



INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
Planning, Zoning & Building

TO: The Honorable Mary Lou Berger, Mayor
And Members of the Board of County Commissioners

FROM: Jon MacGillis, ASLA
Zoning Director

DATE: October 19, 2016

RE: Unified Land Development Code (ULDC)
Use Regulations Project Update - Commercial, Temporary,
Agricultural and Limited Pet Boarding

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Overview

In a continuing effort to keep the Board updated on the ULDC Use Regulations Project, Zoning staff will be presenting Commercial, Temporary, Agricultural Use Classifications and Limited Pet Boarding under Zoning Director Comments at the BCC Zoning Hearing on October 27, 2016.

Current Status of Project

To date, five of the seven existing ULDC Use Classifications have been presented to the Board. The last update was on June 23, 2016 which focused on Commercial Communication Towers and a general overview of the Project. In addition, staff provided updates to the Board on Industrial and Recreation Uses on February 27, 2014; Residential Uses on September 24, 2015; Utility Uses on October 22, 2015; Excavation Uses on December 3, 2015; Public and Civic Uses on January 27, 2016; and Transportation Uses on May 26, 2016.

BCC Hearings are scheduled to take place as follows: Request for Permission to Advertise on January 5, 2017; 1st Hearing on January 26, 2017 and Adoption Hearing on February 23, 2017.

BCC Update on Proposed Amendments

Overview of Commercial Uses (Attachment 1): The main amendments for this use classification include:

- Clarify standard for screening of bay doors applicable to all Commercial Uses.
Change of Adult Entertainment approval process from Special Permit to Development Review Office (DRO), consistent with other First Amendment protected uses.
Monument Sales, Auto Accessory and Parts Retail Sales, and Printing and Copying uses were consolidated under General Retail use. Building Supplies was consolidated with Wholesale use, Broadcast Studio with Multimedia Production, and Butcher Shop with Manufacturing and Processing.
Consolidate Convenience Store with Gas Sales along with Retail Gas and Fuel Sales. Convenience Store remains as its own use, the square footage limitation is expanded from 5,000 to 7,000 square feet and the use will be reviewed and approved concurrently with Retail Gas and Fuel Sales when both uses are collocated.
Clarify existing provisions for three types of Financial Institution: Financial Institution; Financial Institution with Drive Thru; and, Freestanding ATM.



- New exceptions for location criteria are proposed to be applicable to Gas and Fuel Retail Sales and Type 2 Restaurant when located in Multiple Use Planned Development (MUPD).
- Hotel, Motel, SRO and Rooming and Boarding House use has been divided into three uses: Hotel or Motel; Single Room Occupancy (SRO); and, Rooming and Boarding House to better differentiate the use characteristics and number of occupants.
- Clarify standards for where a Landscape Service is permitted in the Agricultural Residential (AR) or Agricultural Reserve (AGR) districts as an accessory use to Nursery uses. Also includes standards for parking of employee vehicles for Home Occupation Landscape Service permitted on parcels three acres or more.
- Establish Microbrewery as a new use for the small scale production and packaging of craft or specialty beer in Commercial and Industrial zoning districts, including separation distance requirements.
- Differentiate between Light and Heavy Vehicle Repair and Maintenance uses based on types of vehicles serviced or scope of services offered.
- Expand and clarify existing provisions for Limited and Multi-access Self Service Storage Facility (SSSF). Expand to allow Limited Access SSSF in Traditional Marketplace Development (TMD), and Commercial Pod of a Planned Unit Development (PUD) and Neighborhood Center of a Traditional Neighborhood Development (TND).
- Expand upon existing Vehicle/Equipment Sales and Rental Supplemental Standards which differentiate between Light and Heavy based on types of vehicles, equipment, boats or recreational vehicles sold, by clarifying definitions for each and incorporating into the Use Matrix.
- Establish standards to clarify that Accessory Office is not the same as a Business or Professional Office use.

Public Participation:

- Land Development Regulation Advisory Board (LDRAB) Subcommittee meeting on August 23 and August 31, 2016 for comments and input on proposed amendments.
- LDRAB meeting on October 14, 2016 to present amendments. The LDRAB recommended approval of the proposed amendments, as amended (10 - 0).

Overview of Temporary Uses (Attachment 2):

This is a new Use Classification that consolidates all uses of a temporary nature, mostly relocated from Commercial Use Classification but including Recreation and Utility Uses. The amendments include:

- Most uses are subject to Special Permit, except for Day Camp, Recycling Drop-Off Bin, and Special Events that are subject to DRO approval.
- Establish general standards to include compliance with consent and liability insurance for the operation of the uses.
- Mobile Retail Sales is expanded to retail sales and not limited to food sales and the number of vendors allowed per parcel increased from one to three.
- Allow Special Event collocated with a Place of Worship in residential zoning districts limited to specific hours of operation and minimum parking for both uses to operate, unless off-site parking is provided as required in Art. 6, Parking.
- Increase the potential duration for Special Events from 14 days to 21 days, if justified and approved by the Zoning Division, and allow the use on vacant parcels, subject to additional standards.



Public Participation:

- LDRAB Subcommittee meeting on September 7, 2016 for comments and input on proposed amendments.
- LDRAB meeting on October 14, 2016 to present amendments. The LDRAB recommended approval of the proposed amendments, as amended (10 - 0).

**Overview of Agricultural Uses (Attachment 3):**

Amendments to Agricultural Uses will be limited to the new consolidated Use Matrix, including a reference to the Policy and Procedures Manual (PPM) MD-RI 002 which clarifies processing Building Permits and Zoning Applications for Farms; relocation of language for consistency with construction of Article 4, Use Regulations; deletion of the use Farrier; and change of the title Agricultural Bona Fide use to Farm.

Public Participation:

- This particular Use Classification was not subject to an LDRAB Subcommittee as there were no main proposed amendments other than those noted above.
- LDRAB meeting on October 14, 2016 to present amendments. The LDRAB recommended approval of the proposed amendments, as amended (10 - 0).
- The renaming of Agricultural Bona Fide use may be postponed to a later date.

**Overview of Limited Pet Boarding (Attachment 4):**

This amendment expands upon the Residential Use Classification which was presented to the BCC on September 24, 2015.

Public Participation:

- This amendment originated from a Privately Initiated Amendment (PIA) submitted to the Zoning Division in 2012, with initial recommendation presented to LDRAB on February 27, 2013. The motion to move the application forward to the BCC passed (9 - 4) to consider lot size, tier, noise, and the number of animals. The amendment was followed by a BCC Hearing on March 28, 2013, to receive direction to proceed with the requested PIA. At the hearing, BCC directed staff to draft a code amendment for limited boarding of cats and dogs in residential zoning districts as part of the Use Regulations Project.
- At the LDRAB meeting on October 14, 2016 the Advisory Board recommended denial, motion vote 8 – 2, of the proposed amendments. The Advisory Board requested staff to ensure that the BCC was made aware of their strenuous objection to allowing a “Commercial use” in a residential zoning district. The 8 – 2 motion supported that if the BCC elects to proceed with this amendment, LDRAB recommends including additional standards related to: drop off on improved driveways and limitations on the outdoor activity areas, including hours of operation.

**Status of Pending Regulations**

Zoning staff has completed the review of **all** Use Classifications at this time and is working on completing the amendments to be presented to the Land Development Regulations Committee (LDRC) on November 30, 2016 for final consistency determination. Proposed amendments to all uses, as presented in the updated form to the BCC during the last two years, were subject to a duly noticed Public Forum Meeting on October 13, 2016. The issues discussed and brought to Zoning staff's attention will be presented to the BCC on December 7, 2016 at the Zoning Hearing under the Zoning Director Comments item.



Staff determined that any broader amendments to Commercial Communication Towers as well as Agricultural Uses would need to be addressed outside the URP to ensure appropriate public feedback and participation from industry and interested parties. These two Use Classifications will be addressed at a later date as part of a future Amendment Round with BCC direction.

Staff has scheduled meetings with each Commissioner in advance of the October 27, 2016 BCC Zoning Hearing to discuss the Commercial, Temporary and Agricultural uses updates.

If you have any questions before the October BCC Hearing, please contact me at 561-233-5234 or William Cross, Principal Site Planner at 561-233-5206.

JM/MC

Attachments: Attachment 1, Commercial Uses  
Attachment 2, Temporary Uses  
Attachment 3, Agricultural Uses  
Attachment 4, Limited Pet Boarding

C: Verdenia C. Baker, County Administrator  
Faye Outlaw, Assistant County Administrator  
Patrick Rutter, Executive Director, PZ&B  
Ramsay Bulkeley, Deputy Director, PZ&B  
Robert Banks, Chief Land Use County Attorney  
Leonard Berger, Chief Assistant County Attorney  
Lorenzo Aghemo, Planning Director  
Wesley Blackman, AICP, Chairman of the Land Development Regulation Advisory Board (LDRAB)  
Maryann Kwok, AICP, Deputy Zoning Director, Zoning  
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Code Revision Staff

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2 **Part 1. ULDC Art. 1.I.2. Definitions (pages 35 & 110 of 119), is hereby amended as follows:**  
3

**Reason for amendments:** [Zoning] Ambulatory Surgical Center and Urgent Care Center definitions are proposed to clarify typical uses related to Medical or Dental Office.

4 **CHAPTER I DEFINITIONS AND ACRONYMS**

5 **Section 2 Definitions**

6 A. Terms defined herein or referenced Article shall have the following meanings:  
7 68. **Ambulatory Surgical Center** - An establishment primarily providing elective surgical care, in  
8 which the patient is admitted to and discharged within the same working day and is not  
9 permitted to stay overnight; and which is not part of a hospital.

10 **[Renumber accordingly]**

11 ....

12  
13 U. Terms defined herein or referenced Article shall have the following meanings:  
14 17. **Urgent Care Center** - A walk-in, extended-hour establishment that provides immediate, but  
15 not emergent, medical care to patients. Patients shall be served solely on an outpatient basis  
16 and such services shall not include overnight stays.

17 **[Renumber accordingly]**

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19 **Part 2. New ULDC Art. 1.I.3, Abbreviations and Acronyms, (Pages 118 and 119 of 119) is**  
20 **hereby amended as follows:**  
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**Reason for amendments:** [Zoning] Recognize new acronyms for vehicles as established in amendments for Vehicle sales and Rental.

22 **CHAPTER I DEFINITIONS & ACRONYMS**

23 **Section 3 Abbreviations and Acronyms**

- ....  
**OHV**            Off-highway Vehicle  
....  
**RV**              Recreational Vehicle  
**RVPD**           Recreational Vehicle Planned Development (RVPD)  
....  
**SUV**            Sport Utility Vehicle  
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26 **Part 3. New ULDC Art. 4.B.2, Commercial Uses, is hereby established as follows:**

27 **CHAPTER B USE CLASSIFICATION**

28 **Section 2 Commercial Uses**

29 **A. Commercial Use Matrix**  
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TABLE 4.B.2.A COMMERCIAL USE MATRIX

STANDARD DISTRICTS																		PLANNED DEVELOPMENT DISTRICTS (PDDs)												TRADITIONAL DEV. DISTRICTS (TDDs)					
AG/CON	RESIDENTIAL						COMMERCIAL						IND	INST	PUD	PODS	MUPD			MXPD	FLU	PIPD			M	R	LCC	TND	TIER	EX/ RURAL	TMD	TIER	AGR		
	AR	RR	RR	RR	RR	RR	URAO	URAO	URAO	URAO	URAO	URAO					IRAO	IRAO	IRAO			IRAO	IRAO	IRAO										IRAO	IRAO
P	A	A	P	P	A	AR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR					
C	G	R	P	P	A	AR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR					
																		Use Type												Supplementary Standards #					
																		Green Market-Permanent												16					
																		Hotel or Motel SRO- Rooming and Boarding												17					
																		Kennel Type H2 (Commercial)												18					
																		Kennel Type H3 (Commercial Enclosed)												19					
																		Kiosk																	
																		Landscape Service												20					
																		Laundry Service												21					
																		Live-Work																	
																		Marine-Facility Marina [Relocated from Recreation Use Classification]												22					
																		Medical or Dental Office												23					
																		Microbrewery												24					
																		Monument-Sales-Retail [Use relocated to General Retail Sales]																	
																		Office, Business or Professional												25					

Use approval process key:

P Permitted by Right  
 S Subject to Special Permit Approval  
 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

Ord. I







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**Reason for amendments: [Zoning]**

1. Address bay door orientation by making it par to the General Standards applicable to Commercial Uses. The proposed provisions differ from Bay Door standards applicable to loading areas currently contained in Art. 6, Parking. This amendment looks to protect residential developments from nuisances created by adjacent non-residential developments that may include uses that require bay doors to be open and to minimize visual impact from streets. This language currently exists in uses such as Repair and Maintenance or Vehicle Sales and Rental which is now expanded to cover all uses. This standard will make the application consistent and applicable to all uses that have intense operations or activities in bays that keep the door open.
2. Establish a hierarchy of requirements based on the incompatibility issues that may arise from the use and activities on adjacent streets or parcels of land.
3. Specific provisions in Art. 2, Development Review Procedures, does not allow the Zoning Commission to grant variances to the use standards contained in Article 4 unless clearly stated otherwise. This amendment creates an option for Commercial Uses with Bay Doors facing residential use or vacant parcel with residential FLU, to apply for a variance to cover situations not identified in exception standards.

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**B. General Commercial Standards**

**1. Bay Doors**

*Unless stated otherwise in Art. 4, Use Regulations or Art. 6.B, Loading Standards, service bay doors shall not face any residential use, or vacant parcel of land with residential FLU designation, except as follows: [Ord. 2005 – 002] [Partially relocated from Art. 4.B.1.A.107.f, Bay Door Orientation, related to Repair and Maintenance]*

- a. *When separated from residential by an Arterial or Collector street a minimum of 80 feet in width. [Partially relocated from Art. 4.B.1.A.107.f, Bay Door Orientation, related to Repair and Maintenance]*
- b. *When separated by a Local Commercial Street, provided the R-O-W buffer is upgraded to include a minimum six foot high hedge. [Partially relocated from Art. 4.B.1.A.107.f, Bay Door Orientation, related to Repair and Maintenance]*
- c. *When separated by a parcel with a nonresidential 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. [Partially relocated from Art. 4.B.1.A.107.f, Bay Door Orientation, related to Repair and Maintenance]*
- d. *Requests for Type 2 Variance from Bay Doors regulations shall be permitted in accordance with Art. 2, Development Review Procedures.*

**C. Definitions and Supplementary Use Standards for Specific Uses**

**21. Adult Entertainment**

**Reason for amendments: [Zoning]**

1. Amend Adult Entertainment (AE) Supplementary Use Standards to reflect changes in the approval process identified in the Use Matrix.

**a. Establishment**

Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. §480, tanning salon, modeling studio, or lingerie studio. The following definitions and Supplementary Use Standards shall apply to all Adult Entertainment establishments: [Ord. 2004-051] [Ord. 2009-040] [Partially relocated from Art. 4.B.2.C.2.d, License, below]

**b. Definitions, ~~Adult Entertainment Establishment~~**

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

**1) Adult Arcade**

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

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**2) Adult Bookstore/Adult Video Store**

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

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

**3) Adult Booth**

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

**4) Adult Dancing Establishment**

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

**5) Adult Entertainment**

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

**6) Adult Material**

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

- a) Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices; which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or, [Ord. 2004-051] [Ord. 2009-040]
- b) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities. [Ord. 2004-051] [Ord. 2009-040]

**7) Adult Motel**

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

**8) Adult Theater**

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

**9) Adult Video Store**

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

**10) Commercial Gain**

Operated for pecuniary gain, which shall be presumed for any establishment which has received a business tax receipt. For the purpose of this Code, commercial or

1 pecuniary gain shall not depend on actual profit or loss. [Ord. 2004-051] [Ord. 2007-  
2 013] [Ord. 2009-040]

3 **11) Educational Institution**

4 Premises or site within a municipality or within the unincorporated area of PBC upon  
5 which there is a governmentally licensed child care facility for six or more children or  
6 elementary or secondary (K-12) school, attended in whole or in part by persons  
7 under 18 years of age. [Ord. 2004-051] [Ord. 2009-040]

8 **12) Employee**

9 Any person who works, performs, or exposes his/her specified anatomical areas in  
10 an establishment, irrespective of whether said person is paid a salary or wages by  
11 the owner or manager of the business, establishment, or premises. "Employee" shall  
12 include any person who pays any form of consideration to an owner or manager of an  
13 establishment, for the privilege to work performing or exposing his/her specified  
14 anatomical areas within the establishment. [Ord. 2004-051] [Ord. 2009-040]

15 **13) Person**

16 Includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s),  
17 estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and  
18 all other or any other similar entity. [Ord. 2004-051] [Ord. 2009-040]

19 **14) Religious Activities**

20 Any daily, weekly, or periodic activity associated with or that occurs at a religious  
21 institution. [Ord. 2004-051] [Ord. 2009-040]

22 **15) Religious Institution**

23 A premises or site which is used primarily or exclusively for religious worship and  
24 related religious ecclesiastical or denominational organization or established place of  
25 worship, retreat, site, camp or similar facilities owned or operated by a bona fide  
26 religious group for religious activities shall be considered a religious institution. [Ord.  
27 2004-051] [Ord. 2009-040]

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2. Delete definition of Residential Zoning District as it is already defined in the section dedicated to definitions in Article 1 of the Code.
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~~**16) Residential Zoning District**~~

~~Includes the following zoning districts which have not been designated in the  
comprehensive plan as commercial or industrial: [Ord. 2004-051] [Ord. 2009-040]~~

~~a) AR-Agricultural Residential. [Ord. 2004-051] [Ord. 2009-040]~~

~~b) RE-Residential Estate. [Ord. 2004-051] [Ord. 2009-040]~~

~~c) RT-Residential Transitional. [Ord. 2004-051] [Ord. 2009-040]~~

~~d) RS-Single Family Residential. [Ord. 2004-051] [Ord. 2009-040]~~

~~e) RM-Multiple-Family Residential (Medium Density). [Ord. 2004-051] [Ord. 2009-  
040]~~

~~f) TND-Traditional Neighborhood Development. [Ord. 2004-051] [Ord. 2009-040]~~

~~g) PUD-Planned Unit Development. [Ord. 2004-051] [Ord. 2009-040]~~

~~**17) Specified Anatomical Areas**~~

~~Less than completely and opaquely covered: [Ord. 2009-040]~~

~~a) Human genitals and pubic region or; [Ord. 2004-051] [Ord. 2009-040]~~

~~b) the opening between the human buttocks, i.e., the anal cleft or; [Ord. 2004-051]  
[Ord. 2009-040]~~

~~c) that portion of the human female breast encompassed within an area falling  
below the horizontal line one would have to draw to intersect a point immediately  
above the top of the areola (the colored ring around the nipple); this definition  
shall include the entire lower portion of the female breast, but shall not include  
any portion of the cleavage of the human female breast exhibited by a dress,  
blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola  
is not so exposed or; [Ord. 2004-051] [Ord. 2009-040]~~

~~d) human male genitals in a discernibly turgid state, even if completely and  
opaquely covered. [Ord. 2004-051] [Ord. 2009-040]~~

~~**18) Specified Sexual Activities**~~

~~a) Human genitals in a state of sexual stimulations, arousal, or tumescence; [Ord.  
2004-051] [Ord. 2009-040]~~

~~b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy,  
coprophilia, fellation, flagellation, masochism, masturbation, necrophilia,  
pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy;  
or [Ord. 2004-051] [Ord. 2009-040]~~

~~c) fondling or other erotic touching of human genitals, pubic region, buttock, anus,  
or female breast; [Ord. 2004-051] [Ord. 2009-040] or~~

1 d) excretory functions as part of or in connection with any of the activities set forth in  
2 subsections of Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and  
3 Specified Sexual Activities. [Ord. 2004-051] [Ord. 2009-040]

4 **c. Exclusions**

5 Excluded from this definition are any educational institutions where the exposure of the  
6 specified anatomical area is associated with a curriculum or program. [Ord. 2004-051]  
7 [Ord. 2009-040]  
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3.	Language related to approval process, review and "Decision Relief" from licensing to be relocated to their own Supplementary Use Standards.
4.	Delete reference to Art. 2.D.2.E.1 and Art. 2.D.2.E.4 that relates to regulations on standards for Special Permit. Adult Entertainment use is no longer subject to Special Permit, therefore any reference to that approval needs to be removed from the Supplementary Standards applicable to this use.
5.	Clarify that all AE establishments, existing and new, are required to be licensed by the County for compliance with the PBC Adult Entertainment Ordinance and demonstrate licensing prior to the issuance of any Business Tax Receipt (BTR).
6.	Relocate standards related to existing nonconforming AE establishments to consolidate under a new subsection that clarifies the approval process for existing and new approvals.

9  
10 **d. License per Palm Beach County Adult Entertainment Code**

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

13 ~~An adult entertainment use shall comply with the following supplementary use standards:~~

14 **[Partially relocated to Art. 4.B.2.C.2.a Establishment, above]** ~~A Special Permit for an~~  
15 ~~adult entertainment establishment shall be issued or denied within 21 days of a~~  
16 ~~determination of application sufficiency pursuant to the standards and procedures in Art.~~  
17 ~~2.D.2, Special Permit, and the requirements of the Code. [Partially relocated to new~~  
18 ~~Art. 4.B.2.C.2.e, Review and Approval Process, below]~~ ~~The standards set forth in Art.~~  
19 ~~2.D.2.E.1 and Art. 2.D.2.E.4 shall not be applied to special permits for adult~~  
20 ~~entertainment uses. A Person seeking a Special Permit or a Person holding a previously~~  
21 ~~approved Special Permit has the right to immediately appeal a denial of application~~  
22 ~~sufficiency for a Special Permit, denial of a Special Permit, or revocation or suspension of~~  
23 ~~a permit, as applicable, to the Circuit Court in the Fifteenth Judicial Circuit of the State of~~  
24 ~~Florida in accordance with the procedure and within the time provided by the Florida~~  
25 ~~Rules of Appellate Procedure. [Ord. 2004 - 051] [Ord. 2009-040] [Ord. 2011-016]~~  
26 **[Partially relocated to new Art. 4.B.2.C.2.g, Decision Relief, below]**

27 2) An Adult Entertainment use approved by the DRO, after this Ordinance is effective,  
28 shall hold a valid Adult Entertainment License pursuant to the "Adult Entertainment  
29 Code", Chapter 17, Article V of the Palm Beach County Code, as may be amended,  
30 prior to issuance of a Business Tax Receipt.  
31

7.	This amendment clarifies when the DRO approval process will be applicable to all AE establishments: those that were vested, those approved through Special Permit, and new facilities. The AE use includes two types of non-conformities: those now being made non-conforming due to change in the approval process from Special Permit to DRO; and, those originally envisioned in the settlement agreement. This amendment clarifies that those sites will be able to continue business operation unless the use exceeds any of the thresholds under Nonconformities as contained in Art. 1.F of the ULDC, in which case the use will be subject to DRO approval.
8.	Allow multiple government agencies to review AE applications as part of the DRO review process while still keeping to the same timeframe of 21 days of review as was applicable to the AE during the Special Permit approval. Specific provisions in Art. 2.D.1.C related to DRO review procedures clarify the review time for AE is not the same as any other DRO approval. In order to keep to the timeframe, this amendment provides authority to the Zoning Director to determine the specific agencies that are required to review an AE application as part of the DRO approval and allows the Zoning Division to determine if there is merit in imposing conditions of approval by an agency.
9.	Include reference to the sufficiency review in Article 2 to clarify the timeframe for such determination is ten days which is applicable to the review of an AE establishment.

32 **e. Review and Approval Process**

33 1) Applications for new Adult Entertainment establishment or legal nonconforming  
34 establishments exceeding the thresholds in Art. 1.F, Nonconformities, shall be  
35 subject to DRO approval.

