- 1) When surrounded by parcels having an IND FLU designation that are vacant or developed with industrial uses providing a 500-foot separation between the use and any parcels having a residential, civic, recreation, or conservation FLU designation or use; or
- 2) When all recycling activities are located within enclosed structures that have no openings oriented or visible from surrounding parcels having a residential, civic, recreation, or conservation FLU designation or use.

c. Access

Access from Local Residential or Residential Access Streets shall be prohibited. Entrances shall be gated to prevent access from unauthorized persons. [Ord. 2021-006]

d. Setbacks

No part of a Recycling Plant and its accessory ramps, on-site circulation system, or storage areas shall be located within 50 feet of any property line, unless adjacent to another property with an IND FLU designation that is vacant or has an existing industrial use.

e. Lot Size

The minimum lot size shall be five acres for any Recycling Plant with outdoor activities.

f. Drainage

Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas.

g. Storage Areas

All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential runoff associated with the stored material. Runoff shall be handled in a manner that is in conformance with Local, State, and Federal regulations.

h. SWA Permit

Verification that the Applicant has obtained a permit from and posted a bond with the SWA prior to Final Site Plan approval or Building Permit, whichever occurs first.

13. Research and Development

a. Definition

An establishment engaged in industrial, scientific, or medical research, testing, and analysis.

b. Typical Uses

Typical uses include natural science/manufacturing research facilities, bioscience research/biotechnology, and product testing/quality control facilities.

c. Overlay – Bioscience Research Protection Overlay (BRPO)

A Research and Development establishment located in the BRPO shall not be subject to the limitations of Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioners Approval.

d. Outdoor Activities

Outdoor manufacturing, processing, or testing shall be limited to industrial zoning districts only.

14. Salvage or Junk Yard

a. Definition

An establishment used primarily for the collecting, storage, and sale of scrap metal or discard material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof. Salvage may also include architectural salvage which consists of building materials and fixtures recovered prior to the demolition of buildings or structures.

b. Approval Process

Architectural salvage may be allowed subject to DRO approval in the following zoning districts:

- 1) IL or IG with an IND FLU designation; [Ord. 2023-011]
- 2) MUPD with an IND FLU designation; or,
- 3) IND/L or IND/G Pod of a PIPD.

15. Towing Service and Storage

a. Definition

The use of a portion of an establishment for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service. This shall not include retail sales, repair, or salvage of towed vehicles occurring within the storage area.

16. Truck Stop

a. Definition

An establishment which provides services primarily for transient commercial vehicle operators, such as fueling, day, and overnight parking. A Truck Stop may also serve other travelers.

b. Location

Shall have a minimum of 200 linear feet of the front or side street property line adjacent to an Arterial Street. [Ord. 2021-006]

c. Lot Size

Shall be a minimum of five acres.

d. Setbacks

Parking areas, parking spaces, maneuvering areas, and drive aisles, shall be set back a minimum of 200 feet from any existing residential use, zoning district, or FLU designation.

e. Landscaping

Incompatibility Buffers shall be required adjacent to an existing residential use, zoning district, or FLU designation. The buffer shall include a six-foot-high berm with a six-foot-high opaque wall or fence installed at the plateau of the berm. Variances may be requested from these requirements.

f. Collocated Uses

For purposes of this Section, collocated uses shall mean a use that is mainly oriented to serving transient commercial vehicle operators. The following collocated uses shall be allowed in conjunction with a Truck Stop subject to DRO approval:

- 1) Type 1 Restaurant;
- 2) Type 2 Restaurant;
- 4) Car Wash;
- 5) Hotel or Motel;
- 6) Personal Services;
- 7) Financial Institution;
- 8) Financial Institution with Drive-Through Facilities;
- 9) Financial Institution – Freestanding ATM;
- 10) Gas and Fuel Sales, Retail;
- 11) Laundry Service; and,
- 12) Retail Sales.

g. Site Design

The site shall be designed to ensure the provision of adequate vehicular circulation and parking patterns. Collocated uses listed above shall be designed and located to mainly serve transient commercial vehicle operators.

17. Warehouse

a. Definition

An establishment used for the storage of raw materials, equipment, or products.

b. Typical Uses

Typical uses include moving companies, cold storage, and dead storage facilities, but excludes Self-Service Storage facilities.

c. Overlay – WCRAO

Office/Warehouse uses shall be allowed as specified in Table 3.B.14.E, WCRAO Sub-area Use Regulations. The Office/Warehouse development shall have a minimum of 25 percent office space per gross floor area for each bay.

d. Zoning Districts with a CH FLU Designation

A facility located in these zoning districts: CG, IRO, MUPD, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001] [Ord. 2021-023]

1) Outdoor Storage and activities shall be prohibited. [Ord. 2020-001]

e. Accessory Use

1) Office

Unless approved as a Class A Conditional Use, or as specified in the Overlay – WCRAO standard, office space in each Warehouse bay shall be a maximum of 30 percent of the GFA of that bay. [Ord. 2020-001]

2) General Retail

Sales shall be prohibited, except where allowed in conjunction with flex space. [Ord. 2020-001] [Ord. 2021-006]

18. Wholesaling

a. Definition

An establishment engaged in: the maintenance and display of inventories of goods for distribution and sale of goods to other firms for resale; or the supplying of goods to various trades such as landscapers, construction contractors, wholesale building supplies, institutions, industries, or professional businesses. These establishments also sort and grade goods from large to small lots, and engage in delivery. This use excludes vehicle sales, and the wholesaling of nursery supplies, and gas and fuel.

b. Zoning Districts with a CH FLU Designation

A facility located in these zoning districts: CG, IRO, MUPD, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001] [Ord. 2021-023]

1) Outdoor Storage and activities shall be prohibited. [Ord. 2020-001]

A. Agricultural Use Matrix

Table 4.B.6.A – Agricultural Use Matrix

[illegible]

Table 4.B.6.A – Agricultural Use Matrix

[illegible]

B. General Agricultural Standards

Reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Agriculture, Bona Fide

a. Definition

Any plot of land where the principal use consists of the growing, cultivating, and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses, and livestock; the production of animal products such as eggs, honey, or dairy products; or, the raising of plant material. The following standards shall apply to a Bona Fide Agriculture use, except where preempted by State law.

b. Groves and Row Crops

The cultivation of fruits and vegetables as groves and row crops shall be subject to the following additional standards in all zoning districts: [Ord. 2023-009]

1) Lot Size

A minimum of five acres.

2) Setback

Structures and accessory activities shall be set back a minimum of 50 feet.

3) Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

4) Loading

All loading and unloading of trucks shall be restricted to the site and shall not be permitted in any setbacks.

5) Spraying

No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.

c. Dipping Vats

Dipping vats shall not be allowed in the AR Zoning District, unless approved as a Class B Conditional Use.

d. Pens and Cages

In the AR and AGR Zoning Districts, pens, cages, or structures shall meet the district setbacks for a principal use, or be set back a minimum of 50 feet from any property line, whichever is greater.

e. Game and Exotic Animals

The Florida Fish and Wildlife Conservation Commission (FWC) regulates game farms or game animal care for private or commercial purposes.

1) Exotic Animals

Care for exotic animals (imported or non-native animal species) for private or commercial breeding purposes shall have a minimum lot size of five acres.

2) Dangerous or Class 1 and 2 Animals

Ownership, care, or keeping of dangerous or Class 1 and 2 animals, as defined by the FWC, shall require Class A Conditional Use approval and shall have a minimum lot size of five acres. [Ord. 2023-009]

f. Livestock Raising

The breeding, raising, and caring for horses, poultry, and livestock. [Ord. 2023-009]

1) Residential Zoning Districts

a) Lot Size

A minimum of one acre. [Ord. 2023-009]

g. Agritourism

Refer to F.S. § 570.85-§ 87 for applicability. [Ord. 2019-034]

h. Accessory Agricultural Uses

These uses include "U-Pick-Em" operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work, and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing, cutting, and packing of farm products; canning, dehydration, and basic preparation of raw food products prior to shipment; and, outdoor storage of equipment.

i. Agriculture Marketplace

A use that is accessory, incidental and subordinate, to a Bona Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona Fide Agriculture use, adding economic viability to farming operations.

1) Approval Process

Class A Conditional Use.

2) Location Criteria

a) Tier and Zoning District

An Agriculture Marketplace is limited to sites within the AGR Tier and one of the following: [Ord. 2024-025]

(1) AGR Zoning District; or [Ord. 2024-025]

(2) AGR-MUPD Zoning District Preserve Area, limited to sites that have an Agriculture Marketplace with a Development Order approved prior to May 31, 2013. [Ord. 2024-025]

b) Location

The Agriculture Marketplace shall be located adjacent to an Arterial Road designated on the PBC Functional Classification of Roads Map.

c) Proximity to Residential Uses

The parcel or area designated on the Final Site Plan for an Agriculture Marketplace shall be located at least 500 feet measured from the property line, if adjacent to existing residential uses, or approvals for PUD or TMD Development Areas with residential uses.

3) Minimum Acreage and Production

An Agriculture Marketplace requires a minimum of 70 contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use. [Ord. 2024-025]

a) Agricultural Reserve Parcels

The minimum acreage requirements may include parcels under an agricultural conservation easement, identified as an AGR-PUD Preserve, AGR-MUPD Preserve, or AGR-TMD Preserve, or other similar protections. [Ord. 2024-025]

b) Agricultural Production

A minimum of 70 percent of the overall land area must meet the requirements for Bona Fide Agriculture.

4) Use Limitations and Sale of Products

The area designated as an Agriculture Marketplace shall be limited to the retail sale of agricultural products such as fruits, vegetables, flowers, containerized house plants, and other agricultural food products such as jelly, jam, honey, and juice. This shall not preclude any structures from being used for the coordination of activities for permitted collocated uses, or other accessory, educational, or recreational uses permitted on the Bona Fide Agriculture operation. The sale of grocery or convenience-type foods or products shall not be permitted nor shall vending machines or other similar equipment be permitted, unless stated otherwise herein.

a) Floor Area

A maximum of 24,000 square feet of GFA, including outdoor display areas. The floor area shall not include any FAR transferred from the portions of the site that are dedicated to Bona Fide Agriculture production or otherwise encumbered with a conservation easement, Preserve Area, or other similar protection.

b) Outdoor Open Space Area

Areas set aside as outdoor open space for collocated uses and outdoor permanent activities shall be limited to a maximum of 12,000 square feet. Permanent shelters, such as Seminole chickee huts shall be limited to a maximum of 2,000 square feet.

c) Collocated Uses

Additional uses may be permitted subject to compliance with the Supplementary Use Standards for each use and the following:

(1) General Retail Sales

Ten percent or 2,000 square feet, whichever is less, of the GFA of the Agriculture Marketplace may be devoted to General Retail Sales. There shall be no exterior signage advertising to the public of the sale of grocery or other retail products. Approval shall be part of the Class A Conditional Use.

(2) Permanent Green Market

Subject to DRO approval. An Open Flea Market may be permitted in conjunction with a Green Market. The Open Flea Market shall be limited to ten percent of the total square footage of the Permanent Green Market.

(3) Retail Sales, Mobile or Temporary and Special Event

Mobile sales shall be permitted subject to approval of a Temporary Use through the ZAR process. [Ord. 2018-002]

d) Outdoor Permanent Activities

Activities shall be clearly shown and labeled on the Site Plan and shall function with other uses on the site. Impacts from these uses, including but not limited to, traffic, parking, restrooms, or nuisances, shall be addressed as part of the Class A Conditional Use approval. The BCC may impose Conditions of Approval to address these activities. Additional activities, such as: cooking classes and charity events, shall be Permitted by Right, subject to the following:

- (1) Shall be located within the GFA of the Agriculture Marketplace or permitted outdoor open space areas;
- (2) The maximum number of participants, including a combination of special activities, shall not exceed 50 attendees; and,
- (3) Overflow parking is provided. A minimum of one parking space shall be provided for each three attendees. This shall require the posting of adequate on-site directional signage to preclude any inappropriate parking activity, such as parking in rights-of-way or on adjacent properties.

e) Outdoor Display

Shall be limited to agricultural products only, located along the property's frontage or other area, except within required setbacks.

f) Storage

Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

g) Parking

Off-site parking within a public or private R-O-W, or to areas accessed by other than an approved access way, shall be prohibited.

h) Hours of Operation

- (1) 8:00 a.m. to 6:00 p.m. Monday through Saturday; and
- (2) 10:00 a.m. to 6:00 p.m. Sunday.

j. Landscape Curbing

A Bona Fide Agriculture use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Art. 7.C.4.E.2, Alternative to Curbing.

k. Barbed Wire in AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels

- 1) Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials.
- 2) In the AR Zoning District with any Bona Fide Agriculture use, other than Nurseries, provided it is set back a minimum of 25 feet from any property line.

2. Agriculture, Light Manufacturing

a. Definition

An accessory agricultural use for the manufacturing of products related to agricultural operations, such as fencing, pallets, crates, or containers. Product components are predominantly assembled from previously prepared materials or finished parts. Manufacturing includes processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage and distribution, but excludes heavy industrial processing or manufacturing.

b. Setbacks

A minimum 100-foot setback shall be required adjacent to a residential zoning district.

c. Accessory Use

Light Agricultural Manufacturing operations may be allowed as an accessory use to a related Bona Fide Agriculture use on the same property provided it does not exceed 25,000 square feet.

d. Landscaping

An Incompatibility Buffer may be omitted if the use is adjacent to Farm Workers Quarters or a Mobile Home accessory to agriculture.

3. Agriculture, Packing Plant

a. Definition

A facility used for the packing of produce not necessarily grown on site.

b. Typical Activities

Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment.

c. Approval Process – AR/RSA Zoning District

May be permitted in the AR/RSA Zoning District with an SA FLU, subject to a Class A Conditional Use approval.

d. Zoning District – AGR-PUD Preserve Area

An Agricultural Packing Plant located in an AGR Preserve Area, including where permitted as an accessory use as specified above, shall comply with the following:

- 1) Located on a roadway classified as an Arterial Street on Map TE 3.1, Functional Classification of Roads; and
- 2) Located on or adjacent to active agricultural crop production.

e. Setbacks

A minimum of 100 feet along all property lines which are adjacent to a residential zoning district.

f. Accessory Use

A packing plant in the AP and AGR Zoning Districts, or the Preserve Area of an AGR-PUD, may be allowed as an accessory use to a related farm use on the same property, provided it does not exceed 25,000 square feet.

g. Landscaping

An Incompatibility Buffer as required by Art. 7.C.2.C, Incompatibility Buffer, may be omitted if the use is adjacent to Farm Workers Quarters or a Mobile Home accessory to a farm use.

h. Storage

Only equipment directly related to the facility shall be stored on the site. All stored equipment shall be screened from view from adjacent properties and streets.

4. Agriculture, Renewable Fuels Production

a. Definition

Any facility using biomass as its principal source of feed stock for the production of renewable fuel or fuels and other related renewable products including but not limited to ethanol or fuel ethanol.

b. Setbacks

The facility shall be located a minimum of 750 feet away from parcels with a residential zoning or future land use designation that accommodate an existing residential structure.

c. Review Procedures and Standards

- 1) The Applicant shall submit a Site Plan, for informational purposes only, to the Zoning Division prior to Building Permit application. The Site Plan shall be consistent with the requirements indicated in the Technical Requirements Manual.
- 2) The owner or operator shall obtain the required approval and permits from all applicable Federal, State, and Local agencies prior to operating the facility.
- 3) The owner or operator shall perform a daily visual inspection of all wood material and similar vegetative matter to be used as feed stock.
- 4) Any toxic or hazardous waste generated at the site shall be handled pursuant to Chapter 62-730, F.A.C.

d. Prohibitions

- 1) The generation of toxic or hazardous waste effluent into the sanitary system shall be prohibited unless adequate pretreatment facilities have been constructed and are being utilized. The pretreatment facilities are subject to approval by DEP and the appropriate sewage works provider.
- 2) Feed stock observed to contain prohibited materials shall not be used.

e. Separation Distance

Facilities shall be separated two miles from an existing agricultural-related use.

5. Agriculture, Research and Development

a. Definition

The use of land or buildings for agriculture research and the cultivation of new agricultural products.

b. Approval Process – AR/RSA Zoning District

May be permitted in the AR/RSA Zoning District with an SA FLU subject to a Class B Conditional Use approval.

c. Outdoor Activities

Outdoor research, testing, or development of agricultural products shall be limited to industrial zoning districts only.

d. Landscape

A Bona Fide Agriculture use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Art. 7.C.4.E.2, Alternative to Curbing.

6. Agriculture, Sales and Service

a. Definition

An establishment primarily engaged in the sale or rental of farm tools, small implements, and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, farm supplies, and the like:

b. Approval Process – AR/RSA Zoning District

May be permitted in the AR/RSA Zoning District with an SA FLU, subject to a Class A Conditional Use approval.

c. Storage

All storage areas for Agricultural Sales and Service uses shall be enclosed or completely screened from view. A maximum of five tractor-trailers used for the transport of farm products may be stored outside if they are completely screened from view from adjacent properties and streets.

d. Grocery Sales

Five percent or 1,000 square feet, whichever is less, of the merchandise sales area use may be devoted to retail grocery sales. Shelves, floor area, counter space, and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale.

e. Repair Service

Service of small implements only shall be permitted in an enclosed area that is completely screened from view from adjacent properties and set back a minimum of 25 feet from any side or rear property line. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

7. Agriculture, Storage

a. Definition

The storage of equipment or products accessory or incidental to a principal agricultural use.

b. Storage

1) Storage of hazardous waste or Regulated Substances shall comply with Local, State, and Federal regulations.

2) Outdoor Agricultural Storage

Outdoor Agricultural Storage is only permitted in the RE, RT, RS, RM, CN, CC, and CG Zoning Districts as a Class B Conditional Use. [Ord. 2023-009]

(a) Exception

Outdoor Agricultural Storage is not permitted in a PDD with a commercial FLU designation.

3) Indoor Agricultural Storage shall be permitted in conjunction with a Bona Fide Agriculture use with or without a principal structure. Indoor storage shall be contained within a permanent structure. Agricultural Storage in a Mobile Home shall not be permitted. Agricultural Storage in a shipping container shall only be permitted in conjunction with a Bona Fide Agriculture use. [Ord. 2023-009]

8. Agriculture, Transshipment

a. Definition

A facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.

b. Zoning District – AGR and AP

1) Accessory Use

Agricultural Transshipment facilities not exceeding 25,000 square feet shall be permitted as an accessory use.

2) Setback

A minimum 100-foot setback shall be required along all property lines which are adjacent to an existing residential use, zoning district, or FLU designation as of the effective date of this Code excluding Farm Workers Quarters and Mobile Homes accessory to agriculture.

9. Aviculture, Hobby Breeder

a. Definition

The raising and care of birds in captivity.

b. Lot Size

The minimum lot size shall be as follows:

- 1) Two acres: 40 to 200 birds.
- 2) Five acres: 201 or more birds.

c. Hobby Breeder

1) AR/USA

The raising of birds as a hobby in the AR/USA shall be permitted subject to the following:

- a) The hobby breeder shall not engage in the sale of more than 24 birds to the public during any consecutive 12-month period;
- b) The hobby breeder shall not provide care for more than 40 birds on a parcel of land at any time;
- c) A minimum lot size of two acres;
- d) Shelters, cages, and accessory structures shall be set back a minimum of 50 feet from all property lines;
- e) Outdoor shelters and cages shall be contained to specific areas on the site and screened from view on all sides by a minimum six-foot-high opaque fence or wall. The fence or wall shall be located within 20 feet of the containment area;
- f) The hobby breeder shall locate birds which excessively screech, chirp, crow, or make loud noises away from residential properties to the maximum extent possible. Birds considered a nuisance by the Sheriff's Office shall be removed from the site; and,
- g) Care, licensing, registration, and inspections shall be as required by the Animal Care and Control Ordinance and other applicable Statutes.

10. Community Vegetable Garden

a. Definition

A plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.

b. Setbacks

Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential zoning districts. [Ord. 2019-005]

c. Accessory Structures

- 1) Accessory structures shall be limited to 400 square feet.
- 2) Accessory structures shall meet the setbacks of the zoning district in which the parcel is located. [Ord. 2019-005]

d. Parking

Overnight parking shall be prohibited.

e. Loading

All loading and unloading activities shall be restricted to the site and shall not encroach into any setbacks.

f. Landscaping

Shall be exempt from Art. 7, Landscaping, when located in the WCRAO or CCRT areas. [Ord. 2019-005]

g. Storage

Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall be contained within an accessory structure.

h. Spraying

Aerial application of fertilizer or pesticides shall be prohibited.

11. Equestrian Arena, Commercial

a. Definition

An establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events, or activities held or broadcast for similar purposes. [Ord. 2023-009]

b. Frontage

The project in which an Equestrian Arena is located shall have frontage on a paved street. [Ord. 2023-009]

c. Hours of Operation

Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily. [Ord. 2023-009]

d. Loudspeakers

Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.

e. Setbacks

Riding, spectator viewing areas, and show rings shall not be located within 100 feet of any property line.

f. Compatibility

Design of the site shall assure no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.

12. Farmers Market

a. Definition

An establishment for the wholesale sale of farm produce.

b. Approval Process – AR/RSA Zoning District

May be permitted in the AR/RSA district with an SA FLU, subject to a Class A Conditional Use approval.

c. Frontage

Shall be located on an Arterial Street.

d. Setback

A Farmers Market shall be set back a minimum of 100 feet from property lines adjacent to a residential use existing as of the effective date of this Code, excluding Farm Workers Quarters and Mobile Homes accessory to agriculture.

e. Accessory Use

A Produce Stand shall be permitted as an accessory use to a Farmers Market.

13. Nursery, Retail

a. Definition

The retail sale of horticultural specialties such as flowers, shrubs, sod, trees, mulch, and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

b. Frontage

Shall front on and access from a Collector or Arterial Street.

c. Lot Size

A minimum of one acre is required in a residential zoning district.

d. Setbacks

All structures and outdoor storage areas shall be set back a minimum of 50 feet from the property line. Shade Houses shall be subject to the requirements pursuant to Art. 4.B.6.C.17, Shade House.

e. Loading

All loading and unloading of trucks shall occur on the site.

f. Accessory Uses

An office is permitted as an accessory use, provided it is not a Mobile Home.

g. Landscaping

A buffer, pursuant to Art. 7, Landscaping, shall be provided along all property lines except when the growing area is located adjacent to the property line of the site, as follows: [Ord. 2019-039]

1) R-O-W and Incompatibility Buffer

May be modified when the growing area is 50 feet or more in width, subject to the provision of Art. 4.B.6.13.g.3), Alternative Buffer. [Ord. 2019-039]

2) Compatibility Buffer

Is exempt where the growing area is adjacent to a parcel of land that has an existing agriculture use pursuant to this Section. [Ord. 2019-039]

3) Alternative Buffer

- a) A six-foot-high landscape barrier shall be installed within a buffer with a minimum width of ten feet; [Ord. 2019-039]
- b) The landscape barrier shall be satisfied by plant material for sale provided that the plant material is grown in the ground, and spaced at least five feet on center. Plants in container may be used in lieu of the in-ground planting. Any removed plants shall be replaced, and shall be maintained to ensure there is a continuous visual screen being provided at all times [Ord. 2019-039]

4) Barbed Wire

The use of barbed wire shall be prohibited.

h. Storage

Mulch, rock, soil, or similar material shall comply with the Outdoor Storage standards in Art. 5.B, Accessory Uses and Structures. In residential zoning districts, outdoor bulk storage shall be set back a minimum of 50 feet or the zoning district setback, whichever is greater.

i. Site Plan

Relocation of structures on a ZC or BCC-approved Site Plan due to SFWMD or ERM requirements may exceed DRO threshold limitations.

j. Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 5:00 p.m. to 8:00 a.m. is prohibited.

k. Compatibility

The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the Property Owner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.

l. Spraying

No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.

14. Nursery, Wholesale

a. Definition

The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch, and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

b. Approval Process

Table 4.B.6.C – Residential Zoning Districts (Except AR)

ZAR (1)	≤ 5 ac.
DRO	> 5 ac. < 20 ac.
Class B Conditional Use	≥ 20 ac.
[Ord. 2018-002] [Ord. 2023-009]	
Notes:	
1.	If no approved Final Site or Subdivision Plan on record, the application shall be subject to the Full DRO process. [Ord. 2023-009]

Table 4.B.6.C – AR Zoning District

Permitted	≤ 10 ac.
ZAR (1)	> 10 ac. < 40 ac.
DRO	≥ 40 ac.
[Ord. 2018-002] [Ord. 2023-009]	
Notes:	
1.	If no approved Final Site or Subdivision Plan on record, the application shall be subject to the Full DRO process. [Ord. 2023-009]

c. AR Zoning District

May be operated in conjunction with a residence. [Ord. 2023-009]

d. Accessory Use

- 1) A Retail Nursery may be permitted as an accessory use to a Wholesale Nursery in the AGR Tier.
- 2) An office is permitted as an accessory use, provided it is not a Mobile Home.

e. Parking and Loading

All parking and loading shall occur on site.

f. Landscaping

A buffer, pursuant to Art. 7, Landscaping, shall be provided along all property lines except when the growing area is located adjacent to the property line of the site, as follows: [Ord. 2019-039]

1) R-O-W and Incompatibility Buffer

May be modified when the growing area is 50 feet or more in width, subject to the provision of Art. 4.B.6.14.g.3), Alternative Buffer. [Ord. 2019-039]

2) Compatibility Buffer

Is exempt where the growing area is adjacent to a parcel of land that has an existing agriculture use pursuant to this Section. [Ord. 2019-039]

3) Alternative Buffer

a) A six-foot-high landscape barrier shall be installed within a buffer with a minimum width of ten feet. [Ord. 2019-039]

b) The landscape barrier shall be satisfied by plant material for sale provided that the plant material is grown in the ground, and spaced at least five feet on center. Plants in container may be used in lieu of the in-ground planting. Any removed plants shall be replaced, and shall be maintained to ensure there is a continuous visual screen being provided at all times. [Ord. 2019-039]

4) Barbed Wire

The use of barbed wire shall be prohibited.

g. Storage

Outdoor bulk storage of mulch, rock, soil, or similar material shall comply with the Outdoor Storage standards contained in Art. 5.B, Accessory Uses and Structures. Outdoor bulk storage in residential zoning districts shall be set back a minimum of 50 feet or the district setback, whichever is greater.

h. Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

i. Limitations of Sales

Sales from a Wholesale Nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.

j. Site Plan

Relocation of structures on a ZC or BCC-approved Site Plan due to SFWMD or ERM requirements may exceed the DRO limitations contained in Art. 2.G.4.G, Development Review Officer (DRO).

15. Potting Soil Manufacturing

a. Definition

An establishment engaged in producing potting soil, including the use of incineration.

b. Approval Process – AR/RSA

May be permitted in the AR/RSA district with an SA FLU, subject to a Class A Conditional Use approval.

c. Location

The facility shall front on and access from a Collector or Arterial Street.

d. Setbacks

A minimum of 50 feet from any property line abutting a residential zoning district or use.

e. Collocated Uses

If a Potting Soil Manufacturing facility includes chipping, mulching, grinding, or air curtain incinerator, adherence to the Supplementary Use Standards applicable to such uses shall also be required.

f. Storage

Storage of unprocessed material shall be limited to 45 days and pile height of storage material shall be limited to 15 feet. Outdoor storage piles shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential zoning district or use. Storage areas shall be screened from view, pursuant to Art. 5.B, Accessory Uses and Structures.

g. Supplemental Application Requirements

1) Site Plan

The Site Plan shall illustrate how the operation functions including circulation routes; and the square footage, height, and location of buildings, equipment, and storage piles.

2) Dust Control

A plan to address dust control in traffic, storage, and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder, and watering or enclosing mulch piles.

16. Produce Stand

a. Definition

An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants, and other agricultural food products. The sale of grocery or convenience-type foods or products shall not be permitted, unless stated otherwise herein.

b. Permanent

1) Maximum Floor Area

The square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.

2) Outdoor Display and Storage

Outdoor Storage shall be subject to the provisions in Art. 5.B, Accessory Uses and Structures. Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.

3) Sale of Products

a) General

Includes sales of agricultural food products such as jelly, jam, honey, and juice. No ZAR process shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Art. 4.B.11.C.10, Temporary Retail Sales. No vending machines or other similar equipment shall be permitted on site. [Ord. 2018-002] [Ord. 2019-005] [Ord. 2023-009]

4) Building Construction

The Produce Stand shall be contained in either an entirely enclosed or roofed open-air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

5) AR and AGR Zoning Districts

In addition to the standards above, permanent Produce Stands shall comply with the following: [Ord. 2023-009]

a) Locational Criteria

The structure and accessory area shall be:

- (1) Located on an Arterial designated on the PBC Thoroughfare Plan; and
- (2) Located at least 500 feet from adjacent existing residential uses.

b) Lot Size

The stand shall be located on a Legal Lot of Record. A minimum of one acre shall be allocated to the exclusive use of the stand and accessory parking area.

c) Setbacks

The structure and accessory area shall be set back at least 50 feet from the front and side corner property lines. The rear and side interior setbacks shall meet the minimum standards of the zoning district.

d) Approval

A permanent Produce Stand shall be a permitted use in the AGR and AR, and by a DRO approval through the ZAR process in the CN, CC, and CG Zoning Districts. [Ord. 2018-002]

(1) AR and AGR Zoning Districts

The area devoted to the permanent Produce Stand exceeding 3,000 square feet shall be approved subject to a Class A Conditional Use.

6) Stands Less than 1,500 Square Feet

In addition to the standards stated above, stands less than 1,500 square feet (including both the structure and all accessory areas devoted to display or storage) shall be subject to the following development standards:

a) Paving

The surface parking lot may be constructed of shell rock or other similar material. At a minimum, the following areas shall be paved in accordance with Art. 6, Parking, Loading, and Circulation, of this Code:

- (1) A paved driveway apron area, connecting the streets to the site shall be subject to approval by the County Engineer; and
- (2) Handicap parking spaces and handicap access.