36 2) An Adult Entertainment establishment shall be exempt from the requirements under  
37 Development Thresholds in Art. 4, Use Regulations.  
38

1 3) The Zoning Director shall determine what DRO agencies shall review the application,  
2 including but not limited to the Building Division, Fire Department and Zoning  
3 Division. DRO shall approve, approve with conditions, or deny the application within  
4 21 days of a determination of application sufficiency as contained in Art. 2.A.1.G.4,  
5 Sufficiency Review. [Partially relocated from Art. 4.B.2.C.2.d, License, above]

6 **f. Conditions**

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

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|-----|---|
| 10. | Clarify that any decisions on Development Order applications for AE, including amendments to prior approvals subject to Special Permits or DRO, shall appeal to the Fifteenth Judicial Circuit of the State of Florida.   |
| 11. | Clarify that decisions made to any legally created Adult Entertainment establishment have the right to appeal such decision.  |
| 12. | Delete the term "section" to clarify the part of the Code that is specifically referred to when this term is used. The term Section is used in the construction of the Code to refer to large portions of regulations under every article. When the term is used indistinctly without this consideration it may be understood that the regulation that contains the term "section" relates to a vast area of standards when in reality it may just pertain to a very specific standard. |

10 **g. Decision-Relief from a Decision**

11 A Person seeking a DRO approval or a Person holding a previously approved Special  
12 Permit or an Adult Entertainment Establishment License, has the right to immediately  
13 seek relief from a denial of application sufficiency for a DRO, denial of a DRO application,  
14 or revocation or suspension of a Special Permit or DRO approval, as applicable, to the  
15 Circuit Court in the Fifteenth Judicial Circuit of the State of Florida. [Ord. 2004 - 051]  
16 [Ord. 2009-040] [Ord. 2011-016] [Partially relocated from Art. 4.B.2.C.2.d, License,  
17 above]

18 **eh. Purpose and Intent**

19 ~~This Section is~~ The following standards are intended to provide for the proper location of  
20 aAdult eEntertainment uses in order to protect the integrity of adjacent neighborhoods,  
21 educational uses, religious uses, parks, and other commercial uses. Proper separation of  
22 aAdult eEntertainment uses prevents the creation of "skid-row" areas in unincorporated  
23 PBC that results from the concentration of these uses and their patrons. It is also  
24 the intent of ~~this Section these standards~~ to limit the secondary effects of aAdult  
25 eEntertainment uses. ~~The standards in this Section are intended and~~ to ensure that  
26 residential districts, religious uses, educational uses, parks and other commercial uses  
27 are located in areas free from the secondary effects of aAdult eEntertainment uses. The  
28 location of residential districts, religious uses, educational uses, parks and other  
29 commercial uses within viable, unlighted and desirable areas supports the preservation of  
30 property values and promotes the health, safety and welfare of the public. [Ord. 2004-  
31 051] [Ord. 2009-040]

32 **fi. Findings of Fact**

33 Based on the evidence and testimony presented at the October 5, 2004 preliminary  
34 reading and the October 19, 2004 and November 16, 2004 Public Hearings before the  
35 BCC, and the August 27, 2009 preliminary reading and the September 24, 2009 and  
36 October 22, 2009 Public Hearings before the BCC, and on the findings incorporated in:  
37 the "Final Report to the City of Garden Grove: The Relationship Between Crime and  
38 Adult Business Operations on Garden Grove Boulevard", October 1991; "Adult  
39 Entertainment Businesses in Indianapolis: An Analysis" conducted by the Department of  
40 Metropolitan Development, Division of Planning, February, 1984; the "Study of the Effects  
41 of Concentration of Adult Entertainment Establishments in the City of Los Angeles"  
42 conducted by the Los Angeles City Planning Department for the Los Angeles City  
43 Council, June 1977; the study conducted by the City of Austin Texas; the "Presentation to  
44 the Orange County Commission" by the Metropolitan Bureau of Investigation (MBI) for  
45 the Ninth Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach  
46 County by Eric Damian Kelly, Ph.D, FAICP, dated September 24, 2004; letter from Dale  
47 N. Tarvis, M.D.; "Analysis of Availability of Sites for Adult Entertainment in Palm Beach  
48 County" prepared for Palm Beach County by Duncan Associates, November 2003; the  
49 "Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the  
50 County Attorney, Palm Beach County, Florida" prepared by Valerie Jenness, Ph.D.,  
51 Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D, August 15, 2007; the "Survey of  
52 Florida Appraisers – Effects of Land Uses on Surrounding Property Values" prepared for  
53 Palm Beach County by Duncan Associates, December 2007 (Report 2008); and  
54 information from Tampa, Florida detailing the effects of aAdult eEntertainment  
55

1 establishments in the Tampa area; the BCC hereby finds the following: [Ord. 2004-051]  
2 [Ord. 2009-040]

- 3 1) Commercial uses exist or may exist within unincorporated PBC where books,  
4 magazines, motion pictures, prints, photographs, periodicals, records, novelties  
5 and/or other devices that depict, illustrate, describe or relate to specified sexual  
6 activities are possessed, displayed, exhibited, distributed and/or sold. [Ord. 2004-  
7 051] [Ord. 2009-040]
- 8 2) Commercial uses exist or may exist within unincorporated PBC: [Ord. 2009-040]  
9 a) Where the superficial tissues of one person are manipulated, rubbed, stroked,  
10 kneaded, and/or tapped by a second person, accompanied by the display or  
11 exposure of specified anatomical areas; [Ord. 2004-041] [Ord. 2009-040]  
12 b) Where dancers, entertainers, performers, or other individuals, who, for any form  
13 of commercial gain, perform or are presented while displaying or exposing any  
14 specified anatomical area; or [Ord. 2004-051] [2009-040]  
15 c) Where lap dancing occurs. [Ord. 2004-051] [Ord. 2009-040]
- 16 3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to  
17 the public's interest and the quality of life, tone of commerce, and the community  
18 environment in PBC. [Ord. 2004-051] [Ord. 2009-040]  
19 a) When the activities described in Art. 4.B.1.A.2.C.2.b.17)-18), Specified  
20 Anatomical Areas and Specified Sexual Activities, are presented in commercial  
21 uses, other activities that are illegal, immoral, or unhealthful tend to accompany  
22 them, concentrate around them, and be aggravated by them. Such other  
23 activities include, but are not limited to, prostitution, solicitation for prostitution,  
24 lewd and lascivious behavior, possession, distribution, and transportation of  
25 obscene materials, sale or possession of controlled substances, and violent  
26 crimes against persons and land. [Ord. 2004-051] [Ord. 2009-040]  
27 b) When the activities described in Art. 4.B.1.A.2.C.2.b.17)-18), Specified  
28 Anatomical Areas and Specified Sexual Activities, are present in commercial  
29 uses within PBC, they tend to blight neighborhoods, adversely affect neighboring  
30 businesses, lower property values, promote crime, and ultimately lead residents  
31 and businesses to move to other locations. [Ord. 2004-051] [Ord. 2009-040]  
32 c) There is a direct relationship between the display and depiction of specified  
33 anatomical areas as described in Art. 4.B.1.A.2.C.2.b.17)-18), Specified  
34 Anatomical Areas and Specified Sexual Activities, and an increase in criminal  
35 activities, moral degradation and disturbances of the peace and good order of the  
36 community, and the occurrence of these activities are hazardous to the health  
37 and safety of those persons in attendance and tend to depreciate the value of  
38 adjoining land and harm the economic welfare of the community as a whole.  
39 These secondary effects are adverse to the public's interest and quality of life,  
40 the tone of commerce and the community environment in PBC. [Ord. 2004-051]  
41 [Ord. 2009-040]
- 42 4) Based upon these findings, the BCC finds that there are a sufficient number of  
43 available locations for new ~~a~~Adult ~~e~~Entertainment uses within unincorporated Palm  
44 Beach County. [Ord. 2004-051] [Ord. 2009-040]
- 45 5) Based upon these findings, it is in the interest of the health, safety, morals, and  
46 general welfare of the citizens of PBC that ~~a~~Adult ~~e~~Entertainment uses are regulated  
47 pursuant to the following standards. [Ord. 2009-040]  
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13. It is important to clarify that there is no variance relief from the location standards or any of the provisions applicable to AE in this article unless specifically indicated, as authority granted to the Zoning Commission in Art. 2, variances are not allowed for standards contained in Art. 4, Use Regulations.

14. Clarify Adult Entertainment separation distance from specific uses is applicable to any parcel of land regardless if they are located within the unincorporated Palm Beach County jurisdiction or not. This provision looks to protect such uses from the impacts that AE establishments may cause.

49 **gj. Location Separation**

50 *There shall be no variance to the location standards contained herein. [Relocated from*  
51 **General standard, below]**

52 **1) General**

53 An ~~a~~Adult ~~e~~Entertainment use shall be located ~~in outside of~~ the ~~following~~-minimum  
54 distances ~~indicated below including properties within a municipality or within the~~  
55 ~~unincorporated area of PBC: from the following uses. There shall be no variance to~~  
56 ~~the locational standards in this Section.~~ [Ord. 2004-051] [Ord. 2009-040] [Partially  
57 relocated to Location, above]  
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- a) **Other Adult Entertainment Use**  
2,000 feet. [Ord. 2004-051] [Ord. 2009-040]
- b) **A ~~Church or~~ Place of Worship**  
1,000 feet. [Ord. 2004-051] [Ord. 2009-040]
- c) **An Educational Institution**  
1,000 feet. [Ord. 2004-051] [Ord. 2009-040]
- d) **A Public Park**  
500 feet. [Ord. 2004-051] [Ord. 2009-040]
- e) **A Residential Zoning District**  
(Which is ~~De~~designated as Residential by any Local Comprehensive Plan),  
500 feet. [Ord. 2004-051] [Ord. 2009-040]
- f) **A Cocktail Lounge**  
750 feet. [Ord. 2004-051] [Ord. 2009-040]

**2) Measurement of Distance**

The distance set forth ~~above in this Section~~ shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or

housing the proposed ~~a~~Adult ~~e~~Entertainment use to the nearest point on the property line of the relevant ~~church or p~~Place of ~~w~~Worship, ~~E~~ducational ~~i~~nstitution, ~~p~~Public ~~p~~Park, ~~or~~ residential zoning district. For the purpose of measuring the distance, also see Article 1.C, Rules of Construction and Measurement, between ~~a~~Adult ~~e~~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 ~~a~~Adult ~~e~~Entertainment establishment and the nearest point on the exterior wall or bay of another ~~a~~Adult ~~e~~Entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects. [Ord. 2004-051] [Ord. 2009-040]

**3) WCRA Overlay**

Adult ~~e~~Entertainment is prohibited within the boundaries of the WCRAO, as per Article 3.B.14.E. WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Ord. 2009-040]

15. Use Educational Institution reference instead of Elementary or Secondary School to match the provisions noted in the general location standard above and provide flexibility to include educational uses not anticipated or contained in the Code.

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**~~h~~k. Subsequent Development within Locational Standards**

The subsequent approval of a development order for a ~~church or p~~Place of ~~w~~Worship, ~~elementary or secondary school~~Educational Institution, ~~p~~Public ~~p~~Park, or residential district within the distances outlined ~~in this Section above~~ shall not change the status of the ~~a~~Adult ~~e~~Entertainment use to that of a nonconforming use. [Ord. 2004-051] [Ord. 2009-040]

**~~i~~l. Landscaping**

A Type 2 incompatibility buffer, pursuant to Article 7.F, Perimeter Buffer Landscape Requirements with canopy trees spaced a minimum of 20 feet on center and a wall a minimum of six feet in height shall be installed along any property line that abuts a residential district. [Ord. 2004-051] [Ord. 2009-040]

**~~j~~m. Lighting**

Outdoor low-intensity lighting shall be provided that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures that do not exceed 16 feet in height from finished grade. [Ord. 2004-051] [Ord. 2009-040]

16. On November 28, 1988 the Palm Beach County Adult Entertainment Code, Ordinance 1988-31, became effective. This ordinance includes specific provisions to declare multiple Adult Entertainment businesses that at the time were in operation, as valid nonconforming uses. This amendment simply rectifies reference to the 1988 date by placing the date under the standards that pertains to business operation.

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**~~k~~n. Nonconformity**

**1) Establishment of Nonconformity**

~~Any An a~~Adult ~~e~~Entertainment use shall be deemed a nonconforming use, provided the establishment and the standards of this Section shall not apply if the adult entertainment use on November 28, 1988: [Ord. 2004-051] [Ord. 2009-040]

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- a) **Location**  
Was in operation as an ~~a~~Adult ~~e~~Entertainment use, generally known and held out in the neighborhood and community as an ~~a~~Adult ~~e~~Entertainment establishment, and was open to the public as an ~~a~~Adult ~~e~~Entertainment establishment use on November 28, 1988; and, [Ord. 2004-051] [Ord. 2009-040]
- b) **Business Tax Receipt**  
Possessed a valid and current business tax receipt authorizing the general type of use, which would correspond to the ~~a~~Adult ~~e~~Entertainment use being claimed as nonconforming on November 28, 1988; and, [Ord. 2004-051] [Ord. 2007-013] [Ord. 2009-040]

17. Delete reference that requires nonconforming AE establishments to have been subject in the past to an application for the use and be in compliance with the Code. Existing nonconforming sites were vested and identified as such by the PBC license which was issued by the County for compliance with the AE Ordinance.

18. Clarify that Adult Entertainment establishments with Special Permits issued after August 15, 1992 and up to the effective date of this ordinance are considered nonconforming uses. This change is made to cover all possible scenarios where Adult Entertainment sites have obtained approval prior to the proposed change in this amendment from Special Permit to DRO.

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- c) **Adult Entertainment License**  
~~Applied for an adult entertainment use under the terms of this Code, shall submit Submitted~~ an application for an ~~a~~Adult ~~e~~Entertainment license pursuant to the PBC Adult Entertainment Code, Chapter 17, Article V of the PBC Code, as may be amended, with appropriate filing fees by August 15, 1992. [Ord. 2004-051] [Ord. 2009-040]
- d) Any Special Permit submitted between August 16, 1992 and the effective date of this Ordinance.

2) **Standards for Nonconformance**  
A nonconforming ~~a~~Adult ~~e~~Entertainment use as determined in Article ~~4.B.1.A.2.k~~ ~~4.B.2.C.2.n~~, Nonconformity, above shall be subject to the following ~~s~~Supplementary ~~U~~se ~~S~~tandards, in addition to Article 1.F, Nonconformities. [Ord. 2004-051] [Ord. 2009-040]

a) **Landscape Buffer**  
The ~~a~~Adult ~~e~~Entertainment ~~use~~ shall construct and install a Type 2 incompatibility buffer, as defined in Article 7.F, Perimeter Buffer Landscape Requirements, with canopy trees spaced a maximum of 20 feet on center along any property line that abuts a residential district, within 90 days of the date of issuance of the ~~a~~Adult ~~e~~Entertainment license by the occupational licensing department. [Ord. 2004-051] [Ord. 2009-040]

b) **Building Permit**  
If a building permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the ~~a~~Adult ~~e~~Entertainment use, the requirements of Article 7, Landscaping, shall apply to the entire site of the ~~a~~Adult ~~e~~Entertainment use. [Ord. 2004-051] [Ord. 2009-040]

3) **Modification or Improvement to Site Elements**  
When an ~~a~~Adult ~~e~~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.1. [Ord. 2015-006]

~~lo.~~ **Accessory Food Service in Industrial Districts**  
In the IL and IG Zoning districts, food service may be permitted as an accessory use to Adult Entertainment, only in conjunction with and during the hours of operation for an adult theater or an adult dancing establishment. [Ord. 2015-006]

~~mp.~~ **Collocated Cocktail Lounge**  
A cocktail lounge may be allowed as a collocated use permitted by right only when in conjunction with and during the hours of operation for an adult dancing establishment. [Ord. 2015-006]

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<b>Reason for amendments to Adult Entertainment in the Matrix: [Zoning]</b>
19 Change the use approval from Special Permit to DRO in the same zoning districts where the use is currently allowed. The approval shown in this Use Matrix will be applicable to any new Adult Entertainment (AE) site or nonconforming sites triggering thresholds contained in Art. 2.F, Nonconformities. This change will allow multiple government agencies to review AE applications and site plans to be provided through the DRO process.



**162. Auction**

<b>HISTORY:</b> The Auction use was first referenced in the 1973 Code (Ord. 1973-2) as Enclosed and Open & Vehicular Auction, specifically addressing parking. The use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1998-011, 2001-001 (Outdoor) 2003-067, 2009-040 (Outdoor and Enclosed Supplementary Standards are consolidated), 2010-005, 2010-022, 2011-016 and 2012-003.
<b>Reason for amendments: [Zoning]</b>
1. Revise the definition to clarify auction activities to include display of merchandise and bidding.
2. Delete the Temporary standard addressing auctions. The Temporary Auction will be addressed as a Typical Use for Special Events.
3. Partially relocate Enclosed and Outdoor Supplemental Standards to a new Use Type standard. Add additional standards for an Indoor Auction to address instances where an outdoor display area may be allowed. Staff recognizes that occasional outdoor display of merchandise (artwork, cars, etc.) is customary to an indoor auction.
4. Establish AGR standard to limit auctions to activities related to the display, bidding and selling of farm equipment and supplies.
5. Delete reference to TMD and LCC limiting enclosed auctions to the U/S Tier. The Use Matrix will identify the location of an auction in those districts.

**a. Definition**

An establishment engaged in the display and sale of merchandise to the highest bidder in an enclosed building or outdoor site. **[Ord. 2009-040]**

**a. Temporary**

~~A temporary auction shall comply with the Special Event supplementary use standards, Article 2.D.2, Special Permit.~~

**b. Use Types**

**1) Indoor**

~~All activities, display and sale of merchandise shall occur within an enclosed building, unless stated otherwise. An Indoor Auction may include an outdoor display area subject to the following: **[Ord. 2009-040]** [Partially relocated to from Standard b. Enclosed below]~~

~~a) The merchandise shall be relocated to the interior of the enclosed building prior to the end of each business day;~~

~~b) Shall not exceed ten percent of the GFA of the enclosed building;~~

~~c) Shall comply with the minimum setbacks requirements of the applicable Zoning District; and,~~

~~d) Shall not be located in any required parking spaces, loading or vehicular use areas, fire lanes, or landscape buffers. The outdoor display area shall not encroach upon pedestrian pathways, sidewalks or ADA accessible routes.~~

**2) Outdoor**

~~An auction with all or a portion of the activity, display and sale of merchandise occurring outdoor on-site. **[Ord. 2007-001]** **[Ord. 2009-040]** [Partially relocated to from Standard c. Outdoors below]~~

**c. Zoning District - AGR**

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

**b. Enclosed**

~~All activities, display and sale of merchandise shall occur within an enclosed building. **[Ord. 2009-040]** [Partially relocated to Standard b.1), Indoor above]~~

**c. Outdoors**

~~An auction with all or a portion of the activity, display and sale of merchandise occurring outdoor on-site shall require approval of a Class A Conditional Use. **[Ord. 2007-001]** **[Ord. 2009-040]** [Partially relocated to Standard b.2), Outdoor above]~~

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**d. TMD and LCC Districts**

~~Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005-002]  
[Ord. 2009-040] [Ord. 2010-005]~~

<b>Reason for amendments to Indoor Auction in the Use Matrix:</b> [Zoning]	
6.	Change the approval process in the Community Commercial (CC) standard Zoning District from a Class B Conditional Use to DRO
7.	Change the approval process in the General Commercial (CG), Commercial Recreation (CRE), and IRO with a CH FLU designation from DRO approval to Permitted by Right;
8.	Change the approval process in the Light Industrial (IL) Zoning District from Class A Conditional Use to Permitted by Right (P) and in the General Industrial (IG) Zoning District from Class B Conditional Use to P;
9.	Change the approval process from Requested Use (R) (shown in the Use Matrix as "A") to P in the COM Pod of a PUD;
10.	Change the approval process from DRO to P in a MUPD with an IND FLU designation; and, Add the use to the IND/L and IND/G Pods of a PIPD as a P.
11.	The activities of the use are primarily located within an enclosed building contributing to the mitigation of any adverse impacts.
<b>Reason for amendments to Outdoor Auction in the Use Matrix:</b> [Zoning]	
12.	Add the use to the CG and CRE as a Class A Conditional Use for consistency with PDD's with Commercial FLU, Pod or Use Areas.
13.	Change the approval process in IL from Class A Conditional Use to P and in IG from Class B Conditional Use to P. The revision was made for consistency with other industrial zoning districts.
14.	Change the approval process from P to Class A Conditional Use in the COM Pod of a PIPD for consistency with other commercial zoning districts.

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**17. Auto Paint and Body Shop**

<b>HISTORY:</b> The Auto Paint and Body Shop use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 2001-028, 2003-067, 2010-005, 2010-022, 2011-016, and 2013-018.
<b>Reason for amendments:</b> [Zoning]
1. Use to be relocated to Heavy Repair and Maintenance.

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~~An establishment engaged in the painting of motor vehicles or performance of major external repairs of a non-mechanical nature.~~

**a. Enclosed Structure**

~~All activity, except detailing and car washing, shall be conducted within an enclosed structure. Use of outdoor lifts, jacks, stands, paint booths and similar equipment shall be prohibited.~~

**b. Architecture**

~~Freestanding auto paint and body shops contiguous to a public street or residential zoning district shall comply with Article 5.C, DESIGN STANDARDS.~~

<b>Reason for amendments to Auto Paint and Body Shop in the Use Matrix:</b> [Zoning]
2. Approval process to be consolidated with to General Repair and Maintenance approval.

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1           **203. Bed and Breakfast**  
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**HISTORY:** The Bed and Breakfast use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1995-024, 1997-064, 2001-029, 2003-067, 2007-001, and 2007-013.

**Reason for amendments:** [Zoning]

1. Update the use definition by clarifying the use is intended to be for transient lodging for consistency with F.S. 509.242(f), definition of Bed and Breakfast Inn contained in the Public Lodging Establishments classification as noted below. Bed and breakfast inn. A bed and breakfast inn is a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry.  
The change also includes expansion of food service not only to breakfast but other meals. The Statute definition does not limit the food service to breakfast and provides more meal options through the Department of Business and Professional Regulations that allows the use to provide preparation of food through Public Food Service establishment license.
2. Delete standard that requires the use to have no impact on adjacent properties in terms of noise, traffic or light. Similar provisions are currently addressed in the Code under Art. 5.E.4, Nuisances.
3. Since the use is located in residential zoning districts where permanent signs are not allowed and in order to reduce impacts in the residential areas, this provision expands upon the limited dimension of the sign to clarify the maximum height of allowable signage is three feet and to include the business name.
4. Modify standard that allows to a Single Family structure to ensure building safety or to provide compatibility with surrounding structures. The proposed language allows such modifications to be interior, exterior or both to comply with Building Code and Fire Rescue regulations.

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4           **a. Definition**

5           An owner-occupied ~~s~~Single ~~f~~Family dwelling that offers transient lodging and breakfast  
6           meal services only to paying guests.

7           **a. Adverse Effect**

8           ~~A bed and breakfast shall not adversely affect the immediate neighborhood nor create~~  
9           ~~noise, light or traffic conditions detrimental to neighboring residents.~~

10          **b. Signage**

11          ~~One sign, a maximum of eight square feet in sign face area, and three feet in height,~~  
12          ~~indicating the business name and contact information only may be allowed. [Relocated~~  
13          ~~from Signage, below]~~

14          **bc. Existing Structures Dwelling Modifications**

15          Only exterior alterations necessary to assure safety of the structure or enhance the  
16          compatibility with the surrounding neighborhood shall be made for the purpose of  
17          providing a bed and breakfast. A Single Family dwelling may require structural or other  
18          modifications to ensure compliance with the applicable Building Code and Fire Rescue  
19          regulations.  
20

5. Delete the Guest Register Supplementary Standard as duties of operators for a Bed and Breakfast since this is a requirement contained in F.S. 509.101 (2), Maintenance of guest register, enforced by the Division of Hotels and Restaurants of the Department of Business and Professional Regulations.

6. Delete Supplementary Standard that requires the Health Department and the Building Code to be applied to this use prior to business tax receipt. Bed and Breakfast requires Health Department and Building Division sign off of Business Tax Receipts.

21          **c. Guest Register**

22          ~~The resident owner shall keep a current guest register including names, addresses and~~  
23          ~~dates of occupancy of all guests.~~

24          **d. Health Department and Building Code**

25          ~~Prior to the issuance of a business tax receipt, the dwelling shall be modified to comply~~  
26          ~~with all applicable Health Department and Building Code requirements. [Ord. 2007-013]~~

27          **e. Signage**

28          ~~One sign, a maximum of eight square foot, a listing name and contact information only.~~  
29          **[Relocated to Signage, above]**  
30

9. Prohibit social activities such as receptions or weddings at Bed and Breakfast sites. Social services provided by this use will create a negative impact on adjacent residential sites in terms of traffic or nuisances. Limited opportunities will be provided for Bed and Breakfast to operate these services when approved as Special Event use subject to the standards and approval process applicable to it.

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**g. Events**

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

<b>Reason for amendments to Bed and Breakfast in the Use Matrix:</b> [Zoning]
1. Clarify the existing approval process from Special Permit (S) to DRO (D) Approval where the use is currently permitted. Special Permits are typically issued for a specified period of time and are not permanent in nature. The DRO approval process will allow Zoning staff and applicable County agencies to review applications, and provide feedback on the proposed application and site plan.
2. Delete the use from PDDs and TDDs where Single Family Residential is not allowed. For those developments where Single Family is permitted, the use is not going to be able to comply with frontage and access location criteria.



**21. Broadcast Studio**

**HISTORY:** The Broadcast Studio use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 2001-001, 2003-067, 2009-040, 2010- 005 and 2011-016.

<b>Reason for amendments:</b> [Zoning]
1. Delete and consolidate the use with Multimedia Production which is an industrial use. These two uses have similar characteristics negating the need for both.
2. Delete the SR 7 Economic Development Overlay (EDO) standard as the Overlay is being deleted from the Code. The SR 7 EDO has been annexed by the Village of Royal Palm Beach.

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

**a. SR-7 EDO**

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

<b>Reason for amendments to Broadcast Studio in the Use Matrix:</b> [Zoning] Delete the approval process from the use matrix as the use has been consolidated with Multimedia Production use.
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**22. Building Supplies**

**HISTORY:** The Building Supplies use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary Standards were amended by Ord. 2003-067, Ord. 2010-005 and Ord. 2013-008.

<b>Reason for amendments:</b> [Zoning]
1. Delete Building Supplies use as the concept of sales is already addressed in the Code by Retail Sales use and Wholesales, the first one considered commercial use while the second one is classified as industrial use. Regulations are already in place to address retail sales as accessory to industrial uses limited to 30 percent of the building floor area as contained in Art. 5, Supplementary Standards. If the use includes maintenance and display of inventories of goods, storage, for distribution and sale of goods to other firms for resale; or, the supplying of goods to various trades such as landscapers, construction contractors, institutions, industries, or professional businesses the activity is already addressed under Wholesales. Pending the level of intensity of the sale, the Code already has an existing use where this activity can be regulated.
2. Delete duplicated provision related to outdoor storage for industrial uses as they are addressed as part of the Use Regulations Project under Art. 5, Supplementary Standards.

**a. Retail**

~~An establishment engaged in the retail sale of building supplies and home improvement products.~~

~~1) Only permitted as an accessory use in an Industrial Zoning District.~~

**b. Wholesale**

~~An establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.~~

- 1) ~~Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.~~
- ~~c. LCC District~~  
~~Building supplies in an LCC shall be enclosed with no outdoor storage area. [Ord. 2010-005]~~

**Reason for amendments to Building Supplies in the Use Matrix: [Zoning]**

3. The Use Matrix does not clarify in terms of approval what would be the difference if the use is retail or wholesale while the first one pertains mainly to retail, the second one allows some manufacturing through fabrication of products. The existing approval process for Wholesaling and Retail Sales as separate uses will address any confusion. Delete all approval processes from the use matrix as the use is deleted from Art. 4, Use Regulations.

**23. Butcher Shop, Wholesale**

**HISTORY:** The Wholesale Butcher Shop use definition and Supplementary Standards were first added to the Code through Ord. 2001-100. The definition and Supplementary Standard were amended by Ord. 2003-063 and 2010-00

**Reason for amendments: [Zoning]**

1. Delete the use from the Use Matrix and relocate the cutting and packing of meat under Manufacturing and Processing. Manufacturing and Processing use proposed to recognize existing uses to be legal nonconforming use. This use is listed now as a typical use under Wholesale use.

- ~~a. Definition~~  
~~An establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.~~
- ~~a. Frontage~~  
~~A wholesale butcher shop shall front on and access from an arterial street.~~
- ~~b. Deliveries~~  
~~If adjacent to a residential use, deliveries shall be limited to 6:00 a.m. to 5:00 p.m., Monday through Saturday. Truck engines, including refrigeration units, shall not be operated between 5:00 p.m. and 6:00 a.m.~~
- ~~c. Storage and Disposal~~  
~~No outdoor storage, disposal of waste, or by product shall be permitted.~~
- ~~d. Slaughtering~~  
~~Slaughtering, rendering and dressing shall be prohibited.~~
- ~~e. Flex Space~~  
~~This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005] [Relocated to Article 5.B, Accessory and Temporary Uses]~~

**Reason for amendments to Wholesale Butcher Shop in the Use Matrix: [Zoning]**

2. Delete the use approval process from the Use Matrix as the use is removed from the Code. Activities associated with cutting and packing of meat should be under Manufacturing and Processing while slaughtering, rendering and dressing are addressed through Heavy Industry.