7) Wholesale

Wholesale of produce shall be allowed in the AGR Zoning District only.

c. Temporary Stands

A temporary stand used for the retail sale of agricultural products not necessarily grown on the site. A temporary Produce Stand shall consist exclusively of fresh unprocessed fruit, vegetables, flowers, and containerized interior house plants.

1) Use Limitations

a) Location Criteria

The stand and accessory area shall be located:

- (1) on an Arterial Street designated on the PBC Thoroughfare Plan;
- (2) a minimum of 100 feet from an intersection of an Arterial and any other dedicated R-O-W;
- (3) at least 600 feet from any other agricultural stand permitted in accordance with these provisions; if located in a zoning district other than a commercial district;
- (4) at least 500 feet from adjacent residential uses; and,
- (5) located on a Legal Lot of Record no less than one acre in size.

b) Number

Only one stand shall be permitted on a lot of record.

c) Approval

Subject to approval of a Temporary Use through the ZAR process. [Ord. 2018-002]

d) Setbacks

The stand shall be set back a minimum of 35 feet from the front property line and 50 feet from all other property lines.

e) Size and Configuration

The stand shall not exceed 300 square feet. The accessory area shall be limited to display, storage, and cashier purposes and shall be covered by a removable cantilevered canopy or umbrellas. No outdoor display or storage shall occur outside of the stand, umbrella, or canopy area.

2) Uses

No on-site food preparation or processing shall be permitted. No vending machines shall be permitted on site. No additional Temporary Uses shall be approved in conjunction with the stand except for seasonal sales. [Ord. 2018-002]

3) Parking

A minimum of two spaces and additional spaces subject to approval by the Zoning Director.

4) Special Regulations

a) Mobility

The stand shall retain its mobility, and have a frame of sufficient strength to withstand being transported by wheels, skids, or hoist.

b) Building Materials

The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products. Semi-truck trailers, mobile homes, and other permanent or temporary structures shall not be used as a stand. Motor vehicles, including vans and small trucks may be permitted provided the vehicle is removed from site at the end of each business day. These vehicles shall not be used for permanent or temporary residential purposes.

c) Refrigeration

Refrigeration shall be contained within the confines of the stand. If a motor vehicle is used for the stand, portable refrigeration may be used if contained as part of a motor vehicle and removed from the site daily.

d) Signage

Signs shall be limited to two, with a combined maximum sign face area of 32 square feet per side. Signs shall be set back a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons, or flags shall be prohibited.

e) Existing Stands

All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid Business Tax Receipt since issuance of the valid permit, shall be considered conforming uses. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and Ordinances of PBC, Florida, and as provided herein:

- (1) the enclosed portion of the stand shall not exceed 300 square feet unless provided for below;
- (2) display of products immediately adjacent to the stand, whether or not displayed under an umbrella or canopy, may continue in the same configuration as existed on July 11, 1995;
- (3) the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand as set forth in this Subsection, as amended;
- (4) portable refrigeration may be permitted if confined within the 300-square foot stand and all required electrical permits have been obtained;
- (5) the use of vending machines shall not continue; and,
- (6) expansion of existing stands shall not be permitted. Any future expansion of an existing stand shall comply with the regulations of this Section. If an existing stand is expanded, repaired, or altered, the affected area shall comply with the regulations herein.

17. Shade House

a. Definition

A temporary screen enclosure used to protect plants from insects, heat, and exposure to the sun.

b. Permits

A Shade House used for Bona Fide Agriculture purposes less than 12 feet in height shall not be required to obtain a Building Permit.

Table 4.B.6.C – Minimum Setbacks 12 Feet or Less In Height

Front and Street	15'
Side and Rear	7.5'

Table 4.B.6.C – Minimum Setbacks over 12 Feet in Height

Front and Street	25'
Side and Rear	15'

c. Commercial Greenhouse

Commercial greenhouses having roofs and walls made of rolled plastic or other similar materials, used for the indoor cultivation of plants, including hydroponic farming using water containing dissolved inorganic nutrients, may be permitted in the AGR Zoning Districts, subject to the following:

1) DRO Approval

Commercial greenhouses that exceed the FAR limitations of FLUE Table 2.2-e.1 of the Plan, or with five or more acres of building coverage must be approved by the DRO. [Ord. 2021-023]

2) Property Development Regulations

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with Table 3.D.1.A, Property Development Regulations. Setbacks for greenhouses less than 25 feet in height may be reduced by 50 percent. FAR and building coverage may be increased up to a maximum of 0.75 to accommodate commercial greenhouses.

3) Landscaping and Buffering

Commercial greenhouses are exempt from the interior and foundation planting requirements of Art. 7.C.3, Interior Landscaping. A Type 3 Incompatibility Buffer shall be required along property lines where greenhouses are adjacent to or visible from a public R-O-W or parcels with a civic, conservation, commercial, recreational, or residential FLU designation or use. Buffers shall be a minimum of 25 feet in width for greenhouses up to 25 feet in height, and 50 feet for greenhouses greater than 25 feet in height.

a) Exceptions

(1) Visual Screening

Landscape buffer and planting requirements may be waived in areas where it can be demonstrated that greenhouse structures are not visible from the subject property lines or use areas.

(2) Alternative Planting

Planting requirements may be satisfied by the use of existing native vegetation or the placement of other related plant material, provided that the growing area is at least 25 feet wide and meets the buffering requirements for a Type 3 Incompatibility Buffer.

4) Parking

All parking and loading shall occur in the designated areas indicated on the Site Plan.

a) Parking

If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles.

b) Loading

Loading zones shall not be oriented towards residential uses, and shall be set back from property lines a minimum of 250 feet, unless approved as a Type 1 Waiver.

5) Storage

Only equipment directly related to the facility may be stored on site. All stored equipment must be screened from view from adjacent properties and streets.

6) Interior Lighting

Greenhouses shall not be illuminated between 9:00 p.m. and 6:00 a.m. if light is visible from outside of the structure from any adjacent R-O-W, or properties with a residential FLU designation or use.

7) Accessory Office

An office is permitted as an accessory use, subject to the following and all other applicable requirements:

a) Less than five acres of commercial greenhouse: 1,000 square feet.

b) Greater than five acres of commercial greenhouse: 2,000 square feet.

c) Bathroom facilities shall not be included in the calculation of office square footage.

8) Signage

Signage for commercial greenhouses shall be limited to one freestanding sign located at the project's primary entrance.

18. Stable, Commercial

a. Definition

An establishment for boarding, breeding, training, or raising of horses not necessarily owned by the owners or operators of the establishment; rental of horses for riding; or, other equestrian activities, excluding uses classified as an Equestrian Arena.

b. Use Limitations

A Commercial Stable shall be limited to raising, breeding, training, boarding, and grooming of horses, or rental (livery) of horses for riding and instruction.

c. Overlay – LOSTO

A Commercial Stable with 20 or fewer stalls shall be subject to a DRO approval through the ZAR process. [Ord. 2018-002]

d. Frontage

The minimum required frontage on a public street to be used from the primary point of access shall be 100 feet, or the minimum standard of the tier in which the Stable is located, whichever is greater.

e. Lot Size

A minimum of five acres.

f. Setbacks

A minimum of 25 feet from any property line, or the minimum setback of the zoning district, whichever is greater.

g. Collocated Uses

A Commercial Stable may be operated in conjunction with a residence and shall comply with the PBCACC.

19. Stable, Private

a. Definition

The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A Private Stable shall comply with the PBCACC.

b. Setbacks

1) Accessory Structure

A Private Stable with 12 stalls or fewer located on a parcel with a Single Family residence shall be considered an accessory structure and shall meet the setback requirements for an accessory structure, or 25 feet, whichever is greater.

2) Principal Structure

A Private Stable with more than 12 stalls located on a parcel with a Single Family residence, or a vacant parcel, shall be considered a principal structure and shall meet the applicable setback requirements for a principal structure.

c. Boarding

On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted.

20. Sugar Mill or Refinery

a. Definition

An establishment for the extraction and refining of sugar from agricultural products.

b. Setback

Shall be set back 300 feet from off-site residentially occupied or zoned property. In the AR Zoning District, a Sugar Mill or Refinery shall be permitted on land in an RR FLU designation as a Class A Conditional Use.

A. Utility Use Matrix

Table 4.B.7.A – Utility Use Matrix

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B. General Utility Standards

Reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Chipping and Mulching

a. Definition

An establishment using equipment designed to cut tree limbs, yard trash, or brush into small pieces for use as mulch.

b. Approval Process

- 1) A Chipping and Mulching use accessory to a Bona Fide Agriculture use in the AP Zoning District may be Permitted by Right.
- 2) Chipping and Mulching may be allowed in the AR Zoning District in the RSA with an SA FLU designation, subject to Class A Conditional Use approval.

c. Access

Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. Entrances shall be gated and set back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.

d. Lot Size

A minimum of five acres.

e. Separation Distance

The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses.

f. Collocated Uses to Recycling Plant

Chipping and Mulching may be approved by the DRO subject to the Supplementary Use Standards for Chipping and Mulching.

g. Outdoor Storage

- 1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation or use.
- 2) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.
- 3) The pile height of storage materials shall be limited to 15 feet or less if required by Chapter 62-709, F.A.C., as amended. Bollards shall be maintained to indicate maximum permitted height, and tied to a finished grade benchmark delineated on site.
- 4) Outdoor storage of material shall be limited to 45 days.

h. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential zoning district.

i. Operation Functions

The Zoning application shall include but not limited to a justification and supporting documentation demonstrating acceptable industry design, configuration, and operational standards, based on the type of materials processed and stored, including but not limited to the following:

1) Site Plan

The Site Plan shall illustrate how the operation functions including circulation routes; and the location and size of loading and processing areas, and storage piles.

2) Waste Volume

An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

3) Dust Control

A plan to address how dust generated from traffic, storage, and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

4) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

2. Composting Facility

a. Definition

A facility designed and used for transforming yard waste, clean wood, and other organic material into soil or fertilizer through biological decomposition.

b. Approval Process

- 1) A Composting Facility accessory to a Bona Fide Agriculture use in the AP Zoning District may be Permitted by Right.
- 2) A Composting Facility may be allowed in the AR Zoning District in the RSA with an SA FLU designation, subject to Class A Conditional Use approval.

c. Access

Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. Entrances shall be gated and set back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.

d. Lot Size

A minimum of five acres.

e. Separation Distance

The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses.

f. Outdoor Storage

- 1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation, zoning district, or use.
- 2) Outdoor storage of material shall be limited to 45 days.
- 3) The pile height of storage materials shall be limited to 15 feet or less if required by Chapter 62-709, F.A.C., as amended.
- 4) The height of materials shall be tied to a finished grade benchmark delineated on site.
- 5) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.

g. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential FLU designation or use.

h. Operation Functions

The Zoning or Building application, whichever is submitted first, shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration, and operational standards, based on the type of materials processed and stored, including but not limited to the following:

1) Site Plan

The Site Plan shall illustrate how the operation functions including circulation routes; and the location and size of loading and processing areas, and storage piles.

2) Waste Volume

An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

3) Dust Control

A plan to address how dust generated from traffic, storage, and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

4) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

i. Backyard Composting

This use does not include backyard composting bins serving individual families.

j. Glades and AGR Tiers

The composting, storage, or disposal of equestrian and other animal waste, and biosolids shall be prohibited in the Glades and AGR Tiers. This provision does not prohibit accessory uses to Bona Fide Agriculture or Composting Facilities with County approval in the AGR Tier as of the effective date of this Ordinance. [Ord. 2018-018]

3. Electric Distribution Substation

a. Definition

Defined in accordance with F.S. § 163.3208, as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size.

b. Landscaping

The use shall comply with the following additional requirements unless Variance relief is obtained from landscaping regulations:

1) Landscape Buffering – General

Pursuant to F.S. § 163.3208, as may be amended from time to time, required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed a mature height of 14 feet.

2) Landscape Buffering in Residential Areas

Pursuant to F.S. § 163.3208, as may be amended from time to time, where located in or adjacent to a parcel of land with a residential FLU designation or use, landscape buffering shall be upgraded as follows:

- a) An eight-foot-high wall or fence and native vegetation shall be installed around the substation where equipment or structures are set back less than 50 feet from the property line.
- b) An open green space shall be maintained between required security fencing, equipment, or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are set back between 50 and 100 feet from the property line.

c. Standard Residential Zoning Districts

Electric Distribution Substations shall not be collocated with Neighborhood Recreation Facilities.

4. Electric Power Plant

a. Definition

An electric generating facility that uses any process or fuel, and includes any associated facility that directly supports the operation of the electrical power facility.

b. Setbacks and Separation

- 1) An Electric Power Plant, for electrical generation only, shall not be located within 1,000 feet of a parcel with a residential FLU designation or use.
- 2) Principal uses and structures (excluding electric poles) shall be set back a minimum of 500 feet from all property lines.
- 3) Accessory uses and structures (excluding electric poles) shall be set back a minimum of 50 feet from all property lines.

c. Ash Disposal and Wood Recycling Facilities – AP Zoning District

Ash disposal and wood recycling facilities shall be permitted on sites in the AP Zoning District as an accessory use to biomass Electric Power Plants. The primary use for the site shall be consistent with the underlying zoning designation.

- 1) Ash disposal facilities shall not exceed 220 feet in height measured from the existing grade at the base of the facility.
- 2) Ash disposal facilities shall be used only for the disposal of ash produced on site by the biomass Electric Power Plant.
- 3) Ash disposal facilities shall not be constructed until the plans for its construction and operation have been reviewed and approved by all applicable governmental agencies.
- 4) Ash disposal facilities shall be constructed as a Class I landfill in compliance with the applicable standards adopted by the Florida Department of Environmental Protection and set forth in F.S. § 403.707 and Chapter 62-701, F.A.C., for Class I landfills.

d. Screening and Perimeter Buffers

A Type 3 Incompatibility Buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, or residential FLU designation or use. Palms may not be substituted for required Canopy trees.

e. Collocated Use – Electric Transmission Substation Facility

An Electric Transmission Substation collocated with a new request or DOA for an Electric Power Plant may be reviewed and approved as one application, and shall comply with the requirements of Art. 4.B.7.C.5, Electric Transmission Substation.

5. Electric Transmission Substation

a. Definition

A facility associated with the transfer of bulk electrical energy from Electric Power Plants to Electric Distribution Substations, including transmission voltage facilities or switching substations.

b. Setbacks

Notwithstanding the requirements of Table 3.D.1.A, Property Development Regulations, setbacks for Electric Transmission Substations, excluding transmission and distribution lines and electric poles, shall be as follows:

- 1) Buildings used for Electric Transmission Substations shall be set back a minimum of 50 feet from all property lines.
- 2) Setbacks for mechanical equipment, related structures, and fencing shall be a minimum of 75 feet, or a minimum of 150 feet when adjacent to or visible from a street or parcels with a conservation (when open to the public), commercial, or residential FLU designation or use. Setbacks may be reduced to 100 feet, if the Incompatibility Buffer is increased to 50 feet in width and the number of required trees are doubled. Setbacks may also be reduced to 75 feet when adjacent to commercial properties, or when separated from adjacent properties by a R-O-W 100 feet in width or greater, if the Applicant can demonstrate that structures will not be visible from residential or public-use areas.
- 3) One additional foot of setback shall be provided in addition to the minimum setback for each one foot in height, or fraction thereof, over 35 feet.

c. Landscaping

A Type 3 Incompatibility Buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, or residential FLU designation or use. Palms shall not be substituted for required Canopy trees.

d. Standard Residential Zoning Districts

An Electric Transmission Substation shall not be collocated with Neighborhood Recreation Facilities.

6. Landfill or Incinerator

a. Definition

A facility for the disposal or incineration of solid waste for which a permit is required by the Florida Department of Environmental Protection, which receives solid waste for disposal in or upon the land. The term does not include a land-spreading site, injection well, or surface impoundment.

b. SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

c. Airport Land Use Compatibility Zoning

- 1) New Landfills are prohibited, and existing Landfills within the following areas are restricted pursuant to Art. 16.C.1.E, General Land Use Regulations – Off-Airport Land Use Compatibility Schedule (Appendix 8): [Ord. 2017-025]
 - a) Within 10,000 feet from the nearest point of any Airport runway used or planned to be used by turbine aircraft or [Ord. 2017-025]
 - b) Within 5,000 feet from the nearest point of any Airport runway used by only non-turbine aircraft or [Ord. 2017-025]
 - c) Outside the perimeters defined in Art. 4.B.7.C.6.c.1)a) and Art. 4.B.7.C.6.c.1)b), but still within the lateral limits of the civil airport imaginary surfaces defined in 14 CFR § 77.19. Case-by-case review of such Landfills is advised. [Ord. 2017-025]
- 2) Where any Landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The Landfill operator must incorporate bird management techniques or other practices to minimize bird hazard to airborne aircraft. These management techniques shall be addressed in the applicable Zoning application. DOA, in consultation with the PZB, shall administer the review of development application for compliance. [Ord. 2017-025]

7. Minor Utility

a. Definition

An above-ground facility associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities.

b. Typical Uses

Gas and water regulators; chlorine injection and potable water booster pump stations; water reclamation treatment, storage, and distribution facilities; membrane bioreactor plants; sewage lift stations; telephone exchange buildings; and, communication substations.

c. Floor Area

1) Residential Zoning Districts

A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied facilities and structures.

2) Non-Residential Zoning Districts

A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied facilities and structures.

3) A Minor Utility exceeding either standard above may be approved as a Class A Conditional Use.

d. Lift Station

1) New Subdivisions

Facilities located in new subdivisions may be allowed subject to DRO approval concurrent with the subdivision approval.

2) Streets

Facilities located within streets or utility easements shall not be subject to DRO approval.

e. States of Emergency

The PZB Executive Director may waive the review timeframes in the event of a declared State of Emergency.

f. Hours of Operation

Minor Utilities are not subject to the hours of operation in Art. 5, Supplementary Standards.

8. Renewable Energy Solar Facility

a. Definition

A facility that uses photovoltaic, thermal, or other systems with a principal use of producing electric or thermal power from the sun that is then stored and delivered to the transmission system and consumed off site. [Ord. 2019-023]

b. Lot Size

Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements.

c. Setbacks

Accessory electric poles, distribution, and transmission lines shall be exempt from the minimum setback requirements indicated below:

1) Lots 50 Acres or Greater

Setbacks shall be a minimum of 25 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district.

2) Lots Less Than 50 Acres

Setbacks shall be a minimum of 15 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district.

3) Lots Adjacent to Existing Residential Uses

Setbacks shall be a minimum of 35 feet or the zoning district setback, whichever is greater, along the affected property line.

4) Additional Setback

One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 20 feet.

d. Perimeter Buffers and Interior Tree Requirements

- 1) For facilities within the Rural, Exurban, and Glades Tiers greater than 250 acres in size, the following rules shall apply: [Ord. 2019-023]

a) R-O-W Buffer

Shall be exempt from the requirements of Art. 7.C.2.A, R-O-W Buffer provided a six-foot-high landscape barrier is installed. If a hedge is proposed, credit to satisfy the hedge material may be granted for on-site preservation of existing vegetation pursuant to Art. 7.E.3, Credit and Replacement. An alternative hedge height may be allowed subject to the following: [Ord. 2019-023]

- (1) Minimum two feet at time of installation and maintained at a minimum height of six feet and no greater than 12 feet pursuant to Art. 7.D.4.A, Hedges; [Ord. 2019-023]
- (2) The solar panels, including support structures, shall be no greater than eight feet in height and set back a minimum of 80 feet from the adjacent R-O-W or base building line, whichever is more restrictive; and, [Ord. 2019-023]
- (3) The area between the R-O-W Buffer and the minimum setback shall be limited to landscaping, drainage easements, and a drive aisle that is used for the repair, maintenance, and/or installation of the solar panels, when the hedge is less than six feet in height. [Ord. 2019-023]

b) Compatibility Buffer

- (1) Shall be exempt from the landscaping requirements of Art. 7, Landscaping when the site meets or exceeds the minimum 25-foot setback, and is adjacent to a parcel of land with agricultural or utility uses or a conservation FLU designation; or [Ord. 2019-023]
- (2) Shall be exempt from the landscaping requirements of Art. 7, Landscaping when the site meets or exceeds a 50-foot setback, and is adjacent to a parcel of land with an existing landscape buffer. [Ord. 2019-023]

c) Incompatibility Buffer

The Type 3 Incompatibility Buffer may be reduced to 50 percent of the landscaping materials, excluding the width, and can be a hedge or fence. [Ord. 2019-023]

2) All Tiers

These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Art. 7, Landscaping. [Ord. 2019-023]

e. Collocation with Existing Electric Power Plant

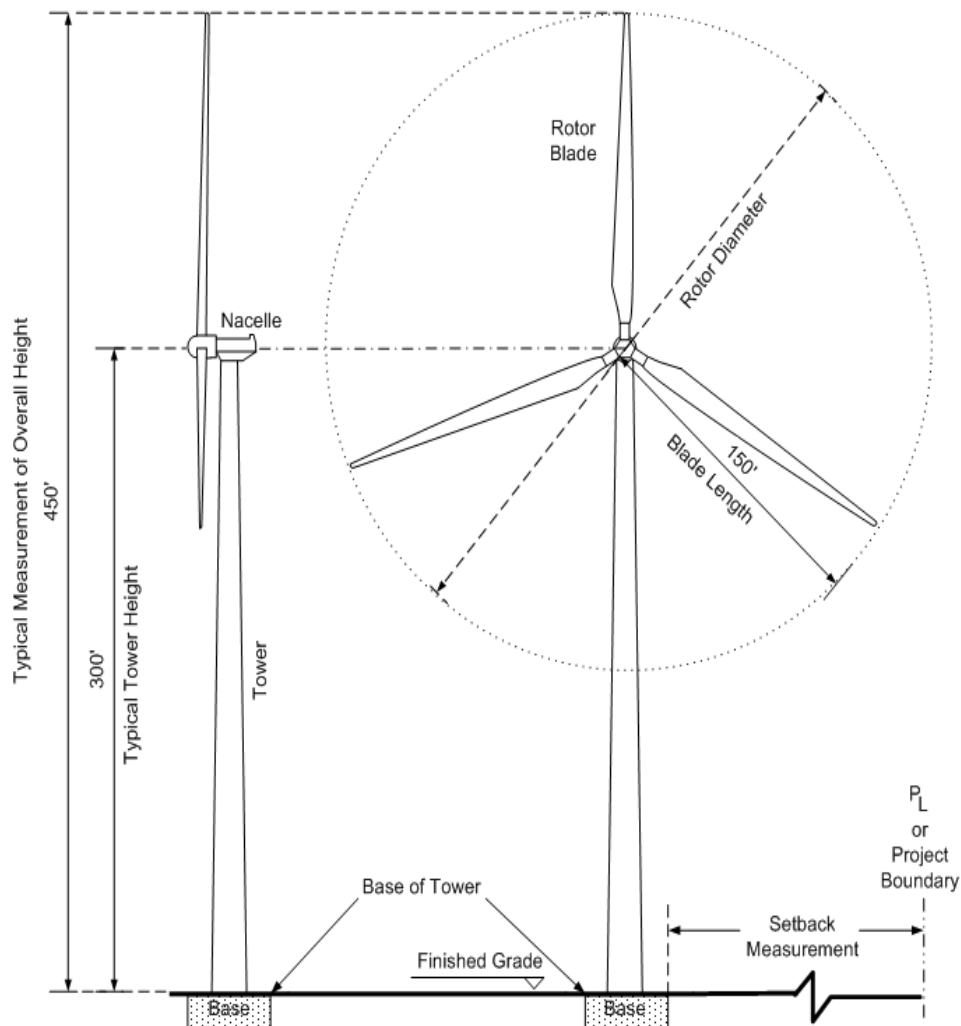
Solar facilities located on a site with an existing Electric Power Plant may be approved pursuant to the approval process indicated in the appropriate Use Matrix, and shall not be subject to a Development Order Amendment pursuant to Art. 2.B.7.C, Development Order Amendment (DOA).

9. Renewable Energy Wind Facility

a. Definition

A facility that uses one or more Wind Turbines, Meteorological (MET) Towers, or other systems with a principal use of producing electric or mechanical power from the wind.

Figure 4.B.7.C – Typical Renewable Energy Wind Turbine



b. Environmental Permitting – Letters of Engagement

The Applicant shall provide a letter of engagement from all applicable environmental permitting agencies, including but not limited to: the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, Florida Department of Environmental Protection, or other applicable regulatory agency. Letters of engagement, or similar documentation, shall indicate that the proposed facility is under review for applicable permitting or siting requirements for endangered, threatened, or species of special concern, migratory birds or bats, natural ecosystem or wetlands, or other local wildlife. The documentation shall be submitted to the Zoning Division, with the Zoning application. The letter of engagement shall include, at a minimum:

- 1) Identify organization as Federal, State, or Local;
- 2) Key individuals involved in review;
- 3) Role in review process (i.e., studies, review, or permitting); and,
- 4) Identify any permits or approvals required, critical dates, input in review process, and possible Conditions of Approval, where applicable.

c. Lot Size

Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements. Non-conforming Legal Lots of Record may be included within the boundaries of a Renewable Energy Wind Facility if the overall Project Boundaries meet the minimum standards for the zoning district.

d. Setback or Separation Requirements

Accessory electric poles, distribution, and transmission lines shall be exempt from the minimum setback requirements indicated below.

- 1) Facilities shall comply with the minimum setback requirements of the applicable zoning district unless stated otherwise in the following Table.

Table 4.B.7.C – Renewable Energy Wind Facility Setbacks or Separations

Structures	Min. Separation (1)(2)			Min. Setback (1)		
	Occupied Buildings within Project Boundary	Habitable Buildings within Project Boundary	Occupied or Habitable Buildings Outside of Project Boundary	Project Boundary		Public R-O-W
				Non-Residential FLU	Residential or Conservation FLU	
Wind Turbines, MET Towers, or Other Similar Wind Energy Systems	1.1 x height	2.5 x height	2.5 x height	1.5 x height	2.0 x height	2.5 x height
Accessory or Collocated Buildings or Structures	Apply zoning district or accessory use PDRs as applicable.					
Notes:						
1.	Setback or separation from Wind Turbines, MET Towers, or other similar structures shall be measured from the base as depicted in Figure 1.C.4.E, Typical Example of Measurement of Separation from Structure.					
2.	Definitions for Habitable and Occupied shall be in accordance with the Florida Building Code, as may be amended.					

2) Type 2 Variance for Setbacks or Separations

Requests for Type 2 Variances from the setback or separation requirements listed above shall be permitted in accordance with Art. 2, Application Processes and Procedures, and the following:

- a) The minimum proposed setback or separation is not less than one and one-tenth times the height of the structure;
- b) The Applicant submits a study demonstrating that shadow flicker caused by the proposed Renewable Energy Wind Facility will not affect any occupied or habitable building or outdoor recreation area. Some shadow flicker not to exceed 30 hours annually may be approved as part of the Variance upon demonstration that the frequency range is not adverse to any segments of the public. The study shall be prepared by a licensed Engineer, Surveyor and Mapper, Architect, Landscape Architect, or other similar professional, including scientists specializing in renewable energy wind technology.

3) Setback within Multi-Parcel Renewable Energy Wind Facilities in AP

Except for setbacks from habitable and occupied buildings as set forth in Table 4.B.7.C, Renewable Energy Wind Facility Setbacks or Separations, MET Towers or other similar wind energy systems on parcels with an AP FLU designation and AP Zoning District, setbacks shall be measured from the Project Boundary, not from any lot lines located within the Project Boundary.

- 4) The measurement of height shall be in accordance with Art. 4.B.9.B.5, Tower Height (related to Commercial Communication Towers), except that for Wind Turbines, the height shall be measured to the top of the turbine blade.

e. Perimeter Buffers and Interior Tree Requirements

- 1) A Type 1 Incompatibility Buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, public and civic, or residential FLU designation, zoning district, or use. In addition, a Type 2 Incompatibility Buffer shall be required around the perimeter of all ground-mounted equipment or accessory buildings. Palms may be substituted for 50 percent of the required Canopy trees.
- 2) Wind Turbines or MET Towers located on parcels with an AP FLU designation and Zoning District shall be exempt from the landscaping requirements above.
- 3) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Art. 7.C.3, Interior Landscaping.

f. Collocation with Existing Electric Power Plant

Renewable Energy Wind Facilities located on a site with an existing Electric Power Plant shall be approved pursuant to the approval process indicated in the appropriate Use Matrix, and shall not be subject to a legislative Development Order Amendment, pursuant to Art. 2.B.7.C, Development Order Amendment (DOA).

g. Removal

A renewable energy wind project ("Project"), when deemed "abandoned," shall be removed in accordance with the provisions of this Subsection. For the purposes of this Section, the term "Project" shall also include individual Wind Turbines or MET Towers located within a larger Renewable Energy Wind Facility. The Project shall be deemed "abandoned" when the Project is completely unable to generate electricity, whether through continued operation or repowering, and where the owner of the Project ("Project Owner") is not engaged in any effort to remedy the condition that gave rise to the complete inability to generate electricity, or if the project fails to generate electricity for a period of three years regardless of the efforts of the Project Owner. If a Project is deemed "abandoned," the Project Owner shall commence removal of the Project. The arrangements regarding removal of the Project are to be set forth in contracts between the applicable landowners and the Project Owner, which such arrangements shall:

- 1) Require the removal of the turbine towers and foundations up to a depth of 36 inches below grade;
- 2) Establish a timeframe up to 24 months, subject to adjustment due to *force majeure* events, to complete the removal; and,
- 3) Provide surety, in a form subject to approval of the County Attorney, for removal to the applicable landowner (as primary beneficiary) and to the County (as secondary beneficiary in the event the landowner fails to timely enforce its rights under the surety instrument). The amount of the surety shall be calculated by an independent, Florida-certified Professional Engineer immediately prior to the date it is required to be provided, as set forth in this subparagraph, and shall be equal to the cost of removing the Project. The surety amount shall be recalculated every five years thereafter. The surety, which shall be in the form of a single instrument, shall be provided to the applicable landowner and the County upon the earlier to occur of:
 - a) The date which is ten years prior to the end of the lease term between the applicable landowner and the Project Owner, as such term may be extended from time to time, or
 - b) The 90th day following the date the Project is deemed "abandoned."

h. MET Tower Approval Process Exceptions

Permanent MET Towers shall be considered a permitted accessory structure to a Renewable Energy Wind Facility.

1) DRO Approval

A temporary MET Tower located on a parcel with an AP FLU designation and Zoning District, to be erected for a period of not more than three years, may be approved by the DRO.

2) Permitted by Right

A temporary MET Tower located on a parcel with an AP FLU designation and Zoning District, to be erected for a period of not more than three years, where located one mile or more from a public R-O-W, or parcel of land with a conservation (when open to the public), commercial, public, civic, or residential FLU designation or use, may be Permitted by Right.

i. Microwave Path Analysis

At time of submittal for Final DRO approval, a professionally prepared microwave path analysis shall be submitted for review and approval by FDO. Prior to Final DRO approval, the Site Plan shall clearly depict any area(s) of the site that is required by that analysis to remain free and clear of encroachments in order to preclude interference with County microwave communication systems.

j. Aircraft Hazard

To ensure the safety of low-flying aircraft, any application shall demonstrate compliance with 14 CFR § 77.9 and notification requirements to the Administrator of the FAA. In the event there are no applicable FAA requirements for safety markings of Wind Turbines or MET Towers the following safety marking requirements shall be applied:

- 1) Paint will be applied to the top one-third of the MET Tower in alternating bands of international orange and white.
- 2) Three orange guy wire marker spheres will be installed on each of the outer guy wires of the MET Tower.
- 3) Ten-foot yellow florescent sleeves will be attached on either side of each marker sphere.
- 4) A low-intensity flashing red light will be mounted at the top of the MET Tower.
- 5) Ten-foot yellow florescent sleeves will be attached to each guy wire at the anchor points of the MET Tower.

k. Color

Towers, turbines, and blades shall be painted non-reflective white or grey, or other non-reflective unobtrusive color and shall be consistent with any information provided at time of DO approval. Change in color may be allowed subject to DRO approval, where required by regulatory agency permitting or other similar approvals. Signage, equipment, or project logo or labeling shall be prohibited on Wind Turbines, MET Towers, or other similar wind energy systems.

10. Solid Waste Transfer Station

a. Definition

A facility where solid waste or yard waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility.

b. Location

The facility shall front on and have access from an Arterial or Collector Street.

c. Setbacks

All portions of a transfer station, including structures, ramps, parking, and on-site circulation areas, shall be set back a minimum of 50 feet or the zoning district setback, whichever is greater, from all property lines, lakes, canals, water management tracts, retention/detention areas, drainage swales, and other water bodies.

d. Buffer

A minimum 50-foot-wide Incompatibility Buffer shall be provided adjacent to an existing residential FLU designation or use. Required landscaping not visible from adjacent lots or streets may be waived through a Type 1 Waiver.

e. Storage Areas

All solid waste stored outdoors shall be in leak-proof containers or located on a paved surface designed to capture all runoff. Runoff shall be treated in a manner that is in conformance with Local, State, and Federal regulations. Solid waste or yard waste may be sorted or temporarily stored but not processed at a transfer station.

f. Operation Functions

1) Access

A graphic and written analysis of access routes to the site.

2) Type

An explanation of the type of facility requested including a description of the materials to be handled, methods of operation, handling procedures, whether sorting will occur, and runoff treatment plans.

3) Waste

The quantity of waste to be received, expressed in cubic yards per day or tons per day.

4) Hours of Operation

A statement specifying the hours of operation.

5) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

11. Water or Wastewater Treatment Plant

a. Definition

A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

b. Location

In the AGR Zoning District, a Water or Wastewater Treatment Plant shall not be located west of SR 7/U.S. Highway 441.

c. Sanitary Nuisances

Facilities shall be designed and operated to minimize objectionable odors. Potential sanitary nuisances shall be addressed by the PBC Health Department pursuant to F.S. ch. 386, pt. I, as may be amended from time to time.

d. Setbacks – Water or Wastewater Treatment Plant

For purposes of this Section, the AR Zoning District is not considered a residential zoning district. Required setbacks are as follows:

Table 4.B.7.C – Wastewater Treatment Plant Setbacks

Type/Capacity	Type of Plant	Setback from Residential and Commercial Zoning District	Setback From Non-Residential and Non-Commercial Zoning District
Wastewater Treatment Plants over One Million Gallons per Day Capacity	Head Works, Clarifiers, Sludge Treatment and Handling Facilities without Odor Control	750'	500'
	Head Works, Clarifiers, Sludge Treatment and Handling Facilities with Odor Control	300' (2)	200' (1)
	Chemical Storage Facilities	300'	200'
	Accessory Facilities	200'	100'
Wastewater Treatment Plants Up to One Million Gallons per Day Capacity including Package Treatment Facilities	Treatment Units without Odor Control	150'	150'
	Treatment Units with Odor Control	100' (1)	100' (1)
	Chemical Storage Facilities	100'	100'
	Accessory Facilities	100'	100'
Water Reclamation Production Facility (Any Capacity Stand-Alone Facility Larger than a Minor Utility Which Is Filtering Already Treated Wastewater (Secondary Effluent) (3)(4)	Storage Tanks, Filtration System, Hypochlorite Tanks, Office/Lab/Generator Buildings, and Accessory Facilities	50' front; 15' side; 25' side street; and, 20' rear or the min. district setback, whichever is greater	50' front; 15' side; 25' side street; and, 20' rear or the min. district setback, whichever is greater
Membrane Bioreactor (MBR) System	Storage Tanks, Enclosed Reinforced Hollow Fiber or Flat Plate Membranes, Clarification, Aeration, and Filtration of Wastewater for Discharge or Reuse Applications	50' front; 15' side; 25' side street; and, 20' rear or the min. district setback, whichever is greater	50' front; 15' side; 25' side street; and, 20' rear or the min. district setback, whichever is greater
Notes:			
1.	Minimum lot dimensions shall be governed by the regulations above or the most recent standards adopted by the District and shall apply only to new schools. The District shall forward any changes in the standards to the Department within 20 days of School Board adoption. Minimum lot dimensions shall include, if applicable, sufficient room for any on-site retention.		
2.	Tertiary filters do not require odor control.		
3.	If an existing utility site is being redeveloped into a Water Reclamation Production Facility or MBR, the setbacks established for the original use will be utilized for the water reclamation facility or MBR unless they are more restrictive than the setbacks noted in this Table. If the reclamation or MBR facility qualifies as a Minor Utility those regulations will apply instead of this Table.		
4.	A Water Reclamation Production Facility treating raw wastewater to tertiary levels must meet the setback requirements for a Wastewater Treatment Plant of similar capacity unless it qualifies as a Minor Utility, in which case, those regulations will apply.		

Table 4.B.7.C – Water Treatment Plant Setbacks for Open Treatment Process

Type/Capacity	Type of Plant	Setback
Water Treatment Plants over Two Million Gallons per Day Capacity	Treatment Units and Chemical Storage	200'
	Units Which Cause Airborne Sulfides	500' (1)
	Accessory Facilities	100'
Water Treatment Plants Up to Two Million Gallons per Day Capacity, including Package Treatment Facilities	Treatment Units and Chemical Storage	100'
	Units Which Cause Airborne Sulfides	250' (2)
	Accessory Units	100'
Notes:		
1.	Odor control. Unless treatment for removal of sulfides for odor control is included.	
2.	Maximum building height. Buildings not including storage tanks and water towers higher than 35 feet are allowed provided the following setbacks are met: a. The minimum yard setback of this Section; and b. An additional one-foot setback for each one foot in height exceeding 35 feet.	

Table 4.B.7.C – Water Treatment Plant Setbacks for Enclosed Treatment Process without Gas Chlorine

Type/Capacity	Yard	Setback
Water Treatment Plants over Two Million Gallons per Day Capacity	Front	80'
	Side	50'
	Rear	50'
	Chemical Storage	200' (1)
Water Treatment Plants Up to Two Million Gallons per Day Capacity, including Package Treatment Facilities	Front	80'
	Side	50'
	Rear	50'
	Chemical Storage	100'
Notes:		
1.	Chemical storage setbacks may be reduced by 50 percent for facilities using enclosed treatment process without chlorine gas, along property lines adjacent to parcels with a PO Zoning District and INST FLU designation, or AP Zoning District and FLU designations.	

e. Accessory Use

A Water or Wastewater Treatment Plant may be collocated with a Public School installed in accordance with all applicable Federal, State, and Local utility standards.

1) Location/Buffering

The facility shall be located and buffered to ensure compatibility with surrounding land use.

2) Duration

The use of the facility shall only be permitted until such time as central water or wastewater service is available from the appropriate utility.

f. Landscaping**1) Buffer**

Perimeter landscape buffers shall have a minimum width of 25 feet or be equal to the setback requirements if less than 25 feet.

2) Trees

A single row of trees shall be planted in all landscape buffers at a ratio of one 14-foot-tall tree for each 25 linear feet.

3) Screening

Screening consisting of a hedge, berm, or fence wall which will present a visual screen at least six feet in height within one year of installation shall be provided around the perimeter of the site.

g. Package Treatment Facility

Package water or wastewater treatment facilities shall comply with the following additional standards:

1) Limited Service Area (LSA)

a) Package treatment facility shall be prohibited in the LSA except for use by schools or located in the United Technologies Corporation Protection Overlay or the North County General Aviation Facility.

b) If a package treatment facility is proposed to be developed in the LSA, confirmation shall be provided from the PBCHD that use of a package treatment plant is necessary to protect water quality. The PBCHD shall certify that the uses proposed can be adequately served with a package treatment plant.

2) Rural Service Area (RSA)

If a package treatment facility is proposed to be developed in the RSA, there shall be demonstrated evidence that it is to be used to provide potable water or wastewater service to Bona Fide Agriculture uses, public recreational uses, public educational uses, or other uses when found to be consistent with the Plan by the Planning Director and upon approval of the Director of the PBCHD. The PBHD may impose conditions or restrictions necessary to protect public health and prevent the creation of a nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in Chapter 62-699, F.A.C. and Chapter 62-602, F.A.C., the BCC, may require a higher level of operator coverage.

h. Effect on Previously Approved Plants

Water and Wastewater Treatment Plants approved prior to the effective date of this Code shall be considered conforming uses. Expansion or redevelopment of existing facilities or an existing utility site to the same or a different utility use or treatment technology may be allowed with setbacks less than those listed in this Section of the Code provided the expansion or redevelopment is reviewed and approved by the DRO and odor control is provided if applicable.

i. Biosolids Land Application

Class A or B biosolids, as defined by Chapter 62-640, F.A.C., may be applied to land in Bona Fide Agriculture operation in the AP, AGR, and AR Zoning Districts. Class AA biosolids, as defined by Chapter 62-640, F.A.C., has unlimited distribution pursuant to Chapter 62-640, F.A.C. Nothing herein shall preclude disposal of biosolids at a Landfill or at a Wastewater Treatment Plant in compliance with applicable Federal, State, and Local regulations nor effect any biosolid operation approved prior to the effective date of this Code.

1) AP and AGR Zoning Districts

A Class A or B biosolid shall be Permitted by Right on the site of a Bona Fide Agriculture operation in the AP and AGR Zoning Districts in compliance with FDEP standards in Chapter 62-640, F.A.C., as verified by the PBCHD. Following verification, the PBCHD shall be notified of the proposed first date of the land application no fewer than 30 days prior to land application.

2) AR Zoning District

Land application for a Class A or B biosolid shall be permitted in the AR Zoning District on the site of a Bona Fide Agriculture operation following approval by the DRO. An Applicant shall demonstrate compliance with FDEP standards except that the required separation from buildings and other property lines shall be as specified below. In the case of several adjacent properties which apply for a biosolid the properties may be combined for the purpose of measuring the required separation and the separation may be measured from the boundary of the most exterior property.

a) External Separation

There shall be a minimum separation of 500 feet from any off-site structure occupied on a daily or frequent basis by people. This distance shall be measured from the perimeter of the biosolid application area outward toward the structure.

b) Internal Separation

Internal to the site, there shall be a minimum 200-foot separation from the perimeter of the biosolid application area to the property line of the parcel.

c) Setbacks

These setbacks may be reduced or increased by the Director of the PBCHD.

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A. Transportation Use Matrix

Supplementary Use
Standards #

Unified Land Development Code
Supplement No. 32 (Printed 10/25)

Article 4 – Use Regulations
Page 133

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B. General Transportation Standards for Aviation-Related Uses

All Airports, Heliports, Landing Strips, and Seaplane Facilities not owned and operated by the State of Florida, PBC, or a Hospital shall comply with the following standards:

1. Setbacks

- a. No structure or navigation aid shall be located within 50 feet of any property line.
- b. There shall be a 100-foot setback between the edge of the landing area, as defined by the FDOT, and the property line.

2. Structure Height

A Variance shall not be required for a structure to exceed the height limit for the zoning district in which the use is located, if the additional height is required by Federal law or Florida Statutes.

3. Hangars

Storage buildings for aircraft shall be allowed as principal structures. Hangars accessory to an Agriculturally Classified Use as established by State Statutes shall be located on parcels containing a minimum of 20 acres.

4. FAA and FDOT Requirements

DRO and Class A Conditional Use approvals as related to FAA and FDOT requirements shall be in accordance with F.S. § 125.022(4), Development Permits.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Airport

a. Definition

Any facility designed to accommodate landing or take-off operations of aircraft.

2. Heliport or Vertiport

a. Definition

A facility designed to accommodate helicopter operations or other vertical take-off and landing rotorcraft, including facilities and structures, needed for heliport businesses to function. [Ord. 2017-025]

b. Accessory Uses

Except where otherwise allowed as a principal or collocated use, a Heliport limited to landing and take-off of helicopters, tilt rotors, or rotorcraft may be allowed as an accessory use, as follows:

- 1) Accessory to an Agriculturally Classified Use as established by State Statutes, in the AGR, AR, AP, and RE Zoning Districts, located on parcels containing a minimum of ten acres, shall be Permitted by Right.
- 2) Accessory to Single Family in the AR, RE, and RM Zoning Districts, subject to Class A Conditional Use approval.
- 3) Accessory to a residential subdivision, as a Neighborhood Recreation Facility, or within the Recreation or Civic Pod of a PDD or TDD, subject to Class A Conditional Use approval.
- 4) Accessory to a Public Park as follows:
 - a) Subject to Class A Conditional Use approval if located within 1,000 feet from a parcel of land with a residential use or FLU designation. A Heliport shall be Permitted by Right if located more than 1,000 feet from a parcel of land with a residential use or FLU designation. Measurement shall be made from the edge of the helipad to the property line of a parcel of land with a residential FLU designation or use; or
 - b) Permitted by Right if limited to a helipad for emergency purposes.
- 5) A helipad accessory to Data and Information Processing, and Research and Development subject to Class A Conditional Use approval.
- 6) Accessory to Government Services or Government Facilities, subject to Class A Conditional Use approval. A Heliport shall be Permitted by Right if located more than 1,000 feet from a parcel of land with a residential FLU designation or use. Measurement shall be made from the edge of the helipad to the property line of a parcel of land with a residential FLU designation or use.
- 7) Accessory to a Hospital may be Permitted by Right.

3. Landing Strip

a. Definition

A ground facility designed to accommodate landing and take-off operations of aircraft, including facilities or structures, needed for landing strip functions.

b. Accessory Uses

Except where otherwise allowed as a principal or collocated use, a Landing Strip may be allowed as an accessory use, as follows:

- 1) Accessory to an Agriculturally Classified Use as established by State Statutes, in the AGR, AP, and AR/RSA Zoning Districts, located on parcels containing a minimum of 20 acres, shall be Permitted by Right.
- 2) Accessory to a residential subdivision, as a Neighborhood Recreation Facility, or within the Recreation or Civic Pod of a PDD or TDD, subject to Class A Conditional Use approval.
- 3) Accessory to Government Services or Government Facilities, subject to Class A Conditional Use approval.

4. Seaplane Facility

a. Definition

A facility, on land or water, designed to accommodate the landing and take-off of seaplanes, water taxiing, anchoring, ramp service, and onshore facilities.

b. Separation Distance – Residential Zoning District

- 1) If the Seaplane Facility use is limited to the adjacent Property Owners who jointly own and maintain the aircraft facility, it may be located in a residential zoning district provided the facility is not commercial or within 400 feet of a residential use.
- 2) If the facility is a commercial venture, it shall not be located within 1,000 feet of a parcel of land with a residential FLU designation or use.

c. Minimum Land Area

The minimum required land area for any type of seaplane operation shall be two acres.

d. Water Area

All seaplane operations shall comply with the following minimum standards for water landing area:

Table 4.B.8.C – Seaplane Landing Area Standards

Length	3,500'
Width	300'
Depth	4'

e. Airport Approach

No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40 to one or flatter for a distance of at least two miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach plane.

f. Setbacks

All buildings, structures, and aircraft parked onshore shall be located a minimum distance from all property lines of at least 50 feet.

g. Landing Operations

All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be conducted during the hours between sunset and sunrise.

h. Parking

Shore facilities shall provide one automobile parking space for each 2,000 square feet of hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities shall provide a minimum of five parking spaces.

5. Transportation Facility

a. Definition

An establishment used as a transfer point for the loading and unloading of passengers from one mode of transportation to another, excluding Airports, aviation-related uses, and bus stops and alighting areas as outlined within Art. 5.H, Mass Transit Standards.

b. Typical Uses

A Transportation Facility use may include, but not be limited to: bus stations, ferryboat or cruise ship terminals, and commuter railroad stations.

c. Approval Process

1) UC, UI, and PO Zoning Districts

a) A Transportation Facility in the UC and UI Zoning Districts that is subject to Class A Conditional Use approval may be approved by the DRO if located 200 feet or more from a parcel of land with a residential FLU designation or use.

b) A Transportation Facility in the PO Zoning District that is subject to Class A Conditional Use approval shall be Permitted by Right if located 200 feet or more from a parcel of land with a residential FLU designation or use.

2) All Other Zoning Districts

A Transportation Facility in all other zoning districts subject to Class A Conditional Use approval may be approved by the DRO if located 500 feet or more from a parcel of land with a residential FLU designation or use.

d. Location

Bus or railroad stations shall have frontage on and access from a Collector or Arterial Street, unless located within a PDD or TDD.

e. Separation from Residential

A Transportation Facility located within 200 feet from a parcel of land with a residential FLU designation or use shall be subject to the following:

1) Building openings used by vehicles and unglazed architectural openings shall not face residential; and

2) A Type 3 Incompatibility Buffer shall be required.

f. Vehicular and Pedestrian Circulation Areas

The site design shall address the following:

1) Vehicle idling and queuing spaces do not encumber on-site circulation traffic or present a safety hazard for vehicles or pedestrians.

2) Designated passenger drop-off/pick-up areas.

3) A minimum six-foot-wide sidewalk in front of or adjacent to the drop-off spaces and connected to the building entrance.

4) On-site vehicular circulation paved areas shall be set back a minimum 100 feet if adjacent to a parcel of land with a residential FLU designation or use.

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A. Commercial Communication Towers Matrix

Use Type

[Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002] [Ord. 2021-023] [Ord. 2023-011]		
Use Approval Process Key:		
P Permitted by Right	D Subject to DRO approval B Subject to Zoning Commission approval (Class B Conditional Use)	A Subject to BCC approval (Class A Conditional Use) - Prohibited use, unless stated otherwise within Supplementary Use Standards
(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.		
(2) Uses may require a higher level of approval pursuant to Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, and Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioners Approval, unless otherwise specified within the Supplementary Use Standards of the specific use. [Ord. 2021-023]		

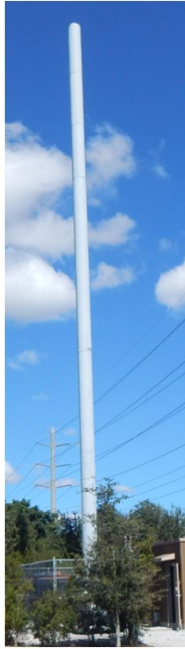
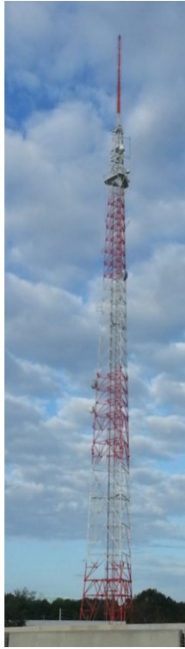
Table 4.B.9.A – Commercial Communication Towers Matrix

[illegible]

B. General Standards

Commercial Communication Towers include provisions for any tower, pole, or structure that supports a device whose principal use is to facilitate transmissions for AM/FM radio, television, microwave, cellular, personal wireless services, or related forms of electronic communications. The regulations include provisions for Stealth, Camouflage, Monopole, Self-Support/Lattice, and Guyed Towers.

Table 4.B.9.B – Typical Examples of Commercial Communication Towers

Camouflage	Stealth	Monopole	Self-Support/Lattice		Guyed
					

1. Collocated Tower and Accessory Structures

Communication towers may be permitted on a lot with another principal use as provided herein unless stated otherwise.

a. Owned Parcel

Communication towers may be located on lots containing another principal use, including another communication tower.

b. Leased Parcel

Towers may occupy a leased parcel on a lot that meets the minimum lot size requirement of the zoning district in which it is located. PBC may require execution of a Unity of Control, or other documentation as determined appropriate by the County Attorney, for leased parcels that do not meet the minimum lot size requirement for the zoning district in which they are located.

c. Accessory Structures

Any structure accessory to communication towers, other than peripheral supports and guy anchors, shall conform to the setback requirements for the zoning district in which it is located.

2. Separation and Setbacks

Separation between communication towers and other uses on the lot may be required to ensure compatibility. Separation or setbacks for all towers shall be established, as provided in Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, and Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, unless stated otherwise herein.

a. Towers Located in Residential Zoning Districts

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts

Tower Type	Adjacent to	AGR	AR/RSA	AR/USA	RE	RT	RS	RM	PUD	RVPD	MHPD	TND
Stealth Tower ≤ 125'	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-Residential and Public R-O-W	100% of tower height for setback from property line										
Stealth Tower > 125' to 200' Max.	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater										
Camouflage Tower 150' Max. (1)	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater										
Monopole Tower (2)	Residential Existing	600% of tower height for separation between tower and adjacent residential structures 150% of tower height for setback from property line										
	Residential Vacant	150% of tower height for setback from property line										
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater										
Self-Support/ Lattice Tower (2)	Residential Existing	600% of tower height for separation between tower and adjacent residential structures 150% of tower height setback from property line										
	Residential Vacant	150% of tower height setback from property line										
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater										
Guyed Tower (2)	Residential Existing	Lesser of 600% of tower height or 1,500' separation between tower and adjacent residential structures, and 150% of tower height for setback from property line										
	Residential Vacant	150% of tower height for setback from property line										
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater										
FDOT		Height, tower type, and setbacks limited as provided in this Section										
[Ord. 2017-016]												
Notes:												
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.											
2.	Applicable to any tower height.											

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, Cont'd.

Tower Type	Adjacent to	AGR	AR/RSA	AR/USA	RE	RT	RS	RM	PUD	RVPD	MHPD	TND
Electrical Transmission Lines and Substations												
Stealth (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line										
	Non-Residential	20% of tower height or zoning district setback whichever is greater										
Full Array Urban ≤ 80' (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line										
	Non-Residential	20% of tower height or zoning district setback whichever is greater										
Full Array Urban > 80' < 150' (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 100% of tower height for setback from property line										
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater										
Full Array Rural (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 150% of tower height for setback from property line										
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater										
[Ord. 2017-016]												
Notes:												
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.											
2.	Applicable to any tower height.											
3.	Exceptions to minimum setbacks or separations may be allowed in accordance with Art. 4.B.9.D.1.f, Exceptions to Separations and Setback Requirements.											

b. Towers Located in Non-Residential Zoning Districts

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts

Tower Type	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD	PIPD
Stealth Towers 200' Max.	Residential Existing (1)	150% of tower height for separation, and 100% of tower height for setback from property line																
	Residential Vacant (2)	100% of tower height for setback from property line																
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																
Camouflage Towers 150' Max. (1)	Residential Existing (1)	150% of tower height for separation, and 100% of tower height for setback from property line																
	Residential Vacant (2)	100% of tower height for setback from property line																
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																
Monopole Tower (2)	Residential Existing (1)	600% of tower height for separation, and 150% of tower height for setback from property line																
	Residential Vacant (2)	150% of tower height for setback from property line																
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																
Self-Support/ Lattice Tower (2)	Residential Existing (1)	600% of tower height for separation, and 150% of tower height for setback from property line																
	Residential Vacant (2)	150% of tower height for setback from property line																
	Non-Residential and Public R-O-W	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																
Guyed Tower (2)	Residential Existing (1)	Lesser of 600% of tower height or 1,500' separation, and 150% of tower height for setback from property line																
	Residential Vacant (2)	150% of tower height for setback from property line																
	Non-Residential and Public R-O-W	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																
FDOT	Residential	150' setback from abutting residential property line																
	Non-Residential	75' setback from abutting non-residential property line																
[Ord. 2017-016] [Ord. 2017-025] [Ord. 2021-023]																		
Notes:																		
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																	
2.	Applicable to any tower height.																	
%	Separation or setback as a percentage of tower height.																	

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, Cont'd.

Tower Type	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD	PIPD
Electrical Transmission Lines and Substations																		
Stealth (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line																
	Non-Residential	20% of tower height or zoning district setback whichever is greater																
Full Array Urban ≤ 80' (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line																
	Non-Residential	20% of tower height or zoning district setback whichever is greater																
Full Array Urban ≤ 80' < 150' (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 100% of tower height for setback from property line																
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater																
Full Array Rural (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 150% of tower height for setback from property line																
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater																
[Ord. 2017-016] [Ord. 2021-023]																		
Notes:																		
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																	
2.	Applicable to any tower height.																	
3.	Exceptions to minimum setbacks or separations may be allowed in accordance with Art. 4.B.9.D.1.f, Exceptions to Separations and Setback Requirements.																	
%	Separation or setback as a percentage of tower height.																	

c. Conforming Use or Structure

Construction of any lawful residential or non-residential structure within the required separation distance shall not create a non-conforming use or structure when an existing communication tower is established pursuant to the provisions in Art. 4.B.9.B.2, Separation and Setbacks.

3. Measurement of Separation and Setback from Residential Uses

a. Existing Residential Use

Separations from existing residential structures shall be measured from the wall of the closest principal residential structure to the base of the tower.

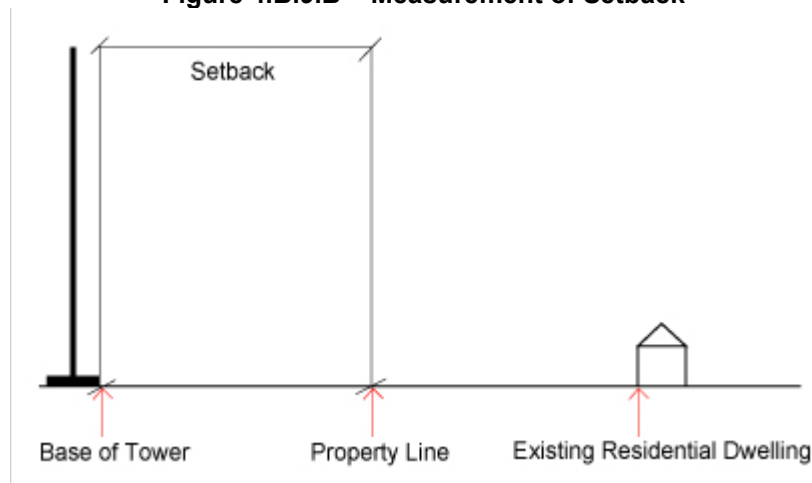
Figure 4.B.9.B – Measurement of Separation



b. Vacant Residential Parcel

Setbacks from vacant residential parcels shall be measured from adjacent property lines to the base of the tower.