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**254. Car Wash**

**HISTORY:** The Car Wash use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1998-011, 2001-001, 2001-029, 2003-067, 2006-004, 2006-036, 2008-036, 2010-005, 2010-022, 2011-016, and 2012-027.

**Reason for amendments:** [Zoning]

1. Delete Location Criteria. The Use will be exempt from location criteria as Car Washes typically do not have intense impacts.
2. Delete the Auto Detailing standard as the use approval has been changed from Class A Conditional Use to DRO Approval.
3. Add Collocated standard to allow for a Car Wash to be located in the same zoning district a Convenience Store or Retail Gas and Fuel Sales use to be Permitted by Right. In these instances, a Car Wash use is already a Class A but if collocated would be Permitted.
4. Revise Accessory Use standard to clarify instances when an accessory Automatic Car Wash may be approved by the DRO. The standard also clarifies auto detailing or any extended services would be prohibited.
5. Delete Loudspeakers standard as nuisances related to noise will be addressed in Article 5.E.4.B, Noise Limitations and Prohibitions.
6. Delete the IRO standard as the use approval will be addressed by Article 4, Use Matrix.

**a. Definition**

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

**b. Typical Uses**

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

**a. Location Criteria**

**1) Intersection Criteria**

~~A maximum of two car washes shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004]~~

**2) Separation Criteria**

~~A car wash shall be separated from any other car wash pursuant to Art. 5.E.2.C.1. [Ord. 2006-004]~~

**b. Auto Detailing**

~~Auto detailing limited to hand washing/waxing shall be subject to approval by the DRO in the CG district or a PDD with a CH FLU designation. [Ord. 2006-004]~~

**c. Collocated – CG, PDD with CH FLU Designation**

A Carwash collocated with a Retail Gas and Fuel Sales may be Permitted by Right.

**cd. Accessory Use – CL FLU Designation**

~~An automatic Car Wash shall be allowed as an accessory use to an auto-service Station or Convenience Store or with gas sales Retail Gas and Fuel Sales subject to DRO Approval when it is located on the same lot. Auto detailing or other extended services shall be prohibited. [Ord. 2006-004]~~

**d. Loudspeakers**

~~No outdoor speaker or public address systems audible off-site shall be permitted. [Ord. 2006-004]~~

**ee. LCC District**

A maximum of one car wash may be allowed. The car wash shall be located outside the main street, and may be accessed from a secondary street, alley or from a parking lot. The car wash shall not be visible from the main street. [Ord. 2010-005]

**f. Infill Redevelopment Overlay (IRO)**

~~A car wash located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]~~

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<b>Reason for amendments to Car Wash in the Use Matrix: [Zoning]</b>	
7.	Add the use to the Neighborhood Commercial (CN) as a Class A Conditional Use and in the MUPD with a CL FLU designation. The addition of the use is consistent with other low-intense Commercial Zoning Districts and PDD's with Commercial FLU, Pod or Use Areas.
8.	Change the approval process: <ul style="list-style-type: none"> <li>• From Class B Conditional Use to DRO Approval in the CG Zoning District;</li> <li>• From Class A Conditional Use to DRO Approval in the IRO with a CH FLU designation;</li> <li>• From a Requested Use to DRO in the COM Pod of a PUD, MXPd with a CH FLU designation, and LCC with a CH FLU designation, Neighborhood Center of a TND, and TMD except the AGR Preserve area; and,</li> <li>• From a Requested Use to a DRO in the MUPD with a CH FLU designation.</li> </ul>



**265. Catering Service**

<b>HISTORY:</b> The Catering Service use definition and Supplementary Use Standards were first established as a principal use in 1997 through Ord. 1997-064. The use was referenced in Or. 1992-020 under Specialty Restaurant use contained specific provisions for Catering Service related to the parking and approval process. The Supplementary Standards were amended by Ord. 1992-020, 1997-064, 2001-028, 2001-029, 2001-062, 2001-100, 2003-067, 2006-004, 2006-036, 2007-001, 2009-040, 2010-005, 2011-016, and 2012-027.	
<b>Reason for amendments: [Zoning]</b>	
1.	Expand the definition by clarifying that food service for events is the main purpose of this use.
2.	Limit the use square footage in the CN Zoning District to avoid large Catering Services in areas expected to serve neighborhood oriented needs.
3.	Clarify the use may be accessory to a Restaurant when limited to preparation of food consistent with the limitation of square footage for accessory uses in non-residential zoning districts. This standard also limits three delivery vehicles if the Catering Service is accessory to a Restaurant. If additional vehicles are required, the operation will not be considered as accessory and should be treated as a principal use, and subject to the design elements such as parking that apply to that use.
4.	Establish new provisions associated to the location of delivery vehicles to be screened from view when located within 100 feet from residential FLU or use.
5.	Relocate and consolidate Flex Space to Article 5.B, Accessory and Temporary Uses.

- a. Definition**  
An establishment primarily engaged in providing event-based food services where food and beverages are prepared and delivered for consumption off the premises. ~~A catering service may also provide personnel, serving equipment, and decorations.~~ **[Relocated to Accessory Services, below]**
- b. Zoning District - CN**  
The use shall be limited to 3,000 of GFA.
- ac. Restaurant Accessory Use**  
Catering ~~Service shall~~ may be ~~allowed~~ Permitted by Right as an accessory use to a ~~Restaurant limited to food preparation.~~ The accessory use of more than shall be limited to three delivery vehicles ~~shall be subject to approval by the DRO~~
- d. Accessory Services**  
~~A Catering Service may also provide personnel, serving equipment, and decorations.~~ **[Relocated from Definition, above]**
- e. Delivery Vehicles**  
Delivery vehicles shall be located at the rear of the property and screened from view when located within 100 feet of a parcel of land with residential FLU designation or use, unless blocked from view by other existing structures.
- b. Flex Space**  
~~This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]~~ **[Relocated to Article 5.B, Accessory and Temporary Uses]**

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<b>Reason for amendments to Catering Services in the Use Matrix: [Zoning]</b>
6. Allow the use in commercial and industrial FLU and pods of Planned Development Districts (PDDs) or Traditional Development Districts (TDD) as follows: Commercial pod of PUD; MUPD with CL, CH, CR, and IND FLU designation; MXPD with CH FLU designation; Commercial, Industrial Light and Industrial General pods of PIPD; LCC with CH FLU designation; neighborhood Center of TND in the Urban/Suburban, Exurban and Rural Tiers; and, TMDs in the Urban/Suburban Tier and development area of the AGR Tier, to be permitted by right. Catering Service looking to incorporate events or commercial activities shall be located in commercial zoning districts.



**796. Cocktail Lounge, Cocktail**

<b>HISTORY:</b> The Cocktail Lounge use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1994-023, 1995-008, 1998-011, 1999-037, 2000-015, 2001-001, 2003-067, 2006-004, 2006-036, 2007-013, 2009-040, 2010-005, 2010-022, and 2011-016.
<b>Reason for amendments:</b> [Zoning] No additional substantive revisions have been made to the Cocktail Lounge use.
1. Revise the definition to relocated references to bars, taverns, etc. to the newly established Typical Uses standard.
2. Revise the CN standard to increase the square footage limitation from 1,500 to 3,000 for consistency with the area applicable to uses in that zoning district.
3. Delete the CHO standard. Accessory uses will be addressed by the Accessory Uses Supplementary Standards.
4. Delete the Outdoor standard as the separation distance is already addressed by the Separation Requirements Supplementary Standard.
5. Relocate language from the Definition to clarify the distinction between a Restaurant and Cocktail Lounge.

**a. Definition**

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises; ~~including taverns, bars, nightclubs, and similar uses other than restaurants or alcohol sales for off-premises consumption.~~ **[Relocated to Standard b., Typical Uses below]** ~~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.~~ **[Relocated to Standard f., Restaurant below]**

**b. Typical Uses**

A Cocktail Lounge may include but not be limited to: ~~taverns, bars, nightclubs, and similar uses.~~ **[Relocated from Definition above]**

**a. Separation**

~~A cocktail lounge shall not be located within 250 feet of a residential district and shall be separated a minimum of 750 feet from another cocktail lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet of 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.~~ **[Relocated to Standard d., Accessory Use below]**

**c. Zoning Districts**

**~~b.1)~~ CN District**

~~A Cocktail Lounge shall not exceed 1,500~~ 3,000 square feet of GFA.

**~~e.~~ CHO District**

~~Shall be contained in an office, hotel or motel structure and shall be limited to a total floor area that does not exceed ten percent of the GFA of the entire structure, unless approved as a requested or Class A conditional use.~~

**~~d.2)~~ CG District and PDDs**

Shall meet the ~~s~~Separation ~~criteria above~~ Requirements below, unless approved as a ~~requested or~~ Class A ~~e~~Conditional ~~u~~Use.

**d. Accessory Use**

~~An accessory Cocktail Lounge to an office, Hotel, Motel shall not exceed ten percent of the GFA.~~ **[Ord. 2006-004]** **[Partially relocated from Art. 4.B.1.A.72, Hotel, Motel, SRO, and Rooming and Boarding House]**

1 **e. Outdoor Areas**

2 ~~Outdoor seating and open lounge areas shall be setback a minimum of 100 feet from~~  
3 ~~adjacent residential districts or uses.~~

4 **e. Separation Requirements**

5 ~~A Cocktail Lounge, which includes outdoor areas, shall not be located within 250 feet of a~~  
6 ~~residential district and shall be separated a minimum of 750 feet from another cocktail~~  
7 ~~lounge. The Zoning Director may ask for a signed/sealed survey certifying that another~~  
8 ~~lounge does not exist within 750 feet off the subject lounge, a residential district is more~~  
9 ~~than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a~~  
10 ~~school as required by the State of Florida, F.S. 562.45, as amended. Measurement shall~~  
11 ~~be taken from the rear of the structure to property line of a residential use or FLU~~  
12 ~~designation. [Relocated from Standard a. Separation above]~~

13 **f. Restaurant**

14 ~~A Cocktail Lounge is distinct from a restaurant that sells alcohol when the establishment~~  
15 ~~cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant~~  
16 ~~to the State Beverage Law. [Relocated from Definition above]~~

17 **Reason for amendments to Cocktail Lounge in the Use Matrix: [Zoning]**

6. Delete Cocktail Lounge use from CHO Zoning District and MUPD with a CHO FLU Designation. Cocktail Lounge is an accessory use and will be addressed by the Supplementary Standard.

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21 **367. Convenience Store**

22 **HISTORY:** The Convenience Store use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1998-011, 1999-037, 2001-001, 2003-067, 2008-015, 2009-040, 2010-005, 2010-018, 2010-022 and 2011-016.

**Reason for amendments: [Zoning]**

1. Increase the maximum square footage and establish Collocated Restaurant standard to acknowledge industry changes.
2. Include standard that provides an opportunity for the Board of County Commissioners (BCC) to hear at the same time applications with collocated Convenience Store and Retails Gas and Fuel Sales which allows a comprehensive view of the application. Convenience Store is DRO approval or Permitted by Right in most of the zoning districts where the use is allowed while Retails Gas and Fuel Sales is Class A Conditional use approval

23  
24 **a. Definition**

25 An establishment serving a limited market area and engaged in the retail sale of food,  
26 beverages, and other frequently or recurrently needed items for household use or  
27 consumption.

28 **ab. Floor Area**

29 A maximum of ~~5,000~~ 7,000 square feet.

30 **bc. Zoning Districts - CN and CC District**

31 Shall comply with Article 5.E.1, Major Intersection Criteria.

32 **d. Collocated Use**

33 ~~A Convenience Store that is collocated with a Retail Gas and Fuel Sales shall be~~  
34 ~~reviewed and approved concurrently.~~

35 **Reason for amendments to Convenience Store in the Use Matrix: [Zoning]**

3. No changes to the approval process are being recommended.

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1 **37. Convenience Store with Gas Sales**  
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**HISTORY:** The Convenience Store with Gas Sales use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

**Reason for amendments:** [Zoning]

1. This use is redundant to other uses including but not limited to Retail Gas and Fuel and Convenience Store, among others. Similar provisions for Auto Service Station were sunset in 2001 (Ord. 2011-016) and replaced with a simpler Retail Gas and Fuels use, due to a decline of traditional gas stations that sold fuel and provided limited towing and repair services, which was partially caused by the transition to Convenience Stores with Gas Sales. Increased expansion of collocated uses with the sale of motor vehicle fuels, including Restaurants and expanded square footage for convenience items or other General Retail Sales uses, have further eroded the need to retain the C-store with Gas Sales use, allowing for the deletion of redundant standards addressed under other uses.

3  
4 ~~A convenience store which includes accessory gasoline retail sales to the general public.~~

5 **a. Floor Area**

6 A maximum of 5,000 square feet.

7 **b. Approval Criteria**

8 ~~A convenience store with gas sales shall be subject to the approval criteria of Art.~~  
9 ~~4.B.1.A.18.a, Approval Criteria. [Ord. 2006-004]~~

10 **c. Location Criteria [Ord. 2006-004]**

11 **1) Intersection Criteria**

12 ~~A maximum of two auto service stations and convenience stores with gas sales, or~~  
13 ~~any combination thereof, shall be permitted at an intersection pursuant to Article~~  
14 ~~5.E.2.B, Intersection Criteria. [Ord. 2006-004]~~

15 **2) Separation Criteria**

16 ~~A convenience store with gas sales shall be separated from any other auto service~~  
17 ~~station or convenience store with gas sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-~~  
18 ~~004]~~

19 **3) Major Intersection Criteria for CL FLU**

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

22 **4) Rural, Exurban, Glades and Agricultural Reserve Tiers (AGR)**

23 ~~A convenience store with gas sales shall be located at the intersection of one~~  
24 ~~collector and arterial street, or two arterial streets, as listed in the FDOT PBC Federal~~  
25 ~~Functional Classification Table. [Ord. 2006-004]~~

26 **5) I-95 Interchange Exemption**

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

30 **d. Water**

31 ~~Evidence of the protection of drinking water sources shall be provided to the Health~~  
32 ~~Department prior to certification by the DRO. [Ord. 2006-004]~~

33 **e. Parking**

34 **1) Location**

35 ~~A convenience store with gas sales greater than 3,000 square feet in GFA shall~~  
36 ~~provide one half of the required parking spaces directly adjacent to the store. [Ord.~~  
37 ~~2006-004]~~

38 **2) Parking for Accessory Automatic Car Wash**

39 ~~Parking for an accessory automatic car wash may be exempt from the parking~~  
40 ~~requirements of Table 6.A.1.B, Minimum Off-Street Parking and Loading~~  
41 ~~Requirements, subject to DRO approval. [Ord. 2006-004]~~

42 **f. Collocated Restaurant**

43 ~~A Type I or II restaurant may be collocated with a convenience store with gas sales~~  
44 ~~subject to the use regulations applicable to the restaurant use. [Ord. 2006-004]~~

45 **g. TMD and LCC Districts, and IRO Projects**

46 ~~Islands for gasoline pumps shall be located in the rear of a building with access from an~~  
47 ~~alley, interior parking area, or a street not designated as a main street. [Ord. 2006-004]~~  
48 ~~[Ord. 2010-005]~~

49 **h. WCRA Overlay**

50 ~~Convenience stores with gas sales are prohibited in the NR, NRM, and NG sub-areas, as~~  
51 ~~per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004]~~

52 **i. Infill Redevelopment Overlay (IRO)**

53 ~~A convenience store with gas sales located on a parcel with a CH FLU designation within~~  
54 ~~the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]~~

1           **j. Nonconformities**

2           For a Convenience Store with Gas Sales, the applicant may be allowed to either increase  
3           the floor area of the store or increase the number of pumps subject to the percentage  
4           limitation of Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering  
5           Department. ~~[Ord. 2010-005] [Ord. 2011-016]~~

6  
7           **Reason for amendments to Convenience Store with Gas Sales in the Use Matrix:** [Zoning]

8           2. This use classification is being sunset due to industry changes in the types of uses that are typically  
9           collocated with establishments which sell motor vehicle fuel.

10           **41. Day Labor Employment Service**

11           **HISTORY:** The Day Labor Employment Service use definition and Supplementary Standards were first  
12           referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were  
13           amended by Ord. 2003-067 and 2006-004.

14           **Reason for amendments:** [Zoning]

15           1. Delete Day Labor Employment Service use as the concept fits the definition of Office use. Some of  
16           the standards that relate an office for temporary labor service in the WCRAO are relocated to the use  
17           Office, Business or Professional.

18           ~~An establishment engaged in providing temporary day or manual labor service for the  
19           construction, maintenance, agricultural or industrial trades. [Ord. 2006-004]~~

20           **a. Location**

21           ~~Day labor employment services are prohibited within the boundaries of the WCRAO, as  
22           per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Relocated to Art. 4.B. 2.C,  
23           Office, Business or Professional use] – Day labor employment services shall be  
24           located within and totally surrounded by property with an industrial zoning designation.  
25           The minimum distance of all principal structures, accessory structures and outdoor  
26           activity areas shall be as follows: [Ord. 2006-004]~~

- 27           1) 1,000 feet from any non-industrial use; and
- 28           2) 1,000 feet from any other day labor service.

29           **b. Hours of Operation**

30           ~~No service shall commence business prior to 7:00 a.m. nor continue business later than  
31           6:00 p.m.~~

32           **c. Minimum Building Size**

33           ~~No service shall operate in any building that has less than 10,000 gross square feet.~~

34           **d. Loitering**

35           ~~No outdoor loitering, waiting, or seating shall be permitted on the site. [Relocated to Art.  
36           4.B. 2.C, Office, Business or Professional use]~~

37           **e. Loudspeakers**

38           ~~No outdoor speakers or public address systems that are audible from the exterior of the  
39           site shall be permitted.~~

40           **f. Records**

41           ~~The service shall maintain all business records on the premises for inspection by PBC.~~

42           **g. Advertising**

43           ~~Advertising shall be limited to one sign with a maximum face area of 12 square feet and  
44           six feet in height.~~

45           **h. Development Standards**

46           ~~All services shall adhere to the non-residential development standards of Article 3.C,  
STANDARD DISTRICTS.~~

47           **Reason for amendments to Day Labor Employment Service in the Use Matrix:** [Zoning]

48           2. Delete the approval from the Use Matrix as the use has been consolidated with Business or  
49           Professional Office. Outdoor standards associated to this particular use have been relocated and  
50           consolidated with Business or Professional Office use, which help address any issues that could be  
51           subject of concern by adjacent residents or discussed at public hearings.

1           **428.   Dispatching Office Service**

2           **HISTORY:** The Dispatching Office use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary Standards were amended by Ord. 2001-001, Ord. 2003-067, Ord. 2010-005 and Ord. 2010-022.

3           **Reason for amendments:** [Zoning]

4           1. Review the use definition of Dispatching Service by clarifying its main purpose is to provide communication services that assist in the coordination and operation of businesses that are mobile. Expand the list of typical uses by including other common businesses covered by this use definition

5           **a.   Definition**

6           An establishment ~~providing services off-site to households and businesses using land-based communication 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. Typical uses include janitorial services, pest control services, and taxi, limousine, and ambulance services.~~

7           **[Relocated to Typical Uses standard below]**

8           **b.   Typical Uses**

9           A Dispatching Service use ~~include but is not limited to janitorial, pest control or emergency services; and, taxi, limousine or courier operations.~~ **[Relocated from Definition above]**

10          2. Provide thresholds that allow the use to be subject to DRO approval instead of Class A Conditional use when impacts to the outdoor areas and adjacent residential properties are reduced. Such thresholds include a maximum of three vehicles associated to the business to be allowed; indoor storage of vehicles; or, outdoor storage of vehicles separated 250 feet from residential use or FLU designation.

11          3. Allow the use to be Permitted by Right when limited to an office for the dispatching operation.

12          **ac. CG, CH/MUPD Districts Approval Process**

13          **1) CH FLU Designation and Commercial Pod of PIPD**

14          A Dispatching Service may be allowed subject to DRO approval in the following situations:

15          a) ~~A dispatching office shall be limited to no more than three service or delivery vehicles unless approved as a Class A conditional use or requested; or,~~

16          b) All dispatched vehicles are stored indoor; or,

17          c) Outdoor storage of vehicles is separated a minimum of 250 feet from a parcel of land with a residential FLU designation or use.

18          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.

19          **Reason for amendments to Dispatching Service in the Use Matrix [Zoning]**

20          4. Change the approval process of the use in CG Zoning District from Class B Conditional Use to Class A Conditional Use approval. The change is made to provide consistency with the approval of the use in MUPD and MXPD with CH FLU designation where the use is allowed.

21          5. Allow the use to be Permitted by Right in MUPD with IND FLU designation for consistency with the approval of the use in other industrial zoning districts.

22          6. Change the use approval from Permitted by Right to Class A Conditional in the Commercial pod of PIPD for consistency with the use approval in commercial zoning districts.

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**439. Dog Daycare**

**HISTORY:** The Dog Daycare use definition and Supplementary Standards were first referenced as part of the 2001 ULDC (Ord. 2001-015). The definition and Supplementary Standards were amended by Ord. 2003-067, 2005-002, 2006-036, 2010-005, 2010-022, and 2011-016.

**Reason for amendments:** [Zoning]

1. Revise the definition to clarify that overnight care of domestic dogs would be considered a commercial kennel.
2. Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an ACC Operational Permit.
3. Delete standard for number of animals permitted. The number of animals is determined by the ACC Ord. 98-22.
4. Establish new Outdoor Areas standard to recognize occasional walking and relief of animals is common.

**a. Definition**

An establishment which provides daytime care and training for domestic dogs. Overnight care of domestic dogs is prohibited.

**a. Use Approval**

~~Prior to review by DRO, approval shall be obtained from PBCACC. [Ord. 2006-036]~~

**b. ACC Permit**

The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit. All Dog Daycare uses shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.

**b.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.

**c. Number of Dogs**

~~The number of dogs permitted shall be based on the square footage of the facility pursuant PBCACC limitations and requirements. [Ord. 2006-036]~~

**d. Runs and Drop-Off**

Facilities shall be subject to the following standards:

- 1) outdoor runs, outdoor play areas, and yards, ~~etc.~~, 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 may be allowed and shall be under the restraint or control of a person by means of a leash.

**Reason for amendments to Dog Daycare in the Use Matrix:** [Zoning]

5. Add the use to the CC Zoning District, COM Pod of a PUD as a DRO Approval and in the MUPD with an IND FLU as a P.
6. Change the approval process in the CG standard Zoning District from Class A Conditional Use to DRO Approval.
7. Change the approval process where the use is allowed in PDDs and TDDs as Requested Use to a DRO approval.
8. Change the approval process in the IRO with a CLO and CHO FLU designation from a General Land Use change (L) to DRO approval.
9. The changes are consistent with other commercial and industrial zoning districts and with PDD's with Commercial, Industrial FLU, Pod, Tiers or Use Areas. Additionally, the activities of the use are primarily located within an enclosed building contributing to the mitigation of any adverse impacts.



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**5510. Financial Institution**

**HISTORY:** The Financial Institution use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplementary standards were amended by Ord. 1998-011, 2001-001, 2007-013, 2009-040, 2010-005, 2010-022, and 2013-021.

**Reason for amendments:** [Zoning]

1. Split existing Financial Institution use into three distinct variations to improve ease of use. This allows for the elimination of Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes, which was established under Supplementary Standards to address the myriad of different but de minimis differences in Financial Institution configurations.

- Financial Institution: Brick and mortar establishment are generally allowed in most all Commercial or Mixed Use districts. Separating from the other variations will allow for the use to be shown as Permitted by Right or subject to Development Review Officer (DRO) approval in most scenarios.
- Financial Institution with Drive Thru's: Allows for use to be shown as prohibited in district where drive thru's were previously prohibited.

Financial Institution – Freestanding ATM. This use is also permitted in most all Commercial or Mixed Use districts, subject to DRO approval. Again, separating from the other characteristics simply enables the approval process for the use to be more accurately reflected in the Use Matrix.

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**a. Definition**

An establishment engaged in deposit banking. ~~Typical uses include commercial banks, savings institutions, and credit unions, including outdoor ATMs and drive-thru only facilities. Freestanding ATMs shall be considered a Financial Institution. [Ord. 2013-021]~~ [Partially relocated to Typical Uses standard below, new Financial Institution with Drive Thru Facilities, and new Financial Institution Freestanding ATM]

**b. Typical Uses**

~~A Financial Institution use may include but not be limited to: commercial banks, savings institutions, and credit unions. [Ord. 2013-021]~~ [Relocated from Definition above]

**c. Approval Process - CC District, CLO PDD, and Commercial Pod of PUD**

~~A Financial Institution 5,000 square feet or less in the CC Zoning district, CLO PDD, or Commercial Pod of a PUD, may be Permitted by Right. [Partially relocated from Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes]~~

**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. [Partially relocated from Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes]~~

**a. Development Thresholds and Approval Process**

~~A Financial Institution financial institution, including freestanding ATMs, shall comply with the Development Thresholds and required approval processes of Table 4.B.1.A, Financial Institution Development Thresholds and Approval Processes. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2013-021]~~

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

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

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**b. Freestanding ATMs**

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

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

**c. TMD and LCC Districts**

~~Drive up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. **[Ord. 2010-005]** [Relocated to new Art. 4.B.2.C.11.c, Financial Institution with Drive Thru Facilities and Art. 4.B.2.C.12.b, Financial Institution -Freestanding ATM]~~

**d. Infill Redevelopment Overlay (IRO)**

~~A financial institution with no drive thru lanes; or, a financial institution with drive thru lanes located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. **[Ord. 2010-005]**~~

**Reason for amendments to Financial Institution in the Use Matrix: [Zoning]**

2. Simplify approval process in accordance with revisions limiting this defined use to brick and mortar establishments distinct from those with drive thru facilities or stand alone ATMs.

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1 **11. Financial Institution with Drive Thru Facilities**

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<b>Reason for amendments:</b> [Zoning]
1. Per Reason listed above under Financial Institution, create new Financial Institution with Drive Thru Facilities, to allow simplification of Supplementary Standards and improve ease of use for the Use Matrix.
2. Review of prior ULDC amendments indicates that the current threshold requiring BCC approval for four or more drive thrus in all Zoning districts should only be applied in limited districts, primarily those that have a Commercial Low FLU designation, for mixed use, or where otherwise intended to service a limited neighborhood or community (e.g. Commercial Pod of a PUD, where uses are intended to serve residents of the PUD, etc.). Subsequently, the relocation of those existing thresholds was not carried forward for most Commercial High FLU designation based districts.

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4 **a. Definition**

5 *A Financial Institution which includes drive thru teller facilities.*

6 **b. Approval Process**

7 **1) CC District, Commercial Pod of PUD, CLO PDD, CL LCC and TMD**

8 *A Financial Institution 5,000 square feet or less, and with three drive thru lanes or less, may be permitted subject to DRO Approval, in the following Zoning districts:*

9 *a) CC;*

10 *b) PDD or LCC with CLO future land use designation; and,*

11 *c) TMD in the Rural, Exurban and AGR Tiers.*

12 **Partially relocated from Table 4.B.1.A - Financial Institution Development**

13 **Thresholds and Approval Processes]**

14 **2) Single Drive Thru ATM Exception**

15 *A maximum of one drive thru ATM lane shall not be considered a drive thru lane for*

16 *purposes of determining the threshold above. [Partially relocated from Table*

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

18 *Processes]*

19 **c. Zoning Districts - TDD and LCC Districts**

20 *Drive-up teller units shall be located in the rear of a building with access from an alley,*

21 *interior parking area, or a street not designated as a main street. [Ord. 2010-005]*

22 **[Relocated from Art. 4.B.2.10.c, TMD and LCC Districts]**

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<b>Reason for amendments to Financial Institution with Drive Thru Facilities in the Use Matrix:</b> [Zoning]
3. Simplify approval processes for Financial Institution with Drive Thru where located in districts with a Commercial High (CH) future land use designation. Review of prior ULDC amendments indicates that the current threshold requiring BCC approval for four or more drive thrus in all Zoning districts should only be applied in limited districts, primarily those that have a Commercial Low FLU designation, for mixed use, or where otherwise intended to service a limited neighborhood or community (e.g. Commercial Pod of a PUD, where uses are intended to serve residents of the PUD, etc.).

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28 **5512. Financial Institution – Freestanding ATM**

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<b>HISTORY:</b> The Financial Institution use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).
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<b>Reason for amendments:</b> [Zoning]
1. Per Reason listed above under Financial Institution, create new Financial Institution with Drive Thru Facilities, to allow simplification of Supplementary Standards and improve ease of use for the Use Matrix.

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31 **a. Definition**

32 *An entirely automated unstaffed Financial Institution, either located in a stand-alone kiosk*

33 *or the façade of a building where the owner or tenants have no managerial authority over*

34 *the operation of the ATM.*

35 **b. Zoning Districts - TDD and LCC Districts**

36 *Drive-up teller units shall be located in the rear of a building with access from an alley,*

37 *interior parking area, or a street not designated as a main street. [Ord. 2010-005]*

38 **[Relocated from Art. 4.B.2.10.c, TMD and LCC Districts]**

39 **c. Thresholds**

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

- 1) The owner or operator shall maintain at least one manned full service Financial Institution within Palm Beach County; [Ord. 2013-021]
  - 2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather; [Ord. 2013-021]
  - 3) Customer access to the interior of the structure shall be prohibited, except for transparent glass security enclosures; [Ord. 2013-021]
  - 4) Shall not be located within 1,000 feet of another Freestanding ATM. When within a TMD, the 1,000 foot separation distance may be reduced to accommodate a maximum of two freestanding ATMs, provided they are constructed in common public plazas; and, [Ord. 2013-021]
  - 5) Shall be limited to a maximum of one drive thru ATM lane.
- [Relocated from Art. 4.B.2.10.b, Freestanding ATMs]**

**Reason for amendments to Financial Institution – Free Standing ATM in the Use Matrix: [Zoning]**

2. Relocate provisions for approval processes from deleted Table 4.B.1.A, Financial Institution Development Thresholds and Approval Processes, to newly created Financial Institution – Freestanding ATM, to improve ease of use. The Freestanding ATM provision is subject to specific standards and inclusion under other types of Financial Institutions requires cumbersome tables to clarify different approval processes.

**5713. Flea Market, Enclosed Indoor**

**HISTORY:** The Enclosed Flea Market use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1999-037, 2003-067, 2010-005, 2010-022, and 2011-016.

**Reason for amendments: [Zoning]**

1. No changes are being made to the use.

**a. Definition**

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

**Reason for amendments for Flea Market Indoor in the Use Matrix: [Zoning]**

2. Change the approval process to Permitted by Right where the use is allowed as a Class B or Class A Conditional Use. An Indoor Flea Market is generally considered a retail sales use and indoors.

**5814. Flea Market, Open Outdoor**

**HISTORY:** The Open Flea Market use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1999-037, 2003-067, 2010-022, and 2011-016.

**Reason for amendments: [Zoning]**

1. Delete the Sanitary Facilities standard as the Health Department would provide a formal review for this use.

**a. Definition**

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

**a. Sanitary Facilities**

~~Sanitary facilities shall be provided in compliance with Health Department regulations.~~

**Reason for amendments to Open Flea Market in the Use Matrix: [Zoning]**

2. Delete the use from the IL Zoning District. The use is not allowed in any other Industrial Zoning District.

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1 **4815. Gas and Fuel Sales, Retail**

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<p><b>HISTORY:</b> The Retail Gas and Fuel use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplementary standards were amended by Ord. 1997-064, 2001-001, 2001-029, 2003-067, 2006-004, 2010-005, 2010-022, 2011-016, and 2012-027.</p>
<p><b>Reason for amendments:</b> [Zoning]</p>
<p>1. Reintroduce prior standard recognizing Prior Approvals for Auto Service Station or Convenience Store with Gas Sales which did not meet the separation requirements prior to adoption of such standards, shall not be considered non-conforming for what is shown on the Development Order. Ruther clarifies that these sites may also expand subject to compliance with landscaping and traffic safety standards. This is intended to ensure that any non-conforming buffers or unsafe vehicular access points are not carried forward onto a subsequent Development Order as part of any expansion of the use.</p>
<p>2. Delete requirement BCC make finding regarding compatibility, scale and other similar requirements typically addressed through either Standards for Conditional Uses, or where permitted through Administrative Approval such as Development Review Officer (DRO), other established standards such as incompatibility buffers or other landscaping, limits on hours of operation, vehicle stacking, architecture, parking, pedestrian and vehicular circulation, etc.</p>
<p>3. Establish limits for Commercial Pod of a PUD where located internal to the PUD. Prior to the 90's several PUDs were approved with Commercial Pods that were located along the periphery of the development, or Arterials or Collectors which bisected the development, resulting in Commercial Pods that generally function as stand-alone commercial centers serving more than just the residents of the PUD. The new limitation is intended to correspond to changes made in the 1990's ULDC which limited Commercial Pods to locations internal to the development primarily intended to serve those residents.</p>
<p>4. Establish standard to allow limited Retail Gas and Fuel as an accessory use to Wholesale or similar uses, which might include traditional motor vehicle fuels or others, such as Compressed Natural Gas, which are not typically sold from Commercial locations.</p>

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4 **a. Definition**

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

7 **b. Nonconformities**

8 **1) Automotive Service Station or Convenience Store with Gas Sales**

9 *A prior approval for an Automotive Service Station or Convenience Store with Gas*  
10 *Sales, shall correspond to Retail Gas and Fuel Sale, and any other collocated uses*  
11 *such as Convenience Store, or Light or Heavy Repair and Maintenance [Ord. 2011-*  
12 *016]*

13 **2) Approvals Prior to Establishment of Location Criteria**

14 *An Automotive Service Station or Convenience Store with Gas Sales that was a*  
15 *conforming use on the effective date of Ordinance 2001-029 (August 3, 2001), shall*  
16 *be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation*  
17 *Criteria, listed below.*

18 **c. Approval Process – IRO District with CH FLU Designation**

19 *Retail Gas and Fuel located on a parcel with a CH FLU designation within the Core*  
20 *Transect Zone may be approved by the DRO. [Ord. 2010-005] [Ord. 2011-016]*  
21 **[Relocated from Art. 4.B.1.A.15,g, Infill Redevelopment Overlay (IRO) Approval**  
22 **Process Exceptions]**

23 **da. Additional Standards for Approval Criteria**

24 ~~Prior to approving a Conditional or Requested Use for Retail Gas and Fuel, the BCC shall~~  
25 ~~make a finding that the use is appropriately located.~~ *In addition to the Standards of Art.*  
26 *2.B.2.B, Standards for Conditional Uses and Development Order Amendments, or*  
27 *Art.2.B.2.G.3, Standards (Type 2 Waiver), when considering a Development Order*  
28 *application for a Conditional Use, DOA or Type 2 Waiver, making the determination that*  
29 ~~the use is appropriately located,~~ *the BCC shall consider whether or not: [Ord. 2011-016]*

30 1) Adequate ingress and egress have been provided. **[Ord. 2006-004]**

31 2) Adequate buffering and setbacks from residential areas have been provided. **[Ord.**  
32 **2006-004]**

33 3) Sufficient vehicle stacking, circulation, access, and area for turning movements have  
34 been provided. **[Ord. 2006-004]**

35 4) The number of fueling positions proposed is excessive. **[Ord. 2006-004]**

36 5) There are an excessive number of similar stations in the vicinity. **[Ord. 2006-004]**

1 **ef. Zoning Districts – TMD and LCC**

2 *Retail Gas and Fuel shall only be permitted on sites that are within 500 feet of the*  
3 *perimeter of the development. Gasoline pumps shall be located at the side or rear of a*  
4 *building with access from an alley, interior parking area, or a street not designated as a*  
5 *main street. [Ord. 2010-005] [Ord. 2011-016] [Relocated from Art. 4.B.2.15.f, TMD*  
6 *and LCC Districts]*

7 **fb. Location Criteria**

8 **1) Intersection Criteria**

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

12 **2) Separation Criteria**

13 A Retail Gas and Fuel Sales establishment shall be separated from any other Retail  
14 Gas and Fuel ~~Sales establishment, or Convenience Store with Gas Sales~~ pursuant to  
15 Art. 5.E.2.C.1. ~~[Related to Separation Criteria].~~ [Ord. 2006-004] [Ord. 2011-016]

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

17 ~~Where permitted in a Use Matrix,~~ Retail Gas and Fuel Sales with a CL FLU  
18 designation shall comply with Article 5.E.1, Major Intersection Criteria. [Ord. 2006-  
19 **004]** [Ord. 2011-016]

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

21 ~~Where permitted in a Use Matrix,~~ Retail Gas and Fuel Sales shall be located within  
22 1,000 feet of the intersection of one Collector collector and Arterial arterial street, or  
23 two Arterial arterial streets, as listed in the Florida Department of Transportation  
24 (FDOT) PBC Federal Functional Classification Table. [Ord. 2006-004] [Ord. 2011-  
25 **016]**

26 **5) WCRA Overlay**

27 Retail Gas and Fuel Sales is prohibited in the NR, NRM, and NG sub-areas, ~~as~~ per  
28 Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Ord. 2011-  
29 **016]**.

30 **6) Exceptions**

31 **a6) I-95 Interchanges Exemption**

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

35 **b) MUPD**

36 Retail Gas and Fuel Sales located within an MUPD may be exempt from the  
37 Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, where in  
38 compliance with the following:

39 (1) Required Perimeter Landscape Buffers, where located between all Retail  
40 Gas and Fuel Sales use areas, including ingress/egress, and any R-O-W or  
41 parcel with a residential FLU or use, unless obstructed from view by other  
42 existing structures; and,

43 (2) Direct access from any perimeter R-O-W abutting the MUPD shall be  
44 prohibited. All access shall be from entrances established for the overall  
45 MUPD, and comply with minimum standards for ingress/egress, stacking,  
46 turn-lanes, and pedestrian connectivity.

47 **g. Accessory Use**

48 Retail Gas and Fuel Sales may be allowed as an accessory use to Wholesale Gas and  
49 Fuel in industrial districts, subject to Class A Conditional Use approval, and the following:

50 1) Gas and fuel sold retail shall be limited to motor fuels sold wholesale;

51 2) Maximum of four fueling positions;

52 3) Maximum of one wall or freestanding sign, where permitted, not to exceed six feet in  
53 height, or 25 square feet of sign face area.

54 4) Wholesale Gas and Fuel Sales may include regional corporate headquarters or  
55 maintenance facility for a State regulated public utility that sells natural gas or other  
56 similar fuels.

57 **c. Collocated Uses**

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

61 **d. Parking for Accessory Automatic Car Wash**

62 ~~Parking for an accessory automatic car wash may be exempt from the parking~~  
63 ~~requirements of Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements,~~  
64 ~~subject to DRO approval. [Ord. 2006-004]~~

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**e. ~~Additional Accessory or Collocated Use Standards~~**

**1) ~~Enclosed Repair~~**

~~All repair activities shall be conducted within an enclosed structure. No outdoor storage of disassembled vehicles, or parts thereof, shall be permitted on site. [Ord. 2011-016] [Relocate to Art. 4.B.2.A.29 and 30, General Repair and Maintenance]~~

**2) ~~Delivery Vehicle-s~~**

~~Parking of delivery vehicles shall be permitted only within a designated loading space. Overnight parking of delivery vehicles on-site shall be prohibited.~~

**3) ~~Vehicle Testing~~**

~~Vehicles shall not be tested off-site on residential streets.~~

**4) ~~Loudspeakers~~**

~~No outdoor speaker or public address systems audible off-site shall be permitted.~~

**~~f. TMD and LCC Districts~~**

~~Retail Gas and Fuel shall only be permitted on sites that are within 500 feet of the perimeter of the development. Gasoline pumps shall be located in the rear or side of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2010-005] [Ord. 2011-016] [Relocated to new Zoning Districts – TMD and LCC, above]~~

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

~~Retail Gas and Fuel located on a parcel with a CH-FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005] [Ord. 2011-016] [Relocated to new Approval Process - IRO, above]~~

**~~h. Previously Approved Auto Service Stations~~**

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

**~~i. Nonconformities~~**

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

**Reason for amendments to Retail Gas and Fuel in the Use Matrix: [Zoning]**

- 5. Delete from industrial districts, as:
  - industrial districts aren't intended for general commercial uses such as everyday automobile fuel sales;
  - facilities necessary to provide vehicle fuel for commercial vehicles typically frequenting industrial districts may be permitted through the Truckstop use; and,
  - additional provisions have been added to recognize limited accessory retail in conjunction with Wholesale Fuel or other similar industries.

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**64-16.Green Market,Permanent**

**HISTORY:** The use was introduced to the Code as Green Market through Ordinance 1998-011 in the Agricultural Reserve (AGR) Zoning District. The definition and Supplementary Standards were amended by Ord. 2003-067, Ord. 2007- 001, Ord. 2010-005, Ord. 2010-022, and Ord. 2012-027 when the use was split to permanent and temporary. The existing provisions were applied to Temporary Green Market while Permanent Green Market was completely new to the Code by the last ordinance.

**Reason for amendments:** [Zoning]

1. Eliminate the approval process from the definition. The application and approval process for the Permanent Green Market are different from the Temporary Green Market. The Permanent type is limited to 3 days of any week subject to DRO approval, while the Temporary one is subject to a Special Permit.
2. Establish criteria for where Permanent Green Markets can be located. The new standards will address minimizing negative impacts of this use being located near a residential neighborhood.
3. Introduce accessory Green Market to Community Vegetable Garden subject to DRO approval, limited to Countywide Community Revitalization Team and the Westgate Community Redevelopment Area Overlay. This amendment looks to provide opportunities for organized community areas to provide access to food grown by the residents of those areas.
4. Include a new standard that limits to three days a week for the operation of this use. This standard looks to avoid permanent location of temporary structures in what is now a permanent use. By allowing it to operate longer periods of time may represent a nuisance or safety issue.
5. Delete the 150 square foot stand limitation, as this is a threshold for Building permit per Building Code requirement

**a. Definition**

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

**ab. Lot Size**

A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required. [Ord. 2012-027] [Ord. 2015-031]

**c. Location**

Vehicular access shall be from arterial, collector or local commercial streets.

**d. Accessory Uses**

A Green Market may be allowed as an accessory use to a Community Vegetable Garden subject to DRO approval and the following:

- 1) The use shall be located in CCRT areas or the WCRAO;
- 2) The use shall be operated by a CCRT neighborhood organization or the WCRA;
- 3) Items for sale shall be limited to those grown or prepared by neighborhood residents.
- 4) Shall be limited to weekends and holidays between the hours of 7:00 a.m. and 7:00 p.m.

**be. Duration**

~~Weekends and recognized federal holidays only. [Ord. 2012-027]~~The use shall operate no more than three days a week.

**ef. Vendor Stands**

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

**Reason for amendments to Permanent Green Market in the Use Matrix:** [Zoning]

6. Change the approval process in the CN and CC Zoning Districts from Class B Conditional Use approval to DRO approval. The use is limited to one acre which requires a larger parcel for CN when compared with the minimum lot size of 0.5 acre needed for that district. This type of use is desired to be located in close proximity to residential areas, therefore the change in the approval process for these zoning districts looks to encourage the use in those areas.
7. Correct scrivener's error related to the approval of the use in the IRO with CLO and CHO FLU designation to indicate DRO. Currently the approval is identified with the letter "L" which does not represent any approval in the Code.
8. Allow the use in the Commercial pod of PUD, MUPD and MXPD with CH FLU designation, MUPD with CL designation, and Commercial pod of PIPD subject to DRO approval. The change is made for consistency with the approval of the use in CG, IRO and LCC. Green Markets are expected uses in commercial zoning districts.

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**7217. Hotel, or Motel, ~~SRO, and Rooming and Boarding House~~**

**HISTORY:** The Hotel, Motel, SRO, and Rooming and Boarding House use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1993-004, Ord. 1999-037, Ord. 2003-067, Ord. 2006-004, Ord. 2006-036, Ord. 2007-013, 2010-005, 2010-022, Ord. 2011-016, 2014-031 and 2015-006.

**Reason for amendments:** [Zoning]

1. Remove Single Room Occupancy (SRO) and Rooming and Boarding House from Hotel or Motel. This change relates to Florida Statutes 509.013 that excludes from the definition of public lodging establishments any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students and faculty; and, any rooming house, boardinghouse, or other living or sleeping facility.
2. Delete language that references multiple Use Matrices to indicate approval processes as they are consolidated now in one table.
3. Delete standards related to lot size, lot width and calculation of sleeping units applicable to commercial zoning districts consistent with Commercial Low (CL), Commercial High Office (CHO), and Commercial High (CH) Future Land Use (FLU) designation.
  - Commercial zoning districts consistent with CL, CHO and CH FLU designation are required to have one acre minimum lot size as required in the Zoning District Property Development Regulations (PDR) in Art. 3. This standard is deleted to eliminate duplication.
  - Delete standard that requires a minimum of 100 feet of lot width in commercial zoning districts consistent with CL, CHO and CH FLU designation. As contained in the PDRs for the standard zoning districts where the use is allowed, the minimum lot width required is already 100 feet. In MUPD or MXPD with CH or CHO FLU designation, and LCC the minimum lot width is 200 feet.
  - Delete requirement that limits the number of rooms to be based on the total site area. Building coverage and FAR should dictate the size of the building for the zoning district in which the use is located and therefore the number of rooms to be provided by this use.
4. Delete standard that allows Boarding and Rooming Homes in Multifamily Residential (RM) Zoning District when located in High Residential (RH) FLU designation. It eliminates the introduction of uses that are dictated by intensity or non-residential uses in residential areas.
5. Clarify the use may be Permitted by Right when located in the CH FLU designation of a Traditional Marketplace Development (TMD) in the Urban/Suburban Tier. This change is proposed for consistency with the approval of the use in similar intense commercial zoning districts and to help clarify it is only applicable to CH FLU since TMDs are also allowed in CL FLU.

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**a. Definition**

An establishment ~~requiring a 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 term rent period of time to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses.~~ [Ord. 2006-004]

**a. Commercial Districts and AZO Overlay**

~~If permitted by Table 3.B.2.B, Airport Use Regulations, Table 3.E.1.B, PDD Use Matrix, or Table 4.A.3.A, Use Matrix, or a hotel, motel, SRO, or rooming and boarding house with a CL, CHO and CH FLU designation, or in the AZO Overlay, shall comply with the following: [Ord. 2006-004] [Ord. 2006-036]~~

**1) Lot Size**

~~A minimum of one acre or the minimum required by the district, whichever is greater.~~

**2) Lot Width**

~~A minimum of 100 feet or the minimum required by the district, whichever is greater.~~

**3) Sleeping Units**

~~A maximum of one per 1,000 square feet of lot area.~~

**b. RM District**

~~A rooming and boarding house is permitted only in the RM district with an HR FLU designation. The number of beds permitted shall be calculated consistent with a Type 3 CLF. Hotels, motels, and SROs are prohibited.~~

**cb. Approval Process**

**1) CRE District**

~~A hotel, motel, SRO, boarding or rooming house shall only be located in a RR FLU designation as a Class A Conditional use.~~

**2) TMD District - U/S Tier**

~~The use may be Permitted by Right when located in the CH FLU designation.~~



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**dc. Zoning District - PO District**

**1) Existing Hotel**

1) An existing hotel located in the PO District shall be considered a conforming use. [Ord. 2009-040]

**2) Collocated Hotel**

**a) Approval Process - PARK FLU**

A hotel may be permitted as a collocated use to a PBC Regional Park with a PARK FLU, subject to Class A Conditional Use approval. [Ord. 2015-006]

**b) Park Resource Base**

The Regional Park shall include a resource base which promotes heritage tourism, eco-tourism, or is otherwise planned to attract patrons from a Countywide or greater population for historical, cultural, scientific, educational or other similar purposes. Such resource base shall be operational prior to approval of a hotel, or approved and permitted concurrently with a hotel. [Ord. 2015-006]

**c) Conceptual Master Plan**

A hotel shall be a component of a Conceptual Master Plan or equivalent that is approved by the Board of County Commissioners. [Ord. 2015-006]

**d) Frontage and Access**

The Regional Park in which a hotel is located shall front on and access from an Arterial or Collector street(s). Vehicular access to a hotel shall be prohibited from any local residential street abutting the park. [Ord. 2015-006]

**e) Site Plan – Affected Area**

When a site plan is not required for the overall park site, the required site plan for the hotel shall regulate only the development area for the hotel and access related thereto. [Ord. 2015-006]

7.	Expand the list of typical accessory services that are incidental to a Hotel, Motel or SRO so there is no confusion that they are part of the functionality of the use and not to be considered accessory uses.
8.	Relocate standard that limits accessory Cocktail Lounge to ten percent of a Hotel, Motel or SRO gross floor area along with the standards that apply to Lounge for consistency with the construction of the Code.

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**ed. Accessory Uses Services**

Hotels and motels may ~~include typical accessory uses provide services and facilities,~~ such as ~~fitness centers food and beverage, recreational,~~ meeting ~~or conference~~ rooms, ~~conference centers, ballrooms and laundry restaurants and lounges.~~

**f. Lounge**

~~An accessory lounge shall not exceed ten percent of the GFA of a hotel or motel. [Ord. 2006-004]~~ [Relocated to Art. Article 4.B.2.C.12, Cocktail Lounge]

Reason for amendments to Hotel, Motel and SRO in the Use Matrix: [Zoning]	
9.	Delete the approval process of the use in RM Zoning District which was intended to be applicable to sites located in High Residential (RH) FLU designation and only for Boarding and Rooming House as indicated in a standard.
10	Change the use approval process in the CHO Zoning District from Class B Conditional Use to Class A Conditional Use for consistency with the approval of the use in MUPD with CHO FLU designation.
11.	Change the approval process in the CG Zoning District, MUPD, MXPD and LCC with CH FLU designation from Class A Conditional Use approval to Permitted by Right. This use is intended to be located in intense commercial areas. Existing provision contained in the Code such as landscape help address any impacts of the use to adjacent residential areas.
12.	Delete the approval process in the CRE Zoning District which is currently shown from DRO to reflect approval contained in standard that allows the use only in CRE consistent with RR FLU designation. The approval in the Supplementary Use Standard is also consistent in MUPD with CR FLU designation. CRE Zoning District is consistent with Rural Residential ten (RR-10), Commercial Recreation (CR) and Industrial (IND) FLU designations reason why it clarified in the Supplementary Use Standards.
13.	Allow the use in TMD Urban Suburban and Exurban/Rural Tiers subject to Class A Conditional Use approval as this zoning district looks to promote mixed uses.

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**74-18. Kennel, Type II-2 (Commercial)**

**HISTORY:** The Type 2 Kennel use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1995-008, 1998-011, 1999-037, 2001-001, 2003-067, 2006-036 (separated from Commercial Kennel to Type 2 and Type 3), 2007-001, 2008-037, 2009-040, 2010-005, 2010-022, and 2011-016.

**Reason for amendments:** [Zoning]

1. Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an ACC Operational Permit.
2. Delete the AZO Overlay standard as Article 3, Table 3.B.2.B, Airport Use Regulations already addresses Airport and Non-Airport related use approval.
3. Revise Accessory Residential Use standard to clarify that a Type 2 Commercial Kennel may have an accessory SFD in the AGR.
4. Delete standard that allows a Type 2 Commercial Kennel in a Planned Industrial Park Development (PIPD) Zoning District subject to Development Review Officer (DRO) approval. The Use Matrix will identify the approval process for the use in the Light Industrial and Commercial Pod.

**a. Definition**

A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit. [Ord. 2006-036]

**b. ACC Permit**

~~The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit. A Type 2 Commercial Kennel shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.~~

**a. Limitations of Use**

~~A Type II commercial kennel shall be limited to the raising, breeding, boarding, sale, and grooming of domestic animals, (e.g. dogs and cats). [Ord. 2006-036]~~

**1)c. Lot Size**

A minimum of two acres. [Ord. 2006-036]

**2)d. Frontage**

A minimum of 100 feet fronting on and access from a collector or arterial street. [Ord. 2006-036]

**3)e. Outdoor Runs**

**a1) Setbacks**

Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a residential district, use or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036] [Ord. 2008-037]

**b2) Fencing and Screening**

A minimum six-foot high safety fence shall be required around outdoor runs. If the safety fence is not opaque or screened from view of adjacent properties or R-O-W, a continuous solid opaque hedge a minimum of four feet at installation shall be provided around the outdoor run\area. [Ord. 2006-036] [Ord. 2015-031]

**c3) Waste Disposal**

A Type II-2 Commercial Kennel shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2015-031]

**4) AZO Overlay**

~~Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]~~

**bf. Accessory Residential Use**

~~A Type II kennel may be operated~~ A Single Family dwelling unit may be permitted as an accessory use to a Type 2 Commercial Kennel in the AGR Zoning eDistrict in conjunction with a residence. [Ord. 2006-036] [Ord. 2009-040]

**c. PIPD**

~~A Type II commercial kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan FLUE Policy 2.2.4 b. [Ord. 2008-037]~~

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<b>Reason for amendments to Type 2 Kennel in the Use Matrix: [Zoning]</b>
5. Add the use in the COM Pod of a PIPD as a DRO Approval;
6. Change the approval process from: Class B Conditional Use to DRO Approval in the CC Zoning District; Requested Use to DRO Approval in the COM Pod of a PUD, MUPD with a CH FLU designation, and MXPD with a CH FLU designation and LCC with a CH FLU designation ; and,
7. Delete the Use from the IL and IG Zoning Districts.
8. A Type 2 Commercial Kennel with outdoor runs would be addressed by the existing Supplementary Standards to mitigate any potential adverse impacts. Nuisances related to noise are already addressed in Article 5 and nuisances and regulation related to domestic animals would be addressed by Palm Beach County's Animal Care and Control (ACC).