Figure 4.B.9.B – Measurement of Setback



4. Distance between Towers

Towers shall be subject to the following minimum distances between towers:

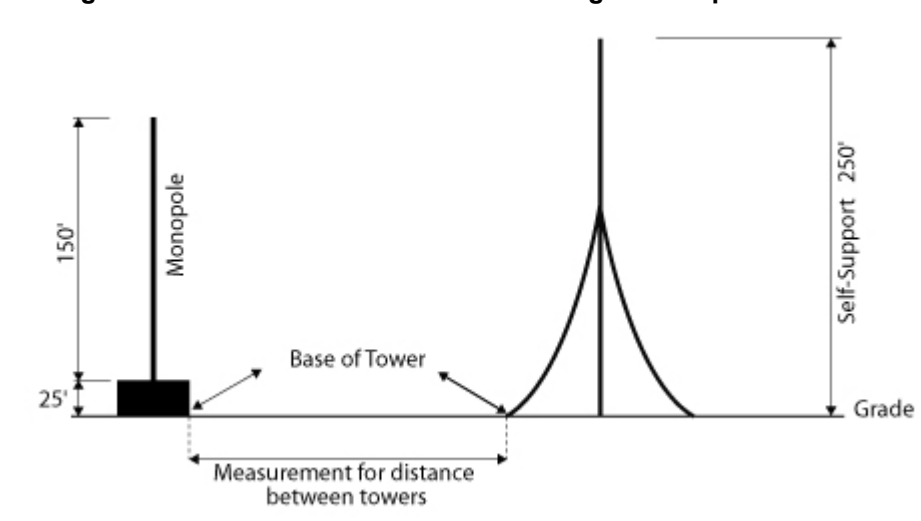
Table 4.B.9.B – Distance between Towers

Tower Type	Zoning District							
	AGR, PC, and Parcels < 10 ac. in AR	CC, CHO, CLO, CN, RE, RM, RS, RT, and TND – NC	PUD: COM and REC Pods, UC, UI, CG, RE, MUPD: CL and CH FLU, and TND OSREC	Parcels < 10 ac. in: AP, IG, IL, and PIPD	Parcels ≥ 10 ac. in: AP, AR, IG, IL, and PIPD	PO	PUD: CIV Pod, MUPD: INST FLU, and IPF	Electrical Transmission Lines and Substations, and FDOT R-O-Ws
Stealth	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Camouflage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Monopole								
≤ 60' in Height	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
> 60' ≤ 100' in Height	500'	660'	500'	N/A	N/A	N/A	300'	N/A
> 100' ≤ 150' in Height	660'	660'	660'	N/A	N/A	N/A	600'	N/A
> 150' ≤ 200' in Height	1,320'	1,320'	1,320'	1,320'	660'	660'	660'	660'
> 200' ≤ 250' in Height	2,640'	2,640'	2,640'	2,640'	1,320'	1,320'	1,320'	1,320'
> 250' in Height	3,960'	5,280'	5,280'	2,640'	1,320'	2,640'	2,640'	2,640'
Self-Support/Lattice	5,280'	Not permitted	5,280'	1,320'	N/A	N/A	5,280'	5,280'
Guyed	5,280'	Not permitted	5,280'	2,640'	N/A	N/A	5,280'	5,280'
[Ord. 2017-016] [Ord. 2017-025] [Ord. 2021-023]								

a. Measurement of Distance between Towers

The distance between an existing and a proposed tower shall be measured at grade in a direct lineal fashion between the closest points of the base of the existing and the base of proposed towers.

Figure 4.B.9.B – Distance Between Existing and Proposed Towers



Separations between towers located in different zoning districts shall be measured as follows:

1) Residential and Residential

The greater of the distance between towers requirements shall apply between residentially zoned parcels.

2) Residential and Non-Residential

The greater of the distance between towers requirements shall apply between residentially and non-residentially zoned parcels.

3) Non-Residential and Non-Residential

The lesser of the distance between towers requirements shall apply between non-residentially zoned parcels.

4) Certification of Distance

The distance between towers shall be certified by a Professional Engineer or a Professional Surveyor and Mapper, each of whom shall be licensed by the State of Florida.

5. Tower Height

All antennas and other attachments shall be included in the height measurement of the tower structure, and shall not extend beyond its maximum permitted height. Lightning rods and whip antennas, less than six inches in diameter, shall be excluded from this requirement.

6. Parking

Communication towers shall be exempt from the parking requirements of Art. 6, Parking, Loading, and Circulation, unless otherwise required by the Zoning Director.

7. Perimeter Buffering

a. Fence or Wall

A fence or wall, a minimum of eight feet in height measured from finished grade, shall be constructed around the base of each communication tower and accessory equipment structure, and around each guy anchor. Access to the communication tower shall be through a locked gate.

b. Landscaping

The landscape and buffer standards provided below shall be required around the perimeter of the tower, accessory structures, and guy anchors, unless waived as provided herein. These standards may be waived by the Zoning Director, unless otherwise required by the BCC or ZC when the proposed landscaping would not be visible from adjacent lots or streets.

1) Installation

Landscaping shall be installed along the exterior side of any required fences, unless the Zoning Director determines that the viability, survivability, or utility of the plant material is enhanced when located along the interior side of the fence or wall.

- 2) **Leased Parcels**
Landscaping shall be maintained pursuant to Art. 7, Landscaping. The Applicant shall execute a perpetual maintenance agreement with the Property Owner to ensure the maintenance of the landscape buffer if the buffer is installed outside of the leased parcel footprint.
- 3) **Adjacent to Residential FLU Designation, Zoning District, or Use**
 - a) **Towers Less Than 50 feet from Existing Residential**
A Type 3 Incompatibility Buffer without a wall shall be installed between towers and adjacent lots with existing residential uses or FLU designations, pursuant to Art. 7.C.2.C, Incompatibility Buffer.
 - b) **Towers More Than 50 feet from Existing Residential**
A Type 1 Incompatibility Buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to Art. 7.C.2.C, Incompatibility Buffer.
- 4) **Adjacent to Non-Residential Uses or Zoning Districts**
Towers shall comply with the standards for landscape buffers between compatible uses of Art. 7.C.2.B, Compatibility Buffer.
- c. **Accessory Equipment and Structures**
All accessory equipment and structures shall be located within the required perimeter buffering.
8. **Signage**
 - a. **Signs and Advertising**
The placement on a Monopole, Self-Support/Lattice, or Guyed Tower, of any signs, flags, or appurtenances for advertising purposes, including company name, shall be prohibited. Signs or advertising may be permitted when in conjunction with a Stealth Tower when that structure is an integral element of a principal building or structure.
9. **Lighting**
The least intensive nighttime method of illumination acceptable to the FAA shall be utilized. To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All required lighting shall be maintained on an as-needed basis by the owner of the tower. [Ord. 2022-002]
10. **Interference**
 - a. As provided by the FCC, towers shall not interfere with the normal operation of electrical or mechanical equipment located within surrounding properties.
 - b. Towers or guy wires shall not impede the aerial mosquito control activities performed by PBC, as determined by the BCC, for the health, safety, and welfare of its residents.
11. **Building Permits**
In addition to the approval processes required in Table 4.B.9.A, Commercial Communication Towers Matrix, a Building Permit shall be required for all towers, support and accessory structures, and antenna attachments, except as otherwise provided by Federal, State of Florida, or Local law.
 - a. **Accessory Structures**
Building Permits shall be required for all accessory structures related to an antenna.
 - b. **Wind Load Standards**
All antennas and other tower attachments shall meet the required wind load standards pursuant to Building Division review. Documentation indicating compliance with the wind load standards shall be certified by a Professional Engineer, licensed in the State of Florida, and submitted to the Building Division at the time of Building Permit application.
 - c. **Airport Regulations**
Prior to the issuance of a Building Permit for a tower, proof of compliance with applicable requirements of Art. 16, Airport Regulations of the Code, shall be provided in a manner acceptable to the Zoning Director.

12. Providers

All communication towers, shall be constructed to accommodate a minimum number of providers as follows:

Table 4.B.9.B – Providers by Tower Type

Tower Types (1)	Min. Number of Providers
Stealth	2 providers (2)
Camouflage	1 provider for a max. 100' height tower
	2 providers for a max. 125' height tower
	3 providers for a max. 150' height tower
Monopole, Self-Support/Lattice, and Guyed	2 providers
Notes:	
1.	Prior to the issuance of a Building Permit for a structure with two or more providers, the Applicant shall provide proof of shared use/collocation in a form acceptable to the County Attorney and Zoning Director.
2.	An Applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures indicate no other service provider wishes to collocate on the structure.

13. Antenna

Antennas attached to towers shall be subject to the standards contained in this Section. Standards for antennas attached to other type of structure are addressed in Art. 5. Supplementary Standards.

14. Inspections

All towers shall be inspected in compliance as required by the Building Division.

15. Violation of Standards

The Property Owners, as well as the tower owners, shall be responsible for violations of applicable standards.

C. Definitions and Supplementary Tower Standards

1. Stealth Tower

a. Definition

A structure, which is not readily identifiable as a tower and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function.

b. Typical Structures

Typical structures include but are not limited to bell tower, steeple, flagpole, cross, or water tank where antennas are typically concealed.

c. Approval Process – AGR, AR, and RE Zoning Districts

In the AGR, AR/RSA, AR/USA, and RE Zoning Districts, Stealth Towers 100 feet in height or less may be approved through the DRO Agency review process when the parcel has an existing DRO-approved Site Plan. Approval shall be subject to the Administrative Modification standards contained in Art. 2, Application Processes and Procedures.

d. Approval Process – Commercial and Civic Pod of PUD

In the Commercial Pod and Civic Pod of a PUD, Stealth Towers 60 feet in height or less may be approved by the DRO.

e. Location – Recreation Pod of PUD

Stealth Towers may be permitted in the Recreation Pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval.

f. Lot Size – MUPD

A Stealth Tower may only be located in an MUPD with a CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

g. Criteria

Stealth structures shall comply with the following criteria:

- 1) The structure shall be compatible with the architectural style of the existing buildings/structures on site and with the character of the surrounding area. A determination of architectural compatibility shall include, but not be limited to, color, type of building material, and architectural style;
- 2) The structure shall be consistent with the character of existing uses on site;
- 3) Communications equipment or devices shall not be readily identifiable;
- 4) The structure shall be related to and integrated into the existing natural and/or man-made environment to the greatest extent possible; and,
- 5) The maximum height of the structure shall not exceed 200 feet.

h. Associated Uses in RT, RS, RM Zoning Districts, and Commercial or Civic Pod of a PUD

Stealth Towers shall be permitted only in association with the following uses: Assembly Institutional Nonprofit; Place of Worship; College or University; Electric Power Plant, excluding Electrical Transmission Line streets as provided herein; Government Services; Passive Park; Public Park; Golf Course; Schools; Solid Waste Transfer Station; Minor Utility; Electric Distribution Substations; Water or Wastewater Treatment Plant; or, commercial, office, or industrial development.

i. Flagpoles

Stealth Towers in the form of flagpoles shall be exempt from Art. 8.G.3.C, Flags and Freestanding Flagpoles.

j. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and Stealth Towers located in Public Parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be set back a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-O-W.

2. Camouflage Tower

a. Definition

A tower or structure, which is incorporated into and is compatible with existing or proposed uses on site and the structure has an additional function other than antenna support.

b. Typical Structures

Examples include but are not limited to antenna incorporated into site lighting at a park or incorporated into an electrical distribution center.

c. Location – Recreation Pod of PUD

Camouflage Towers may be permitted in the Recreation Pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval.

d. Approval Process – Commercial and Civic Pod of PUD

In the Commercial Pod and Civic Pod of a PUD, Camouflage Towers 60 feet in height or less may be approved by the DRO.

e. Lot Size – MUPD

A Camouflage Tower may only be located in an MUPD with a CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

f. Associated Uses in RT, RS, RM Zoning Districts, and Commercial or Civic Pod of a PUD

Camouflage Towers shall be permitted only in association with the following uses: Assembly Institutional Nonprofit; Place of Worship; College or University; Electric Power Plant, excluding Electrical Transmission Line streets as provided herein; Government Services; Passive Park; Public Park; Golf Course; Schools; Solid Waste Transfer Station; Minor Utility; Electric Distribution Substations; Water or Wastewater Treatment Plant; or, commercial, office, or industrial development.

g. Additional Submission Requirements

Applications for approval to install a Camouflage Tower shall include the following information:

- 1) A colorized illustration or representation of the proposed tower.
- 2) The height, diameter, and coloration of the proposed facility.
- 3) A statement of compatibility to indicate the nature and character of the surrounding area, and how the proposed facility will be consistent with the overall characteristics of the area.

h. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and Camouflage Towers located in Public Parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be set back a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-O-W.

3. Monopole Tower

a. Definition

A structure that consists of a single pole supported by a permanent foundation.

b. Lot Size – MUPD

A Monopole Tower may only be located in an MUPD with a CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

c. Increase in Height

The height of a Monopole Tower may be increased as provided herein.

1) Percentage of Increase

The height of a proposed Monopole Tower may be increased by 20 percent, one time only, without regard to required separation or setback requirements, for all applications which provide proof of the collocation of an additional personal wireless service provider. Additional increases are subject to setbacks and separations of this Code.

2) Proof of Collocation

Proof of collocation shall be provided in a form acceptable to the County Attorney and the Zoning Director. Proof of collocation shall include an executed contract or lease providing for use of the facility for a period of at least ten years.

4. Self-Support/Lattice Tower

a. Definition

A structure that is constructed without guy wires or ground anchors.

5. Guyed Tower

a. Definition

A structure that is supported either partially or completely by guy wires and ground anchors.

b. Lot Size – MUPD

A Guyed Tower may only be located in an MUPD with a CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

c. Setbacks

Breakpoint calculations may be provided to demonstrate a tower will collapse within the minimum required zoning district setbacks. Breakpoint calculations shall be certified by a Professional Engineer, licensed in the State of Florida.

d. Anchors

Peripheral supports and guy anchors may be located within required setbacks provided they shall be located entirely within the boundaries of the property on which the communication tower is located. Peripheral supports and guy anchors shall be located at least ten feet from all property lines.

D. Collocation in Streets

1. Electrical Transmission Lines and Substations

Antennas and other wireless equipment may be attached to existing or modified Transmission Poles or utility structures within an Electric Distribution Substation or Electric Transmission Substation, subject to the following: [Ord. 2017-016]

a. Stealth Electrical Communication Structures and Poles

1) Definition

A Transmission Pole, or structure within an Electric Distribution Substation or Electric Transmission Substation, supporting collocated wireless attachments, which is not readily identifiable as a tower. Stealth structures are limited to canister-type antenna design. [Ord. 2017-016]

b. Full Array Electrical Communication Structures and Poles

1) Definition

A Transmission Pole, or structure within an Electric Distribution Substation or Electric Transmission Substation, supporting collocated wireless attachments, which are visible and readily identifiable as a Commercial Communication Tower. [Ord. 2017-016]

c. Typical Structures

Typical structures include Transmission Poles within utility transmission corridors or substations, or other similar electrical transmission infrastructure located within substations such as lighting masts or back-up transformer connection poles. [Ord. 2017-016]

Figure 4.B.9.D – Typical Examples of Electrical Transmission Poles or Utility Structures



[Ord. 2017-016]

d. Modifications to Transmission Poles or Utility Structures

Height increases to Transmission Poles and other Substation structures may be allowed to accommodate antenna attachments. Modified replacement poles or utility structures may be permitted to the extent required to meet structural or Building Code requirements due to increased wind load from height increases or attachments, provided that modifications generally appear to be of a similar dimensions and appearance to existing or adjacent poles or structures. [Ord. 2017-016]

1) Application Requirements

Applications for Stealth or Full Array Electrical Transmission Poles or Utility Structures shall include a detailed analysis and supporting documentation establishing the original dimensions, including height or any other structural characteristics that the proposed modifications are based on. [Ord. 2017-016]

2) Determination of Original Pole or Structure Dimensions

The final determination of the original dimensions specified in an application shall be decided by the DRO in consultation with the Building Official, or the Building Official where Permitted by Right. [Ord. 2017-016]

e. Approval Process

Exceptions to the approval processes for modification to Electrical Transmission Poles or Utility Structures specified in Table 4.B.9.A, Commercial Communication Towers Matrix, Stealth Transmission Poles or Utility Structures, may be allowed as follows: [Ord. 2017-016]

1) Stealth

a) Subject to DRO Approval

May be Permitted by Right provided the increase in height is either: [Ord. 2017-016]

(1) less than 35 percent; or [Ord. 2017-016]

(2) 50 percent and the tower is located a minimum of 2,500 feet from a public street or parcel with a residential FLU designation or use. [Ord. 2017-016]

b) Subject to Class A or Class B Conditional Use Approval

May be allowed subject to DRO approval provided the increase in height is either:

(1) less than 35 percent; or [Ord. 2017-016]

(2) 50 percent and the tower is located a minimum of 2,500 feet from a public street or parcel with a residential FLU designation or use. [Ord. 2017-016]

2) Full Array Urban

a) Subject to DRO Approval

May be Permitted by Right where allowed in agricultural, commercial, industrial, or institutional zoning districts, provided the increase in height is: [Ord. 2017-016]

(1) less than 35 percent; and [Ord. 2017-016]

(2) the tower is located a minimum of 2,500 feet from a public street or any parcel with a residential FLU designation or use. [Ord. 2017-016]

b) Subject to Class A or Class B Conditional Use Approval

May be allowed subject to DRO approval, where allowed in agricultural, commercial, industrial, or institutional zoning districts, provided the increase in height is either: [Ord. 2017-016]

(1) less than 35 percent; or [Ord. 2017-016]

(2) 50 percent and the tower is located a minimum of 2,500 feet from any public street, or parcel with a residential FLU designation or use. [Ord. 2017-016]

c) Residential Districts Including Residential Pod of PUD

May be allowed to be collocated within an Electric Distribution Substation or Electric Transmission Substation subject to Class A Conditional Use approval. [Ord. 2017-016]

3) Full Array Rural

a) Subject to DRO Approval

May be Permitted by Right where allowed in agricultural, commercial, industrial, or institutional zoning districts, subject to the following: [Ord. 2017-016]

(1) the increase in height is less than 50 percent; [Ord. 2017-016]

(2) located a minimum of: [Ord. 2017-016]

(a) 2,500 feet from any public street; [Ord. 2017-016]

(b) one mile from any Arterial or Collector; and, [Ord. 2017-016]

(c) parcel with a residential FLU designation or use. [Ord. 2017-016]

b) Subject to Class A or Class B Conditional Use Approval

May be allowed subject to DRO approval, where allowed in agricultural, commercial, industrial, or institutional zoning districts, provided the increase in height is less than 50 percent, and the tower is located a minimum of 2,500 feet from any public street, and one mile from any Arterial or Collector or parcel with a residential FLU designation or use. [Ord. 2017-016]

f. Exceptions to Separation and Setback Requirements

The following exceptions may be allowed from the minimum separation or setbacks established in Art. 4.B.9.B.2, Separation and Setbacks: [Ord. 2017-016]

1) General Exceptions

a) Stealth

Modifications to Stealth Transmission Poles or Electric Distribution Substation or Electric Transmission Substation utility structures that do not exceed 35 percent of the height of the original pole or structure. [Ord. 2017-016]

b) R-O-W with Collocated Minor Utility on Adjacent Parcel

Setbacks from adjacent parcels that are included in the Development Order for the purposes of providing for a supporting collocated Minor Utility (excluding separations from residential or occupied buildings). [Ord. 2017-016]

c) Adjacent Properties with Bona Fide Agriculture Uses

Parcels with an agricultural FLU designation and zoning district, supporting Bona Fide Agriculture, provided that separation distances from occupied structures are a minimum of 150 percent of the tower height. [Ord. 2017-016]

2) Towers Located on Residential Parcels

Measurement may exclude open space areas designated on an approved plan for non-residential uses such as water management tracts or landscape buffers, but excluding any common areas located within 50 feet of a recreation amenity or public or civic use such as Day Cares, Schools, or Places of Assembly, including any outdoor recreation areas. [Ord. 2017-016]

g. Other Attachments or Structures

Additional wireless support attachments or structures other than that permitted at the top of the structure or pole, may be allowed subject to the following: [Ord. 2017-016]

1) Transmission Corridors

a) Attachments

Attachments must be concealed within the pole or structure. External attachments such as, electrical or mechanical boxes or backpacks, excluding a utility meter, electrical cabling, platforms, or other similar modifications shall be prohibited, unless allowed otherwise herein. [Ord. 2017-016]

b) Equipment Boxes

Equipment boxes may be allowed within an Arterial or Plan Collector Street, subject to approval by the County Engineer. [Ord. 2017-016]

c) Equipment Shelters

Equipment shelters supporting collocated cellular equipment placed on Electrical Transmission Lines, may be allowed to be located on an adjacent parcel, subject to compliance with the following: [Ord. 2017-016]

(1) Minor Utility

May be allowed in accordance with the districts, approval process, and any other development standards for a Minor Utility. [Ord. 2017-016]

(2) Developed Parcels

Where a Minor Utility is collocated with another use, the Minor Utility shall be prohibited within the front or side street yard, unless abutting a perimeter buffer. In either scenario, the Minor Utility shall not adversely impact interior site design or function, including but not limited to: pedestrian or vehicular circulation, landscaping, or commonly recognized CPTED standards. [Ord. 2017-016]

h. FDO Requirements

Prior to the issuance of a Building Permit, the Applicant shall supply a letter from FDO demonstrating no anticipated impact to the usual and customary transmission or reception operability of public safety communication systems. This letter shall be based upon information supplied to FDO by the Applicant identifying the latitudinal and longitudinal coordinates of the proposed wireless communication equipment, the proposed RF spectrum of operations, and any further technical information deemed necessary by FDO in order to render a technical conclusion. Any costs incurred by FDO for an independent third party to provide technical assistance in rendering a conclusion, as determined by FDO in its sole and absolute discretion and authorized in advance by the Applicant, shall be the responsibility of the Applicant regardless of permit issuance, failure to obtain a permit, or withdrawal. [Ord. 2017-016]

2. Florida Department of Transportation (FDOT) Streets

Within the streets for I-95 and Florida's Turnpike owned or controlled by the FDOT, towers, or antennas are subject to the following:

a. Installation of Antennas

Antennas may be attached to existing communication towers, light standards, or other structures or facilities subject only to Building Permit review.

b. Construction of New Towers

New towers constructed within streets shall comply with the following requirements:

- 1) Towers installed in those portions of streets immediately adjacent to any property possessing a residential designation shall be:
 - a) Located in a street at least 250 feet in width;
 - b) Only a Monopole or Self-Support/Lattice Tower;
 - c) No more than 150 feet in height;

- d) Set back a minimum of 150 feet from the nearest property line; and,
- e) Require review as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.
- 2) Towers installed in those portions of streets immediately adjacent to any property possessing a non-residential designation shall be:
 - a) Located in a street at least 200 feet in width;
 - b) Only a Monopole or Self-Support/Lattice Tower;
 - c) No more than 200 feet in height;
 - d) Set back a minimum of 75 feet from the nearest non-residential property line and 150 feet from any residential property line; and,
 - e) Require review as provided in Art. 4.B.9.A, Commercial Communication Towers Matrix.

c. Separation of New Towers

New towers shall be subject to the separation distances as provided in Table 4.B.9.B, Distance between Towers.

E. Eligible Facilities Request for Modification

This Subsection implements Subsection 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC" or "Commission") Acceleration of Broadband Deployment Report & Order, which requires a State or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

1. Definitions

For the purposes of this Subsection, the terms used have the following meaning:

a. Base Station

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base station includes, without limitation:

- 1) Equipment associated with wireless communications services such as private, broadcast, and public safety services.
- 2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and back-up power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
- 3) Any structure other than a tower that, at the time the relevant application is filed under this Subsection, supports or houses equipment described in Art. 4.B.9.E.1.a.1) and Art. 4.B.9.E.1.a.2) that has been reviewed and approved under the applicable Zoning process, or under another State or Local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term "base station" does not include any structure that, at the time the relevant application is filed under this Subsection, does not support or house equipment described in Art. 4.B.9.E.1.a.1) and Art. 4.B.9.E.1.a.2) of this Subsection.

b. Collocation

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

c. Eligible Facilities Request

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- 1) Collocation of new transmission equipment;
- 2) Removal of transmission equipment; or,
- 3) Replacement of transmission equipment.

d. Eligible Support Structure

Any tower or base station as defined in this Subsection, provided that it is existing at the time the relevant application is filed under this Subsection.

e. Existing

A constructed tower or base station is existing for purposes of this Subsection if it has been reviewed and approved under the applicable Zoning process, or under another State or Local regulatory review process, provided that a tower that has not been reviewed and approved because it was not subject to a Zoning review process when it was built, but was lawfully constructed, is existing for purposes of this Subsection.

f. Site

For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

g. Substantial Change

A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- 1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;
- 2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- 3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
- 4) It entails any excavation or deployment outside the current site;
- 5) It would defeat the concealment elements of the eligible support structure; or,
- 6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in Art. 4.B.9.E.1.g.1) through Art. 4.B.9.E.1.g.4) of this Subsection.

h. Transmission Equipment

Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services.

i. Tower

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services.

2. Application Procedures

Notwithstanding any other provisions in this Section to the contrary, eligible facilities requests for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station as determined by the process set forth herein, shall be subject to Building Permit review only.

a. Application Requirements

Applications shall include all information necessary to determine whether the modification of the existing tower or base station does not substantially change its physical dimensions.

b. Timeframe for Review

Within 60 days of the date on which an Applicant submits an application, the Zoning Division shall approve the application unless it determines that the application is not covered by this Subsection.

c. Tolling of the Timeframe for Review

The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Zoning Division and the Applicant, or in cases where the Zoning Division determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

- 1) To toll the timeframe for incompleteness, the Zoning Division must provide written notice to the Applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required.
- 2) The timeframe for review begins running again when the Applicant makes a supplemental submission in response to the notice of incompleteness.
- 3) Following a supplemental submission, the Applicant will be notified within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

d. Failure to Act

In the event the Zoning Division fails to approve or deny a request seeking approval under this Subsection within the timeframe for review (accounting for any tolling), the request shall be deemed granted, and the Applicant may proceed directly to Building Permit review. The deemed grant does not become effective until the Applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

F. Collocation Procedures for New Towers Prior to Submitting a Tower Application

Prior to submittal of an application for approval of a proposed tower for Conditional Use, Development Order Amendment, DRO, or Building Permit review, all Applicants shall comply with the procedures indicated below. [Ord. 2021-006]

1. Notification

All communication tower Applicants shall provide a Notice by certified mail to all users on the Communication Tower Users List. The Notice shall invite potential communication tower users to apply, to the Applicant, for space on the proposed tower to encourage collocation. A copy of the Notice shall be mailed to the Electronic Services and Security and the Zoning Divisions. The Notice mailing date shall be within one year prior to submitting the Zoning application. The following information shall be included in the Notice: [Ord. 2021-006]

- a. description of the proposed tower; [Ord. 2021-006]
- b. general location; [Ord. 2021-006]
- c. longitude and latitude; [Ord. 2021-006]
- d. identify any pre-reserved space on the tower and upon the land area itself; [Ord. 2021-006]
- e. provide any lease provisions being made available: such as equipment shelter space, space for third-party equipment shelter, and provisions of back-up power; [Ord. 2021-006]
- f. general rate structure for leasing space, which shall be based on reasonable local charges; [Ord. 2021-006]
- g. proposed tower height; [Ord. 2021-006]
- h. a phone number to locate the Applicant or Agent for the communication tower; and, [Ord. 2021-006]
- i. an Applicant's Collocation Application. [Ord. 2021-006]

2. Applicant's Collocation Application

Potential communication tower users shall respond to the Applicant's Notice within 20 days of receipt of certified mailing. Responses shall be submitted utilizing the Applicant's Collocation Application. A completed Collocation Application shall be sent to the owner of the proposed communication tower or authorized Agent. The tower Applicant shall not be responsible for a lack of response or responses received after the 20-day period. The Applicant shall provide the responses to the Collocation Application as part of the Zoning application request for the new tower. [Ord. 2021-006]

3. Feasibility

The feasibility of each collocation use request shall be evaluated by the Applicant. The evaluation shall document the feasibility of collocation on the proposed communication tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of collocation include but are not limited to: structural capacity; RF interference; geographic service area requirements; mechanical or electrical incompatibilities; inability or ability to locate equipment on approved and unbuilt communication towers; cost (if fees and costs for sharing would exceed the cost of the new

communication tower amortized over a 25-year period); FCC limitations that would preclude collocation; and, other applicable Code requirements. [Ord. 2021-006]

4. Rejection or Dispute

If the Applicant rejects one or more request(s) for collocation and if potential tower lessees dispute the rejection(s) for collocation, the following procedure shall occur within ten working days after the collocation response deadline. [Ord. 2021-006]

a. Submittal

The Applicant shall submit two copies of the following to the Zoning Division: the Collocation Applications submitted by potential users; a brief evaluation of each rejected response; all design data for the proposed communication tower; and, an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations, paid for by the tower space lessee. [Ord. 2021-006]

b. Consultant

The Zoning Division shall forward copies of all applications for collocation and the Applicant's evaluation of each rejected request to a qualified communications consultant. The consultant shall be selected by and retained at the discretion of the Zoning Division and paid by Applicant who is refusing to allow collocation from an interested service provider. [Ord. 2021-006]

c. Evaluation

Within ten working days of receiving the collocation responses that were rejected by the Applicant and disputed by the potential tower space lessee, the consultant shall review and prepare an evaluation. Two copies of the consultant's evaluations shall be sent to the Zoning Division. One copy of the evaluation shall be made an official part of the communication tower application and one copy of the evaluation shall be forwarded to the Applicant by the Zoning Division. The consultant's report shall be advisory, and made part of the Staff Report, and considered in reviewing the communication tower application. [Ord. 2021-006]

5. Acceptance with No Dispute

If the Applicant did not reject any requests for collocation or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary. [Ord. 2021-006]

G. Tower Removal, Replacement, and Height Increases

1. Tower Removal

a. Form of Agreement

All obsolete or abandoned communication towers shall be removed within three months following cessation of use. Prior to the issuance of a Building Permit or Site Plan approval, whichever occurs first, the Property Owners or tower operators shall submit an executed removal agreement to ensure compliance with this requirement. The removal agreement shall be in a form acceptable to the County Attorney.

b. Surety for Removal

Prior to the issuance of a Building Permit, surety shall be submitted by the Property Owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the Executive Director of PZB and the County Attorney. The required surety shall be irrevocable, unless released by the BCC. The surety shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:

- 1) submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
- 2) a surety equivalent to 50 percent of the estimated cost to remove and dispose of the tower;
- 3) an agreement to pool multiple sureties of the tower owner or Property Owner to allow pooled surety to be used to remove abandoned towers; and,
- 4) an agreement by the tower owner or Property Owner to replenish surety pool upon utilization of surety by PBC.

c. Alternative Surety for Removal

The Zoning Director, subject to review by the County Attorney, may accept documentation from a tower owner that adequate resources or irrevocable contractual obligations are available to remove obsolete or abandoned communication towers.

d. Form of Surety

Surety shall be provided in a form consistent with the requirements of Art. 11.B.2.A.6.c, Performance or Surety Bond.

e. Surety Required

Surety required shall be provided only for towers constructed after the effective date of this Code.