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**74-19. Kennel, Type III-3 (Commercial)**

<b>HISTORY:</b> The Type 3 Kennel use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1995-008, 1998-011, 1999-037, 2001-001, 2003-067, 2006-036 (separated from Commercial Kennel to Type 2 and Type 3), 2007-001, 2008-037, 2009-040, 2010-005, 2010-022, and 2011-016.
<b>Reason for amendments: [Zoning]</b>
1. Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an ACC Operational Permit.
2. Delete standard for number of animals permitted. The number of animals is determined by the ACC Ord. 98-22.
3. Delete the AZO Overlay standard as Article 3, Table 3.B.2.B, Airport Use Regulations already addresses Airport and Non-Airport related use approval.
4. Delete the Approval Process standard as the Code addresses instances where uses can be collocated and would be subject to the approval process identified in the new Commercial Use Matrix.
5. Delete standard that allows a Type 3 Commercial Kennel in a Planned Industrial Park Development (PIPD) Zoning District subject to Development Review Officer (DRO) approval. The Use Matrix will identify the approval process for the use in the Light Industrial and Commercial Pod.

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**a. Definition**

A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit. [Ord. 2006-036]

**a. Limitations of Use**

~~A Type III kennel is intended to be entirely self-contained within an enclosed building, and shall be subject to the following: [Ord. 2006-036]~~

**b. ACC Permit**

~~The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit. A Type 3 Commercial Kennel shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.~~

**1)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 permitted district zoning district the use is allowed. [Ord. 2006-036]~~

**2) Number of Animals Permitted**

~~Prior to review by DRO, preliminary approval shall be obtained from the PBCACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2006-036]~~

**3)d. Standards**

~~All use areas shall be within an enclosed building constructed, maintained and operated so that no noise or odor nuisances related to the kennel operations can be detected outside the building. With exception to designated drop off areas, no outdoor runs, playgrounds, walking areas, yards or similar uses shall be permitted. [Ord. 2006-036]~~

**4)e. Waste Disposal**

~~A Type III-3 Commercial kKennel shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2006-036]~~

**5) AZO Overlay**

~~Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]~~

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**b. Approval Process**

~~A Type III kennel that is collocated and operated in conjunction with and accessory to a related general retail sales use for animal care products, shall be permitted subject to DRO approval if less than 30 percent of the overall GFA of the combined uses. [Ord. 2006-036]~~

**c. PIPD**

~~A Type III Commercial Kennel shall be permitted in a commercial or light industrial use zone of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4.b. [Ord. 2007-001]~~

<b>Reason for amendments to Type 3 Kennel in the Use Matrix: [Zoning]</b>	
6.	• Add the use as a P in the COM Pod of a PIPD;
7.	• Change the approval process from: <ul style="list-style-type: none"> <li>○ Class A Conditional Use to DRO Approval in the CC Zoning District;</li> <li>○ Class B Conditional Use to P in the CG Zoning District;</li> <li>○ DRO Approval to P in the IRO with a CL and CH FLU designation;</li> <li>○ PDDs and TDDs where the use is allowed from Requested Use to P; and,</li> </ul>
8.	• Delete the Use from the IL and IG Zoning Districts.
9.	A Type 3 Commercial Kennel is completely enclosed and would mitigate any potential adverse impacts. Nuisances related to noise are already addressed in Article 5 and nuisances and regulation related to domestic animals would be addressed by Palm Beach County's Animal Care and Control (ACC).

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**75. Kiosk**

<b>HISTORY:</b> The Kiosk use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 2001-001, 2003-067, 2009-040, 2010-005, and 2011-016.
<b>Reason for amendments:</b> [Zoning] Delete the use from the ULDC. A kiosk or similar use will be considered a structure.
1. The structure will need to comply with Article 5.B, Accessory and Temporary Uses.

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- ~~A freestanding outdoor unmanned structure which offers products for sale.~~
- a. Uses**  
~~Shall be limited to the sale of general retail and convenience items only.~~
- b. Setbacks**  
~~Shall comply with the requirements of the district in which it is located.~~
- c. Architecture Compatibility**  
~~Shall be architecturally compatible with the principle structure or the closest structure within the development.~~
- d. Parking**  
~~Shall not occupy required parking spaces.~~
- e. Landscaping and Buffering**  
~~Shall be landscaped consistent with the provisions of Article 7, LANDSCAPING, including foundation planting, terminal islands, interior landscaping, irrigation, and curbing.~~
- f. Maximum Number of Freestanding Structures**
  - ~~1) Standard Districts~~  
~~One kiosk per project.~~
  - ~~2) Planned Development Districts~~  
~~Two kiosks per project.~~
- g. Size**  
~~A maximum of 100 square feet per kiosk.~~

<b>Reason for amendments to Kiosk in the Use Matrix: [Zoning]</b>	
2.	The Approval Process is being deleted from the Use Matrix.

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1 **7720. Landscape Service**

2 **HISTORY:** The Landscape Service use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplementary standards were amended by Ord. 1993-004, 1997-064, 1998-011, 1999-037, 2001-062, 2003-067, 2007-013, and 2011-001.

**Reason for amendments:** [Zoning]

- 1. Delete provision allowing for use in the Agricultural Residential (AR) Zoning district, which is generally incompatible with surrounding residential uses, and expand to allow as an Accessory Use to a Nursery, similar to existing provisions in the similar AGR district.
- 2. Delete exception for landscape buffer when adjacent to farm worker quarters. A Landscape Service is a Commercial use requiring appropriate buffering where adjacent to residential uses.
- 3. Relocate and consolidate standards for where Landscape Service is permitted as an Accessory Use in conjunction with revisions in the Use Matrix to address inconsistencies.

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4 **a. Definition**

5 An establishment engaged in ~~the provision of landscape maintenance or~~ installation or  
6 maintenance of landscaping services.

7 **b. Typical Uses**

8 Lawn Service typically includes services, such as lawn mowing, trimming of trees, shrubs  
9 or hedges trimming, fertilizer application, leaf blowing, and landscape design or, ~~and~~  
10 ~~landscape~~ installation.

11 **a. AR District in RSA**

12 ~~A landscape service as a principal use shall be located on a collector or arterial street on~~  
13 ~~a minimum of three acres. [Ord. 2007-013] [Partially relocated to new Art.~~  
14 ~~4.B.2.C.x.c, Accessory Use – AR and AGR Districts]~~

15 **b. AGR District**

16 ~~Shall be permitted subject to DRO approval as an accessory use only in conjunction with~~  
17 ~~a retail or wholesale nursery, excluding those that meet the limitations of a home~~  
18 ~~occupation. [Ord. 2007-013] [Partially relocated to new Art. 4.B.2.C.x.c, Accessory~~  
19 ~~Use – AR and AGR Districts]~~

20 **c. Landscape Buffer**

21 ~~An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE~~  
22 ~~REQUIREMENTS, may be waived if the use is adjacent to farm worker quarters or~~  
23 ~~mobile home accessory to a bona fide agriculture use.~~

24 **d. Storage**

25 ~~Outdoor storage of debris shall be prohibited. [Partially relocated to new Art.~~  
26 ~~4.B.2.C.x.d, Storage]~~

- 4. Establish minimum acreage requirement for Accessory Landscape Service in the AR district in the Urban Service Area (USA), to coincide with acreage subject to DRO approval, thus ensuring Accessory Use is properly site planned for ease of future Code Enforcement, if necessary.

28  
29 **ce. Accessory Use – AR and AGR Districts**

30 May be allowed as an accessory use to a Retail or Wholesale Nursery, subject to the  
31 following: retail or wholesale nursery on a minimum of three acres.

32 **1) Owner or Operator**

33 Shall be under the same ownership as the owner or operator of the Nursery.

34 **2) Frontage and Access**

35 Shall be located on a parcel with frontage on an Arterial or Collector Street. Access  
36 from a Local Residential Street shall be prohibited.

37 **3) Minimum Acreage**

38 Minimum acreage shall be as follows:

39 a) AR District in the RSA, and AGR District: Three acres; [Partially relocated from  
40 Art. 4.B.2.C.x.a, AR District in RSA]

41 b) AR District in the USA: Five acres.

42 **df. Yard Waste Storage – Yard Waste**

43 The storage of vegetative debris shall be prohibited, except as follows: Landscape  
44 service with storage of yard waste shall front on a collector or arterial street, and shall  
45 comply with the following requirements: [Ord. 2011-001]

46 **1) Accessory Use**

47 The storage of yard waste shall be limited to vegetative debris generated by  
48 landscape maintenance performed by the owner or operator of the Landscape  
49 Service. The storage of yard waste from other sources shall be prohibited, unless  
50 permitted otherwise by this Code.

1 **2) Access**

2 ~~Access from a Local Residential Street shall be prohibited.~~

3 **34) Setbacks**

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

7 **42) Standards**

- 8 a) Only one yard waste storage area shall be permitted on-site; [Ord. 2011-001]
- 9 b) Shall not exceed 30 by 40 feet; [Ord. 2011-001]
- 10 c) Yard waste shall be screened on three sides by a wall with a maximum height of  
11 12 feet. The open end of the wall shall not face any property with a residential  
12 use or FLU designation; [Ord. 2011-001]
- 13 d) Yard waste piles shall not exceed the height of the wall; ~~and~~, [Ord. 2011-001]
- 14 e) Surface of the storage area shall be paved with concrete and have positive  
15 drainage; ~~and~~, [Ord. 2011-001]
- 16 f) ~~Yard waste that is not generated by the landscape service shall be prohibited on  
17 site. [Ord. 2011-001]~~

18 **eg. Home Occupation**

19 A ~~limited Landscape Service use landscape service~~, not including yard waste, ~~or~~  
20 landscape installation services, ~~or other similar uses requiring heavy equipment~~, may be  
21 approved as a Home Occupation, ~~home occupation~~ subject to the requirements of Art.  
22 4.B.1.E.8 Article 4.B.1.A.70, Home Occupation, and ~~this section, subject to~~ the following  
23 ~~exemptions or requirements~~: [Ord. 2007-013] [Ord. 2011-001]

24 **1) Buffers**

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

26 **2) AR District in RSA**

27 A landscape service may be permitted subject to the limitations of Art. 4.B.1.E.8  
28 4.B.1.A.70, Home Occupation, except that parcels three acres or more in size may  
29 also be eligible for the following: [Ord. 2007-013]

- 30 a) A maximum of three persons living outside of the home may be employed under  
31 the home occupation, provided the employee vehicles are parked on-site on an  
32 improved driveway or within a screened storage area. [Ord. 2007-013]
- 33 b) The use shall also be exempt from the outside storage limitations of Art.  
34 4.B.1.E.8.j Article 4.B.1.A.70.i, Outside Storage, provided that outside storage is  
35 limited to equipment such as lawnmowers, edgers, weed eaters, and small  
36 trailers. Storage shall not include heavy equipment ~~associated with landscape~~  
37 ~~installation services~~, such as bobcats, loaders, dump trucks, or heavy equipment  
38 trailers; and [Ord. 2007-013]
- 39 c) Storage areas shall be screened from view from any R-O-W or residential parcel  
40 through the use of opaque fences, walls or existing or newly planted native  
41 vegetation, provided the material provides an opaque screen within one year of  
42 the issuance of the Business Tax Receipt ~~business tax receipt~~. ~~No additional~~  
43 ~~vegetation shall be required where equipment is screened from view behind~~  
44 ~~permitted fences or other structures~~. [Ord. 2007-013]

<b>Reason for amendments to Landscape Service in the Use Matrix:</b> [Zoning]
5. Delete use from the AGR district. Existing Supplementary Standards establish that the use is only permitted where accessory to a Nursery, subject to additional standards.
6. Delete provision allowing for use in the Agricultural Residential (AR) Zoning district, which is generally incompatible with surrounding residential uses, and expand to allow as an Accessory Use to a Nursery, similar to existing provisions in the similar AGR district.



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1 **7821. Laundry Service**

2 **HISTORY:** The Laundry Service use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary Standards were amended by Ord. 1993-004, Ord. 1997-014, Ord. 1998-011, Ord. 2001-062 and Ord. 2003-067.

**Reason for amendments:** [Zoning]

1. Expand the list of typical uses by including other common businesses covered by this use definition. Identify the different types of Laundry Services based on the scale of service as the Supplementary Standards are not inclusive of commercial or industrial-scale laundry service centers.
2. Allow the use to be permitted by right in all commercial zoning districts and the commercial pod of PIPD with a maximum of 3,000 SF. Above this area, the use is subject to Public Hearing which allows for additional review by other agencies to address potential impacts cause by this use. As a result of this new standard, the existing provisions for CC Zoning District and Commercial pod of PIPD to be limited to 5,000 SF and TMD and LCC to be limited to 3,000 SF have been removed.
3. Clarify that Laundry Service in industrial zoning districts is expected to be of high intensity mainly to serve the hospitality industry. Therefore, additional provisions include customer pick off or drop off areas are not allowed in order to reduce traffic impact that could be created by providing commercial characteristics to the use. In addition, as the use would require delivery vehicles, this amendment also includes provisions to provide at least one loading space and prohibit the storage of vehicles associated with the business in required parking spaces that are provided for public or employees only.
4. Include a requirement to provide use approval by the county Environmental Resource Management (ERM) Department for uses that are Permitted by Right prior to building permit approval. This provision will allow review to enforce environmental regulations that the use may be subject to such as well protection. All other approval processes such as Class A Conditional Use or DRO already provide an opportunity for multiple agencies, including ERM, to review the application.

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4 **a. Definition**

5 An establishment that provides washing, drying, dry-cleaning, or ironing services or  
6 machines ~~for hire~~ to be used by customers on the premises, or that is engaged in  
7 providing laundry and dry cleaning services ~~with customer drop-off and pick-up.~~

8 **a. CN District**

9 ~~Shall not exceed 3,000 square feet of GFA.~~ **[Relocated to Zoning District - CN,**  
10 **below]**

11 **b. Typical Uses**

12 Typical uses may include but are not limited to coin laundry establishments, laundromats,  
13 neighborhood cleaners and dry cleaners, and industrial cleaning facilities serving  
14 commercial cleaners or the hospitality industry.

15 **c. Approval Process**

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

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

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

20 2) Industrial Districts, Except Commercial Pod of a PIPD

21 May be allowed subject to DRO approval if less than 15,000 square feet of GFA.

22 **d. Zoning District - CN**

23 The use shall not exceed 3,000 square feet of GFA. **[Relocated from CN District,**  
24 **above]**

25 **b. CC District and Commercial Pod of a PUD**

26 ~~Shall not exceed 5,000 square feet of GFA.~~

27 **c. TMD and LCC Districts**

28 ~~A laundry service shall not exceed 3,000 square feet of a GFA.~~ **[Ord. 2010-005]**

29 **d. Approval**

30 ~~A laundry service over 15,000 square feet shall require approval of a Class A conditional~~  
31 ~~use or requested use, whichever is applicable.~~

32 **e. Zoning Districts - Industrial Except Commercial Pod of a PIPD**

33 1) The use shall be limited to facilities serving the hospitality industry and commercial  
34 cleaner centers; and,

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

37 **f. Business Vehicles**

38 Shall not be parked or stored in required parking spaces.

39 **g. Environmental Approval**

40 Prior to issuance of a building permit, Laundry Service Permitted by Right shall provide  
41 documentation demonstrating that the use is approved by ERM.

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<b>Reason for amendments to Laundry Service in the Use Matrix:</b> [Zoning]	
5.	Indicate the most restrictive approval process in the Use Matrix by changing Permitted by Right or DRO to Class A Conditional use in CC, CG, IL, IG, Zoning Districts, Infill Redevelopment Area (IRO) with CL and CH FLU designations MUPD with CL and CH FLU designation, MXPDP with CH FLU designation, Industrial Light and Commercial pods of PIPD, LCC with CL and CH FLU designation, Neighborhood Center (NC) of Traditional Neighborhood Development (TND), and Urban/Suburban, Exurban/Rural and Agricultural Tiers of Traditional Marketplace Development (TMD). New standards allow the use to be subject to a lesser approval process when the square footage is less than 15,000 square feet.
6.	Remove the use from districts that do not support the commercial or industrial use being open to the public, including RVPD, MHPD, and CHO.
7.	Add the use to MUPD with Industrial (IND) FLU designation and General Industrial pod of PIPD subject to Class A Conditional Use approval., to support industrial-scale Laundry Service that serve commercial businesses and the hospitality industry.

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**141.Live/Work**

<b>HISTORY:</b> The Live/Work use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplementary standards were amended by Ord. 2010-005.	
<b>Reason for amendments:</b> [Zoning]	
1.	This use is redundant to other uses established in the Code, and incorrectly establishes a limitation that is better addressed through Building Code, whereas the latter would limit the collocation of certain uses within the same space (e.g. you would not likely be permitted to have a loft apartment in the same space as a Restaurant).

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~~Live/Work — a mixed use consisting of one residential dwelling unit collocated with any permitted non-residential use pursuant to the applicable zoning district, where permitted by the Florida Building Code. [Ord. 2010-005]~~

~~**a. Mixed Use Designation**  
The residential unit shall be counted as density with no limit on maximum square footage, and the non-residential use shall be counted as building square footage. Both shall comply with the allowable density and FAR permitted in the Zoning district. [Ord. 2010-005]~~

~~**b. Final Site Plan**  
To ensure compliance with parking, concurrency and building code requirements, among others, the square footage for both the residential unit and the non-residential use shall be clearly indicated on the Final Site Plan for each live/work unit. [Ord. 2010-005]~~

~~**c. Residential Limitations**  
Non-residential uses or other similar activities other than home office shall be prohibited within the residential unit portion. [Ord. 2010-005]~~

<b>Reason for amendments to Live/Work in the Use Matrix:</b> [Zoning]	
2.	Use has been deleted, see Reason above.

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1 **8222. Marine Facility Marina**

2 **HISTORY:** The Marina use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1999-037, 2003-067, 2009-040, and 2010-005.

**Reason for amendments:** [Zoning]

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1. The use was relocated from Recreation Use Classification to Commercial Use Classification.
  2. Revise definition to:
    - Partially relocate typical uses to a new Supplementary Standards for clarification purposes;
    - Clarify uses are related to the boating public. Boatyards are commonly industrial in nature and may adversely impact surrounding areas; and
    - Relocate *Boat Facility Siting Plan* language. The threshold of slips for Marina is not an element of the definition but a Supplemental Standard.
  3. Relocate *Boat Units* Supplementary Standard.

**a. Definition**

A commercial ~~facility establishment~~ related to boating located on a navigable waterway. ~~Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels.~~ **[Partially relocated to Standard b, Typical Uses of Activities below]** ~~Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. [Ord. 2009-040]~~ **[Relocated to Standard d., Boat Siting Facility below]**

**b. Typical Uses or Activities**

Typical uses or activities may include, but not be limited to, servicing, fueling, pumping-out, chartering, launching, dry-storage of boats and boating equipment, dockage, yacht clubs, charter boat operations, and boatels.

**a. Boatel Units**

~~A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one for using 1,000 square feet of dry land for each unit.~~ **[Relocated to Standard c, Boatel Units below]**

**bc. Setbacks**

Dry storage of boats and other ~~m~~Marina related uses may be setback zero feet from the water's edge.

**ed.a. Boatel Units**

A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one unit per 1,000 square feet of dry land for each unit. **[Relocated from Standard a., Boatel Units above]**

**de. Boat Facility Siting Plan**

Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. [Ord. 2009-040] **[Relocated from the Definition above]**

**Reason for amendments to Marina in the Use Matrix:** [Zoning]

4. Delete the approval process from Commercial High Office (CHO) Standard Zoning District, MUPD Zoning District with CHO FLU and MXPD Zoning District with CHO FLU. The CHO district is primarily intended for business and professional office parks.

5. Delete the approval process from IRO Zoning District with a CL FLU designation. Marinas are considered too intense in the CL FLU and therefore eliminating the use from all CL FLUs in all zoning districts for consistency.

6. Change the approval process from a Class B Conditional Use to Class A Conditional Use in the General Commercial (CG) Zoning District for consistency with MUPD Zoning District with a CH FLU.



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1 **8623. Medical or Dental Office**

2 **HISTORY:** The Medical or Dental Office use definition and Supplementary Standards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and Supplementary Standards were amended by Ord. 1995-008, 1998-011, 2003-067, 2005-002, 2007-001, 2010-009, 2011-001, 2011-016, and 2012-027.

**Reason for amendments:** [Zoning]

1. Revise definition to clarify aspects of Ambulatory Surgical Center and Urgent Care Center are included.
2. Establish Typical Uses standard to incorporate Ambulatory Surgical and Urgent Care Centers.

3  
4 **a. Definition**

5 An establishment where patients, who are not lodged overnight, are admitted for  
6 examination, elective surgical care, immediate but not emergent care or treatment by  
7 persons practicing any form of healing or health-building services whether such persons  
8 be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists,  
9 dentists, or any such profession, the practice of which is lawful in the State of Florida.  
10 **[Ord. 2005 – 002] [Ord. 2010-009] [Ord. 2011-001] [Ord. 2011-016]**

11 **b. Typical Uses**

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

14 **c. INST FLU Designation**

15 A Medical or Dental Office may be permitted subject to DRO approval, within the  
16 boundaries of the following five site specific FLUA amendments: [Ord. 2011-001] [Ord.  
17 2012-027] [Relocated from Standard c., INST FLU Designation below]

- 18 1) SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005; [Ord. 2012-027] [Relocated  
19 from c.1), below]
- 20 2) SCA 2008-015, Jog/Joe DeLong Institutional, Ord. 2008-005; [Ord. 2012-027]  
21 [Relocated from c.2), below]
- 22 3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008; [Ord. 2012-027]  
23 [Relocated from c.3), below]
- 24 4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord.  
25 2010-031; and, [Ord. 2012-027] [Relocated from c.4), below]
- 26 5) LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. [Ord. 2012-  
27 027] [Relocated from c.5), below]

28 **ad. CN Zoning Districts – CN, CLO and CHO**

29 May be Permitted by Right when less than exceed 3,000 square feet of GFA if approved  
30 as a Class A conditional use.

31 **be. Ambulatory Surgical Center**

32 Ambulatory surgical centers licensed by the Florida Agency for Health Care  
33 Administration (AHCA), under the authority of F.S. Chapter 395, Part 1, and FAC Chapter  
34 59A-5, limited to the provision of elective same day surgical care, where patients are  
35 ambulatory. **[Ord. 2005-041]**

36 **1) Floor Building Area**

- 37 a) An ambulatory surgical center up to 10,000 square feet of GFA may be permitted  
38 subject to the approval process for a medical or dental office. **[Ord. 2005-041]**
- 39 b) An ambulatory surgical center greater than 10,000 square feet of GFA is only  
40 permitted in developments with a CH FLU designation, subject to BCC approval  
41 as a Class A ~~or Requested-Use~~ Conditional Use. **[Ord. 2005-041]**

42 **2) Elective Surgical Care**

43 Ambulatory surgical centers must not be designed to accept patients requiring  
44 emergency care, including the provision of ambulance drop off areas; however,  
45 ambulatory surgical centers may be permitted to incorporate ambulance loading  
46 zones and related emergency facilities necessary to address any complications that  
47 may arise during normal procedures, as required by AHCA or Florida Statute. **[Ord.**  
48 **2005-041]**

49 **c. INST FLU Designation**

50 ~~A medical or dental office may be permitted subject to DRO approval, within the~~  
51 ~~boundaries of the following five site specific FLUA amendments: [Ord. 2011-001] [Ord.~~  
52 ~~2012-027] [Relocated to Standard c., INST FLU Designation above]~~

- 53 1) ~~SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005; [Ord. 2012-027] [Relocated~~  
54 ~~to c.1), above]~~
- 55 2) ~~SCA 2008-015, Jog/Joe DeLong Institutional, Ord. 2008-005; [Ord. 2012-027]~~  
56 ~~[Relocated to c.2), above]~~

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- 3) ~~SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008; [Ord. 2012-027] [Relocated to c.3), above]~~
- 4) ~~LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. 2010-031; and, [Ord. 2012-027] [Relocated to c.4), above]~~
- 5) ~~LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. [Ord. 2012-027] [Relocated to c.5), above]~~

<b>Reason for amendments to Medical or Dental Office in the Use Matrix:</b> [Zoning]
3. Change the approval process in CN, CLO and CHO to Class A Conditional Use approval. The Use Matrix identifies the most restrictive approval.
4. Change the approval process from DRO Approval to Permitted by Right in the IRO with a CH and CHO FLU Designation. Medical or Dental Office related uses are the least intense use of the health related uses and is appropriately located in commercial districts.