2. Replacement

The following tower hierarchy shall be used to determining impact:

LEAST IMPACT
Camouflage
Stealth
Monopole
Self-Support/Lattice
Guyed
MOST IMPACT

a. Conforming Towers

An existing conforming tower may be replaced subject to the criteria below. If the criteria are not met, the replacement tower shall comply with the requirements of Art. 4.B.9.G.3, Tower Height Increases and Art. 4.B.9.G.4, Accessory Structures, below.

- 1) The tower shall accommodate a minimum of two providers.
- 2) The tower shall be of the same or lesser impact than the existing structure pursuant to the tower hierarchy.
- 3) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- 4) The tower shall be subject to review by the Zoning Division through the DRO, Art. 2.C.5.C, Administrative Modifications to Prior DOs, Administrative Amendment process.
- 5) The tower may be structurally modified to allow collocation.

b. Non-Conforming Towers

An existing non-conforming tower may be replaced subject to the criteria below. If the criteria are not met, the replacement shall comply with the requirements of Art. 4.B.9.G.3, Tower Height Increases and Art. 4.B.9.G.4, Accessory Structures, below.

- 1) The tower shall accommodate a minimum of two providers.
- 2) The tower shall be of equal or less impact than the existing structure pursuant to the tower hierarchy.
- 3) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- 4) The tower shall be subject to review by the DRO.
- 5) The tower may be structurally modified to allow collocation.

3. Tower Height Increases

a. Conforming and Non-Conforming Towers

Unless otherwise provided herein, the height of a conforming or non-conforming tower may be increased on one occasion subject to the requirements of Table 4.B.9.G, Tower Height Increases.

Table 4.B.9.G – Tower Height Increases

Review Process	Conforming Towers	Non-Conforming Towers
Development Review Officer	X (1)	N/A
Administrative Amendment		
Development Review Officer	X (2)	X (1)
Class B Conditional Use	X (3)	X (2)
Class A Conditional Use	X (4)	X (3)(4)
Notes:		
1.	Increases of 25 feet or less.	
2.	Increases greater than 25 feet and 45 feet or less.	
3.	Increases greater than 45 feet and 65 feet or less.	
4.	Increases greater than 65 feet.	

b. Monopoles

Unless otherwise provided herein, the height of an existing Monopole Tower may be increased, on one occasion, by a maximum of 20 percent to accommodate a second user subject to standard Building Permit review. An additional increase of up to 20 percent may be approved to accommodate an additional user, subject to standard Building Permit review. Increases shall be based upon the original approved tower height.

c. Setbacks

If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collocation of at least one additional service provider, minimum setback requirements may be reduced by a maximum of 15 feet, except from residential property lines.

4. Accessory Structures

The size of an accessory structure or structures may be increased to accommodate collocation. The expansion shall be subject to Zoning Division review through the DRO Administrative Amendment process.

H. Exemptions and Waivers

1. States of Emergency

The PZB Executive Director may waive the review timeframes in the event of a declared State of Emergency.

2. Government Towers

If the regulations in this Section prohibit a Government-Owned Tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria may be waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the modification.

3. School Sites

Towers located on School sites and utilized for educational purposes only pursuant to F.S. § 1013.18 shall not be considered Commercial Communication Towers.

4. Exemptions for Existing Television Broadcast Towers

Guyed Towers existing as of December 31, 1997 with a principal use as a television broadcasting tower shall be exempt from the provisions of this Section as provided below.

a. Separation and Setback Distances

Television towers as provided herein shall be exempt from the separation and setback distances of Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, and Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts.

b. Distance between Towers

Television towers as provided herein shall be exempt from the distance between tower requirements of Table 4.B.9.B, Distance between Towers.

c. Visual Impact Analysis

Existing or replacement television towers as provided herein shall be exempt from the Visual Impact Analysis requirements of Art. 4.B.9.I.4, Visual Impact Analysis Standards.

d. Replacement or Reconstruction of Existing Towers

Television towers exempted by the operation of this Subsection may be replaced or reconstructed on the same parcel as provided below.

1) Approval

Television towers to be replaced or reconstructed shall be reviewed as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.

2) Tower Height

The height of a replacement for or reconstruction of an existing tower may be increased subject to approval as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.

3) Required Setbacks from Property Lines

Setbacks from property lines shall be provided as indicated below.

a) Structures of Equal or Lesser Height

Television towers to be replaced or reconstructed with a structure of equal or lesser height shall provide a setback substantially the same as the existing setbacks, taking into account the continued location of the tower being replaced during construction.

b) Structures of Greater Height

Television towers to be replaced or reconstructed with a structure of greater height shall provide a minimum setback of 110 percent of tower height from any adjacent street and a minimum setback of 100 percent of tower height from all adjacent property lines.

c) Breakpoint Calculations

All setbacks shall be substantiated by certified breakpoint calculations. The breakpoint calculations shall demonstrate that should tower failure occur the entire height of the tower shall fall within with property lines of the tower site.

d) Non-Conformity Not Created

Replacement or reconstruction of a television broadcast tower shall not result in creation of a non-conforming structure or non-conforming use. The television broadcast tower resulting from the replacement or reconstruction as provided herein shall be deemed a conforming structure and use.

5. Type 2 Waiver from Required Dimensional Criteria

A Type 2 Waiver from the separation, setback, distance between towers, height, and similar dimensional criteria applicable to communication towers may be allowed.

a. Towers Approved as a Class A or Class B Conditional Use

The dimensional criteria may be reduced by the BCC for Class A Conditional Uses and Class B Conditional Uses subject to the criteria contained herein.

b. Towers Approved on an Administrative Basis

The dimensional criteria may be reduced by the BCC for towers subject to review by the DRO or the Building Permit process subject to the criteria contained herein.

c. Requests for a Type 2 Waiver

When considering a request to allow a Type 2 Waiver from one or more required dimensional criteria, the BCC must determine that: the request complies with the intent of this Section; and the request is consistent with the criteria listed below.

d. Criteria for Granting a Type 2 Waiver

The following criteria shall be utilized by the BCC when considering requests for Waivers. Each request for a Waiver must be consistent with the following criteria listed below: Art. 4.B.9.H.5.d.1) through Art. 4.B.9.H.5.d.8). In addition, each request for a Type 2 Waiver must be consistent with one or more of the following criteria: Art. 4.B.9.H.5.d.9) though Art. 4.B.9.H.5.d.18).

1) Protection of Public Welfare

The Waiver, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare.

2) Economics

The Waiver is not granted based solely upon or in large measure due to costs associated with complying with all requirements contained herein.

3) Incompatibility Not Created

The Waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.

4) Exhaustion of Other Remedies

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as all other Waiver alternatives have been exhausted. Alternatives to a Waiver shall include but not be limited to such techniques as collocation, use of stealth or camouflage structures, and use of building-mounted equipment and facilities.

5) Minimum Waiver

The grant of the Waiver is the minimum Waiver that will make possible the reasonable use of the parcel of land, building, or structure.

6) Consistent with the Plan

The grant of the Waiver will be consistent with the purposes, Goals, Objectives, and Policies of the Plan and this Code.

7) Not Detrimental

The grant of the Waiver will not be injurious to the area involved or otherwise detrimental to the public welfare.

8) Prohibition of Service

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted.

9) FAA Limitations

The Waiver is required to comply with locational standards established by the FAA.

10) Lack of Technical Capacity

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service.

11) Height of Existing Structures

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service.

12) Lack of Structural Capacity

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area.

13) Interference

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature of other communications equipment or signals, or other technical problems that would result in interference between providers.

14) Unreasonable Costs

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as the fees, costs, or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable.

15) More Appropriate Site

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large-scale non-residential area.

16) Avoid Certain Locations

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following:

- a) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
- b) officially designated vegetation and wildlife preserves;
- c) habitats of threatened/endangered species;
- d) historical sites;
- e) Indian religious sites;
- f) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
- g) night use of high-intensity lights in residential areas;
- h) environmentally sensitive lands acquired or leased by PBC; or,
- i) linked open space corridors as set forth in the Plan.

17) Reduce Residential Impact

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses.

18) Effect of Governmental Regulation or Restrictive Covenant

The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of a tower.

e. Simultaneous Consideration

A request for a Type 2 Waiver from one or more required dimensional criteria may be considered at the same time a related request for tower approval is considered. However, final BCC, ZC, or Administrative Approval shall not be granted until a final decision is rendered by the BCC.

6. Non-Conforming Lots of Record

Towers may be located on non-conforming lots of record provided the structure will comply with all requirements of this Section without a Type 2 Waiver from any dimensional criteria as provided herein.

I. Application Requirements for Towers

In addition to the application requirements under Art. 2, Application Processes and Procedures, the Applicant shall comply with the following:

1. Propagation Study

The provider shall submit a propagation study prepared by a Professional Engineer, licensed in the State of Florida, to justify the need to construct a new tower. Propagation studies shall not be required for television towers. Propagation studies shall include the following information:

- a. the location of other sites considered, including potential options for collocation and alternative sites or properties;
- b. desired signal strength in the area to be served; and,
- c. current and predicted RF coverage following installation and use of the new tower facility.

2. Location of Existing Towers

- a. Provide or update previously submitted data indicating the location of their towers, latitude and longitude, tower height, and tower type.
- b. Submit an alternative structure map with a minimum one-mile radius around the proposed site. The alternative structure map shall include the location of all existing towers located within the one-mile radius. An alternative structure map shall not be required for television towers.

3. Compatibility

To assist in ensuring compatibility between a proposed communication tower and surrounding land uses, the information listed below shall be included with all applications for development approval, Development Order Amendments, etc.

a. Site and Tower Location

The proposed site of a tower and the proposed location of the tower within that site, indicated on an official PBC Zoning Quad Sheet.

b. Aerial Photography

The proposed location of a tower, indicated on an aerial map possessing a scale of not more than one inch equals 300 feet (1" = 300'). The aerial photograph shall indicate all adjacent land uses within a radius of 2,000 feet from the site of the proposed tower.

c. Visual Impact Analysis

A Visual Impact Analysis, consistent with the requirements of Art. 4.B.9.I.4, Visual Impact Analysis Standards.

d. Buffering

Buffering and landscaping as required by this Section.

4. Visual Impact Analysis Standards

a. Applicability and Procedure

Any application to construct a Monopole Tower greater than 150 feet in height or any Guyed or Self-Support/Lattice Tower greater than 150 feet in height is subject to these standards. The Applicant shall be advised of the requirement to submit a Visual Impact Analysis by the Zoning Director within ten working days following the application submittal deadline date.

b. General

To assess the compatibility with and impact of a proposed tower site on adjacent properties, an Applicant seeking to construct a tower subject to these requirements may be required to submit a Visual Impact Analysis. The Applicant may request review of a proposed tower location, prior to application submittal to the appropriate Zoning process, to determine whether or not a Visual Impact Analysis will be required. A Visual Impact Analysis may be required under the circumstances listed below.

- 1) Existing residential uses are located along 50 percent or more of the entire perimeter of the proposed tower site.
- 2) When the proposed site is located adjacent to:
 - a) Officially designated wilderness areas, wildlife refuges, and wildlife management areas;
 - b) Officially designated vegetation and wildlife preserves;
 - c) Habitats of threatened/endangered species;
 - d) Historical sites;
 - e) Indian religious sites;
 - f) Locations which may cause significant alteration of wetlands, deforestation, or water diversion;
 - g) Residential areas when night use of high-intensity lights is required;
 - h) Environmentally sensitive lands acquired or leased by PBC; or,
 - i) Linked open space corridors as set forth in the Plan.

- 3) The proposed site does not meet the distance between towers requirements. The Applicant may utilize digital imaging technology to prepare the analysis, in a manner acceptable to the Zoning Director. The Visual Impact Analysis shall, at minimum, provide the information listed below.
 - a) The location of the proposed communication tower illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1" = 300'). All adjacent zoning districts within a 3,000-foot radius from all property lines of the proposed communication tower site shall be indicated.
 - b) A line of sight analysis shall include the following information:
 - (1) Identification of all significant existing natural and man-made features adjacent to the proposed tower site and identification of features which may provide screening and buffering for adjacent properties and public streets;
 - (2) Identification of at least three specific points within a 2,000-foot radius of the proposed tower location, subject to approval by the Zoning Director, for conducting the Visual Impact Analysis;
 - (3) Certification by the professional that the proposed communication tower meets or exceeds the standards contained in this Code;
 - (4) Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
 - (5) Graphic illustration of the visual impact of the proposed communication tower, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points;
 - (6) Identification of all screening and buffering materials under the permanent control of the Applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the Visual Impact Analysis);
 - (7) Identification of all screening and buffering materials that are not under the permanent control of the Applicant but are considered of a permanent nature due to ownership or use patterns, such as a Public Park, vegetation preserve, required development buffer, etc.;
 - (8) Screening and buffering materials considered in the Visual Impact Analysis shall not be removed by future development on the site;
 - (9) Screening and buffering materials considered in the Visual Impact Analysis shall be replaced if they die;
 - (10) Prohibited plant species, pursuant to Art. 7.E, Existing Native Vegetation, Prohibited, and Controlled Plant Species, shall not be considered in the Visual Impact Analysis; and,
 - (11) Any additional information that may be required by the Zoning Director to fully review and evaluate the potential impact of the proposed communication tower.
- 4) In addition to all other applicable standards of the Code, the following visual impact standards may be applied when a Visual Impact Analysis is required for any application to construct a tower.
 - a) At least 25 percent of the tower height is screened from all streets other than Expressways, or Arterial and Plan Collector Streets with five lanes or more.
 - b) At least three specific points from adjacent streets, shall be identified, subject to approval by the Zoning Director, for conducting the Visual Impact Analysis.
 - c) The results of the line of sight analysis performed as part of the Visual Impact Analysis.
 - d) The distance a proposed communication tower, including anchors for guy wires, and guy wires are proposed to be set back from surrounding properties such that its height, bulk, and scale is compatible with surrounding residential and non-residential uses.
 - e) At least 25 percent of the tower is screened from view from a majority of the points selected by the Zoning Director for the Visual Impact Analysis.
 - f) The degree or amount of screening or buffering materials permanently included as part of the application.
- 5) The Visual Impact Analysis shall be prepared and sealed by an Architect, Engineer, Landscape Architect, or Surveyor and Mapper registered in the State of Florida. PBC, at the expense of the Applicant and at its own discretion, may employ such consultants as are necessary to review and evaluate the Visual Impact Analysis.

J. Prior Approvals

The style, height, and overall appearance of any tower or communications facility constructed pursuant to these regulations shall be consistent with plans and elevations submitted as part of an application for development approval. The DRO shall have the authority to approve additions or minor modifications, which do not materially modify the appearance of a tower as approved by the ZC or BCC. Modification which cannot be approved by the DRO shall be subject to a Development Order Amendment as provided in this Code.

K. Consultant Services

A qualified telecommunication consultant shall be selected and retained by the Zoning Director, and paid for by an Applicant, to review technical documents related to the siting of communication towers and facilities. The consultant may review technical documents, propagation studies, and other related documents to determine the following:

1. Need for additional towers;
2. Existence of incompatibilities between providers that may hinder collocation;
3. Necessity of Waiver relief to deviate from established dimensional criteria;
4. Compliance with the general requirements of this Section; and,
5. The Applicant shall reimburse PBC for the consultant fees prior to the certification of the application for Public Hearing processes or approval of the application by the DRO.

L. List of Tower Users

The DRO shall maintain a current Communication Tower Users List, which shall be made available upon request, and shall also be published on the Zoning website.

M. Intergovernmental Activities

1. Mapping

PBC shall participate in any Countywide mapping program to identify proposed and existing tower sites.

2. Notification

- a. PBC shall participate in an intergovernmental notification program by continuously providing information regarding tower construction applications to the PBC Intergovernmental Coordination Program Clearinghouse.
- b. All jurisdictions within a two-mile radius of a proposed tower site located in unincorporated PBC shall be notified at the time of application submittal.

A. Excavation Use Matrix

Supplementary Use
Standards #

Unified Land Development Code
 Supplement No. 32 (Printed 10/25)

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B. Common Provisions and General Standards

1. Purpose and Intent

The purpose of this Section is to provide for the health, safety, and welfare of the residents of PBC by ensuring beneficial and sound land management practices associated with excavation and mining activities. To prevent a cumulative negative impact on PBC's natural resources and to achieve these goals, it is the intent of this Section to:

- a. ensure that excavation and mining activities do not adversely impact the health, safety, and welfare of the citizens of PBC;
- b. prevent immediate and long-term negative environmental and economic impacts of poor land development practices;
- c. encourage the use of economically feasible and environmentally sound excavation and mining practices;
- d. preserve land values by ensuring that alteration of a parcel by non-commercial land excavation does not result in conditions that would prevent that parcel from meeting minimum land development requirements for other valid uses;
- e. encourage the rehabilitation of commercially mined sites to other beneficial uses by promoting economical, effective, and timely site reclamation;
- f. protect existing and future beneficial use of surrounding properties from the negative effects of excavation and mining;
- g. provide for the off-site disposal of excess extractive material provided that the excavation site is incorporated into the approval of a *bona fide* site development plan;
- h. establish a regulatory framework of clear, reasonable, effective, and enforceable standards and requirements for the regulation of excavation, mining, and related activities; and,
- i. ensure that excavation and mining activities and resulting mined lakes are not allowed to become public safety hazards, or sources of water resource degradation or pollution.

2. Applicability

All excavation and mining activities that create a temporary or permanent body of water within unincorporated PBC shall comply with the regulations established in the Code and other State and Local requirements, as applicable.

a. Conflicting Provisions

In the event that provisions of this Section conflict with regulations of other applicable regulatory agencies, the more restrictive regulations shall apply. Other permitting agencies include but are not limited to SFWMD, Florida Fish and Wildlife Conservation Commission, USACE, DEP, and ERM.

b. Previously Approved Development Orders (DOs)

Applications for excavation and mining projects approved prior to September 25, 1996, may amend the certified site (excavation) plan pursuant to Art. 2.C, Administrative Processes, to comply with the Standards enumerated below provided the Standards do not conflict with Development Order conditions. Selective choice of Standards shall not be permitted. The DRO may review and approve the Excavation Plan, pursuant to Art. 2.C, Administrative Processes, provided the subject site complies with the compatibility criteria in Art. 4.B.10.C.5.i.2), Type 3A Excavation, and the technical standards in Art. 4.B.10.B.7, Technical Standards, and provided there is no increase in the land area, excavated surface area, quantity of excavated material, or intensity as approved by the BCC in the original DO. Any increase shall require approval of a DOA by the BCC pursuant to Art. 2.B, Public Hearing Processes. Applicable Standards include:

- 1) Art. 4.B.10.B.7.a, Operational Standards and Requirements;
- 2) Art. 4.B.10.B.7.b, Construction Standards, excluding depth;
- 3) Art. 4.B.10.B.7.c, Reclamation Standards;
- 4) Art. 4.B.10.C.5.i.2)b)(3), Buffer; and,
- 5) Art. 4.B.10.B.7.e, Maintenance and Monitoring.

3. Excavation Types

Excavation or mining activities shall not be conducted unless such activities are deemed exempt or an approval has been issued in accordance with this Section. The types of excavation that are allowed are as follows:

a. Agricultural Excavation

Approval process for Agricultural Excavation is administered by ERM and PZB. Application procedures and requirements are subject to Art. 4.B.10.C.1, Agricultural Excavation. Agricultural Excavation in the WCAA are administered by ERM. Application procedures and requirements are in Art. 4.B.10.C.1.i, WCAA Excavation.

b. Type 1 Excavation

Two approval processes (Types 1A and 1B) are administered by PZB for excavations on Single Family lots. Application procedures and requirements are in Art. 4.B.10.B.5.a, Content of Application.

c. Type 2 Excavation

The approval process for Type 2 Excavation is administered by PZB and ERM. Application procedures and requirements are in Art. 4.B.10.B.5.a, Content of Application.

d. Type 3 Excavation

Two approval processes for commercial mining excavation activities (Type 3A and Type 3B) are administered by PZB and ERM. Application procedures and requirements are in Art. 4.B.10.B.5, Supplemental Application Requirements.

4. Prohibitions and Exemptions

a. Prohibitions

Excavation and mining activities shall be prohibited in the following areas:

- 1) RR-20 FLU designation.
- 2) The Pleistocene Sand Ridge.
- 3) An archeological site, unless approved and requested as a Class A Conditional Use.
- 4) Publicly-owned conservation areas, publicly-owned preservation areas, or environmentally sensitive lands.
- 5) Areas otherwise prohibited by this Section.

b. Exemptions

The following excavation activities shall be exempt from the requirements of this Section:

1) Existing Lakes

Existing mined lakes approved prior to June 16, 1992 that have a valid Development Order which complies with the criteria below shall be exempt from the requirements of this Section. If an amendment is proposed that deviates from the original approval, then a Development Order Amendment shall be requested pursuant to Art. 2.B, Public Hearing Processes, and shall comply with the provisions in Art. 1.F, Non-Conformities.

- a) Regulated by a National Pollutant Discharge Elimination System Permit; or
- b) Regulated by a Florida Department of Environmental Protection (DEP) industrial wastewater operation permit; or
- c) Located within an approved residential, commercial, industrial, or mixed-use development and function as a stormwater management facility pursuant to:
 - (1) A surface water management construction permit issued by the SFWMD; or
 - (2) A conceptual permit issued by the SFWMD that delineates proposed littoral slopes of the excavated lake(s) conducive for planting; or
 - (3) An applicable Land Development Permit depicting proposed littoral and upland slopes of a mined lake. As long as the existing excavated lake continues to meet the water quality standards contained in Chapter 62-302, F.A.C.

2) Pools

Swimming pools, pursuant to Art. 5.B, Accessory Uses and Structures.

3) Small Ponds

Ponds accessory to a principal use, such as lily ponds, goldfish ponds, reflecting ponds, and other small ornamental water features with a maximum depth of four feet OWL and not exceeding 500 square feet in surface area.

4) Cemeteries

Burial plots in approved Cemeteries.

5) R-O-W

Excavation in a road R-O-W, when the road is under construction. To qualify for this exemption, excavation shall be performed by PBC, the FDOT, or any Water Control District created by Special Act to operate under F.S. ch. 298 (1995). Excavation activity located outside the R-O-W boundary, performed to accommodate roadway drainage, and which creates a permanent open body of water for a period of 180 days or more, shall comply with the standards of a Type 2 Excavation in Art. 4.B.10.C.4, Type 2 Excavation.

6) Utilities

Excavations necessary for the installation of utilities, including septic systems.

7) Man-Made Drainage Structures

The repair, reconstruction, and maintenance of existing non-tidal man-made canals, channels, control structures with associated riprap, erosion controls, intake structures, and discharge structures, provided:

- a) All spoil material is deposited directly to a self-contained upland site, which will prevent the release of material and drainage from the spoil site into surface waters of the State;
- b) No more dredging is performed than is necessary to restore the canal, channels, and intake, and discharge structures to original design specifications or as amended by the applicable permitting agency; and,
- c) Control devices in use at the dredge site that prevent the release of turbidity, toxic, or deleterious substances into adjacent waters during the dredging operation.

8) WCAA Canals

Canals of conveyance located in the WCAA which require permits from SFWMD or DEP, provided the permitted project does not exceed 15 feet in depth from OWL.

9) Mitigation Projects

Mitigation projects permitted by SFWMD, DEP, or ERM, pursuant to F.S. ch. 403 and F.S. ch. 373, and Chapter 62-312, F.A.C., as amended, and Art. 14, Environmental Standards, including projects approved to implement an adopted Surface Water Improvement & Management (SWIM) plan, provided the permitted project depth does not exceed 20 feet from OWL or 15 feet from OWL in the WCAA. Projects proposed to exceed these depths shall comply with Art. 4.B.10.B.5, Supplemental Application Requirements, the administrative waiver requirements of Art. 4.B.10.B.8, Administration and Enforcement, and the technical standards of Art. 4.B.10.B.7.a, Operational Standards and Requirements, Art. 4.B.10.B.7.b.1), Separation, Art. 4.B.10.B.7.b.2), Slopes, Art. 4.B.10.B.7.c, Reclamation Standards, and Art. 4.B.10.B.7.d, Performance Guarantee Requirements.

10) Wetlands

Excavation activities within jurisdictional wetlands that have been issued permits pursuant to Wetlands Protection requirements or have been issued a permit for wetland impacts through the Environmental Resource Permit (ERP) process by DEP, USACE, SFWMD, or any other agency with ERP delegation for PBC.

11) Agricultural Ditches

Agricultural ditches supporting vegetation production which meet the standards of Bona Fide Agriculture (i.e., groves, row crops, hay, and tree farming) constructed solely in uplands that are less than six feet in depth from OWL. These ditches shall not connect to canals of conveyance or waters of the State without the appropriate Federal, State, and Local approvals and permits.

12) De Minimis Impact

Those projects for which ERM and PZB approval is necessary and both Departments determine that there will be no significant adverse environmental or land use impacts. A *de minimis* determination from one Agency does not constitute approval by the other.

13) Canals of Conveyance

Canals of conveyance that require permits from SFWMD, USACE, DEP, or ERM pursuant to Wetlands Protection requirements.

14) Excavation by Public Agencies

- a) Excavation performed by or special districts created by special legislative act governed by the BCC, provided such excavation complies with the following:
 - (1) solely under the jurisdiction, authority, and control of PBC, or the applicable district;
 - (2) completed, operated, and maintained in perpetuity by PBC, or the applicable special district;
 - (3) an official part of the operation and function of PBC, or the applicable special district.

- (4) In order to be exempt under this provision, the PBC Department or applicable district shall:
 - (a) schedule and conduct a public hearing; the notice of the public hearing shall be published at least seven days prior to the hearing, in a newspaper of general circulation;
 - (b) provide written notice of the intent to engage in excavation activities subject to a permit issued by the SFWMD or the FDEP to the Executive Director of PZB and the Director of ERM at least 30 days prior to the commencement of construction activity; and,
 - (c) provide written notification of the public hearing required above to the Executive Director of PZB and the Director of ERM at least 30 days prior to the public hearing.
- (5) For excavations greater than the maximum depth listed in Art. 4.B.10.C.1.c, Maximum Depth, and Art. 4.B.10.C.2.g, Depth, the chloride and TDS requirements shall apply.

b) Excavations, Canals, Impoundments

Excavations, canals, impoundments, regional stormwater treatment areas, and related projects to enhance water quality, water supply, environmental quality, and natural resources operated by the SFWMD, ACOE, or water control districts or improvement districts created pursuant to F.S. ch. 298 and within PBC.

5. Supplemental Application Requirements

a. Content of Application

All Type 1B, Type 2, Type 3A, and Type 3B Excavations shall supplement the applicable application requirements with the material and information listed below:

1) Statement

Application listing the nature of the excavation operation, including but not limited to:

- a) Amount and type of materials to be excavated;
- b) Duration of the excavation activity and reclamation activity;
- c) The proposed method of excavation;
- d) The amount of fill to remain on site;
- e) If permitted, the amount of fill to be removed from site; and,
- f) Intent to comply with Art. 9.A, Archaeological Resources Protection.

2) Site Plan

A Site Plan depicting:

- a) Boundaries, dimensions, and acreage of the site and excavated surface area(s);
- b) All existing and proposed improvements including easements, streets, weigh stations, and other structures;
- c) Setbacks and separations;
- d) Preservation areas;
- e) Water table elevations, including ordinary water level.

b. Additional Application Requests for Excavation, Type 3A and Type 3B

All applications for Type 3A and Type 3B Excavations shall require the additional information listed below.

1) Soil Statement

A statement certified by an engineer indicating the type of soils to be excavated and that the soils are suitable for road or structural fill construction or the soil contains excessive amounts of silt, rock, or muck.

2) Site Plan

A Site Plan depicting:

- a) Art. 4.B.10.B.7.a, Operational Standards and Requirements, as applicable;
- b) Equipment storage, and stockpile areas, including sizes and heights; and,
- c) Location of grading, sorting, crushing, and similar equipment necessary for the operation and distribution of excavated material.

3) Landscape Plan

A Landscape Plan indicating the buffers and reclamation planting required.

4) Cross Sections

Cross sections delineating compliance with the following requirements, as applicable:

- a) Art. 4.B.10.B.7.b, Construction Standards;
- b) Art. 4.B.10.B.7.c, Reclamation Standards; and,
- c) Buffer details.

5) Operations Plan

An operations plan shall be submitted in the form of a statement and include the methods of material extraction, on-site processing, including erosion and sediment control methods, and particulate matter control. The plan shall also delineate how impacts from hauling operations will be controlled.

6) Haul Route Plan

A map indicating all possible proposed haul routes within the radius of impacts. Radius of impact is defined as the primary street system commencing at the access point of the excavation site and extending out along all streets in all directions to the closest Arterial or Plan Collector Street.

7) Additional Information

a) Report Schedule

Report Schedule, pursuant to Art. 4.B.10.B.7.e, Maintenance and Monitoring.

b) Location Map

Surrounding uses map depicting the location of the outer boundary of area to be excavated and distances to surrounding land uses; including all residences within the applicable specified distance in the separation standards in Art. 4.B.10.C.5.i, Compatibility Standards.

c) Phasing Plan

A Phasing Plan and tabular data depicting acreage, location, sequence of operations, and schedule of reclamation requirements.

d) Tree Survey

A tree survey, as required by Art. 4.B.10.B.7.c.4)d), Calculating Planting Requirements.