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**24. Microbrewery**

<b>BACKGROUND/SUMMARY</b>
<p>Microbrewery is a new use in the Code. Interest has increased in Palm Beach County for the opportunity for the small-scale manufacturing and processing of alcoholic beverages with the ability for limited consumption on-site. Small-scale breweries have been considered to assist with the community, economic and social development of municipalities and counties increasing tourism and economies.</p> <p>The Unified Land Development Code (ULDC) does have similar uses that may be utilized for the Microbrewery use. Under current regulations, in order for the use to be allowed in commercial or industrial districts, the use of Flex Space, Cocktail Lounge or Restaurant is required. However the production of alcohol could also be considered an industrial use, Manufacturing and Processing which would not allow the retail sales of alcohol (unless utilizing Flex Space in certain districts). A microbrewery business model does not fit neatly into either use and Flex Space is limited in where the use may be allowed.</p>
<b>RESEARCH/FINDINGS</b>
<p>Staff reviewed several ordinances from other jurisdictions in Palm Beach County and Florida, and other States, including but not limited to, Colorado, North Carolina and Michigan that have added definitions and regulations for small-scale alcohol production. Research also consisted of inquiries to the Brewer's Association and the American Planning Association (APA). Staff also conducted site visits to several Microbreweries in the area including West Palm Beach (Accomplice Brewery), City of Stuart (Vine and Barley, Longneck Brewery) and Village of Tequesta (Tequesta Brewing Company). Preliminary research indicates definitions and regulations can vary. However, common regulations do focus on storage, size of the facility and proximity to sensitive uses.</p> <p>In conclusion, staff is proposing the use to be allowed in commercial, mixed use and industrial districts with regulations to ensure compatibility, mitigation to potential adverse impacts and to encourage the new business model.</p>

13

<b>Reason for amendments:</b> [Zoning]
1. Establish new Microbrewery use to encourage small business related to industry trends in the production and on-site consumption of craft or specialty beer.
2. Establish threshold to allow for smaller microbreweries to be administratively approved, as these facilities are less apt to result in adverse impacts to adjacent uses due to limited ability to produce or store large quantities of supplies or products, and can otherwise easily be accommodated within commercial or industrial districts.
3. Establish standards to allow for limited tasting and accessory food service in industrial districts where the industry is most likely to locate, and further establish that when located in commercial districts the use includes retail sales and taprooms, but may also include Lounges and Restaurants as needed.
4. Establish standards to further define taproom limitations, which may include beverages other than beer, to ensure the use does not become a Lounge.
5. Where limited to taprooms, the use would not be subject to normal separation distances typically required for the more intense Lounge use, with exception to neighborhood oriented commercial districts, or as otherwise required by Florida law.

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- a. **Definition**  
An indoor establishment engaged in the production and packaging of alcohol for distribution, wholesale or retail on or off premise.

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**b. Approval Process**

A Microbrewery limited to 5,000 square feet of GFA, where allowed in Commercial and Mixed Use Zoning Districts, may be Permitted by Right.

**c. Zoning Districts – Commercial and Mixed Use Zoning Districts**

Where permitted, Microbreweries shall be subject to the following:

**1) Commercial Districts**

No more than 50 percent of the total GFA shall be used for brewery manufacturing or production, including packaging with the balance consisting of office, retail sales and taprooms, or other permitted collocated uses.

**2) Industrial Districts**

No more than 30 percent of the total GFA shall be used for accessory office, retail sales, or taprooms.

**d. Accessory Uses - Taproom**

A Microbrewery where allowed in industrial zoning districts, FLU and Pods, excluding the Commercial Pod of a PIPD, may include a taproom, subject to the following:

1) A taproom shall be limited to the purchasing or consumption of alcoholic beverages produced on-site;

2) Guest taps, consisting of alcohol not produced on-site, may be allowed in conjunction with a tap room not to exceed 30 percent of the number of taps or on-site production;

3) Food service may be permitted; and,

4) Hours of operation shall be limited from 5 p.m.-10 p.m. weekdays and 11 a.m.-10 p.m., weekends.

**e. Separation Distance**

1) A Microbrewery with accessory taproom shall not be located within 500 feet from a School as required by F.S. 562.45, as periodically amended.

2) A Microbrewery in a MUPD with a CL FLU Designation shall be separated a minimum of 750 feet from another Microbrewery.

<b>Reason for amendments to Microbrewery in the Use Matrix:</b> [Zoning]
6. Add the use to the CG, UC1, UC2 Zoning Districts; UI1, IRO with a CH FLU, COM Pod of a PUD, MUPD with a CL & CH FLU, MXPDP with a CH FLU, COM Pod of a PIPD, and LCC with a CH FLU as a Class A Conditional Use approval. The most restrictive is being identified in the Use Matrix as the Supplementary Standards would allow for a less restrictive approval.
7. Add the use to the IL, IG Zoning Districts and to MUPD with IND FLU, IND/L & IND/G Pods of a PIPD as a DRO approval.

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**86. Monument Sales, Retail**

**HISTORY:** The Retail Monument Sales use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1999-037, 2003-067, 2009-040, and 2011-016.

**Reason for amendments:** [Zoning]

1. Delete Retail Monument Sales use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a “typical use” to Retail Sales. A Supplementary Standards will be established to address outdoor storage.

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~~An establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, gargoyles and ledges, for placement on graves, including indoor or outdoor storage.~~

<b>Reason for amendments to Retail Monument Sales in the Use Matrix:</b> [Zoning]
2. Delete Retail Monument Sales use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a “typical use” to Retail Sales.

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1 **9425. Office, Business or Professional**

2 **HISTORY:** The Business of Professional Office use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1993-004, Ord. 1997-014, Ord. 1998-011, Ord. 2001-062 and Ord. 2003-067.

**Reason for amendments:** [Zoning]

1. Simplify the use definition by addressing typical uses as a separate standard.
2. Expand the list of typical uses by including other common businesses or facilities covered by this use definition.
3. Delete reference to Class A Conditional Use approval for Business or Professional Office in CL, CLO and CC Zoning Districts as the Use Matrix is reflecting the most restrictive approval process. The use standard is indicating now that the existing square footage limitations will allow the use to be Permitted by Right.

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4 **a. Definition**

5 An establishment providing executive, management, administrative, or professional  
6 services, ~~but not involving medical or dental services or the sale of merchandise, except~~  
7 ~~as an incidental use. Typical uses include property and financial management firms,~~  
8 ~~employment agencies (other than day labor), travel agencies, advertising agencies,~~  
9 ~~secretarial and telephone services, contract post offices; professional or consulting~~  
10 ~~services in the fields of law, architecture, design, engineering, accounting and similar~~  
11 ~~professions; and business offices of private companies, utility companies, public~~  
12 ~~agencies, and trade associations. [Partially relocated to Typical Uses standard~~  
13 ~~below]~~

14 **b. Typical Uses**

15 A Business or Professional Office use may include but not be limited to: property and  
16 financial management firms; employment, travel, advertising, or real estate agencies;  
17 pay day lending offices, check cashing services and currency exchange agencies;  
18 contract post offices; professional or consulting services; and business offices of private  
19 companies, utility companies, public agencies, and trade associations. [Partially  
20 relocated from Definition standard above]

21 **ac. Maximum Floor Area Approval Process**

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

23 **1) ~~CN District~~**

24 1) A maximum of 10,000 square feet of GFA per parcel in the CN Zoning District, unless  
25 approved as a Class A conditional use.

26 **2) ~~CLO District~~**

27 2) A maximum of 15,000 square feet of GFA per parcel in the CLO Zoning District ;  
28 unless approved as a Class A conditional use.

29 **3) ~~CC District~~**

30 3) A maximum of 20,000 square feet of GFA per parcel in the CC Zoning District, unless  
31 approved as a Class A conditional use.

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| 4. | As a result of the deletion of Day Labor Employment Service use, some standards related to that use are consolidated under office. Clarify that employment agencies for temporary manual labor are subject to regulations to mitigate impacts on the surrounding areas. In addition, the prohibition of Office Business or Professional oriented to be Employment Agencies in the Westgate Community Redevelopment Area Overlay (WCRAO) is retained. |
| 5. | Current provisions associated with temporary employment services look to prevent nuisances that may be caused by the use. Such standard do not allow outdoor loitering, waiting or seating areas. This amendment looks to provide an option to provide such areas subject to architectural elements that help beautify the site and reducing the impact that these activities may cause.   |
| 6. | Delete standard that clarifies office is accessory to industrial zoning districts. A specific provision in the Supplementary Use Standards under this use clarifies when an office is not considered this use.   |
| 7. | Relocate standard that limits office to 1,500 square feet in the Lake Okeechobee Scenic Trail Overlay to the provisions in Art. 3 that pertain to that overlay.  |

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34 **d. Employment Agencies**

35 Business or Professional Office that include employment agencies for temporary day or  
36 manual labor service for the construction, maintenance, agricultural or industrial trades,  
37 shall be subject to the additional standards: [Partially relocated from Art. 4.B.1.A.41,  
38 Day Labor Employment Service]

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1 **1) Westgate Overlay**

2 *Shall be prohibited within the boundaries of the WCRAO, as per Table 3.B.14.E –*  
3 *WCRAO Sub-area Use Regulations. [Partially relocated from Art. 4.B.1.A.41, Day*  
4 *Labor Employment Service]*

5 **2) Outdoor Activities**

6 *No outdoor loitering, waiting, or seating shall be permitted on-site. Outdoor seating*  
7 *areas may be allowed provided the site includes one or more architectural focal*  
8 *points such as fountains; architectural shaded structures or gazebos. [Partially*  
9 *relocated from Art. 4.B.1.A.41, Day Labor Employment Service]*

10 **b. IL an IG Districts**

11 *Limited to an accessory use only.*

12 **c. LOSTO**

13 *Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for*  
14 *the sole purpose of arranging nature or heritage based activities, such as bicycle tours*  
15 *and bus tours to natural, agricultural, or historic points of interest of the area, shall be*  
16 *allowed subject to approval of a Special Permit. [Relocated to Art. 3.B.6, Losto, Lake*  
17 *Okeechobee Scenic Trail Overlay]*

8.	Delete standard that limits General Retail and Personal Service uses to be accessory to Business to Professional Office and limited to ten percent of the Office GFA. Specific Provisions under Personal Services address the plan policy provision that limits the use to be accessory to office in the CLO and CHO FLU designation. In any other zoning district, where the uses are allowed, Personal Services and Retail Sales can coexist as collocated uses.
9.	Delete standard that addresses large scale office associated to corporate headquarters which have been addressed under Data and Information Processing part of the industrial use classification.
10.	Include a standard that clarifies when an office of a temporary nature or the space used for the administration or operation of a business shall not be confused with Business and Professional Office use. Specific standards in Art. 5. Supplementary Standards are provided to distinguish from this use.

19 **d. Use Limitations**

20 **1) Accessory Uses**

21 *A general retail and personal service uses not exceeding ten percent of the GFA of*  
22 *the building may be allowed as an accessory use. All such uses shall be completely*  
23 *internal to the building and shall not have a separate external entrance or any*  
24 *exterior signage.*

25 **e. Office of an Industrial Nature**

26 *An establishment providing executive, management, or administrative support, but not*  
27 *involving medical or dental services, the sale of merchandise, or professional services*  
28 *(business or professional offices). Typical uses involve corporate headquarters or other*  
29 *similar offices whose function does not include frequent visits by the public or the*  
30 *provision of services.*

31 **e. Accessory Office**

32 *Business or Professional Office standards shall not apply to:*

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

<b>Reason for amendments to Business of Professional Office in the Use Matrix:</b> [Zoning]	
11.	Change the approval process from Permitted by Right to Class A Conditional use in CN, CLO and CC Zoning Districts, to indicate the most restrictive approval process currently contained in the Supplementary Standards. The specific standard contains square footage thresholds in those zoning districts to allow the use subject to DRO approval. The threshold looks to promote the size of the use more consistent with neighborhood scale.
12.	Change the approval process from DRO to Permitted by Right in the CH and CHO FLU designation of IRO as these zoning districts are intended to include mix use development for which Business or Professional Office is essential.

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1 **95. Parking Garage/Structure**

2 **HISTORY:** The Parking/Garage Structure use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

**Reason for amendments:** [Zoning]

- 3 1. Delete and consolidate with Commercial Parking Lot as "Commercial Parking", emphasis on ensuring consistency of existing and revised Supplementary Standards that previously did not apply to Commercial Parking Garages.

4 ~~A building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use and subject to:~~

- 5 ~~a. Article 6.A.1.D.18, Parking Structure Standards; and~~  
6 ~~b. Article 7.G.2.F, Parking Structures.~~

7 **Reason for amendments to Parking Garage/Structure in the Use Matrix:** [Zoning]

- 8 2. Use has been deleted, see Reason above.

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12 **9626. Parking Lot, Commercial**

13 **HISTORY:** The Commercial Parking Lot use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 2003-067.

**Reason for amendments:** [Zoning]

- 14 1. Revise definition to allow consolidation with deleted Commercial Parking Garage use by deleting term "lot" and replacing with "establishment", which encompasses both lots, garages, or other unanticipated structures.  
2. Delete redundant prohibition on other uses. Additional uses may be collocated on the same site where permitted in the applicable district, subject to required Approval Process and Supplemental Standards.  
3. Amend prohibition against Commercial Parking "adjacent" to residential uses by revising as follows:  
    ▪ Delete term adjacent and replace with "within 200 feet" to address scenario's where residential may be separated by a R-O-W, or a narrow non-residential parcel which does not adequately buffer the residential use (e.g. a 25' or 50' wide lot would severe "adjacent").  
    ▪ Establish minimum standards for buffering.  
    ▪ Prohibit access from a local residential street. While many uses require or have frontage on Arterials or Collectors, this does not preclude secondary access points from Local Residential Streets in all instances (e.g. an existing access point would not be permitted to be carried forward onto a new Development Order approval for Commercial Parking).  
4. Delete references to long trailers or vehicles in the Light Industrial (IL) Zoning district. The storage of trailers, commercial vehicles or equipment in Industrial districts would be permitted under the Contractor Storage Yard use classification.

15 **a. Definition**

16 An establishment ~~lot~~ used for temporary parking or storage for motor vehicles as a principal use, for a fee, ~~and subject to:~~

17 **a. Principal Use**

18 ~~Parking spaces may be rented for daily parking. No other business of any kind shall be conducted on the lot, including repair, service, display, or storage of other goods, except mobile working and detailing.~~

19 **b. Proximity to Residential**

20 ~~Commercial Parking A commercial parking lot shall not be located within 200 feet of on a parcel adjacent to a with a residential use or FLU designation- district, except as follows:~~

- 21 1) ~~The Perimeter Landscape Buffer along the applicable lot line complies with the minimum standards for a Type 3 Incompatibility Buffer; and,~~  
22 2) ~~Building openings used by vehicles and unglazed architectural openings shall not face residential.~~

23 **c. Storage**

24 ~~Long trailers storage of vehicles shall be permitted in the IL district if screened from view in accordance with the outdoor storage standards.~~

25 **c. Access**

26 ~~Access from a Local Residential Street shall be prohibited.~~

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<b>Reason for amendments to Commercial Parking Lot in the Use Matrix: [Zoning]</b>
5. Delete provision allowing for use within the Light Industrial (IL) Zoning district, as Commercial Parking is intended to accommodate automobiles, and the storage of commercial vehicles or equipment would fall under the Contractor Storage Yard use classification.
6. Delete from districts primarily intended to allow commercial uses that serve surrounding neighborhoods.



**9727. Pawnshop**

<b>HISTORY:</b> The Pawnshop use definition and Supplementary Standards were first referenced as part of the 2001 ULDC (Ord.2001-029). The definition and Supplementary Standards were amended by Ord. 2003-067, 2010-005, 2010-022, and 2011-016.
<b>Reason for amendments: [Zoning]</b>
1. Staff is not proposing any substantive changes to the Pawnshop use. The deletion of consignment activities is consistent with Florida Statute in that a “pawnbroker may also engage in the business of purchasing goods which includes consignment and trade.”

- a. Definition**  
The location at which a pawnbroker, as defined in F.S. §539.001(2)(i), does business.  
~~Consignment activities are excluded from this definition.~~
- ab. Separation Distance**  
Shall be located a minimum of 2,000 feet from another pawnshop.
- bc. Setbacks**  
Shall be setback a minimum of 150 feet from any property line abutting a residential FLU designation or use ~~or an area designated as residential by a Local Plan.~~
- ed. Hours of Operation**  
Shall not be open to the public prior to 7:00 a.m. or later than 10:00 p.m. daily.

<b>Reason for amendments to Pawnshop in the Use Matrix: [Zoning]</b>
2. Staff is not proposing any approval process changes to the Pawnshop use.



**9828. Personal Services**

<b>HISTORY:</b> The Personal Services use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary Standards were amended by Ord. 2003-067 and Ord. 2011-016.
<b>Reason for amendments: [Zoning]</b>
1. Simplify Personal Services use definition by deleting language that relates to accessory retail sales as provisions in Art. 5, Supplementary Standards already establishes regulations that limit accessory uses to be limited to 30 percent of the principal use Gross Floor Area (GFA).
2. Simplify the use definition by addressing typical uses as separate standard and expand the list by including other common activities or facilities covered by this use definition. This amendment also includes the relocation of Music Schools as a typical use of a Vocational Institution.
3. Clarify provision that makes the use subject to Class A Conditional in the CN Zoning District when the GFA is above 3,000 sf. The Use Matrix is reflecting the most restrictive approval process while the standard is amended to indicate the use Permitted by Right when below the threshold. Neighborhood or community oriented zoning districts are expected to be within that square footage limitation unless issues are discussed at a public hearing.
4. Clarify the use is Permitted by Right accessory to Business or Professional Office as well as Medical or Dental Office in CLO and CHO Zoning Districts and MUPD and MXPD with CLO and CHO FLU designation. The square footage will be limited to the provisions for non-residential accessory uses as contained in Art. 5, to be limited to maximum 30% of the principal use, in this case office.

- a. Definition**  
An establishment engaged in the provision of ~~frequently or recurrently~~ recurrent services of a personal nature, or, the provision of informational, instructional, personal improvement or similar professional services ~~which may involve limited accessory retail sale of products. Typical uses include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons.~~ [Ord. 2011-016] [Relocated to Typical Uses, below]



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**b. Typical Uses**

*Typical uses include 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. [Relocated from Definition, above]*

**ac. Approval Process - CN and CLO Districts**

*A maximum- The use may be Permitted by Right in the CN Zoning Districts, when limited to 3,000 square feet of GFA, unless approved as a Class A conditional use.*

**d. Accessory Use**

*Personal Service may be Permitted by Right accessory to Business or Professional Office; or, Medical or Dental Office in CLO and CHO Zoning Districts and PDDs with CLO and CHO FLU designation.*

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

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

<b>Reason for amendments to Personal Service in the Use Matrix: [Zoning]</b>
5. Indicate the most restrictive approval process by changing from Permitted by Right to Class A Conditional Use in the CN Zoning District. Existing limitation in the square footage to 3,000 SF allows the use to be Permitted by Right in that Zoning District.
6. Delete the use from CHO Zoning Districts, MUPD and MXPD with CHO FLU designation. The Plan allows Personal Services in CLO and CHO FLU designation only as accessory use to office. The approval process change simply clarifies direction indicated by the Plan policies for Commercial Office Uses.

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**100. Printing and Copying Services**

**HISTORY:** The Printing and Copying Services use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1998-011, 2009-040, 2010-005 and 2011-016.

<b>Reason for amendments: [Zoning]</b>
1. Delete Printing and Copying Services use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a "typical use" to Retail Sales.

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*An establishment engaged in retail photocopy, reproduction, or blueprinting services.*

**a. Flex Space**

*This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B - PDD Use Matrix, Table 4.A.3.A - Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]*

<b>Reason for amendments to Printing and Copying Services in the Use Matrix: [Zoning]</b>
2. Delete Printing and Copying Services use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a "typical use" to Retail Sales.

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**107.Repair and Maintenance, General**

**HISTORY:** The General Repair and Maintenance use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

<b>Reason for amendments: [Zoning]</b>
1. Use is being split into new Light Repair and Maintenance and Heavy Repair and Maintenance to improve ease of use.

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*An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops.*

**a. CC District**

*A maximum of 5,000 square feet of GFA. [Ord. 2005 - 002]*

**1) Use Limitations**

1 Limited to minor repairs and services including alignment and balancing, brake  
2 repair, air conditioning recharging and repair, automatic car wash (tunnel), washing,  
3 waxing, upholstery shops, and detailing shops may be permitted. General engine  
4 type repair including rebuilding or removing engines, transmissions, starters,  
5 alternators, radiators, air conditioners, compressors, and steam cleaning, auto paint  
6 and body shops, and transmission shops shall not be permitted.

7 **b. Enclosed Repair Activities**

8 All repair and maintenance activities shall be conducted within an enclosed structure,  
9 except in the IL and IG districts, and PDDs with an IND-FLU designation. ~~[Ord. 2005-002]~~

10 **c. Storage**

11 There shall be no outdoor storage of disassembled vehicles or parts except in the IL and  
12 IG districts, and PDDs with an IND-FLU designation. ~~[Ord. 2005-002]~~

13 **d. Industrial**

14 In the IL and IG districts, and PDDs with an IND-FLU designation, outdoor storage and/or  
15 repair activities, shall be screened from view in accordance with the requirements of Art.  
16 5.B.1.A.3.d, Industrial Districts. ~~[Ord. 2005-002]~~

17 **e. Setbacks**

18 No repair or maintenance building, structure or activity shall be conducted within 100 feet  
19 of any property line adjacent to a residential district, except in the WCRAO. In the  
20 WCRAO, no service bay door shall be located within 100 feet of any residential structure.  
21 ~~[Ord. 2005-002]~~

22 **f. Bay Door Orientation**

23 **1) Residential**

24 ~~Service bay doors shall not face any residential district, FLU designation, or use,~~  
25 ~~except as follows: [Ord. 2005-002] [Ord. 2014-025] [Partially relocated to new~~  
26 ~~Art. 4.B.2.B.1, General Standards for Commercial Uses]~~

27 a) ~~Bay doors facing to an arterial or collector street a minimum of 80 feet in width~~  
28 ~~shall provide a R-O-W buffer upgraded to include a minimum six foot high~~  
29 ~~landscape barrier. [Ord. 2014-025] [Partially relocated to new Art.~~  
30 ~~4.B.2.B.1, General Standards for Commercial Uses]~~

31 b) ~~Bay doors facing a residential zoning district, FLU, or use may be allowed subject~~  
32 ~~to one of the following standards: [Ord. 2014-025]~~

33 (1) ~~If separated by a local commercial street, the R-O-W buffer shall be~~  
34 ~~upgraded to include a minimum six foot high landscape barrier and a wall.~~  
35 ~~[Ord. 2014-025] [Partially relocated to new Art. 4.B.2.B.1, General~~  
36 ~~Standards for Commercial Uses]~~

37 (2) ~~If separated by a parcel with a nonresidential use such as utilities, canal R-O-~~  
38 ~~W, easements, FDOT or County drainage a minimum of 80 feet in width shall~~  
39 ~~provide a Type 3 Incompatibility Buffer with double the number of trees and a~~  
40 ~~two and one half foot high berm. [Ord. 2014-025] [Partially relocated to~~  
41 ~~new Art. 4.B.2.B.1, General Standards for Commercial Uses]~~

42 **2) Infill Redevelopment Overlay (IRO) and Priority Redevelopment Areas (PRAs)**

43 Bay doors shall not be oriented towards perimeter streets. ~~[Ord. 2010-005] [Ord.~~  
44 ~~2010-022]~~

45 **g. No Loudspeakers**

46 No outdoor speaker or public address system that is audible off-site shall be permitted.  
47 ~~[Ord. 2005-002]~~

48 **h. Vehicle Testing on Residential Streets**

49 Vehicles shall not be tested off-site on residential streets. ~~[Ord. 2005-002]~~

50 **i. WCRA Overlay**

51 Repair and maintenance, general uses are prohibited in the NR, NRM, and NG sub-  
52 areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. ~~[Ord. 2006-~~  
53 ~~004]~~

54 **j. Infill Redevelopment Overlay (IRO)**

55 A repair and maintenance general use located on a parcel with a CH-FLU designation  
56 within the Core Transect Zone may be approved by the DRO. ~~[Ord. 2010-005]~~  
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Reason for amendments to General Repair and Maintenance in the Use Matrix: [Zoning]

2. Use is being split into new Light Repair and Maintenance, and Heavy Repair and Maintenance to improve ease of use.



1 **29. Repair and Maintenance, Heavy**

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Reason for amendments: [Zoning]
1. Establish new Heavy Repair and Maintenance to provide clarify that types of repairs likely to generate adverse impacts to adjacent properties are limited to specific industrial or commercial districts.
2. Relocate deleted Auto Paint and Body use into this new use classification, due to similarities.
3. Provide additional clarification of types of vehicles or equipment repaired, or repair activities to improve ease of use for customers and staff.
4. Clarify standards for prohibitions on outdoor use or storage. Excessive parking of customer vehicles in required parking, drive isles or abutting streets is a common Code Enforcement issue.
5. Consolidate and relocate Bay Door Orientation standards to General Standards applicable to all Commercial Uses.

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4 **a. Definition**

5 *An establishment engaged in the repair and maintenance of automobiles, recreational*  
6 *vehicles, boats, motorcycles, personal watercraft, or the repair and maintenance of heavy*  
7 *equipment or machinery, commercial vehicles or trailers, marine vessels, or similar; or,*  
8 *media blasting, paint stripping, and paint or body work. [Partially relocated from Art.*  
9 *4.B.2.C.29, General Repair and Maintenance]*

10 **b. Typical Uses**

11 *Typical uses include:*

- 12 1) *Machine shops, welding services, engine and transmission shops, radiator shops;*  
13 2) *Paint or body shops, collision damage repairs and frame straightening, fiberglass*  
14 *repair, media blasting or paint stripping, powder coating, and steam cleaning;*  
15 3) *Garages for general engine type repair including rebuilding, repairing or removing*  
16 *engines, transmissions, starters, alternators, radiators, air conditioners, compressors,*  
17 *brake systems, hydraulics, fuel systems, cooling systems, exhaust, electrical or*  
18 *electronic systems, propulsion systems, drive train, and steering systems; or,*  
19 **[Partially relocated from Art. 4.B.2.C.29.a.1), Use Limitations]**  
20 4) *Any Light Repair and Maintenance Use, which involves any of the above or requires*  
21 *outdoor storage or activities.*

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

23 *Heavy Repair and Maintenance uses are prohibited in the NR, NRM, and NG sub-areas,*  
24 *as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004]*  
25 **[Partially relocated from Art. 4.B.2.C.29.i, WCRA Overlay]**

26 **d. Setbacks**

27 *No repair or maintenance building, structure or activity shall be permitted within 100 feet*  
28 *of any property line adjacent to a residential district. [Relocated from Art. 4.B.2.C.29.e,*  
29 **Setbacks]**

30 **e. Nuisances**

31 **1) Enclosed Repair Activities**

32 *All repair and maintenance activities shall be conducted within an enclosed structure,*  
33 *except in the IL and IG districts, and PDDs with an IND FLU designation, where in*  
34 *compliance with Art. 5, Supplementary Standards for Outdoor Activities. [Ord. 2005*  
35 *– 002] [Relocated from Art. 4.B.2.C.29.f, Bay Door Orientation and Art.*  
36 *4.B.2.C.29.d, Industrial]*

37 **2) Vehicle or Equipment Testing on Residential Streets**

38 *Testing of vehicles or equipment shall be prohibited on residential streets. [Partially*  
39 *relocated from Art. 4.B.2.C.29.h, Vehicle Testing on Residential Streets]*

40 **g. Outdoor Parking or Storage**

41 1) *The outdoor storage of disassembled vehicles, equipment or parts shall be*  
42 *prohibited, except in the IL and IG districts, and PDDs with an IND FLU designation.*  
43 **[Ord. 2005 – 002] [Partially relocated from Art. 4.B.2.C.29.c, Storage]**

44 2) *All vehicles or equipment shall be parked in designated storage areas, except for the*  
45 *following:*

- 46 a) *Automobiles dropped off by customers may be temporarily parked in designated*  
47 *parking spaces, not to exceed a maximum of one 24-hour period; and,*  
48 b) *Automobiles placed for customer pickup may be temporarily parked in*  
49 *designated parking spaces, not to exceed a maximum of one 24-hour period.*

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Reason for amendments to General Repair and Maintenance in the Use Matrix: [Zoning]
6. Use is being split into new Light Repair and Maintenance, and Heavy Repair and Maintenance to improve ease of use.