6. Notice of Intent to Construct

All applications for Agricultural, WCAA, Type 2 Excavation, and Type 3 mining activities shall submit a Notice of Intent to Construct in accordance with the provisions below:

a. Notice of Intent

Prior to commencement of any on-site excavation or mining activities, a Notice of Intent to Construct shall be submitted to and receive written approval from ERM.

b. Contents of Notice of Intent to Construct

The following information shall be included with the completed Notice of Intent to Construct form:

- 1) Paving and drainage plans, if applicable;
- 2) Preliminary plat, if applicable, and restrictive covenant, pursuant to Art. 4.B.10.B.7.c.5), Area of Record;
- 3) Art. 4.B.10.B.7.c.3), Littoral Planting Reclamation Standards;
- 4) Master Plan, showing all phases of development, if applicable; and,
- 5) Methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations; a copy of the on-site Stormwater Pollution Prevention Plan shall be submitted as part of the permit application.

Items 1 and 2 (preliminary plat) shall be signed and sealed by a certified Engineer or Surveyor as applicable, recognized and approved by the Florida Department of Professional Regulation (FDPR).

c. Agriculture Excavation

All Agricultural and WCAA Excavation shall submit a detailed explanation of the proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of Bona Fide Agriculture pursuant to Art. 4.B.6.C, Definitions and Supplementary Use Standards for Specific Uses.

d. Type 3 Exceptions

A Type 3 application shall include documentation of an approval for a Class A Conditional Use pursuant to Art. 2.B, Public Hearing Processes.

e. Written Approval

ERM shall issue a written approval to the Applicant within 30 days upon receipt of a Notice of Intent to Construct and appropriate fee with all information necessary to demonstrate that the provisions of this Section will be met, and confirmation by the Land Development Division that all necessary approvals for County R-O-Ws have been issued.

7. Technical Standards

a. Operational Standards and Requirements

All excavation types shall comply with the following operational standards, unless specifically exempt or prohibited pursuant to this Section.

1) Hours of Operation

All excavation and hauling activity, except dewatering, shall only occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, unless otherwise specified in this Section.

2) Objectionable Odors

The excavation activity shall be conducted in such a manner as to prevent the occurrence of odors which can be detected off the premises.

3) Emission of Fugitive Particulate Matter

Excavation operations, including hauling activity, shall be conducted to prevent the emission of dust or other solid matter into the air or onto adjacent properties pursuant to the smoke, emissions, and particulate matter provisions in Art. 5.E, Performance Standards, and Chapter 62-296, F.A.C.

4) Existing Topsoil

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

5) Equipment Storage, Maintenance, and Service Areas

Equipment storage, maintenance, and service areas shall be set back a minimum 200 feet from all property lines abutting a residential district or use. The equipment storage area shall be designed such that noise generated by the equipment is muffled in order to comply with the noise performance standards in Art. 5.E, Performance Standards.

6) Regulated Substances

All storage and use of Regulated Substances shall comply with Local, State, and Federal regulations. All Regulated Substance dispensing areas shall comply with Best Management Practices. Any spill of any Regulated Substance shall be reported to the PBCHD within one hour and to ERM within one hour or at the beginning of the next business day.

7) Dewatering

Dewatering shall not be allowed unless permitted by a State agency, Federal agency, the SFWMD, or the dewatering operation is in compliance with conditions of Rule 40E-20.302(3), F.A.C. If dewatering is permitted, pumps shall be located, submerged, buried, or encased in an insulated structure in order to comply with the noise standards in Art. 5.E, Performance Standards.

8) Access to Public Prohibited

Signs shall be posted prohibiting access to the general public while excavation and reclamation activity is being conducted.

9) Retail Sale of Material

The retail sale of excavated material shall not be permitted on site.

10) Hauling Standards

a) General

- (1) All trucks hauling material from sites that permit off-site removal shall be covered to prevent debris and fill from spilling onto the roadway.
- (2) The hauler shall employ measures acceptable to the PBCHD, and any applicable road maintenance authority, to ensure that roads are properly maintained and kept free of fugitive particulate matter.
- (3) The BCC may require special conditions, including, but not limited to construction of turn lanes and other roadway improvements necessary to provide safe traffic movement.
- (4) All vehicles used to haul excavated material shall use the approved haul routes. Vehicles shall not use Local Residential Streets to access Arterial or Collector Streets.

b) Executed Agreement

The BCC or the County Engineer may require an executed agreement between the Applicant and the County Engineer and other applicable road maintenance authorities which may include but not be limited to documentation of the existing conditions of the streets within the radius of impact, as defined in Art. 4.B.10.B.5.b.6), Haul Route Plan. The agreement shall include a description of the hauling operations including but not limited to the number of trips (as approved in the original Development Order), duration of excavation and hauling activity, truck size and weights, and the existing conditions of all possible streets designated as haul routes, as well as any requirements for periodic inspections, financial guarantees, and the Applicant's other responsibilities.

11) Phasing

In the event the excavation activity is conducted in phases, the Phasing Plan required by Art. 4.B.10.B.7.a, Operational Standards and Requirements, shall be subject to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, Art. 2.E.2.C, Time Limitations for Commencement, and the requirements in Art. 4.B.10.B.7.c, Reclamation Standards. All excavation types, except Type 3A and Type 3B shall comply with Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, which limits the project to two primary phases for the purposes of monitoring commencement of the Development Order. Additional sub-phases may be permitted for each primary phase for the purposes of conducting the excavation activity in accordance with this Section. For Type 3A and Type 3B Excavations, the number of phases and the duration of each phase shall be established as a Condition of Approval. When establishing the Condition of Approval for the number and duration of each phase, the BCC shall consider the size of the proposed excavation project, existing and proposed surrounding land uses, surrounding FLU designations, and other pertinent information.

12) Sound Insulation

All machinery, heavy equipment, and vehicles utilized for excavation and hauling purposes shall be equipped with double mufflers to reduce airborne noise caused by excavation operations.

b. Construction Standards

All excavation types shall comply with the following construction standards, unless exempt.

1) Separation

Separations shall be measured from the top of bank of the nearest excavated area to the property line or designated area in any given direction as defined below: Excavation shall not be constructed within:

- a) Wellfield Zone 1 or 300 feet from a public water supply well, whichever is more restrictive;
- b) 200 feet from a wetland or in a wetland, unless approved by ERM;
- c) 300 feet from a Class 1 or Class 2 landfill;
- d) 300 feet from a site with known contamination;
- e) 100 feet from a septic system or sanitary hazard;
- f) 100 feet from a potable water well, except for Type 1A and Type 1B Excavations; or,
- g) 200 feet from publicly-owned conservation areas, publicly-owned preservation areas, or environmentally sensitive lands, unless approved by ERM.

2) Slopes

a) Slope Angle

Slopes for all excavation types with unplanted littoral zone areas shall be no steeper than four feet horizontal to one foot vertical to a minimum depth of minus two feet OWL. Slopes below the minus two feet depth shall not exceed two feet horizontal to one foot vertical or the natural angle of repose for the specific conditions encountered. Grades and slopes shall be constructed in such a manner as to minimize soil erosion and to make the land surface suitable for revegetation. The slopes shall be adequately vegetated with appropriate ground cover from top of bank to edge of water within 30 days of final grading and thereafter maintained to prevent wind and water erosion.

b) Slope for Planted Littoral Zones

The slope for excavation with planted littoral zone areas shall be no steeper than ten feet horizontal to one foot vertical to a distance of five feet waterward of the designated planted littoral zone area. Shallower slopes are encouraged to promote greater success of the littoral zone plantings. A copy of the record drawings certified by a Surveyor or Engineer

recognized and approved by FDPR shall be submitted to ERM within 30 days following completion of slope construction.

(1) Inspection

Within 48 hours prior to completion of construction of the required slopes for the planted littoral zones, notification to ERM is required in order to schedule a slope inspection.

c) Drainage

Overland sheet flow directly into an excavated area shall be minimized. Those areas within a maximum of 50 feet of the excavated lake may discharge runoff to the lake. This restriction shall not apply to any catchment area discharging runoff to a lake designated as a water management tract and incorporated in an approved stormwater management plan for treatment and control of runoff from a development site, where the boundaries of said catchment are delineated on an approved plan.

3) Final Site Conditions

No sharp declivities, pits, depressions, or debris accumulation shall remain after reclamation. Final grading shall conform to the contour lines and grades on the approved reclamation plan.

c. Reclamation Standards

1) General

a) Types of Reclamation

Four types of reclamation standards are defined below. Reclamation standards vary based on the type of excavation activity as set forth in this Section.

(1) Excavated Area

This area includes the depth of a lake and all slopes waterward of the top of bank, excluding littoral plantings.

(2) Littoral Planting

This area includes all plantings waterward from edge of OWL or plus one OWLs.

(3) Upland

This area includes the land area landward of the top of bank and requires that a minimum area of land be maintained or created around the perimeter of an excavated area to preserve future use of the land.

(4) Upland Planting

This area includes all plantings landward of the top of bank and requires stabilization of soil and reestablishment of native upland vegetation.

2) Excavated Area Reclamation Standard

All slopes shall be reclaimed in accordance with Art. 4.B.10.B.7.b, Construction Standards, and in Art. 4.B.10.B.7.c, Reclamation Standards. Areas not required to be stabilized with littoral plantings shall be stabilized and planted with appropriate ground cover from top of bank to the edge of the water. If seeding is used, a minimum of 50 percent coverage shall be required. The depth of the lake and side slopes shall comply with Art. 4.B.10.B.7.b, Construction Standards.

3) Littoral Planting Reclamation Standards

All Agricultural (excluding WCAA), Type 2, and Type 3 Excavations, excluding ponds, shall comply with the following littoral zone standards. Exempted excavations within the WCAA shall provide a littoral zone if the land use ceases to be agricultural.

a) Planted Littoral Zones

Planted littoral zones shall be provided which comprise, at a minimum, an area equivalent to eight square feet per linear foot of shoreline. Creativity in design in the placement of the planted littoral zone is strongly encouraged, such as extended areas in one portion of the lake or at the discharge point. For basins with multiple lakes that are interconnected, littoral zones may be concentrated within one or more lakes so long as the basin as a whole contains the total required littoral area. The planted littoral zone area shall be limited to the area between one foot above OWL and two feet below OWL. If the Applicant demonstrates to ERM that the planted littoral area elevations should differ from this requirement based on site-specific conditions and based on fluctuations around the OWL, ERM may approve planted littoral area elevations other than those elevations stated above. Requirements for littoral zone planting shall be in addition to any planting for wetland mitigation required by DEP, SFWMD, USACE, ERM, or any other agency with wetland jurisdiction.

b) Vertical Walls

Vertical walls, bulkheads, or other means of hardening the shoreline may be allowed, however, for each linear foot of vertical wall, an additional eight square feet of planted

littoral zone shall be required. Thus every linear foot of vertical wall shall require 16 square feet of planted littoral zone to be planted.

c) Planting Requirements

The littoral zone shall be provided with a minimum of six inches of a sand topsoil mix to promote vegetative growth for those areas that do not have adequate soil conditions to ensure plant survivorship. The littoral zone shall be planted with at least five species of appropriate native wetland vegetation, with an average spacing of two feet on center or as approved by ERM. The design and species used shall be such that the plants have an anticipated minimal 80 percent coverage. This criterion shall be met from the 180-day monitoring period, and in perpetuity. The Director of ERM shall maintain a list of acceptable plant species for use in their appropriate elevations within the littoral zones. The list may be amended for general application as more information becomes available. The list shall be open for public inspection and distribution.

d) Timing of Planting

Planting of the excavated lake or pond shall occur no later than immediately prior to the issuance of the first Certification of Occupancy for any lot adjacent to or abutting the bank of that lake. ERM may approve in writing a Phasing Plan for planting large single-lake systems or interconnected multi-lake systems that would allow lake planting to be phased. At all times, Applicant is responsible for minimizing erosion of the littoral shelves until the planting is completed. ERM shall be notified within 48 hours prior to completion of the littoral zone planting.

e) Littoral Planting Plans

The plans shall detail the species and numbers of plants to be used, the location, and dimensions of the littoral areas, including any compensatory littoral areas, if applicable; typical cross section of planted littoral zones from lake maintenance easements to the maximum depth of the lake; the location and dimensions of any structure for which a compensatory littoral area is required; the methods for planting and ensuring survival of the plants; and, other reasonable information required by the Director of ERM.

Projects which are proposed to be conducted in phases, shall include plans which delineate the phases of excavation and shall include guarantees for each phase.

The signatory of the plans and specifications shall have a personal familiarity with the site and soil conditions based upon a field review.

4) Upland Reclamation Standards

Upland reclamation standards apply to Type 2 and all Type 3 Excavations only.

a) Reclamation Plan

(1) General

A site reclamation plan shall be submitted as an integral part of the application for a Type 2 or Type 3 Excavation and shall be approved by DRO prior to commencement of work. Reclamation is required to ensure a viable end use for the excavation site. The plan shall demonstrate compliance with the requirements in Art. 4.B.10.B.7, Technical Standards, except for the littoral planting plan which has its own application submittal requirements. However, the reclamation plan submitted to DRO shall indicate the littoral planting areas.

(2) Type 2 Excavation

The certified final site development plan shall function as the standards required for the final development plan.

(3) Type 2 Excavation Exceeding Off-Site Removal Limitations

As set forth in Art. 4.B.10.C.4, Type 2 Excavation, shall be classified as a Type 3A Excavation when the Applicant proposes to remove more than ten percent of the fill off site. Notwithstanding Final Site Plan certification, the final site development plan shall function as the reclamation plan and planting requirements shall be met in accordance with the landscape requirements for the final site development plan. In such cases, the BCC may waive all or modify a portion of the explicit upland reclamation planting requirements defined below based on the ultimate use of the site. The BCC may require that the upland reclamation plantings defined below be incorporated into the open space pedestrian system as defined on the final site development plan.

(4) Type 3 Excavation

The reclamation plan for a Type 3 Excavation shall comply with the upland reclamation standards in this Section.

b) Perimeter Reclamation

At a minimum, 75 percent of the perimeter of the excavated area shall have a width of 180 feet; and the remaining 25 percent shall have a width of 100 feet. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to provide adequate growing conditions for reclamation planting requirements, and to prevent the establishment of prohibited plant species.

c) Timing of Upland Reclamation

Reclamation shall occur immediately following the end of excavation or immediately following each phase of excavation, whichever occurs first. Upon commencement of reclamation and rehabilitation of the initial phase of this excavation, the next phase of excavation may commence upon written authorization by the DRO. The applicable guarantee must be on file prior to authorization for the commencement of excavation on any subsequent phase.

(1) Timing of Planting

If excavation activity is phased, planting shall occur at the completion of each phase. Planting of the reclaimed upland area should occur during the rainy season (June through October), within six months after completion of the excavated area or phase thereof, as applicable. The Property Owner shall ensure that proper watering and maintenance occurs in order to ensure a successful survival rate. If planting does not occur during the rainy season, then the Property Owner shall provide irrigation to establish the new plantings. PZB shall be notified 48 hours prior to completion of the upland plantings.

d) Calculating Planting Requirements

In addition to the buffer requirements in Art. 4.B.10.C.5, Type 3 Excavation, the following upland planting requirements shall apply.

(1) Sites Supporting Native Vegetation

Calculations to determine the reclamation planting requirements for sites supporting native vegetation shall be based on the existing tree cover. Controlled or prohibited species shall be exempt from this calculation. In addition, any tree species located within the required perimeter buffer area shall also be exempt. If no vegetation exists, the Applicant shall demonstrate that the site was cleared before 1986 or has been issued and has complied with a vegetation removal permit.

A certified tree survey shall be submitted by either a Landscape Architect, forester, land Surveyor, or Engineer who is registered in the State of Florida. This count shall include all existing on-site native trees with a trunk diameter three inches or greater to be measured at four and one-half feet above the ground. The number of existing trees meeting this criterion shall then be divided by the total number of acres to obtain a tree-per-acre figure. The number of replacement trees to be planted at the time of final site reclamation shall be determined by multiplying the trees-per-acre figure by the number of required reclaimed land acres remaining at the time of final site reclamation. Credit shall be given by PZB for existing trees greater than three inches in diameter which are relocated and/or adequately protected during excavation. Any trees relocated and/or protected shall be deducted from the replacement tree count requirement. The trees to be replanted shall be native and a minimum eight feet high. In addition, two understory 18-inch-high seedlings shall be planted for each tree required to be planted.

e) Upland Planting Reclamation Standards

The upland reclamation plantings may be clustered in one area of the reclaimed upland area or dispersed throughout the reclaimed upland area. No minimum or maximum area is required, except as a Condition of Approval, as long as the vegetation is planted in accordance with standards set forth in Art. 7.D, Landscape Standards, and Art. 14.C, Vegetation Preservation and Protection. A minimum of five native plant species shall be used to fulfill the planting requirements. The design and species used shall be such that the plants have an anticipated minimal survival rate of at least 80 percent at the end of each monitoring period.

f) Plan Requirements

The upland reclamation planting plan shall be submitted to the DRO simultaneously with the application for the Final Site Plan.

- (1) The signatory of the plans and specifications shall have personal familiarity with the site and soil conditions based upon a field review. The plans shall be signed and sealed by a professional Landscape Architect certified by the Florida Department of Professional Regulation.
- (2) At a minimum, the plans shall detail the location, species, and numbers of plants to be used, and the methods for planting and ensuring survival of the plants, and other reasonable information required by ERM.

g) Phased Projects

In the event that upland reclamation is to be conducted in phases, the following additional requirements shall apply:

- (1) A Phasing Plan shall be submitted indicating:
 - (a) exact acreage of each phase;
 - (b) proposed duration of excavation and reclamation of each phase; and,
 - (c) number of trees to be planted.

5) Area of Record

All reclaimed littoral and upland planting areas shall be identified graphically and in writing on a separate restrictive covenant. The graphic shall be signed and sealed by a certified Engineer or Surveyor as applicable, recognized and approved by the FDPR. If a plat is required, pursuant to Art. 11, Subdivision, Platting, and Required Improvements, all planted littoral zones and upland reclamation planting areas shall be identified by reference to the restrictive covenant. The plat and restrictive covenant shall be reviewed and approved by the Zoning Division, ERM, and the County Attorney's Office prior to recordation. A copy of the plat, if applicable, and recorded restrictive covenant shall be provided to ERM and PZB, prior to issuance of written approval of the Notice of Intent to Construct. Within 30 days following plat recordation, a copy of the recorded plat shall be provided to ERM and Zoning Division. An Applicant may submit a written request to ERM to approve the termination of a recorded restricted covenant agreement provided the DO has been rescinded and no excavation of any water management tract has occurred. A copy of the termination of the restrictive covenant shall be provided to ERM. A restrictive covenant may be amended upon written request by an Applicant and approval by ERM. The littoral area and reclaimed upland planting area shall be specifically and separately reserved to the owner, or if applicable, to the Property Owners' Association as its perpetual maintenance responsibility, without recourse to PBC or any other governmental entity or agency. The plat, if applicable, restrictive covenant, and Property Owners' Association documents, shall contain the following statement: [Ord. 2019-034]

It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations and approvals to alter the approved slopes, contours, or cross sections or to chemically, mechanically, or manually remove, damage or destroy any plants in the reclaimed areas and planted littoral zone except upon the written approval from the Director of ERM or Zoning, as applicable. It is the responsibility of the owner or property owners association, its successors or assigns, to maintain the required survivorship and coverage of the reclaimed upland and planted littoral areas and to ensure on-going removal of prohibited and invasive non-native plant species from these areas.

d. Performance Guarantee Requirements

1) General

ERM shall administer guarantee requirements for the excavated area and littoral plantings. The Zoning Division shall administer guarantee requirements for reclaimed upland area, and upland plantings. The Land Development Division shall administer guarantee requirements associated with road maintenance and repair of haul routes if required by the BCC or County Engineer executed agreement pursuant to Art. 4.B.10.B.7.a.10)b), Executed Agreement.

2) Guarantees Required

The guarantees for phased projects may be bonded separately with approval by the DRO.

a) Agricultural and Type 2 Excavations

Agricultural and Type 2 Excavations shall be required to provide a guarantee for the littoral zones. If approved as a Class A Conditional Use, guarantees may also be required for the excavated area, upland reclamation (excluding upland plantings), and roadway maintenance and repair.

- b) Type 3 Excavation**
Approval of at least five guarantees shall be required for Type 3 Excavation:
- (1) excavated areas;
 - (2) reclaimed upland areas;
 - (3) upland planting areas; and,
 - (4) littoral zones.
- c) Approval may be required for Type 3 Excavation for road maintenance and repair.
- 3) Execution**
The performance guarantee shall be executed by a person or entity who owns a property in part or in whole or has legal interest in the property. Transfer of title to the subject property shall not relieve the need for the performance guarantee. The seller shall maintain, in full force and effect, the original performance guarantee until it is replaced by the purchaser. [Ord. 2019-034]
- 4) Form of Guarantee**
The guarantee shall assure the project performs as approved by the BCC and in accordance with the standards of this Code. The guarantee shall take the form of:
- a) A cash deposit or certificate of deposit assigned to PBC;
 - b) An escrow agreement for the benefit of PBC;
 - c) A performance bond issued by a Florida-registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations. Said bond may be canceled only upon a 60-day written advance notice and acceptance of cancellation by ERM, PZB, or Land Development Division, as applicable;
 - d) An unencumbered, clean, irrevocable letter of credit which must be executed on a form provided by PBC; or,
 - e) Unless otherwise approved in writing by ERM, PZB, or Land Development Division, as applicable, performance bonds or letters of credit shall be on forms provided by PBC.
- 5) Amount of Guarantee**
- a) General**
The amount of the guarantees shall be adjusted in accordance with the Consumer Price Index, as provided by the Congressional Budget Office and as approved by the County Attorney's Office.
 - b) Excavated Area**
The guarantee shall be a minimum of 1,000 dollars per acre of permitted excavation area.
 - c) Littoral Zones**
The guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for planting, maintaining, and monitoring the required littoral shelves. ERM retains the option for requesting a second cost estimate for which the performance guarantee is based.
 - d) Reclaimed Upland and Upland Planting Areas**
The guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for reclaiming, planting, maintaining, and monitoring the upland area and required upland planting areas. PZB retains the option for requesting a second cost estimate for which the guarantee is based.
- 6) Submittal and Approval of Guarantee**
Except in the case of an application by a political subdivision or agency of the State, all Applicants shall submit the guarantee instruments and obtain approval of the guarantee as provided below.
- a) Reclaimed Upland Area and Upland Planting Areas**
Guarantees for the reclaimed upland area and upland planting areas shall be submitted with the DRO application and approved prior to DRO approval of the Final Excavation Plan.
 - b) Excavated Area and Littoral Zones**
Guarantees for the excavated area and littoral zones shall be approved by ERM prior to issuance of written approval of the Notice of Intent to Construct.
 - c) Road Maintenance and Repair**
When required, guarantees for road maintenance and repair shall be approved by the Land Development Division prior to issuance by ERM of the Applicant's Notice of Intent to Construct.

7) Duration and Release

The guarantee for the excavated area and upland reclamation area of Type 3 Excavation may be reduced once the “as-built” plan is approved. However, the guarantee shall continue to cover the upland planting and littoral planting areas until released by Palm Beach County.

a) Excavated Areas for Type 3 Excavation

At the request of the Applicant, the guarantees shall be released by ERM, after DRO certification of the final as-built reclamation plan, in accordance with Art. 4.B.10.C.5.g, Use Approval and Procedures.

b) Upland Reclamation Area

At the request of the Applicant, the guarantees shall be released by PZB, after DRO certification of the final as-built reclamation plan, in accordance with Art. 4.B.10.B.7.c.5), Area of Record.

c) Littoral and Upland Planting Reclamation Areas

The guarantees shall remain in effect a minimum of 730 days (two years) after reclamation is completed in accordance with all requirements of this Section. Guarantees shall not be released until approved plats or separate instruments are recorded and proof of recordation is provided to ERM and PZB, pursuant to Art. 4.B.10.B.7.d, Performance Guarantee Requirements. Following verification of successful completion of reclamation through approval of the submitted as-builts, area of record, monitoring reports, and, site inspection(s) by ERM and PZB, as applicable, guarantees shall be released.

d) Road Maintenance and Repair

When required, the guarantee shall be released by the County Engineer and any applicable road maintenance authority after certification of the final phase of the as-built plan and upon final inspection and acceptance of the repair, maintenance, and condition of the streets within the radius of impact.

8) PBC Use of Guarantee

Should PBC find it necessary to use the performance guarantee for corrective work or to fulfill the Applicant’s reclamation, reconstruction, or maintenance obligations as set forth herein, the Applicant shall be financially responsible for all legal fees and associated costs incurred by PBC in recovering its expenses from the firm, corporation, or institution that provided the performance guarantee.

e. Maintenance and Monitoring

The following maintenance and monitoring program is required for all planted littoral zones and reclaimed planted upland areas.

1) Excavation Activity

The Applicant shall submit an annual report to the DRO indicating the status of the excavation activity. The report shall include, but not be limited to, the status of:

- a) the current phase(s) of excavation;
- b) all phases of excavation and reclamation activities (including date(s) of completion and anticipated dates of completion);
- c) amount of material extracted and amount of material removed from the site;
- d) condition of perimeter buffers and landscaping; and,
- e) status of compliance with Conditions of Approval and applicable requirements in this Section.

2) Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas

The planted littoral zones and planted upland areas shall be inspected and monitored for at least one year after planting. Equipment storage, maintenance, and service areas shall be monitored until completion of the excavation activity for contamination by Regulated Substances. The maintenance and monitoring program shall comply with the following requirements:

a) Maintenance

Inspections, monitoring, exotic plant species removal, and replanting during each monitoring period shall be required to maintain the minimum:

- (1) 80 percent coverage criterion for the planted littoral zone from the 180-day monitoring period; and
- (2) 80 percent survivorship for the planted upland area from the 180-day monitoring period;

b) Exotic Plant Species

Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:

- (1) prohibited and invasive non-native plant species as defined by Art. 14.C, Vegetation Preservation and Protection; and
- (2) invasive species, such as cattails, primrose willows, and water hyacinth.

c) Regulated Substances

Inspections and monitoring of all equipment storage, maintenance, and service areas shall be required to ensure the site has not been contaminated by Regulated Substances. Construction areas shall be maintained in accordance with the "Regulated Substance Best Management Practices for the Construction Industry."

d) Submittals for Monitoring Programs

Submittal of monitoring reports for each monitoring period shall be required. The planted littoral zone reports shall be submitted to ERM and the reclaimed upland planting reports shall be submitted to the Zoning Division. These monitoring reports shall represent the monitoring periods commencing with a time zero report, 90-day, 180-day, and 360-day reports.

The time zero monitoring report shall be submitted within 30 days of the initial planting. Each subsequent report shall be submitted within 30 days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, PBC finds the planted littoral or reclaimed planted upland areas to be in non-compliance with the provisions herein, the landowner or entity having maintenance responsibility may be required by PBC to extend their maintenance and monitoring period, until compliance with the maintenance and monitoring requirements is met.

e) Content of Monitoring Reports

Each monitoring report, including the time zero report, shall assess the species, numbers, and locations of planted littoral zones and reclaimed upland planting areas. The report shall also depict the equipment storage, maintenance, and service areas and assess the condition of the ground as a result of possible leakage or spillage of Regulated Substances. The report shall include multiple photographs (panoramas are preferred) of the site clearly showing these areas. Photographs must be taken at approximately the same location(s) each time.

In addition, the report shall detail the species, numbers, and locations of additional plantings that were made to attain the 80 percent survivorship/coverage criteria, if such plantings were necessary.

3) Long-Term Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas

After the first year, the landowner or entity having maintenance responsibility for the planted littoral zone and planted upland reclamation area, shall maintain these areas in the following manner.

- a) The reclaimed upland areas shall maintain a minimum survivorship of 80 percent, and the planted littoral zone shall maintain a minimum coverage of 80 percent.
- b) Exotic and invasive non-native plant species as defined by Art. 14.C, Vegetation Preservation and Protection, such as cattails, primrose willows, and water hyacinth, shall be restricted to a coverage of less than ten percent of the required planted littoral zone. No exotic or invasive non-native plant species shall be permitted in the upland areas.

4) Repair, Reconstruction, Modification

DRO approval shall be obtained prior to any reconfiguration of the approved lake or reclaimed upland area. Written approval from the Director of ERM shall be obtained prior to modification of the planted littoral zones.

8. Administration and Enforcement

a. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type 2, and Type 3 Excavations

1) Authority and Criteria

Administrative waivers from the slope, depth, or littoral zone standards contained in Art. 4.B.10.B.7, Technical Standards, for Agricultural, WCAA, Type 2, and Type 3 Excavations may be granted by ERM in accordance with the Standards of this Section. ERM may grant the waivers to an Applicant upon demonstration by a preponderance of evidence, that such administrative waivers will not be injurious to the area involved or otherwise detrimental to the public welfare, and that special or unique circumstances exist to justify the administrative waivers based on one or more of the following conditions:

- a) That the literal application of these Standards will create an unreasonable hardship and that the special and unique circumstances do not result from the actions of the Applicant;
- b) That a request for relief from the littoral planting requirements include an alternative plan with a contribution to the Pollution Recovery Trust Fund of twice the amount calculated by the formula for a guarantee located in Art. 4.B.10.B.7.d.5)c), Littoral Zones and for review and approval by the Director of ERM. If the littoral zone had been depicted on the Site or Master Plan, a modification of the plan shall be processed in order to delete the littoral zone from the plan;
- c) That appropriate technology and methods will be used to ensure consistency with the intent of the Code; or,
- d) The proposed administrative waiver will not be adverse to the general intent and purpose of this Section.

2) Limitations

No administrative waiver shall be approved for those separation items in Art. 4.B.10.B.7.b, Construction Standards, unless the item specifically allows approval by ERM; nor for any excavation or mining operation location which will reduce hydraulic recharge distances to a public water supply well in excess of two percent; nor within 200 feet of a publicly-owned conservation area, environmentally sensitive land area, or publicly-owned preservation area. An administrative waiver may be granted for littoral areas within a lake supporting Bona Fide Agriculture operations. If the land use changes from Bona Fide Agriculture use, the littoral requirements for the new land use shall be required.

3) Review Process

The request shall be included with the Notice of Intent to Construct, unless a Notice of Intent to Construct has been previously approved. An appropriate fee and drawings of sufficient detail shall be required in order to provide the information needed to determine if granting approval of the waiver is appropriate. The application and drawings, excluding littoral planting plans, shall be signed and sealed by a professional recognized and approved by the Florida Department of Professional Regulation for this type of project.

- a) Upon receipt of a request to deviate from the Construction Criteria, ERM shall have 30 days to request any additional information.
- b) Within 30 days of receipt of the requested additional information, ERM may only request information needed to clarify the additional information supplied or to answer new questions raised by or directly related to the additional information.
- c) If ERM does not ask for additional information within 30 days of receipt of the request, the request shall be deemed complete upon date of receipt.
- d) If an Applicant fails to respond to a request for the fee or any additional information within 60 days, the request may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information. ERM action shall be approval or denial, and shall be included with the issued written approval of the Notice of Intent to Construct.

b. Violations, Enforcement, and Penalties

1) Violations

Violations not related to conditions imposed by the Notice of Intent to Construct excavation, may be referred to the Director of Code Enforcement as determined by the Director of ERM.

For each day or portion thereof, it shall be a violation of this Section to:

- a) fail to comply with a requirement of this Section, a condition of an approval, or an authorized exemption granted hereunder;
- b) fail to comply with the design specifications or littoral planting plan submitted with the Notice of Intent to Construct for which a written approval was issued by ERM;
- c) alter or destroy the approved depths, slopes, contours, or cross sections;
- d) chemically, mechanically, or manually remove, damage, destroy, cut, or trim any plants in the littoral zones, except upon written approval by the Director of ERM;
- e) dredge, excavate, or mine the lake or littoral zones without prior receipt of approval(s) from ERM and/or PZB;
- f) cause water quality violations in excess of the standards contained in Chapter 62-302, F.A.C.; or,
- g) dewater in Type 1A, Type 1B, and Agricultural Excavations unless otherwise permitted by a State agency, Federal agency, or the SFWMD.

c. Enforcement

Violation of each provision of this Section, any Conditions of Approval, or any of those violations listed in Art. 4.B.10.B.8.b, Violations, Enforcement, and Penalties, above, shall be deemed a separate violation and may be subject to fines up to 1,000 dollars per day per violation. In order to enforce compliance with the provisions of this Section, ERM, PZB, and the County Engineer may issue a cease and desist order or require that future DRO certifications be denied or a Building Permit or CO be withheld. Violations of the provisions of this Section shall be punishable by one or more of the following:

- 1) Quadruple permit fees shall be assessed if permits were not obtained for violations involving activities which would otherwise have been permissible, as determined by ERM, PZB, or the Land Development Division.
- 2) This Section shall be enforced through the remedies as outlined in Art. 10, Enforcement. However, PBC is not prevented from enforcing the provisions of this Section by any other measures allowable by law, including but not limited to, F.S. ch. 125 and F.S. ch. 162, as may be amended.
- 3) If the Applicant has violated the provisions of this Section, or a Condition of Approval, Staff may place the subject Development Order back on a BCC agenda for reconsideration in accordance with the provisions of Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, and Art. 10, Enforcement.

d. Restoration

Damage to upland reclamation areas, planted littoral shelves, littoral plants, and/or streets may result in an order to restore to the approved conditions. Excavation operations that have occurred without approval and receipt of written approval from ERM, PZB, or the County Engineer, as applicable may result in an order to restore the site or streets in the radius of impact to preexisting conditions.

e. Additional Remedies

In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions, to enforce the provisions of this Section.

f. Use of Collected Monies

All monies collected by ERM as civil penalties for violations of this Section shall be deposited in the PBC Pollution Recovery Trust Fund.

9. Appeals

An Applicant may appeal a final determination made by the appropriate authority that interprets excavation uses as contained in Art. 1.B.1.A, Authority, based on the appeal process in Art. 2.A.14, Appeal.

C. Definitions and Supplementary Use Standards for Excavation Uses

Before commencement of any excavation, approval shall be obtained pursuant to the procedures and standards defined in this Section.

1. Agricultural Excavation

a. Definition

Excavation necessary to support Bona Fide Agriculture production operations, including but not limited to the creation of ponds or lakes to construct accessory structures supporting the agricultural use, livestock ponds, canal laterals, and roads, but excluding customary agricultural activities such as plowing and maintenance of canals and roads.

b. Separation and Setbacks

In addition to the separation requirements in Art. 4.B.10.C.1, Agricultural Excavation, shall maintain a minimum setback of 100 feet, measured from the inside edge of the lake maintenance easement to any adjacent property line.

c. Maximum Depth

Excavation activity shall not exceed 20 feet from OWL. This maximum depth may be exceeded if approved by ERM in accordance with Art. 4.B.10.B.8, Administration and Enforcement, provided the Applicant adequately ensures that chloride levels shall not exceed 250 parts per million (ppm) and total dissolved solids (TDS) either does not exceed 500 ppm or is in accordance with Rule 62-520.420(2), F.A.C. in the excavated lake based on groundwater sampling prior to construction, or the Applicant may provide reasonable assurance that the ambient off-site chloride and TDS levels will not be degraded based upon background levels. Additional sampling may be required by ERM during and after construction.

d. Sediment Sump

A sediment sump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. A sump shall not exceed five percent of the mined lake area.

e. Reclamation, Maintenance, and Monitoring

Agricultural Excavation shall comply with the excavated area, and littoral zone reclamation requirements of Art. 4.B.10.B.7.c, Reclamation Standards, and Art. 4.B.10.B.7.c.2), Excavated Area Reclamation Standard, Art. 4.B.10.B.7.c.3), Littoral Planting Reclamation Standards, Art. 4.B.10.B.7.c.5), Area of Record, and Art. 4.B.10.B.7.e, Maintenance and Monitoring requirements, and Art. 4.B.10.B.8.e, Additional Remedies, unless waived by ERM.

f. Use Approval and Procedures

All applications for Agricultural Excavation shall include a detailed explanation of the proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry standards and satisfy the definition requirements of Bona Fide Agriculture pursuant to Art. 4.B.6.C, Definitions and Supplementary Use Standards for Specific Uses. The excavation shall be the minimum necessary to implement the proposed Bona Fide Agriculture use.

1) Two Acres or Less – DRO

Agricultural Excavation consisting of two acres or less in surface area, may be approved pursuant to Art. 2.G.4.G, Development Review Officer (DRO). The DRO shall review for compliance with the standards of this Section and may approve the application with or without conditions.

2) Greater Than Two Acres – Conditional Use

Off-site removal shall apply the appropriate compatibility standards of Art. 4.B.10.C.5, Type 3 Excavation.

3) Additional Review

See Art. 4.B.10.C.5.g.1), Excavation Pre-Application Checklist.

g. Guarantee Requirements

Agricultural Excavation shall comply with the guarantee requirements pursuant to Art. 4.B.10.B.7.d, Performance Guarantee Requirements.

h. Notice of Intent to Construct

In accordance with Art. 4.B.10.B.6, Notice of Intent to Construct, shall be required.

i. WCAA Excavation

1) Operational and Construction Standards

An application for WCAA Excavation shall comply with the standards in Art. 4.B.10.B.7.a, Operational Standards and Requirements, and Art. 4.B.10.B.8.b, Violations, Enforcement, and Penalties, except for hours of operation.

2) Separations and Setbacks

In addition to the separation requirements in Art. 4.B.10.B.7.b.1), Separation, a WCAA Excavation shall maintain a minimum setback of 50 feet measured from the inside edge of the lake maintenance easement to any adjacent property lines.

3) Depth

The maximum depth for the excavated lake or pond shall not exceed 15 feet from OWL due to chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM in accordance with Art. 4.B.10.B.8, Administration and Enforcement, provided the Applicant adequately ensures that chloride levels shall not exceed 250 parts per million (ppm) and total dissolved solids (TDS) does not exceed 500 ppm or is in accordance with Rule 62-520.420(2), F.A.C. within the excavated lake or pond based on groundwater sampling prior to construction. Additional sampling may be required during and after construction.

4) Sediment Sump

A sediment sump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. However, this sump shall not exceed five percent of the mined lake area.

5) Approval and Procedures

All applications for WCAA Excavation shall include a detailed explanation of the proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of Bona Fide Agriculture pursuant to Art. 4.B.6.C, Definitions and Supplementary Use Standards for Specific Uses. Excavation shall be the minimum necessary to implement the Bona Fide Agriculture use.

a) Additional Requirement. See Art. 4.B.10.C.5.g.1), Excavation Pre-Application Checklist.

6) Notice of Intent to Construct

In accordance with Art. 4.B.10.B.6, Notice of Intent to Construct, shall be required.

2. Type 1A Excavation

a. Definition

Excavation necessary to obtain fill for the construction of a Single Family dwelling or an accessory structure to a Single Family dwelling on a lot.

b. Lot Size

A minimum of one acre.

c. Excavated Surface Area

The maximum surface area of all excavation on the premises shall be less than one-fifth acre or 8,712 square feet.

d. Off-Site Removal

Off-site removal of extracted material is prohibited.

e. Separation and Setbacks

In addition to the separation requirements in Art. 4.B.10.B.7.b.1), Separation, Type 1A Excavation shall maintain the following minimum setbacks, measured from the inside edge of the lake maintenance easement.

- 1) 15 feet at the time of construction from any adjacent property line. The top of bank shall be a minimum of five feet.
- 2) 50 feet from any potable water well.
- 3) 100 feet from any septic system pursuant to Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP). [Ord. 2022-019]

f. Slope

If a lake excavated prior to June 16, 1992, does not comply with the minimum slope requirements of Art. 4.B.10.B.7.b.2), Slopes, a minimum four-foot-high gated fence completely enclosing the excavated area may be substituted for the required slopes.

g. Depth

Excavation activity shall not exceed ten feet in depth below OWL.

h. Reclamation

The Applicant shall comply with the following reclamation requirements prior to issuance of a CO.

- 1) Compliance with the slope and drainage and reclamation standards of Art. 4.B.10.B.7.b, Construction Standards, shall be required.
- 2) The Property Owner shall submit a Certificate of Compliance sealed by a registered land Surveyor to the Building Division depicting:
 - a) an as-built survey showing the location, size, and depth of the excavated area; and
 - b) in cases where no permanent water body is created, the Site Plan submitted with the Building Permit shall serve as the reclamation plan.

i. Use Approval and Procedures

The request shall be made concurrent with an application for a Building Permit. Approval shall be issued concurrent with receipt of a Building Permit for a Single Family dwelling.

1) Application Requirements

The Building Permit plans shall be supplemented with the following information:

a) Site Plan

A general Site Plan complying with the standards of this Section;

b) Statement

A statement estimating the amount of excavated material, in cubic yards; and,

c) Notarized Authorization

Notarized authorization from the Property Owner to excavate.

2) Determination of Sufficiency, Review, and Decision

A Building Permit shall be issued by PZB, with or without Conditions of Approval, after the application has been determined complete and in compliance with this Section.

3. Type 1B Excavation

a. Definition

Excavation necessary to obtain fill for the construction of a Single Family dwelling or an accessory structure to a Single Family dwelling on a lot.

b. Lot Size

A minimum of two and one-half acres.

c. Excavated Surface Area

The maximum surface area of all excavation on the premises shall be less than 25 percent of the gross lot area and shall not exceed two acres.

d. Off-Site Removal

Off-site removal of extracted material is prohibited.

e. Separations and Setbacks

In addition to the separation requirements of Art. 4.B.10.B.7.b, Construction Standards, Type 1 Excavation shall maintain the following minimum setbacks:

1) 30 feet at the time of construction from any adjacent property line.

2) 50 feet from any potable water well.

3) 100 feet from any septic system pursuant to Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP). [Ord. 2022-019]

f. Maximum Depth

Excavation activity shall not exceed 15 feet in depth below OWL.

g. Reclamation

The Applicant shall comply with the following reclamation requirements prior to issuance of a CO.

1) Compliance with the slope angle, drainage, and reclamation standards of Art. 4.B.10.B.7.b, Construction Standards.

2) The Property Owner shall submit a Certificate of Compliance sealed by a registered land Surveyor to the DRO depicting:

a) An as-built survey showing the location, size, and depth of the excavation.

b) In cases where no permanent water body is created, the Building Permit Site Plan shall serve as the reclamation plan.

h. Use Approval and Procedures

The request shall be made concurrent with an application for a Building Permit. Approval shall be issued concurrent with receipt of a Building Permit for a Single Family dwelling.

1) DRO Approval

Pursuant to Art. 2.C, Administrative Processes: DRO approval shall be required. The DRO shall review for compliance with this Section and may approve the application with or without conditions.

2) Duration

A Type 1B Excavation permit shall expire 120 days from the date authorization is received to begin excavation activity. The DRO may grant one 90-day extension.

4. Type 2 Excavation

a. Definition

Excavation necessary to create a lake or lakes required to implement a Development Order.

b. Location

A Type 2 Excavation may be permitted to implement a Development Order for a principal use as allowed in this Section, and to implement a Final Master Plan, Final Site Plan, or Final Subdivision Plan approved by the DRO.

c. Standards

An application for a Type 2 Excavation shall comply with the following requirements:

- 1) Art. 4.B.10.B.7.a, Operational Standards and Requirements, and Art. 4.B.10.B.7.b, Construction Standards;
- 2) Excavated area, littoral zone, and general upland reclamation requirements pursuant to Art. 4.B.10.B.7.c, Reclamation Standards;
- 3) Art. 4.B.10.B.7.d, Performance Guarantee Requirements;
- 4) Art. 4.B.10.B.7.e, Maintenance and Monitoring; and,
- 5) Art. 4.B.10.B.6, Notice of Intent to Construct.

d. Separations and Setbacks

In addition to the separation requirements in Art. 4.B.10.B.7.b.1), Separation, Type 2 Excavation shall maintain a minimum setback of 30 feet, measured from the top of bank to the perimeter boundary of the Planned Development District, Subdivision, Final Site Plan, streets 80 feet in width or greater, and canal R-O-W. For the purpose of this separation and setbacks provision, the top of bank is considered the waterward edge of the lake maintenance easement.

e. Depth

The maximum depth of a Type 2 Excavation shall be in accordance with Art. 4.B.10.C.1.c, Maximum Depth.

f. Use Approval and Procedures

1) DRO Approval

Prior to initiating Type 2 Excavation activities, the DRO shall review the final site development plan for compliance with the standards of this Section and may approve with or without conditions.

2) Off-Site Removal of Excess Fill – DRO

The DRO may approve removal of more than ten percent of the extracted material from the site if:

- a) The Applicant demonstrates that the make-up of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock, or muck; or
- b) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and,
- c) The impact of the excavated material will not cause adverse effects to internal Property Owners or internal streets.

3) Off-Site Removal of Excess Fill – Conditional Use

A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Art. 4.B.10.C.4.f.2), Off-Site Removal of Excess Fill – DRO, the application shall be subject to the following:

a) Approval Process

Apply for a Class A Conditional Use process, pursuant to the standards of Art. 2.B.7, Types of Applications for Conditional Uses, Development Order Amendments, Unique Structures, and Type 2 Waivers.

b) Requirements

The Applicant shall comply with the following standards:

- (1) Art. 4.B.10.B.7.a, Operational Standards and Requirements.
- (2) Littoral Planting Reclamation Standards in Art. 4.B.10.B.7.c.3), Upland.
- (3) Upland Reclamation Standards in Art. 4.B.10.B.7.c.4), Upland Planting.
- (4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in Art. 4.B.10.B.7.e, Maintenance and Monitoring.
- (5) Buffer requirements in Art. 4.B.10.C.5.i.2)b)(3), Type 3A Excavation, Buffer.

- (6) Setbacks shall be provided pursuant to Type 2 setback requirements in Art. 4.B.10.C.4.d, Separations and Setbacks.

c) Frontage

The development shall have direct frontage on and access to a Collector or Arterial Street depicted on the County's Thoroughfare Identification Map.

d) Location

The following Type 3A standards shall apply, unless waived by the BCC after a finding of fact that waiver of these standards will not violate the compatibility standards, pursuant to Art. 4.B.10.C.5.i, Compatibility Standards.

4) Excavation, Performed by Public Agency, To Provide Drainage for a Public Street

- a) Excavation activity located outside the street boundary, conducted solely to accommodate drainage for a public street, and performed or caused to be performed by contract with a public agency, as defined herein, shall comply with the standards below. The excavation activity shall:

- (1) be on land owned by PBC, the State, or a Water Control District created by Special Act to operate under F.S. ch. 298 (1996); or
- (2) be on land granted by easement to and accepted by PBC, the State, or a Water Control District; and,
- (3) be the absolute minimum necessary to comply with the surface water drainage requirements for the public streets.

- b) For the purpose of Art. 4.B.10.C.4, Type 2 Excavation, authorization by PBC, FDOT, or a Water Control District to construct public streets shall constitute a valid Development Order. The excavation design and activity shall only be required to comply with these standards indicated below. No other provision applicable to Type 2 Excavation as contained in this Article shall apply. [Ord. 2018-018]

- (1) Notice of Intent to Construct pursuant to Art. 4.B.10.B.6, Notice of Intent to Construct;
- (2) Operational and construction standards pursuant to Art. 4.B.10.B.7.a, Operational Standards and Requirements, Art. 4.B.10.B.7.b, Construction Standards, and Art. 4.B.10.B.7.a.10), Hauling Standards;
- (3) Littoral zone and general upland reclamation requirements pursuant to Art. 4.B.10.B.7.c, Reclamation Standards; and,
- (4) Maintenance and Monitoring requirements pursuant to Art. 4.B.10.B.7.e, Maintenance and Monitoring.

5. Type 3 Excavation

a. Definition

The extraction of minerals primarily for commercial purposes.

b. Classification of Types

Type 2, or Agricultural Excavation that exceed established criteria, as defined in this Section, are to be considered a Type 3 Excavation. Two classes of Type 3 Excavation (Type 3A and Type 3B) are established to distinguish between the types of mining operations.

1) Type 3A Excavation

Excavation activity that extracts materials from the earth and may require limited on-site processing by using temporary or portable crushers, sifters, and conveyor systems. A Type 3A Excavation activity may use dragline, dredging, or earth moving equipment to perform the mining operation provided the operation complies with the standards of this Section. The use of explosive devices or permanent structures or equipment used to crush or sift material shall be prohibited.

2) Type 3B Excavation

Excavation activity that extracts materials from the earth and may require extensive processing of the material on site. Type 3B Excavation may use dragline, dredging, or earth moving equipment to perform the mining operation. The use of explosives and heavy industrial equipment to crush, sift, and transport the material on site may be permitted subject to compliance with the standards of this Section.

c. Standards

An application for a Type 3 Excavation shall comply with the following requirements:

- 1) Operational and construction standards pursuant to Art. 4.B.10.B.7.a, Operational Standards and Requirements, and Art. 4.B.10.B.7.b, Construction Standards.
- 2) Excavated area, littoral zone, and upland reclamation requirements pursuant to Art. 4.B.10.B.7.c, Reclamation Standards.

3) Art. 4.B.10.B.7.d, Performance Guarantee Requirements.

4) Art. 4.B.10.B.7.e, Maintenance and Monitoring.

d. Location

A Type 3 Excavation may be allowed in accordance with this Section. Mining may be allowed with limitations in the zoning districts identified below.

1) AP Zoning District in the AP FLU Designation

Mining shall be limited to the support of public road construction projects, agricultural activities, or water management projects associated with ecosystem restoration, regional water supply, or flood protection, on sites identified by the SFWMD or the U.S. Army Corps of Engineers where such uses provide viable alternative technologies for water management. Mining shall demonstrate compliance with standards in Art. 4.B.10.C.5.i, Compatibility Standards.

e. Depth

The maximum depth of a Type 3 Excavation shall be in accordance with Art. 4.B.10.C.1.c, Maximum Depth.

f. Accessory Use

An Asphalt or Concrete Plant shall be allowed as an accessory use to a Type 3B Excavation, subject to DRO approval and provided that:

- 1) the site is a minimum of 500 acres;
- 2) the use is separated at least one-half mile from any residential use or district; and,
- 3) direct access to the plat is provided from an Arterial Street.

g. Use Approval and Procedures

A Class A Conditional Use approval is required for a Type 3 Excavation, in accordance with Art. 2.B, Public Hearing Processes. A Type 3 Excavation shall require an additional level of review that exceeds the County's current scope of review to establish that the request will not have a significant adverse impact to water quality or the overall health of available water resources.

1) Excavation Pre-Application Checklist

Concurrent with submittal of an excavation application for the DRO certification for public hearing, the Applicant shall secure the information described on the excavation Pre-Application Checklist and shall use this information as the basis for a pre-application meeting with DEP. This pre-application information and meeting is necessary to obtain a Preliminary Assessment Letter (PAL) from the DEP, Bureau of Mines and Minerals. The Pre-Application Checklist is available from the Zoning Division, as amended periodically by the Executive Director of PZB.

a) Preliminary Assessment Letter (PAL)

The Applicant shall gather the information described on the checklist and conduct a pre-application meeting with the DEP. The County application shall not be determined to be sufficient without the PAL or its equivalent as stated in Art. 4.B.10.C.5.g.1)b), Alternative to the Preliminary Assessment Letter. Should the DEP identify certification issues regarding the application, these issues must be resolved prior to certification of the application for public hearing.

b) Alternative to the Preliminary Assessment Letter

In lieu of a Preliminary Assessment Letter, the Applicant may submit one of the following to the County:

- (1) An Environmental Resource Permit; or
- (2) Request for Additional Information demonstrating no apparent concerns will be generated from the application.

c) Conditions of Approval

The DEP may recommend Conditions of Approval to the BCC to resolve issues related to its regulations.

2) Water Control or Management District

Concurrent with submittal of an excavation application for the DRO certification for public hearing, the Applicant shall submit a duplicate copy to the Zoning Division to be forwarded to the Water Control or Management District, whichever is applicable, that has jurisdiction to maintain roads and drainage in the area. The Water Control District may provide comments to the DRO to be included in the Staff Report for presentation to the BCC.

3) Final DRO Approval

Prior to starting any activity associated with the excavation project, the Applicant shall submit an Excavation Plan to the DRO for review and approval in accordance with Art. 2.C, Administrative Processes.

- a) The Applicant shall submit a Phasing Plan complying with the requirements of Art. 4.B.10.B.5, Supplemental Application Requirements, and Art. 4.B.10.B.6, Notice of Intent to Construct.
- b) Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all guarantees, required by Art. 4.B.10.B.7.e, Maintenance and Monitoring, and written authorization by the DRO.
- c) Prior to final site approval by the DRO, ERM shall confirm that the Applicant has provided all necessary State final approved permits.

4) Amendment to Development Order

If amendments to the BCC approval are necessary to accommodate other State permitting requirements, and provided these changes are within boundaries of the existing BCC approval, these amendments shall be allowed at Final Plan approval by the DRO.

5) Haul Agreement

The BCC may require, as a Condition of Approval, for an executed agreement for the proposed haul in accordance with Art. 4.B.10.B.7, Technical Standards, prior to issuance of the Notice of Intent to Construct by ERM.

6) Notice of Intent to Construct

Notice of Intent to Construct shall be submitted to and receive approval from ERM in accordance with Art. 4.B.10.B.6, Notice of Intent to Construct, prior to initiating any on-site excavation activities.

7) Reclamation Plan Approval and Release of Performance Guarantees

Prior to the release of any performance guarantee. The DRO shall approve an “as built” reclamation plan. The plan shall include certified as-built drawings and written certification, bearing the seal of an Engineer registered in the State of Florida, certifying compliance with Art. 4.B.10.B.7, Technical Standards (excluding littoral and upland planting requirements), and that all construction-related Development Order conditions and guarantees have been satisfied. Performance guarantees for planting areas shall be released in accordance with Art. 4.B.10.B.7.e, Maintenance and Monitoring.

h. Annual Report

For the purpose of Type 3 Excavation, the owner shall submit an Annual Report to Monitoring on the anniversary date of the BCC approval date. The Annual Report is necessary to monitor the intent of the Conditional Use approval and applicable BCC conditions. In addition, the report is to ensure compliance and update the agency requirements as listed below:

1) General

- a) Acres mined to date;
- b) Tonnage removed/sold including a copy of the resource extraction fee receipt to the County;
- c) Status of each phase;
- d) Updates to Master/Site Plans;
- e) Documentation that the intended use of the material complies with County requirements, such as, but not limited to, the quarry’s status with FDOT and other usages for the mined aggregate;
- f) Status of compliance with conditions contained within the approved Resolution(s);
- g) Status of compliance with all required permits including the most recent compliance inspection from subject agencies, and status of any identified notice of non-compliance/violations;
- h) Full stamped, executed, or signed copies, including exhibits and plans, of required permits from all participating agencies including modifications or updates as they occur; and,
- i) Certification and documentation that all seismograph instruments have been recalibrated during the calendar year.

2) Agencies

Address the following agency requirements:

a) Archaeological

- (1) Status of found artifacts and their location(s); and
- (2) Copy of notification(s) to County and State Archaeologist and current status.

b) Engineering

- (1) Status of potential road construction requirements, signalization, and R-O-W acquisitions.

c) Environmental

- (1) Status of Notice of Intent to Construct (NIC) Conditions of Approval and compliance with administrative waivers;
- (2) Status of extraction fee; and,
- (3) Water quality data from designated sampling location from FDEP.

d) Health

- (1) Status of compliance for any onsite sewage treatment and disposal systems;
- (2) Status of compliance for any onsite drinking water systems; and,
- (3) Status of compliance with BMPs for mosquito control including the need for aerial spraying.

e) Planning

- (1) Status of possibility for the mined areas to be utilized for water management or ecosystem restoration purposes with a letter or any executed binding agreements from each corresponding agency discussing pertaining to the reclaimed mined areas future proposed uses.

f) Zoning

- (1) Copy of the daily blasting log;
- (2) Copy of the State Fire Marshall's blast permit; and,
- (3) Status of the upland reclamation requirements.

i. Compatibility Standards

A Type 3 Excavation shall be reviewed to assure the proposed excavation is compatible with surrounding land uses and complies with the applicable separation and setback standards and to ensure there are no negative impacts as defined herein. The BCC shall not approve the application if a finding is made that the use will be incompatible with surrounding land uses. For the purposes of this requirement, incompatible means negative impacts caused to surrounding land uses because of proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including, but not limited to, the impacts of noise, vibration, dust, traffic, smoke, odors, toxic matter, radiation, and similar environmental conditions.

1) General

The following standards shall apply to both Type 3A and Type 3B mining activities.

a) Location and Access

Local Residential Streets shall not be used for access or as a haul route. The site shall front on and have direct access to an Arterial or Collector Street designated on the County's Future Thoroughfare Identification Map. In cases when the street on the Thoroughfare Identification Map is not paved, the BCC may allow a Type 3 Excavation to locate and have access to the street provided the BCC makes a finding of fact that the use of the street will not cause an incompatible effect on surrounding residential uses, and may condition the project to obtain a haul permit in accordance with Art. 4.B.10.B.7.a.10), Hauling Standards.

(1) Restrictions in the RR FLU Designation

Commercial excavation shall be prohibited in neighborhoods which support developed Single Family residences on 60 percent of the valid lots of record. For the purposes of this requirement, neighborhoods shall be defined as an area contained within a platted subdivision, a rural unrecorded subdivision, an approved affidavit of exemption, an area which has prepared a neighborhood plan in accordance with the Plan, or is in an area with lots of similar size. Commercial excavation located in an area with a Rural Residential land use designation that do not satisfy the definition of neighborhood above, shall have a minimum of 100 acres and 500 feet of frontage with direct access to an Arterial or Collector Street as specified herein.

b) Separation from Other Land Uses

Minimum separations from protected land uses are defined in Art. 4.B.10.C.5.i, Compatibility Standards. Unless otherwise specified, separation shall be measured from the outermost edge of the excavated area (top of bank), equipment, stockpiles, buildings, or structures, to the closest structure of a protected land use. The BCC may reduce the required separation distance based on the compatibility of the use with the adjacent area, and the remoteness or proximity of adjacent incompatible uses, provided the reduction complies with the intent of the compatibility standards in Art. 4.B.10.C.5.i, Compatibility Standards. The BCC shall state the basis for the reduced separation and make a finding of fact that the reduction should not negatively impact adjacent uses. If the separation is reduced, the BCC may require increased setbacks, buffering, and other restrictions as necessary to protect surrounding land uses.

(1) Residential Uses

For the purposes of this Section, existing residential uses shall be defined as a residential lot supporting a residence in a platted subdivision, a rural unrecorded subdivision, an approved affidavit of exemption, a plat waiver, or other recorded instrument and is not located within the boundary of the excavation project.

c) Setbacks

Setbacks shall be measured from the outermost edge of the excavated area (top of bank), structure, building, equipment, or stockpile to the boundary of the excavation project.

d) Fence

If mining activity is conducted within one-half mile of a residential use, the mining operation shall be completely enclosed by a minimum six-foot-high fence, wall, or natural barrier and shall have signage posted to prohibit trespassing.

e) Noise

Airborne noise produced from the excavation activity shall comply with the noise provisions in Art. 5.E, Performance Standards, as measured at the nearest inhabited structure. The sound level limits are allowed to increase for a limited duration. For this limited period, noise generated by excavation projects may increase up to ten decibels more than permitted by Table 5.E.4.B, Maximum Sound Levels. In addition, the noise level may increase to a maximum of 120 decibels once each weekday (Monday through Friday) for a maximum of ten seconds.