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**30. Repair and Maintenance, Light**

<b>Reason for amendments:</b> [Zoning]
1. Establish new Light Repair and Maintenance to provide clarify that types of repairs less likely to generate adverse impacts to adjacent properties and allowances in additional commercial districts intended to provide services to surrounding neighborhoods.
2. Provide additional clarification of types of vehicles or equipment repaired, or repair activities to improve ease of use for customers and staff.
3. Clarify standards for prohibitions on outdoor use or storage. Excessive parking of customer vehicles in required parking, drive isles or abutting streets is a common Code Enforcement issue.
4. Consolidate and relocate Bay Door Orientation standards to General Standards applicable to all Commercial Uses.

**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. [Partially relocated from Art. 4.B.2.C.29, General Repair and Maintenance, and Art. 4.B.2.C.31, Limited Repair Services]*

**b. Typical Uses**

*Typical uses include 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, and NG sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004]*  
**[Partially relocated from Art. 4.B.2.C.29.i, WCRA Overlay]**

**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. [Partially relocated from Art. 4.B.2.C.29.a, CC District]*

**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 permitted within 100 feet of any property line adjacent to a residential district. [Relocated from Art. 4.B.2.C.29.e, Setbacks]*

**g. Nuisances**

**1) Enclosed Repair Activities**

*All repair and maintenance activities shall be conducted within an enclosed structure. [Ord. 2005 – 002] [Relocated from Art. 4.B.2.C.29.f, Bay Door Orientation and Art. 4.B.2.C.29.d, Industrial]*

**2) Vehicle or Equipment Testing on Residential Streets**

*Testing of vehicles, equipment or other similar shall be prohibited on residential streets. [Partially relocated from Art. 4.B.2.C.29.h, Vehicle Testing on Residential Streets]*

**h. Outdoor Parking or Storage**

**1) *The outdoor storage of disassembled vehicles, equipment or parts shall be prohibited. [Ord. 2005 – 002] [Partially relocated from Art. 4.B.2.C.29.c, Storage]***

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

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

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

<b>Reason for amendments to General Repair and Maintenance in the Use Matrix:</b> [Zoning]
5. Use is being split into new Light Repair and Maintenance, and Heavy Repair and Maintenance to improve ease of use.

**40831 Repair Services, Limited**

**HISTORY:** The Limited Repair Services use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1993-004, 2003-067, 2005-002, and 2010-005.

**Reason for amendments:** [Zoning]

1. Revise definition and list of typical uses to clarify permitted repair services limited to minor items that occur within indoor spaces with no outdoor storage.
2. Deletion of references to golf carts, mopeds and lawnmowers recognizes that this industry in South Florida primarily serves commercial landscape services, or otherwise involves outdoor storage of inventory, spare parts, or other bulky goods. Also recognizes trends in increased size of golf carts and lawnmowers over those previously manufactured in decades past. The repair of these types of equipment or vehicles will be relocated to the new Light Repair and Maintenance category, to ensure that the approval processes or outdoor storage requirements are commensurate with the nature of the activity.
3. Revised definition of use allows for the deletion of the 10,000 gross floor area (GFA) threshold for the Community Commercial (CC) and other districts with a Commercial Low (CL) (e.g. Neighborhood Serving) future land use (FLU) designation.

**a. Definition**

An establishment engaged in the minor repair of personal apparel or household appliances, ~~furniture~~, and similar items, ~~excluding repair of motor vehicles~~. ~~Typical uses include apparel repair and alterations, small appliance repair, small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.~~

**b. Typical Uses**

~~Typical uses include 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.~~

~~**a. CC District and Districts with a CL FLU Designation**~~

~~A maximum of 10,000 square feet of GFA unless approved as Class A conditional or requested use. [Ord. 2005 – 002]~~

**c. Zoning Districts - ~~b.~~ CN District, Commercial Pod of PUD, and TND Neighborhood Center**

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

**d. Enclosed Repair Activities**

All repair activities shall be conducted within an enclosed structure, ~~except in the IL and IG districts or PDDs with an IND FLU designation.~~ [Ord. 2005 – 002]

**e. Storage**

~~Outdoor storage shall be prohibited.~~

**d. Industrial**

~~In the IL and IG districts and PDDs with an IND FLU designation, outdoor storage and outdoor repair activities shall be screened from view in accordance with the requirements of Art. 5.B.1.A.3.d, Industrial Districts. [Ord. 2005 – 002]~~

**e. LCC District**

~~Repairs of motors such as golf carts, mopeds and lawn movers is prohibited. [Ord. 2010-005]~~

**Reason for amendments to Limited Repair Services in the Use Matrix:** [Zoning]

4. Delete use from the General Industrial (IG) Zoning district to recognize need to preserve those lands for Heavy Industrial or other similar uses, or to mitigate any adverse impacts between heavy truck traffic and potential for increased small vehicle traffic emanating from customers dropping off household goods. Note also, use is not currently permitted in the Heavy Industrial Pod of a Planned Industrial Park Development, which is inconsistent with allowing in the IG district.



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1 **40932 Restaurant, Type 1**  
2

**HISTORY:** The Type 1 Restaurant use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1993-004, 1997-004, 2001-001, 2001-029, 2003-067, 2005-002, 2006-004, 2007-013, 2009-040, 2010-005, 2010-022, 2011-016 and 2012-027.

**Reason for amendments:** [Zoning]

1. Revise the definition to delete the traffic generation information and references to drive through lanes. Engineering Division reviews all traffic related issues (trips).

3  
4 **a. Definition**

5 An establishment equipped to sell food and beverages in one of the following methods:  
6 drive-through sales to patrons in automobiles for take out who place orders through a  
7 window or remote transmission device; or sales to patrons for take out or dining in, that  
8 includes three or more of the following: food or beverage choices are advertised on a  
9 menu board; countertop sales where payment is made prior to consumption; disposable  
10 containers and utensils; limited service dining facilities with no hostess or waiters; and  
11 self service or prepackaged condiments. ~~Traffic generation rates are normally in the  
12 range of 130 to 500 trips per day, per 1,000 square feet of GFA, or as otherwise identified  
13 by the Institute of Traffic and Engineering. Type I restaurants with drive through lanes  
14 generate visual impacts on the surrounding area as well as additional traffic in  
15 comparison to a Type I restaurant without a drive through. However, if in compliance  
16 with the exception criteria listed below the impacts can be mitigated. [Ord. 2006-004]  
17 [Ord. 2012-027]~~

18 **b. Approval Process**

19 **1) DRO Approval**

20 A Type 1 restaurant without a drive-through where the use is allowed provided the  
21 GFA including outdoor dining areas does not exceed 5,000 square feet. [Ord. 2006-  
22 004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2011-016] [Relocated from d.  
23 Approval Process, below

24 **2) Permitted by Right**

25 A Type 1 restaurant without a drive-through or located in an out parcel, may be  
26 permitted by right in any PDD or TDD with a commercial or institutional FLU  
27 designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD  
28 or RVPD; or the IL and all commercial Zoning districts, provided: [Ord. 2006-004]

29 a) GFA including outdoor dining areas does not exceed 1,500 square feet; and  
30 [Ord. 2006-004] [Ord. 2011-016] [Ord. 2011-016]

31 b) All district specific requirements are addressed; [Ord. 2006-004]

32 **c. Tier Specific - Exurban and Rural**

33 A Type 1 Restaurant shall comply with the following: [Ord. 2009-040]

34 1) Shall not be the sole use on the property; [Ord. 2009-040]

35 2) Shall be located in a MUPD or TDD; [Ord. 2009-040]

36 3) Shall not have direct ingress/egress to an adjacent arterial or collector R-O-W.  
37 Ingress/egress shall be from the interior of the overall vehicular circulation system for  
38 the development or interior streets, whichever is applicable; and, [Ord. 2009-040]

39 4) Shall comply with the design requirements outlined under Article 4.B.1.A.109.a.3),  
40 Exception. [Ord. 2009-040] [Relocated from Standard below]

41 **d. Zoning Districts – TMD and LCC**

42 A Type 1 Restaurant shall ~~not~~ be limited to: [Ord. 2005-002] [Ord. 2006-004] [Ord.  
43 2009-040] [Ord. 2010-005]

44 1) 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA.  
45 [Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001]

46 2) Located in an outparcel or freestanding building; or [Ord. 2005-002] [Ord. 2007-001]

47 3) A drive-thru, unless it is located in the rear of a building, with access from an alley or  
48 the interior of a parking area, and is covered by a canopy or the second story of a  
49 building. [Ord. 2005-002] [Ord. 2006-004] [Relocated from Standard below]

50 **ae. Location Criteria**

51 A Type 1 restaurant with a drive-through shall be subject to the following: [Ord. 2006-  
52 004] [Ord. 2007-001]

53 **1) Intersection Criteria**

54 A maximum of two Type 1 restaurants shall be permitted at an intersection in  
55 accordance with Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004]

56 **2) Separation Criteria**

57 A Type 1 restaurant shall be separated from any other Type 1 restaurant in  
58 accordance with Art. 5.E.2.C.2. [Ord. 2006-004] [Ord. 2009-040] [Ord. 2012-027]

1  
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3) **Exceptions**

4) **a) Design Criteria**

5) A Type ~~1~~ ~~R~~ Restaurant may be exempt from the location criteria if the site is designed to: address the additional trips associated with a drive through restaurant; as well as enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design and architectural treatment that incorporates the following: **[Ord. 2006-004] [Ord. 2012-027]**

6) ~~(1a)~~ Drive through facilities, including queuing and by-pass lanes that run parallel and are visible from adjacent streets, shall provide additional landscaping to mitigate views of the vehicular use areas. **[Ord. 2006-004] [Ord. 2012-027]**

7) ~~(2b)~~ If located in a non-residential Planned Development District or a commercial pod, all the required parking spaces shall be located in close proximity to the restaurant that they serve. Required parking shall not be separated from the restaurant main entrance by a distance of more than 150 feet. The applicant may request an increase to this distance up to a maximum of ten percent of the dimensional requirement through a Type ~~1~~ Waiver; **[Ord. 2006-004] [Ord. 2012-027]**

8) ~~(3e)~~ If located in standard Zoning Districts and required by the Zoning Director, cross-access shall be provided to all abutting parcels that have Commercial FLU designation. If required, the cross-access easement shall be recorded prior to Final Approval by the DRO. The Zoning Director may elect not to require the cross-access easement based on review of the existing or approved use for the abutting property. **[Ord. 2012-027]**

9) ~~(4e)~~ Consideration shall be given to site design that promotes a safe pedestrian environment and addresses vehicular circulation and maneuvering. A restaurant located on a single parcel with a standard Zoning District is allowed continuous vehicular circulation: **[Ord. 2012-027]**

10) ~~(a4)~~ on all four sides of the building if the site is limited to only one access point to the subject property; or, **[Ord. 2012-027]**

11) ~~(b2)~~ on all three sides of the building if site is limited to two access points to the subject property. **[Ord. 2012-027]**

12) ~~(5e)~~ Landscape plans and architectural elevations shall be required as part of any application for a Conditional or Requested Use, or any DOA affecting the items listed herein. **[Ord. 2006-004]**

13) **b) MUPD**

14) Type 1 Restaurant located within an MUPD may be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, where in compliance with the following:

15) (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 with a residential FLU or use, unless obstructed from view by other existing structures; and,

16) (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.

17) **~~b. Approval Process Exceptions~~**

18) **~~1) DRO Approval~~**

19) ~~A Type 1 restaurant without a drive-through may be approved by the DRO in a district where the use is permitted by Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, Traditional Development Permitted Use Schedule, Table 4.A.3.A, Use Matrix, in a MUPD with a CL FLU designation, or in the UC or UI District, provided the GFA including outdoor dining areas does not exceed 5,000 square feet. **[Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2011-016]** [Partially relocated to Standard b, Approval Process above]~~

20) **~~2) Permitted by Right~~**

21) ~~A Type 1 restaurant without a drive-through or located in an out parcel, may be permitted by right in any PDD or TDD with a commercial or institutional FLU designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD or RVPD; or the IL and all commercial Zoning districts, provided: **[Ord. 2006-004]**~~

22) ~~a) GFA including outdoor dining areas does not exceed 1,500 square feet; and **[Ord. 2006-004] [Ord. 2011-016] [Ord. 2011-016]**~~

23) ~~b) All district specific requirements are addressed; **[Ord. 2006-004]** [Partially relocated to Standard b., Approval Process above]~~

1 **ef. Major Intersection Criteria for CL FLU**

2 A Type ~~1~~ restaurant with a CL FLU designation shall comply with Article 5.E.1, Major  
3 Intersection Criteria, unless the restaurant meets the requirements of one or more of the  
4 following: Article ~~4.B.1.A.109.b.1) 4.B.2.C.32.b.1)~~, DRO Approval, Article ~~4.B.1.A.109.b.2)~~  
5 ~~4.B.2.C.32.b.2)~~, Permitted by Right, is located within a TMD, or complies with the design  
6 requirements outlined under Article ~~4.B.1.A.109.a.3) 4.B.2.C.32.e.3)~~, Exceptions. **[Ord.**  
7 **2006-004] [Ord. 2009-040]**

8 **d. ~~TMD and LCC Districts~~**

9 ~~A Type I Restaurant shall not: [Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord.~~  
10 ~~2010-005]~~

11 ~~1) Exceed 3,000 square feet of GFA. An additional 1,500 square feet shall be permitted~~  
12 ~~for outdoor dining areas, for a maximum of 4,500 square feet of GFA. An exception~~  
13 ~~shall be permitted where food is served cafeteria or buffet style, to allow up to 5,000~~  
14 ~~square feet of indoor dining area, for a maximum of 6,500 square feet of GFA. [Ord.~~  
15 ~~2005-002] [Ord. 2006-004] [Ord. 2007-001] [Partially relocated to Standard d.,~~  
16 ~~Zoning Districts above]~~

17 ~~2) Be located in an outparcel or freestanding building; with exception to restaurants in a~~  
18 ~~AGR TMD where food is served cafeteria or buffet style; or [Ord. 2005-002] [Ord.~~  
19 ~~2007-001]~~

20 ~~3) Have a drive-thru, unless it is located in the rear of a building, with access from an~~  
21 ~~alley or the interior of a parking area, and is covered by a canopy or the second story~~  
22 ~~of a building. [Ord. 2005-002] [Ord. 2006-004] [Partially relocated to Standard d.,~~  
23 ~~Zoning Districts above]~~

24 **eg. Outdoor Dining**

25 Shall comply with the principal structure setbacks.

26 **f. SR-7 EDO**

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

28 **g. ~~Exurban and Rural Tiers~~**

29 ~~A Type I Restaurant shall comply with the following: [Ord. 2009-040]~~

30 ~~1) Shall not be the sole use on the property; [Ord. 2009-040]~~

31 ~~2) Shall be located in a MUPD or TDD; [Ord. 2009-040]~~

32 ~~3) Shall not have direct ingress/egress to an adjacent arterial or collector R-O-W.~~  
33 ~~Ingress/egress shall be from the interior of the overall vehicular circulation system for~~  
34 ~~the development or interior streets, whichever is applicable; and, [Ord. 2009-040]~~

35 ~~4) Shall comply with the design requirements outlined under Article 4.B.1.A.109.a.3),~~  
36 ~~Exception. [Ord. 2009-040] [Relocated to Standard c., Tier Specific above]~~

37 **h. Infill Redevelopment Overlay (IRO)**

38 ~~A Type I restaurant located on a parcel with a CH FLU designation within the Core~~  
39 ~~Transect Zone may be approved by the DRO. [Ord. 2010-005]~~  
40

<b>Reason for amendments to Type 1 Restaurant in the Use Matrix:</b> [Zoning]
2. No changes to the approval process are being proposed.

41  
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44 **11433. Restaurant, Type #2**

45 **HISTORY:** The Type 2 Restaurant use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1993-004, 1997-004, 2001-001, 2001-029, 2003-067, 2005-002, 2006-004, 2007-013, 2009-040, 2010-005, 2010-022, 2011-016 and 2012-027.

<b>Reason for amendments:</b> [Zoning]
1. Revise the definition to delete the traffic generation information. Engineering Division reviews all traffic related issues (trips).
2. Delete Accessory Alcohol Sales. Accessory Alcohol sales will be addressed by Article 5.
3. Establish Outdoor Dining standard to clarify the setback requirements.

46 **a. Definition**

47 An establishment with no drive-through, equipped to sell food and beverages, served and  
48 consumed primarily on the premises, that includes three or more of the following: host or  
49 hostess assists patrons upon entry; food and beverage choices are offered from a printed  
50 menu provided by wait staff at a table; orders are taken at the table; food is served on  
51 dishes and metal utensils are provided; and, payment is made after meal consumption.  
52 ~~Traffic generation rates are normally in the range of 90 to 130 trips per day, per 1,000~~  
53



1 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering.  
2 [Ord. 2006-004] [Ord. 2007-001]

3 **b. Approval Process – DRO Approval**

4 **1) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC**

5 A Type 2 Restaurant less than 3,000 square feet of GFA per establishment including  
6 outdoor dining areas, may be approved by the DRO, provided the total of all Type 2  
7 Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-  
8 036] [Ord. 2007-013] [Partially relocated from Standard below]

9 **2) CHO District; and PDDs with a CHO FLU**

10 If contained in an office, hotel or motel structure that does not exceed 30 percent of  
11 the GFA of the structure, or 5,000 square feet, whichever is less, may be approved  
12 by the DRO. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated from Standard  
13 below]

14 **3) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD  
15 Commercial Use Zone**

16 A Type 2 Restaurant less than 5,000 square feet of GFA per establishment, including  
17 outdoor dining areas, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-  
18 013] [Partially relocated from Standard below]

19 **c. Zoning Districts - TND, TMD, and LCC**

20 Take out windows designed for vehicular use are prohibited unless located in the rear of  
21 a building, with access from an alley or the interior of a parking area, and covered by a  
22 canopy or the second story of a building. [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-  
23 001] [Ord. 2010-005] [Partially relocated from Standard 4), TND, TMD, and LCC  
24 below]

25 **a. Alcohol Sales**

26 A Type II Restaurant may include the on-premise sale, service and consumption of  
27 alcoholic beverages as an accessory use. A Type II Restaurant with less than 150 seats  
28 that does not qualify for a 4COP/SRX license shall obtain a Special Permit prior to  
29 obtaining an alcoholic beverage license. The Special Permit shall be subject to the  
30 following restrictions: [Ord. 2006-004]

31 **1) Accessory Use**

32 Alcohol sales, service, and consumption shall not exceed 30 percent of receipts. An  
33 annual accounting of the restaurant receipts prepared by a Certified Public  
34 Accountant (CPA) shall be provided to the Zoning Division.

35 **2) Kitchen**

36 The restaurant shall have a full kitchen which shall remain open and serving full  
37 course meals while alcohol is being served.

38 **3) Floor Area**

39 A maximum of 30 percent of the floor area of the restaurant or number of seats,  
40 whichever is less, shall be devoted solely to alcohol sales.

41 **4) Special Permit Renewal**

42 The Special Permit shall be renewed annually.

43 **b. Use Limitations and Approval Process**

44 **1) DRO Approval**

45 **a) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC**

46 A Type II Restaurant less than 3,000 square feet of GFA per establishment  
47 including outdoor dining areas, may be approved by the DRO, provided the total  
48 of all Type II Restaurants do not exceed 30 percent of the GFA of the  
49 development. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated to  
50 Standard b., Approval Process above]

51 **b) CHO District; and PDDs with a CHO FLU**

52 If contained in an office, hotel or motel structure that does not exceed 30 percent  
53 of the GFA of the structure, or 5,000 square feet, whichever is less, may be  
54 approved by the DRO. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated to  
55 Standard b., Approval Process above]

56 **c) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD  
57 Commercial Use Zone**

58 A Type II Restaurant less than 5,000 square feet of GFA per establishment,  
59 including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036]  
60 [Ord. 2007-013] [Partially relocated to Standard b., Approval Process  
61 above]

62 **2) Catering Service**

63 Catering may be permitted as an accessory use to a restaurant. Except in the IL  
64 district, the use of three or more delivery or service vehicles shall require DRO  
65 approval. [Ord. 2006-004] [Ord. 2006-036] [Relocated to Catering Service Use]

1 **3)d. Accessory Take Out Service**

2 Take out service is permitted as an accessory use provided there are no vehicle take out  
3 windows that include exterior menu boards, queuing lanes or order service. [Ord. 2006-  
4 004] [Ord. 2006-036]

5 **4) TND, TMD, and LCC Districts**

6 ~~Take out windows designed for vehicular use are prohibited unless located in the rear of~~  
7 ~~a building, with access from an alley or the interior of a parking area, and covered by a~~  
8 ~~canopy or the second story of a building. [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-~~  
9 ~~001] [Ord. 2010-005] [Partially relocated to Standard c., TND, TMD and LCC above]~~

10 **e. Outdoor Dining**

11 ~~Shall comply with the principal structure setbacks.~~

12 **Reason for amendments to Type 2 Restaurant in the Use Matrix:** [Zoning]

4. No changes to the approval process are being proposed.



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15 **113. Retail Sales, Auto Accessories and Parts**

16 **HISTORY:** The Auto Accessories and Parts Retail Sales use definition and Supplementary Standards  
17 were first referenced as part of the 2001 Ordinance (Ord.2001-028). The definition and Supplementary  
Standards were amended by Ord. 2003-067, 2009-040, 2010-005, 2010-022, and 2011-016.

**Reason for amendments:** [Zoning]

1. Delete Auto Accessories and Parts Retail Sales use as the concept of sales is already addressed in  
the Code by Retail Sales use. Staff is proposing to consolidate this use into General Retail Sales  
and will be identified as a "typical use" to Retail Sales.

18 ~~An establishment providing retail sales of auto accessories and parts.~~

19 **a. Architecture**

20 ~~Stand alone or freestanding auto accessory and parts stores contiguous to a public street~~  
21 ~~or residential zoning district shall comply with Article 5.C, DESIGN STANDARDS.~~

22 **b. Disposal of Motor Oil**

23 ~~Auto part stores shall provide an oil recycling drum or other device for the disposal of~~  
24 ~~motor oil, as prescribed by the U.S. Environmental Protection Agency (EPA).~~

25 **c. LCC District**

26 ~~Sales shall be limited to 3,000 square feet GFA provided that the use is not located in a~~  
27 ~~freestanding building and shall not have outdoor storage or any installation of vehicle~~  
28 ~~parts in the main streets or parking lots. [Ord. 2010-005]~~

29  
30 **Reason for amendments to Retail Sales, Auto Accessories and Parts in the Use Matrix:** [Zoning]

2. Staff is proposing to consolidate this use into General Retail Sales.



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**4434. Retail Sales, General**

**HISTORY:** The General Retail Sales use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1993-004, 1994-023, 1995-001, 1995-024, 1998-011, 1997-037, 2000-015, 2001-029, 2001-062, 2003-067, 2005-002, 2006-004, 2006-036, 2009-040, 2010-005, and 2010-022.

**Reason for amendments:** [Zoning]

1. Revise definition to partially relocate typical uses to a new standard. Typical uses reference is not a function of the definition. Consolidate several uses:
  - Relocate motorcycle and golf cart sales to Vehicle Sales and Rental. A separate Supplementary Standards will be established to clarify any additional regulations and approval process.
  - Create reference to the sale of building supplies and home improvement products under Typical Uses Standard to create some relationship with deleted "Building Supplies" use from this use classification.
  - Consolidate Auto Accessories and Parts, Convenience Store, Printing and Copying Services, and Retail Monument Sales into Retail Sales use as a Typical Use.
2. Delete the SR 7 Economic Development Overlay (EDO) standard as the Overlay is being deleted from the Plan. The SR 7 EDO has been annexed by the Village of Royal Palm Beach.

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**a. Definition**

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

**b. Typical Uses**

~~Retail Sales may include but not be limited to clothing stores, bookstores, business machine sales, food and grocery stores, window tinting, marine supply sales (excluding boat sales), auto accessories and parts, building supplies and home improvement products, monument sales, printing and copying, and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds. [Partially relocated from Definition above]~~

**dc. Zoning Districts**

**a.1) TND District**

In a Neighborhood Center, general retail sales shall not exceed 5,000 square feet of GFA per establishment.

- a) ~~A Maximum of~~ 40,000 square feet for a food store or 20,000 square feet for a food store when the TND is developed as part of a TTD.
- b) In a multi-family building with more than 50 units, a "corner store" is allowed, provided it does not exceed 1,000 square feet and is integrated into the building and at a corner location.

**b.2) TMD District**

- a) ~~In a TMD, a single establishment shall not exceed the following GFA per square feet:~~
  - (1) 100,000 square feet of GFA ~~per establishment~~ in the U/S tier;
  - (2) 50,000 square feet of GFA ~~per establishment~~ in the Exurban and Rural tiers; and
  - (3) 65,000 square feet of GFA in the AGR.
- b) A drive-thru facility for a drug store is allowed ~~subject to the following:~~
  - (1) ~~if~~ located in the rear of a building;
  - (2) Access shall be from an alley, an interior parking area, or a street not designated as a Main Street; ~~and,~~
  - (3) The drive-thru facility shall be covered by a canopy or the second story of a building. [Ord. 2005 – 002]

**c.3) CN District**

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

**d. LOSTO**

~~Shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption~~

~~off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to approval of a Special Permit.~~ [Relocated to Art. 3.B.6.D, LOSTO, Lake Okeechobee Scenic Trial Overlay]

**ed. Fireworks**

The retail sale or storage of fireworks as a principal use in any commercial district is prohibited.