2) Type 3A Excavation

a) Restrictions in the RR FLU Designation

(1) Lot Size

A minimum of 40 acres.

(2) Minimum Surface Area

The maximum excavated surface area shall not exceed 30 percent of the gross area contained within the boundary of the excavation project.

b) General

The following standards shall apply to a Type 3A Excavation:

(1) Minimum Separations and Setbacks

In addition to the separation requirements in Art. 4.B.10.B.7.b, Construction Standards, a Type 3A Excavation shall maintain the following separations and setbacks from adjacent uses as provided below.

(a) Separations from Residential Land Uses

Separation from an existing residence shall be a minimum of one-quarter mile, measured from the property line of the excavation project to the inhabited structure.

(b) Setbacks

Table 4.B.10.C – Setbacks

	Residential	Commercial	Industrial/ Agricultural	Streets
Excavated Lake Edge	100'	50'	50'	50'
Processing Equipment	600'	200'	200'	200'
Stockpiles	300'	200'	100'	200'
Accessory Buildings and Structures	100'	100'	100'	200'

(2) Stockpile Height

Stockpile height shall be limited to 30 feet.

(3) Buffer

A buffer shall be preserved or installed along property lines in accordance with the provisions below. The buffer shall be planted and maintained in accordance with the standards of Art. 7.C, Landscape Buffer and Interior Landscape Requirements, as applicable.

(a) Existing Vegetative Buffer

If a substantial native or non-native, non-invasive vegetative buffer exists, then the vegetation shall be utilized as an Incompatibility Buffer and preserved along the entire perimeter of the site, except for an approved access area. To be considered substantial, the buffer shall provide an opaque screen and be a minimum depth of 100 feet. If the 100-foot buffer is not opaque, then native vegetation complying with the standards of a Type 3 Incompatibility Buffer shall be required to be planted to supplement the existing vegetation and shall form a solid visual buffer within two years. All native vegetative buffers shall be protected during the duration of the excavation activity in accordance with the standards in Art. 7.E, Existing Native Vegetation, Prohibited, and Controlled Plant Species, and in Art. 14.C, Vegetation Preservation and Protection.

(b) Existing Prohibited Vegetative Buffer

To provide an instant buffer the BCC, by Condition of Approval, may permit existing prohibited species to be maintained within the setbacks for a Type 3A Excavation until completion of the excavation activity. In such cases the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by applicable Sections of Art. 7.C, Landscape Buffer and Interior Landscape Requirements, shall be installed in conjunction with subsequent development.

(c) No Existing Vegetative Buffer

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 Incompatibility Buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

- i. all streets;
- ii. all residential zoning districts;
- iii. lots supporting existing or proposed residential uses in the AR Zoning District. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP, or SA Zoning Districts nor in the AR Zoning District if the land is used solely for Bona Fide Agriculture purposes; and,
- iv. commercial zoning districts.

3) Type 3B Excavation

a) Restrictions in the RR and SA FLU Designation

(1) Lot Size

A minimum of 100 acres.

(2) Maximum Surface Area

The maximum excavated surface area shall be determined by the BCC.

b) General

A Type 3B Excavation shall comply with the following criteria:

(1) Minimum Separations and Setbacks

In addition to the separation requirements in Art. 4.B.10.B.7.b, Construction Standards, a Type 3B Excavation, except those that lie in the area defined as the WCAA, shall comply with the separation and setback regulations below. Excavation projects in the WCAA shall be evaluated on a case-by-case basis in accordance with the compatibility criteria in Art. 4.B.10.C.5.i, Compatibility Standards, and shall have separation requirements set by the BCC.

(a) Separation from Residential Uses

Separations from residential uses, shall be a minimum of one-eighth of a mile, in all directions measured in accordance with Art. 4.B.10.C.5.i.1)b), Separation from Other Land Uses, above.

(b) Setbacks

Minimum setbacks shall be provided based on separations from uses as indicated below.

(c) Separation from Commercial and Industrial Uses

Commercial: One-half mile

Industrial: One-eighth mile

Table 4.B.10.C – Setbacks Based on Separation from Residential Uses

Uses	Separations			
	1 Mile	2 Miles	1/4 Mile	1/8 Mile
Mined Lake Edge	50'	100'	500'	1,200'
Processing Equipment	100'	300'	800'	1,400'
Stockpiles	100'	300'	700'	1,300'
Accessory Buildings and Structures	100'	100'	100'	100'

(2) Mining Impact Study

A Mining Impact Study shall be submitted for a Type 3B Excavation in the WCAA and for projects which the Applicant requests a reduction in the required separations. The study shall detail all methods and procedures for material extraction, processing, storage, and hauling operations. At a minimum the study shall include the time of day blasting will occur, the maximum number of holes to be shot each occurrence, including the type of explosive agent, maximum pounds per delay, method of packing, and type of initiation device to be used for each hole. The study shall include a blasting schedule and establish noise and vibration standards complying with Art. 4.B.10.C.5.i, Compatibility Standards. The study shall also demonstrate how these operations will impact surrounding land uses.

- (a) Prior to certification of an application for inclusion on a public hearing agenda, the DRO may retain a technical consultant to advise the PBC of the adequacy of the standards established in conjunction with the Mining Impact Study. The cost of PBC's consultant shall be borne by the Applicant.

(3) Noise and Vibration Monitoring Report

The Applicant shall monitor all blasting and other mining activities and record resultant noise and vibrations. PZB may, at any time, require the Property Owner to submit monthly monitoring reports, indicating the number, time, peak over pressure (noise), and vibration caused by each activity. If requested, the Property Owner shall provide the noise and vibration monitoring report within two working days from the date of the request.

(4) Buffer

A buffer shall be installed along all property lines as specified below. The buffer shall be planted and maintained in accordance with the standards of Art. 7, Landscaping.

(a) Existing Native Vegetative Buffer

Existing native vegetation within 100 feet of the property line shall be preserved along the entire perimeter of the site, except for an approved access area.

(b) Existing Prohibited Vegetative Buffer

To provide an instant buffer along the entire perimeter of the site, the BCC, by Condition of Approval, may permit existing prohibited species to be maintained in the setbacks until completion of the excavation activity. In such cases, the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Art. 7.C, Landscape Buffer and Interior Landscape Requirements, shall be installed in conjunction with subsequent development.

(c) Type 3 Incompatibility Buffer

Sites within a one-quarter mile of a public or private street, which does not support an existing opaque native or non-native, non-invasive vegetative buffer shall install a Type 3 Incompatibility Buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof.

(d) No Existing Vegetative Buffer

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 Incompatibility Buffer. The buffer shall be supplemented with a berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years from the date of installation. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

- i. All residential zoning districts; and
- ii. Lots supporting existing or proposed residential uses in the AR Zoning District. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP or AR Zoning District if the land is used solely for Bona Fide Agriculture purposes.

c) Hours of Operation

Excavation and hauling activity shall occur only between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday, unless otherwise determined by the BCC. Blasting activity shall be limited to 10:00 a.m. to 5:00 p.m., Monday through Friday.

d) Notice of Intent to Construct

Compliance with Art. 4.B.10.B.6, Notice of Intent to Construct.

j. Extraction Fee for Impacts

To offset the impacts of mining, a natural resource extraction fee is to be provided yearly for this mining operation from the operators of this mine or its successors. The basis for the extraction fee is calculated at five cents per ton of material sold from the mine. The tonnage will be calculated at the end of each calendar year with the information provided to ERM by January 31 of the succeeding year with the payment of five cents per ton provided by February 15. The funds will be used for environmental enhancement and compliance and monitoring activities which include, but are not limited to: purchase land; restore land to a more natural state; and, enhance the flora and fauna of already preserved natural areas. The natural resources extraction fee shall escalate annually at the rate prescribed by F.S. § 373.41492(5) as amended. In the event the Legislature of the State of Florida or the County imposes, by legislation, Ordinance, or other means, an extraction fee, tax, or charge, then this natural resources extraction fee shall be reduced by the same amount.

A. Temporary Use Matrix

Supplementary Use
Standards #

Unified Land Development Code
Supplement No. 32 (Printed 10/25)

Article 4 – Use Regulations
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B. General Standards and Application Requirements

1. Design Standards

- a. All Temporary Uses, which includes all related activities, structures, vehicles, and equipment shall not be located in a manner that distracts motor vehicle operators, or causes any vehicles to stop or park in violation of the law or official traffic-control devices. [Ord. 2018-002]
- b. All Temporary Uses and temporary structures shall not be located in the required setbacks, parking, driveway aisles or loading areas, vehicular maneuvering areas, fire lanes, landscape buffers, sidewalks, or ADA accessible routes, unless stated otherwise herein. [Ord. 2018-002]

2. Signage

All signage for Temporary Uses shall comply with Art. 8, Signage, unless otherwise stated herein.

3. Electric Service

All electrical use shall meet the requirements established by the PBC Chief Electrical Inspector and PBC Fire Rescue Department, and the Applicant shall obtain a Building Permit for an electrical connection or generator for temporary power, if applicable.

4. Palm Beach County Parks

Approvals for Temporary Uses located within Palm Beach County Parks shall be submitted to and reviewed by the PBC Parks and Recreation Department.

5. Submittal Requirements

In addition to the requirements pursuant to Art. 2.C.5.D, Temporary Use, the following documentation shall be provided by the Applicant: [Ord. 2018-002]

a. Consent

The Applicant shall obtain and submit as part of their application, consent from the Property Owner(s) or a POA, of which has ownership or control over the property where the Temporary Use will be located.

b. Liability and Insurance

The Applicant shall submit:

- 1) A proof of liability insurance listing the BCC as additionally insured and certificate holder. It shall be paid in full covering the period for which the permit is issued, in the minimum amount of 500,000 dollars per occurrence; and
- 2) A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Communication Cell Sites on Wheels (COWs)

a. Definition

A temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.

b. Zoning Districts

1) Non-Residential Districts

a) COWs Greater Than 50 Feet in Height

COWs greater than 50 feet in height located on parcels with non-residential zoning designations shall be subject to the following:

(1) Setback

The structure shall meet the greater of the setback requirements of the applicable zoning district or a distance equal to 110 percent of its height.

(2) Separation

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

b) COWs 50 Feet in Height or Less

COWs 50 feet in height or less, located on parcels with non-residential zoning designations are subject to the following:

(1) Setback

The structure shall meet the setback requirements of the applicable zoning district, provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum-based auxiliary power (e.g., generator).

(2) Separation

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

(3) Other

COWs not utilizing a commercial power source shall be subject to the setback requirements of Art. 4.B.11.C.1.b.1)a), COWs Greater Than 50 Feet in Height.

2) Residential Districts

a) COWs Greater Than 50 Feet in Height

COWs greater than 50 feet in height located on parcels with residential zoning designations shall be subject to the following:

(1) Setback

The structure shall meet a setback from the property lines equal to 150 percent of its height.

(2) Separation

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

b) COWs 50 Feet in Height or Less

COWs 50 feet in height or less, located on parcels with residential zoning designations are subject to the following:

(1) Setback

The structure shall meet a setback from the property lines equal to 75 percent of its height; provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum-based auxiliary power (e.g., generator).

(2) Separation

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

(3) Other

COWs not utilizing a commercial power source shall be subject to the setback requirements of Art. 4.B.11.C.1.b.1)a), COWs Greater Than 50 Feet in Height, above.

c. Use Limitations

COWs shall be allowed only in association with recognized large-scale Special Events with a minimum projected daily attendance of 30,000 or greater. The Zoning Director may consider allowing COWs for events with projected attendance of less than 30,000 people. The Applicant shall provide documentation that the existing communication facilities cannot accommodate the increase in usage.

d. Fencing

The COW shall be enclosed by a temporary fence a minimum of six feet in height, or other barrier approved by the Zoning Director.

e. Removal Bond and Agreement

The Applicant shall execute a removal agreement and post a 50,000.00-dollar removal bond, subject to approval by the Zoning Director and County Attorney.

f. States of Emergency

The requirements of this Section may be waived by the PZB Executive Director in the case of a declared State of Emergency, as provided by law.

2. Day Camp

a. Definition

An establishment which provides care, protection, and programmed activities for children five years of age and older for a period of less than 24 hours per day.

b. Duration

Maximum 16 weeks per calendar year.

c. Operation

This use shall not operate as a Day Care as defined and regulated by the Department of Children and Family Services.

d. Accessory Use

A Day Camp for 200 or fewer children may be Permitted by Right as an accessory use to a legally established institutional, civic, recreational, or educational use.

3. Mobile Retail Sales

a. Definition

General Retail Sales, including the sale of food, from a mobile vehicle or a portable trailer without a fixed or permanent location. [Ord. 2020-020]

b. Exception

Transient sales vehicles that travel to several locations in one day, and spend less than two hours in the same location, may be exempt from ZAR approval process and these requirements. [Ord. 2019-005]

c. Location

- 1) Sites must comply with parking space requirements outlined in Table 6.B.1.B, Minimum Parking and Loading Requirements prior to applying for a Mobile Retail Sales. [Ord. 2018-002]
- 2) The first Mobile Retail Sales vendor approved on a site may occupy up to two of the required parking spaces. Additional Mobile Retail Sales vendors may occupy on-site parking spaces only when those spaces are in excess of Table 6.B.1.B, Minimum Parking and Loading Requirements.

d. Setbacks

The use shall be set back a minimum of 200 feet from any property line of an existing residential use, unless: [Ord. 2020-020]

- 1) a permanent building or structure blocks the view of the Mobile Retail Sales; or [Ord. 2020-020]
- 2) a minimum 80-foot Local Commercial Street separates both uses. [Ord. 2020-020]

e. Number of Vendors

A maximum of three Mobile Retail Sale vendors per development, provided they comply with the location above.

f. Operation

- 1) All operations, equipment, merchandise, and related activities shall be contained within the mobile vehicle or portable trailer.
- 2) All mobile vehicles and portable trailers shall vacate the site by midnight, unless otherwise stated within Art. 5.E.5, Hours of Operation, whichever is more restrictive.

g. Roadside Vendors

Applications for roadside vendors located within Palm Beach County R-O-Ws shall be submitted to and reviewed by the PBC Traffic Division in accordance with Roadside Stands and Vendors, Chapter 13, Article V of the PBC Code, as amended.

4. Real Estate Sales Model and Management Office, Non-PDD

a. Definition

A residential unit used for real estate marketing and sales as a builder's office, and for other services directly associated with the sale of residential units. [Ord. 2019-005]

b. Duration

The DO shall be valid for five years from the date of issuance and may be renewed for an additional five years. [Ord. 2018-002]

c. Location

Shall be located on the property with access directly from a paved street. [Ord. 2019-005]

1) Exception

Sales Model or Office may be located off site for properties that are in Jupiter Farms, The Acreage, or Palm Beach Country Estates. [Ord. 2019-005]

d. Parking

The driveway and required handicap spaces shall be the only paved parking areas.

e. Signage

Shall comply with Art. 8.D, Temporary Signs. [Ord. 2019-005]

f. Storage

Outdoor storage of construction material, supplies, or equipment shall not be permitted.

g. Number

A builder may construct and operate a maximum of two manned and two unmanned models in a platted residential subdivision which is not in a PUD, or in one of the following residential areas:

- 1) Jupiter Farms.
- 2) The Acreage.
- 3) Palm Beach Country Estates.

h. Operation

- 1) A builder's office may be allowed provided it is limited to the garage area.
- 2) Unmanned models shall not have employee office space.
- 3) Sales shall be limited to new units built by the company operating the sales model.

i. Completion Agreement

All sales models, including those in existence prior to January 1, 1998, shall execute a completion agreement in a manner and form acceptable to the County Attorney. The completion agreement shall include any modification(s) necessary to convert the model to a residential use.

1) Existing Models

All sales models existing on January 1, 1998 shall file a completion agreement with PBC by July 1, 1998. This agreement shall specifically identify all improvements, which are not consistent with the provisions of this Section, such as but not limited to additional parking or location on unpaved roads. At the time of executing the completion agreement, all signage shall comply with the requirements of this Section.

j. Modifications

Non-residential interior modifications shall be prohibited. The following improvements may be permitted only within the garage of the model:

- 1) Room divider partitions;
- 2) Electrical improvements; and,
- 3) A temporary façade in lieu of a garage door.

k. Removal

The temporary office shall be removed from the site no later than 30 days after the final CO has been issued for the last residential unit. [Ord. 2019-005]

5. Real Estate Sales and Management Office, PDD or TDD

a. Definition

An office for the sale and resale of new and existing residential units. For RVPD, units shall mean RV sites. [Ord. 2019-005]

b. Submittal Requirement

The Applicant shall submit a Regulating Plan showing the location of the Sales Office and required parking. A notarized removal agreement shall be executed and submitted concurrently with the application. [Ord. 2019-005]

c. Location

The Sales Office may be allowed in a Residential, Commercial, Private Civic, or Recreation Pod. Sales of RV sites may be located within the Recreation Pod of the RVPD. A Sales Office shall comply with the setback requirements in Table 3.D.1.A, Property Development Regulations, and shall be located so as not to interfere with on-site construction operations and access. [Ord. 2014-025] [Ord. 2019-005]

d. Access

Temporary access to the Sales and Management Office may be approved by the DRO, and shall be limited to one year. Extension may be approved by the DRO. [Ord. 2019-005]

e. Parking

A minimum of two parking spaces, plus one for each employee on the shift of greatest employment, shall be provided. All parking areas, with the exception of handicap spaces and access, shall be provided on a hard surface of pavement, asphalt, shell rock, or mulch, provided the subgrade is compacted. Handicap spaces and access shall be provided in accordance with Art. 6.B.1.C, Parking Spaces for Persons Who Have Disabilities. [Ord. 2019-005] [Ord. 2020-020]

f. Signs

Refer to Art. 8.D, Temporary Signs. [Ord. 2019-005]

g. Removal

The temporary office shall be removed from the site no later than 30 days after the final CO has been issued for the last residential unit. [Ord. 2008-037] [Ord. 2019-005]

1) RVPD

The Temporary Use shall be removed upon completion of the project, CO of a permanent RV site Real Estate Sales Office, or upon expiration of the maximum time to commence development for the last phase. The BCC may impose a Condition of Approval with a specific date for compliance. [Ord. 2014-025] [Ord. 2019-005]

h. Sale

1) Pod

A temporary Real Estate Sales Office for the sale of new units shall be permitted only in a Residential Pod or other temporary location approved by the DRO. Sales shall be limited to only new units in the pod. [Ord. 2019-005]

2) Project

A temporary Real Estate Sales Office for the sale and resale of units in the entire project, or phase of a project, shall be permitted in a Residential Pod, Private Civic Pod, Commercial Pod, or Recreation Pod, subject to approval by the DRO. A temporary Real Estate Sales Office serving an entire project shall only be permitted within a planned development and/or phase approved for 300 or more units. Sales and resales shall be limited to only units within the planned development. [Ord. 2019-005]

i. Resale

Resale of existing units from a temporary Real Estate Sales Office shall cease when the remaining number of units without a CO in the project, or phase, as applicable, reaches the following:

Table 4.B.11.C – Sales Office

Number of Units in a Project or Phase	Units Remaining without a CO
≥ 1,000	20
500-999	16
300-499	12
[Ord. 2019-005]	

6. Real Estate Sales Model, PDD or TDD

a. Definition

A residential unit for the sale of only new units within a Residential Pod of a PDD or TDD. A Sales Model may be used as a temporary Real Estates Sales and Management Office. [Ord. 2019-005]

b. Approval Process

Subdivision approval of the Sales Model lots by the Land Development Division shall be required prior to the issuance of a Building Permit. The Land Development Division may approve the lots prior to final platting. Sales Models shall comply with all applicable PDRs prior to the issuance of a CO. [Ord. 2019-005]

c. Duration

The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod.

d. Residential Pod

A maximum of eight, or 20 percent of the number of units in the pod, whichever is less, shall be permitted as sales models. A maximum of eight sales models per pod may be constructed prior to platting.

e. Model Row

Developments that are approved for a total of 300 or more units may construct a model row. A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited. [Ord. 2019-005]

1) Number

A maximum of 16 sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three pods under development, consisting of a minimum of 60 units each.

2) Location

A model row shall be located in a Residential Pod. Access to the model row shall be from a location approved by the DRO or allowed by this Code. [Ord. 2019-005]

f. Access

Temporary access to the Sales Model(s) may be permitted by the DRO, and shall be limited to one year. Extension may be approved by the DRO. [Ord. 2019-005]

g. Signs

Refer to Art. 8.D, Temporary Signs. [Ord. 2019-005] [Ord. 2020-020]

h. Removal

The Sales Model shall cease no later than 30 days after the final CO has been issued for the last remaining residential unit in the pod. [Ord. 2019-005]

7. Recycling Drop-Off Bin

a. Definition

A totally enclosed temporary structure or portable container within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel, and plastic containers no greater than six gallons in capacity, and paper.

b. Location

The drop-off bin shall be located in or adjacent to an on-site parking area, and shall not be located within required parking spaces. In TMD districts and for IRO projects, the Recycling Drop-Off Bins shall be designed to be consistent with the building's design and shall not be located on a Main Street. [Ord. 2017-025]

c. Signage

Signage shall be required for all bins, as follows:

1) Location

- a) One sign shall be located on the front or side where materials are collected.
- b) No more than two signs shall be allowed.

2) Minimum/Maximum Size

A minimum of eight and a maximum of 16 square feet.

3) Content

All required sign content shall be in lettering a minimum of six inches in height. The name and phone number of a responsible party shall be clearly posted. The name of the organization that is collecting the recyclable materials shall also be posted and include whether for profit, not for profit, or government entity. No additional content other than logos, clarification of materials to be collected for recycling, or direction signage identifying the bin shall be allowed.

d. Storage

Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse.

e. Number

The number of recycling bins shall be based upon the overall acreage of a development, including outparcels, provided all development regulations are met on site. A minimum of one recycling bin for each site up to a maximum of one recycling bin per acre, rounded down to the nearest whole acre, may be allowed. No more than three bins shall be clustered or located within any one-acre area unless collocated with loading, dumpster, or other similar areas.

f. Operation

- 1) The bin and adjacent area shall be maintained and free from litter, debris, and residue on a daily basis. Failure to maintain the bin and adjacent area may result in the revocation of the DO. [Ord. 2018-002]
- 2) No processing of deposited materials shall be allowed on site. Limited sorting or separation may only be permitted when a bin is manned by a person during permitted collection hours. The unit shall employ no mechanical sorting or processing equipment.
- 3) A recycling bin containing 40 cubic yards or more shall be monitored by a person. Manned collection activities shall be limited to between 7:00 a.m. to 8:00 p.m. daily.

g. Prohibited Materials

Collection of materials shall be expressly limited to pre-sorted, recyclable materials identified in this Supplementary Use Standard. Collection of any other materials, including but not limited to rubber, textiles, hazardous wastes, or construction debris is prohibited.

h. Mobility

The mobility of a drop-off bin shall be maintained at all times.

8. Special Event

a. Definition

A temporary activity which may include rides, amusements, food, games, crafts, and performances.

b. Typical Special Events

Typical Special Events may include but are not limited to carnivals, circuses, temporary auctions, rallies, and revivals.

c. Approval Process

The use shall be subject to ZAR if the event is projected to attract less than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application. [Ord. 2018-002]

d. Duration

- 1) A Special Event shall not exceed 14 consecutive days.

- 2) If the Applicant provides to the Zoning Division a Justification Statement explaining the need for an extension, Zoning Staff shall determine whether the extension shall be granted up to 21 total consecutive days based on the following:
 - a) The types of activities warrant the additional time period; and
 - b) The time extension shall not cause an adverse impact or a nuisance to the adjacent parcels.
- 3) A maximum of three events during any 12 consecutive calendar months per parcel. [Ord. 2018-002]
- e. Zoning District – Residential**
 Special Events that are prohibited in residential zoning districts may be allowed subject to a DRO approval if the following standards are met: [Ord. 2018-002]
 - 1) Shall be collocated with a Place of Worship;
 - 2) Hours of operation shall be from 9:00 a.m. to 5:00 p.m.; and,
 - 3) Special Events and religious services operating during the same time are required to provide parking for both activities or comply with the off-site parking provisions in Art. 6, Parking, Loading, and Circulation.
- f. Location**
 Shall not front a street under construction.
 - 1) U/S Tier**
 Primary access shall be from a paved Arterial or Collector Street.
 - 2) All Other Tiers**
 - a) In the Rural, Exurban, AGR, and Glades Tiers, primary access shall be from a paved street.
 - b) Back-out parking directly onto a public street shall be prohibited.
- g. Setbacks**
 All buildings, trailers, temporary parking areas, tents, mechanical devices, rides, animals, and related equipment and activities shall be set back as follows: [Ord. 2020-020]
 - 1) A minimum of 50 feet from any adjacent streets.
 - 2) A minimum of 200 feet is required from any property line with an existing residential use. [Ord. 2020-020]
- h. Parking**
 The use shall be prohibited on vacant undeveloped parcels, unless parking is provided on a stabilized surface with defined ingress/egress for vehicles to enter and exit the site in a forward motion.
- 9. Temporary Green Market**
 - a. Definition**
 A temporary gathering of vendors, primarily for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread, and prepared food.
 - b. Duration**
 Shall only be allowed on weekends and holidays, and up to six months per calendar year.
 - c. Lot Size**
 A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required.
 - d. Signage**
 Vendor signs shall not be visible from the right-of-way.
 - e. Operation**
 - 1) Tents exceeding 120 square feet shall be subject to a Building Permit review.
 - 2) Motor vehicles utilized for the purpose of transporting vendor supplies and products may be allowed on site, provided the vehicles are removed from the site within two hours after the market closes each weekend.
 - 3) Shall not utilize required parking spaces.
- 10. Temporary Retail Sales**
 - a. Definition**
 General Retail Sales without a fixed or permanent location.
 - b. Typical Uses**
 Typical uses may include but are not limited to temporary sales of Christmas trees, pumpkins, fireworks, plants, art, paintings, rugs, and furniture.
 - c. Duration**
 Shall not exceed 30 consecutive days and a maximum of four times per calendar year per parcel.

- d. **Zoning District – AGR**
Shall be limited to Christmas trees, plants, and pumpkins.
 - e. **Location**
Shall front an Arterial Street.
 - f. **Number**
A maximum of one temporary tent or structure shall be allowed per parcel.
 - g. **Operation**
All debris shall be completely removed from the site, and the property shall be returned to its original condition, within 24 hours of the expiration of the DO or the removal of the activities associated with Special Event. [Ord. 2018-002]
 - h. **Special Provisions for Sparklers**
Shall comply with the following additional requirements:
 - 1) **Zoning Districts**
Shall be limited to CG and IL.
 - 2) **Seasonal Limitations**
Shall only be allowed June 20 through July 5 and December 10 through January 2 of each year.
 - 3) **Additional Application Requirements**
The application shall include the following information: [Ord. 2018-002]
 - a) **Fire Marshal Certification**
The PBC Fire Marshal shall review and approve the location of the sale of the sparklers and issue a certificate of registration.
 - b) **Affidavit of Compliance**
A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshal. The affidavit shall be submitted affirming that only products on the State Fire Marshal's Approved List of Sparklers will be sold and that violation of the affidavit may result in an injunction.
 - c) **Documentation**
Copies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used, and driver's licenses for the Applicant's authorized Agents.
 - i. **Parking**
Parking shall be provided on site, on a stabilized surface with defined ingress/egress. Vehicles shall enter and leave the site in a forward motion.
- 11. Temporary Vehicle Sales**
- a. **Definition**
The temporary sale of new or used motor vehicles, including cars, trucks, and recreational vehicles.
 - b. **Duration**
 - 1) Limited to five consecutive calendar days, not to exceed four times per calendar year.
 - 2) Shall be prohibited during the months of November and December.
 - c. **Lot Size**
A minimum of ten acres.
 - d. **Setbacks**
The event area shall be set back a minimum of 50 feet from all buildings.
 - e. **Parking**
 - 1) A maximum of 50 required on-site parking spaces may be utilized, and no related activities shall extend beyond the designated area.
 - 2) Accessible parking spaces shall not be occupied by activities related to the use.
 - f. **Accessory Sales**
Up to three Mobile Retail Sales vendors limited to sales of food and beverage may be allowed as an accessory use to Temporary Vehicle Sales, subject to the Mobile Retail Sales Supplementary Use Standards.

Amendment History:

[Ord. 2017-007; March 2, 2017] [Ord. 2017-009; March 2, 2017] [Ord. 2017-016; April 27, 2017] [Ord. 2017-025; August 28, 2017] [Ord. 2017-028; September 28, 2017] [Ord. 2017-029; September 28, 2017] [Ord. 2017-032; October 31, 2017] [Ord. 2017-042; December 5, 2017] [Ord. 2018-002; February 1, 2018] [Ord. 2018-018; August 29, 2018] [Ord. 2019-005; January 29, 2019] [Ord. 2019-023; July 2, 2019] [Ord. 2019-034; August 27, 2019] [Ord. 2019-039; December 5, 2019] [Ord. 2020-001; January 28, 2020] [Ord. 2020-007; June 10, 2020] [Ord. 2020-016; August 3, 2020] [Ord. 2020-020; September 3, 2020] [Ord. 2021-004; January 29, 2021] [Ord. 2021-006; March 2, 2021] [Ord. 2021-022; September 3, 2021] [Ord. 2021-023; September 3, 2021] [Ord. 2021-027; November 4, 2021] [Ord. 2021-039; December 22, 2021] [Ord. 2022-001; February 4, 2022] [Ord. 2022-002; February 4, 2022] [Ord. 2022-019; July 29, 2022] [Ord. 2023-009; February, 28, 2023] [Ord. 2023-011; March, 23, 2023] [Ord. 2023-012; March, 23, 2023] [Ord. 2023-023; June 23, 2023] [Ord. 2024-004; July 1, 2024] [Ord. 2024-025; December 13, 2024]