**1) Exception**

Temporary sale of sparklers, subject to a special permit.

**f. SR-7 EDO**

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

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

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

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

**Reason for amendments to General Retail Sales in the Use Matrix:** [Zoning]

- 3. No changes to the approval process are being proposed.



**35. Rooming and Boarding House**

**HISTORY:** This use has been historically located under Hotel, Motel, SRO, and Rooming and Boarding House. The use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1993-004, Ord. 1999-037, Ord. 2003-067, Ord. 2006-004, Ord. 2006-036, Ord. 2007-013, 2010-005, 2010-022, Ord. 2011-016, 2014-031 and 2015-006.

**Reason for amendments:** [Zoning]

- 1. Remove Rooming and Boarding House from Hotel or Motel and create a definition for Rooming House to identify the use operates in a Single Family dwelling structure only with no more than five number of guests.
- 2. Relocate existing standard from Hotel or Motel that allows Boarding and Rooming Homes in Multifamily Residential (RM) Zoning District when located in High Residential (HR) FLU designation.
- 3. Add standard that allows a Single Family structure to be modified only when the building safety is involved or to make improvements to provide compatibility with surrounding structures. The proposed language allows such modifications to be interior, exterior or both to comply with Building Code and Fire Rescue regulations.

**a. Definition**

A Single Family Residential 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 is allowed only in the RM district with an HR FLU designation. [Partially relocated from Art. 4.B.2.C, Hotel or Motel]

**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.

**Reason for amendments to Rooming or Boarding House:** [Zoning]

- 4. Indicate Class A Conditional Use approval in the RM Zoning District. Currently, the Use Matrix shows that approval under Hotel or Motel use but the approval is only applicable to Rooming and Boarding therefore the approval is just relocated. The use is not proposed to be allowed in any other residential zoning district to avoid tentative introduction of non-residential uses in residential zoning districts due to possible conversion of the use to a more intense activity.



1 **42036 Self-Service Storage**

2 **HISTORY:** The Self-Service Storage use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplementary standards were amended by Ord. 1995-024, 1996-028, 1997-064, 1999-037, 2000-015, 2003-067, 2005-002, 2006-004, and 2011-001.

**Reason for amendments:** [Zoning]

1. Expand upon existing provisions recognizing two distinct types of Self Service Storage Facilities, Limited Access, which are typically air conditioned facilities comprised of smaller units located along internal corridors, with defined or secure external building access; and, Multi-access Facilities which have individual external loading access points. While the uses will be split in the Use Matrix to improve ease of use, the Supplemental Use Standards will be retained under the general hearing Self Service Storage, since most if not all of the standards apply to both.
2. Establish new provisions to coincide with amendment to Use Matrix to allow Limited Access in Commercial Pod of Planned Unit Development (PUD) or Neighborhood Center of Traditional Neighborhood Development (TND). Both districts are intended to allow for limited neighborhood serving uses for residents, which would reasonably include Self Service Storage needs for household goods.
3. Establish standards to clarify orientation of storage doors or interior advertising visible through exterior fenestration to continue prior efforts to mitigate adverse architectural appearance or potential for nuisance when storage units are being accessed.
4. Expand option to allow for use of buildings and walls in lieu of Incompatible Landscape Buffer requirements by recognizing need to allow for Fire Rescue emergency access points, which are typically requested thus creating conflicts with existing option.

3  
4 **a. Definition**

5 A facility consisting of individual, self-contained units that are leased for the storage of  
6 business, household or other personal goods.

7 **1)a-Types Permitted**

8 Self Service Storage facilities typically include Limited or Multi Access storage units,  
9 with or without Outdoor Storage areas, limited to the storage of personal or  
10 household goods, automobiles, recreational vehicles, boats, or personal watercraft,  
11 only, subject to the following: [Partially relocated from Art. 4.B.2.C.36.b.3,  
12 **Storage Units]**

13 **a4) Limited Access**

14 Limited Access, ~~which is a multi-storied self-service storage~~ Self Service Storage  
15 facility with limited access points from the exterior of the building to interior halls  
16 that serve individual storage units bays.

17 **b2) Multi Access**

18 Multi Access, ~~storage which~~ is a one story Self Service Storage self-service  
19 storage facility with multi-access points from the exterior of the building to  
20 individual storage units bays.

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

22 Self-service storage is prohibited in the NR, NRM, and NG sub-areas, as outlined in  
23 Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Relocated from  
24 Art. 4.B.2.C.36.g, WCRA Overlay]

25 **c. Zoning Districts - Commercial Pod of PUD or Neighborhood Center of TND**

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

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

32 **d. Accessory Uses**

33 **1) Industrial Districts**

34 Where permitted in Industrial districts, a Self Service Storage use may include  
35 accessory retail use, limited to the rental and sale of retail items used for moving and  
36 storage, such as hand trucks, cartons, tape and packing materials. [Partially  
37 relocated from Art. 4.B.2.C.36.b.2), Limitations]

38 **2) Outdoor Storage**

39 Outdoor Storage may be permitted subject to the following standards:

40 **a) Permitted Vehicles**

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

1 Home Occupation Vehicle, subject to the following: [Partially relocated from  
2 Art. 4.B.2.C.36.b.6), Outside Storage]

3 **b) Location**

4 The storage shall occur only within a designated area. [Relocated from Art.  
5 4.B.2.C.36.b.6)a), Location (Related to Outside Storage)]

6 **c) Maximum Storage Area**

7 The storage area shall not exceed 50 percent of the lot area. [Relocated from  
8 Art. 4.B.2.C.36.b.6)b), Storage Area (Related to Outside Storage)]

9 **d) Screening**

10 The storage area shall be completely screened from view from adjacent  
11 properties and public streets by placement behind buildings, and opaque fences  
12 or walls a minimum of six feet in height. [Partially relocated from Art.  
13 4.B.2.C.36.b.6)c), Screening (Related to Outside Storage)]

14 **e) Mobility**

15 All vehicles and trailers shall be licensed for use on public streets. Recreational  
16 vehicles, boats and personal watercraft may be permitted but shall be stored on  
17 wheeled trailers. [Partially relocated from Art. 4.B.2.C.36.b.6)a), Location  
18 (Related to Outside Storage)]

19 **f) Repair Prohibited**

20 Vehicle repair shall be prohibited. [Relocated from Art. 4.B.2.C.36.b.6)e),  
21 Repair (Related to Outside Storage)]

22 **e. Architecture**

23 **1) Storage Unit Door Orientation**

24 **a) First Floor Door Orientation**

25 Storage unit doors shall not face a residential use or vacant parcel with a  
26 residential FLU designation, or public street. [Partially relocated from Art.  
27 4.B.2.C.36.b)9), Door Orientation]

28 **b) Door Orientation on the Second Story or Above**

29 Limited Access storage unit doors and access points located on the second story  
30 or above shall be oriented toward the interior of the site where fenestration is  
31 used to allow visibility into interior corridors. [Partially relocated from Art.  
32 4.B.2.C.36.b)9), Door Orientation (Related to Supplemental Standards for  
33 Multi Access Facilities)]

34 **2) Storage Access or Storage Unit Door Screening**

35 Access points and storage doors shall be screened from all public streets, residential  
36 uses or vacant parcels with a residential FLU designation, through the use of  
37 buildings, walls, opaque vehicular gates which primarily remain closed, or other  
38 similar barriers.

39 **3) Fenestration**

40 The use of fenestration purposely designed in conjunction with interior signage,  
41 logos, lighting, or paint schemes intended to expand permitted exterior signage shall  
42 be prohibited.

43 **f. Landscaping – Incompatibility Buffer Screening Requirements**

44 Where an incompatibility buffer is required, the minimum six foot screening requirement  
45 may be waived, subject to the following:

46 **1) Facades**

47 The exterior facades of storage structures present an unbroken, wall-like appearance  
48 when seen from adjacent lots and streets. [Partially relocated from Art.  
49 4.B.2.C.36.b.7)a)(1), Facades]

50 **2) Wall**

51 Separate storage structures are connected by a solid opaque wall to give the  
52 appearance of structural continuity. This option may be permitted where Fire Rescue  
53 may require access for emergency purposes upon demonstration that any required  
54 gates are designed and constructed to provide the same visual barrier as the  
55 required wall. [Partially relocated from Art. 4.B.2.C.36.b.7)a)(2), Wall]

56 **3) Access Isles**

57 No aisle-ways or other vehicle access ways are located in the area between the  
58 building and the adjacent property line. [Partially relocated from Art.  
59 4.B.2.C.36.b.7)a)(3), Access Isles]

60 **g. Storage**

61 **1) Hazardous Materials Prohibited**

62 The storage of flammable, hazardous or explosive materials, goods or products shall  
63 be prohibited. [Partially relocated from Art. 4.B.2.C.36.b.3), Storage Units]

64 **2) Outdoor Storage Standards**

65 Outdoor storage shall be subject to the following:

- 1                    **a) Permitted Vehicles**  
2                    *Shall be limited to the storage of vehicles of the type customarily maintained by*  
3                    *households for personal use such as recreational vehicles or pleasure boats, or a*  
4                    *Home Occupation Vehicle, subject to the following:* [Partially relocated from  
5                    *Art. 4.B.2.C.36.b.6), Outside Storage]*
- 6                    **b) Location**  
7                    *The storage shall occur only within a designated area.* [Relocated from Art.  
8                    *4.B.2.C.36.b.6)a), Location (Related to Outside Storage)]*
- 9                    **c) Storage Area**  
10                   *The storage area shall not exceed 50 percent of the lot area.* [Relocated from  
11                   *Art. 4.B.2.C.36.b.6)b), Storage Area (Related to Outside Storage)]*
- 12                   **d) Screening**  
13                   *The storage area shall be completely screened from view from adjacent*  
14                   *properties and public streets by landscaping, fences, walls or buildings.*  
15                   [Partially relocated from Art. 4.B.2.C.36.b.6)c), Screening (Related to  
16                   *Outside Storage)]*
- 17                   **e) Mobility**  
18                   *All vehicles and trailers shall be licensed for use on public streets. Other*  
19                   *vehicles, including recreational vehicles, boats and personal watercraft, shall be*  
20                   *stored on wheeled trailers.* [Partially relocated from Art. 4.B.2.C.36.b.6)a),  
21                   *Location (Related to Outside Storage)]*
- 22                   **f) Repair Prohibited**  
23                   *Vehicle repair shall be prohibited.* [Relocated from Art. 4.B.2.C.36.b.6)e),  
24                   *Repair (Related to Outside Storage)]*
- 25                   **h. Supplemental Circulation Standards for Multi-Access Facilities**
- 26                   **1) Interior**  
27                   *The minimum width of aisle ways between storage structures shall be 20 feet for one-*  
28                   *way traffic, and 30 feet if two-way traffic.* [Partially relocated from Art.  
29                   *4.B.2.C.36.c.5)a), Interior]*
- 30                   **2) Flow**  
31                   *Traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist at a*  
32                   *minimum of standard directional signage and painted lane markings with arrows.*  
33                   [Partially relocated from Art. 4.B.2.C.36.c.5)b), Flow]
- 34                   **i. Business Uses Prohibited**  
35                   *Businesses shall be prohibited from operating within any Self Service Storage facility or*  
36                   *storage unit or Outdoor Storage area, except as follows:* [Partially relocated from Art.  
37                   *4.B.2.C.36.b.3), Storage Units]*
- 38                   **1) Storage of Business Goods**  
39                   *A storage unit shall not be used to store inventory, equipment or material required on*  
40                   *a daily or recurring basis necessary for a business trade or occupation.* [Partially  
41                   *relocated from Art. 4.B.2.C.36.b.3), Storage Units]*
- 42                   **2) Home Occupation Vehicles**  
43                   *A maximum of one business related vehicle per storage customer a maximum of*  
44                   *8,000 pounds curb weight may be stored in a Multi Access storage unit or Outdoor*  
45                   *Storage area.*
- 46                   **b. General**  
47                   ~~All self-service storage uses shall comply with the following:~~
- 48                   **1) Location**  
49                   ~~A self-service storage facility located in a CL-FLU designation shall not be located~~  
50                   ~~within 1,000 feet of another self-service storage facility. [Ord. 2005-002]~~
- 51                   **2) Limitations**  
52                   ~~A maximum of 1,000 square feet of the rental office may be devoted to the rental and~~  
53                   ~~sale of retail items used for moving and storage, such as hand trucks, cartons, tape,~~  
54                   ~~and packing materials. [Ord. 2005-002] [Partially relocated to new Art.~~  
55                   ~~4.B.2.C.36.e, Accessory Use]~~
- 56                   **3) Storage Units**  
57                   ~~Use of storage units shall be limited to the storage of goods only. Storage of~~  
58                   ~~hazardous goods shall be prohibited. A business may not be conducted from a~~  
59                   ~~storage unit. A storage unit shall not be used to store inventory, equipment or~~  
60                   ~~material required on a daily or recurring basis necessary for a business trade or~~  
61                   ~~occupation. [Partially relocated to Art. 4.B.2.C.36.b, Typical Uses, and Art.~~  
62                   ~~4.B.2.C.36.h.1), Hazardous Materials Prohibited]~~
- 63                   **4) Vehicle Rental**

1 Vehicle rental may be permitted subject to a Class A conditional use and shall be  
2 limited to the rental of trucks and trailers used for moving and accessory uses such  
3 as the installation of hitch and towing packages, and wash facility.

4 **5) Security Quarters**

5 A security or caretaker quarters use may be allowed on the site of a self-storage  
6 facility pursuant to Article 4.B, Supplementary Use Standards.

7 **6) Outside Storage**

8 Except as provided in this Section, all goods shall be stored entirely within enclosed  
9 buildings. Open storage of recreational vehicles and dry storage of pleasure boats of  
10 the type customarily maintained for personal use shall be permitted within a self  
11 service storage facility provided the following standards are met: [Partially  
12 relocated to Art. 4.B.2.C36.x.2), Outdoor Storage]

13 **a) Location**

14 The storage shall occur only within a designated area. [Partially relocated to  
15 Art. 4.B.2.C.36.x.2), Outdoor Storage]

16 **b) Storage Area**

17 The storage area shall not exceed 50 percent of the lot area. [Partially  
18 relocated to Art. 4.B.2.C.36.x.2), Outdoor Storage]

19 **c) Screening**

20 The storage area shall be entirely screened from view from adjacent residential  
21 areas and public streets. [Partially relocated to Art. 4.B.2.C.36.h.2), Outdoor  
22 Storage]

23 **d) Boats**

24 Boats stored on the site shall be on wheeled trailers. [Partially relocated to Art.  
25 4.B.2.C.36.h.2), Outdoor Storage]

26 **e) Repair**

27 Vehicle repair shall be prohibited. [Partially relocated to Art. 4.B.2.C.36.h.2),  
28 Outdoor Storage]

29 **7) Landscaping and Buffering**

30 **a) Wall Option**

31 A perimeter wall in the landscape buffer may be waived if all of the following  
32 standards are met.

33 **(1) Facades**

34 The exterior facades of storage structures present an unbroken, wall-like  
35 appearance when seen from adjacent lots and streets. [Partially relocated  
36 to Art. 4.B.2.C.36.g, Landscaping – Incompatibility Buffer Screening]

37 **(2) Wall**

38 Separate storage structures are connected by a solid opaque wall to give the  
39 appearance of structural continuity. [Partially relocated to Art.  
40 4.B.2.C.36.g, Landscaping – Incompatibility Buffer Screening]

41 **(3) Access Isles**

42 No aisle ways or other vehicle access ways are located in the area between  
43 the building and the adjacent property line. [Partially relocated to Art.  
44 4.B.2.C.36.g, Landscaping – Incompatibility Buffer Screening]

45 **(4) Buffering**

46 The area between the building and the adjacent property line is planted as a  
47 landscape buffer with a berm or maintained as a vegetation preserve.  
48 [Partially relocated to Art. 4.B.2.C.36.g, Landscaping – Incompatibility  
49 Buffer Screening]

50 **8) Loudspeakers**

51 Exterior loudspeakers, public address, or paging equipment shall be prohibited.

52 **9) Door Orientation**

53 Bay doors shall not face in a residential district nor shall bay doors be visible from a  
54 public street. [Partially relocated to Art. 4.B.2.C.36.f, Architecture – Storage Bay  
55 or Unit Orientation]

56 **10) Barbed Wire**

57 Barbed or similar wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous  
58 Materials, except when located adjacent to a parcel having a residential FLU  
59 designation or use. Barbed wire shall not be visible from any public street. [Ord.  
60 2011-001] [Partially relocated to 5.B.1.A.2.h.1)a)(8) (Related to Dangerous  
61 Materials)]

62 **c. Supplemental Standards for Multi-Access Facilities**

63 **1) Lot Size**

64 A minimum of two acres.

65 **2) Separation**



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- ~~A minimum of ten feet between buildings.~~
- ~~3) Bay Size~~  
~~A maximum of 500 square feet.~~
- ~~4) Height~~  
~~A maximum of 35 feet.~~
- ~~5) Circulation~~
  - ~~a) Interior~~  
~~The minimum width of aisle ways between storage structure shall be 20 feet for one-way traffic, and 30 feet if two-way traffic between storage structure. [Partially relocated to 5.B.1.A.2.i, Supplemental Circulation Standards for Multi-Access Facilities]~~
  - ~~b) Flow~~  
~~Traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist at a minimum of standard directional signage and painted lane markings with arrows. [Partially relocated to 5.B.1.A.2.i, Supplemental Circulation Standards for Multi-Access Facilities]~~
- ~~6) Door Orientation and Access~~  
~~Bay doors and access points located on the second story or above shall be oriented toward the interior of the site. [Partially relocated to 5.B.1.A.2.h.1)a)(8) (Related to Dangerous Materials)]~~
- ~~7) CLO, CHO, CLO/MUPD, and CHO/MUPD~~
  - ~~a) Outdoor Storage Area~~  
~~A maximum of 30 percent of overall square footage.~~
  - ~~b) Door Orientation~~  
~~All bay doors shall be oriented toward the interior of the site.~~
  - ~~c) Height~~  
~~A maximum of one story.~~
  - ~~d) Multi-Access Storage~~  
~~Multi-access storage shall not be permitted on parcels in the CLO, and CHO districts and MUPD districts with a CLO or CHO-FLU designation when adjacent to a residential district.~~
- ~~d. Supplemental Standards for Limited Access Facilities~~
  - ~~1) Lot Size~~  
~~A minimum of one acre.~~
  - ~~2) Loading~~  
~~A minimum of two off-street loading spaces shall be provided at each entry into the building. [Partially relocated to Table 6.A.1.B, Minimum Off Street Parking and Loading Requirements]~~
- ~~e. CLO, CHO, and MUPD Districts~~  
~~Limited access self-service storage facilities in the CLO and CHO districts, and MUPD district with a CLO or CHO-FLU designation, shall comply with the following regulations: [Partially relocated to Art. 4.B.7.C.36.e.1), CLO or CHO Districts and CLO or CHO MUPD]~~
  - ~~1) Lot Size~~  
~~A minimum of three acres and a maximum of ten acres. [Partially relocated to Art. 4.B.2.C.36.e.1), CLO or CHO Districts and CLO or CHO MUPD]~~
  - ~~2) Height~~  
~~A maximum of 25 feet. The portion of a facility including a security or caretaker's quarters shall be limited to two stories and shall not exceed 30 feet in height to the highest point.~~
  - ~~3) Signage~~  
~~One freestanding or one wall sign.~~
  - ~~4) Frontage~~  
~~The facility shall front on and access from an arterial or collector street. [Partially relocated to Art. 4.B.2.C.36.e.1), CLO or CHO Districts and CLO or CHO MUPD]~~
- ~~f. Multi-Access and Limited-Access Combinations~~  
~~A combination of multi-access and limited-access storage uses may be permitted within the same building or on the same site pursuant to the supplemental standards for both uses.~~
- ~~g. WCRA Overlay~~  
~~Self-service storage is prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004]~~

<b>Reason for amendments to Self-Service Storage in the Use Matrix:</b> [Zoning]
1. Delete from General Industrial (IG) district and General Industrial pod of a Planned Industrial Park

Development (PIPD), as these districts are typically reserved for heavy industrial uses and manufacturing. Self Service Storage is primarily intended to provide for additional household storage, where residential vehicular traffic would potentially be incompatible with heavy truck traffic typically expected in heavy industrialized areas.
2. Allow for Limited Access in Commercial Pod of Planned Unit Development (PUD) or Neighborhood Center of Traditional Neighborhood Development (TND). Both districts are intended to allow for limited neighborhood serving uses for residents, which would reasonably include Self Service Storage needs for household goods.
3. Allow for use in Traditional Marketplace Development. This district is primarily intended to allow for mixed use or a traditional main street form of development, but could reasonably accommodate Self Service Storage uses for onsite residents or surrounding neighborhoods, with the added benefit of enhanced architectural or site design standards.

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**37. Single Room Occupancy (SRO)**

<b>HISTORY:</b> This use has been historically located under Hotel, Motel, SRO, and Rooming and Boarding House. The use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1993-004, Ord. 1999-037, Ord. 2003-067, Ord. 2006-004, Ord. 2006-036, Ord. 2007-013, 2010-005, 2010-022, Ord. 2011-016, 2014-031 and 2015-006.
<b>Reason for amendments:</b> [Zoning]
1. Remove Single Room Occupancy (SRO) from Hotel or Motel to be its own use and provide a definition to differ from Rooming and Boarding House by indicating this use may include more than five persons, offering not only lodging but other services such as food preparation.
2. Utilize existing Supplementary Use Standard under Hotel or Motel applicable to SRO too, that limits the use in the CRE Zoning District to be located only on sites with RR FLU designation. The Standard indicates currently Class A Conditional approval which is now shown in the Use Matrix and the standard clarifies this is applicable to RR FLU designation since since CRE is also consistent with CR and IND FLU designations.

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**a. Definition**

An establishment with lodging for five or more persons housed in individual rooms, where meals may or may not be regularly prepared and served, and facilities such as kitchen and bathrooms may be shared with other residents.

**b. Zoning District - CRE**

SRO shall only be allowed in the RR FLU designation. [Partially relocated from Art. 4.B.2.C.17, Hotel or Motel]

<b>Reason for amendments to SRO in the Use Matrix:</b> [Zoning]	
3.	Indicate Class A approval process in the CRE Zoning District to reflect existing standard currently applicable to reflected in the original location under Hotel or Motel. A Supplementary Use Standard clarifies the use is limited to RR FLU designation which is for Rural Residential ten (RR-10).
4.	Allow the use in the Urban Redevelopment Area Overlay (URAO) subject to DRO approval as this area is intended to hold mixed uses.
5.	Allow the use in PDDs with CH FLU designation as well as the TMD Urban/Suburban Tier, Exurban and Rural Tiers subject to Class A Conditional Use approval. The use will be allowed in intense commercial areas only.

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**128.Theater, Drive-In**

<b>HISTORY:</b> Theater use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary Standards were amended by Ord. 1993-004, 1998-011, 1999-037, 2000-015, 2001-001, 2001-028, 2001-062, 2003-067, 2010-005, and 2011-016.
<b>Reason for amendments:</b> [Zoning]
1. Consolidate use with new Conference Center or Performance Venues to provide additional options of similar uses

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~~An establishment for the outdoor viewing of motion pictures by patrons while in their vehicles.~~

~~**a. CRE District**~~

1 ~~Shall not be allowed in a RR-FLU designation.~~ [Relocated to Art. 4.B.2.C.9, Conference  
2 Center or Performance Venues]  
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<b>Reason for amendments to Theater in the Use Matrix:</b> [Zoning]
2. Delete use approval process from the Use Matrix as the use is consolidated with new Conference Center or Performance Venues.

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7 **12938.Theater ,Indoor and Performance Venue**  
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**HISTORY:** This is an expanded use that includes Performance Venues to Indoor Theater. Theater use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary Standards were amended by Ord. 1993-004, 1998-011, 1999-037, 2000-015, 2001-001, 2001-028, 2001-062, 2003-067, 2010-005, and 2011-016.

<b>Reason for amendments:</b> [Zoning]
1. Consolidate Indoor Theater with Performance Venue as a new use to address location of facilities that allow for activities not included in Arena or Stadium or Amphitheater use. The current provisions are for theaters only, this use expands by including similar facilities.
2. Provide a list of typical uses by including common facilities covered by this use definition. Expand typical uses by clarifying that theaters for motion pictures are included within the Theater and Performance Venues use.
3. Make the use Permitted by Right in any zoning district where the Use Matrix allows it limited to 15,000 square feet when indoor. Impacts on adjacent sites would be minimal when the use is limited to operate indoor under 15,000 square feet. Site design elements such as parking, landscaping or signage would be addressed as part of the Building Permit application.
4. Allow the use to be Permitted by Right in the CN Zoning District because the use is limited to a maximum of 3,000 square feet for gross floor area in that district. There are multiple facilities under this threshold that are of a neighborhood scale such as movie theaters or symphony halls.

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10 ~~An establishment for showing motion pictures or live performances in an enclosed~~  
11 ~~building-~~

12 **a. Definition**

13 ~~An establishment that hosts live performances, viewings, seminars or exhibitions.~~

14 **b. Typical Uses**

15 ~~Typical uses may include but are not limited to movie theaters, theaters, conference~~  
16 ~~centers and exhibition halls.~~

17 **ac. CRE District Approval Process**

18 ~~1) In the CRE Zoning District, the use shall not be allowed in a CRE district with an RR~~  
19 ~~FLU designation.~~

20 **b. CC, CG, MUPD and LCC Districts**

21 ~~2) May be Permitted by Right if it is indoor and less than Indoor theaters not exceeding~~  
22 ~~15,000 square feet are a permitted use of GFA, and located in the zoning districts~~  
23 ~~where the use is allowed, unless stated otherwise. [Ord. 2010-005]~~

24 **c. IL District**

25 ~~An indoor theater exceeding three acres in the IL district shall rezone to the CRE district.~~

26 **d. Building Area - CN Zoning District**

27 ~~Shall be limited to 3,000 square feet of GFA.~~  
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<b>Reason for amendments to Theater and Performance Venue in the Use Matrix:</b> [Zoning]
5. Utilize the approval process of Indoor Theater as a reference to develop the approval process for this more comprehensive use.
6. Make the use Permitted by Right in the CN Zoning Districts as a limitation of the facility is 3,000 SF which is the typical size of an expected structure serving residential neighborhoods.
7. Show Class A Conditional Use Approval in the Use Matrix as the most restrictive process in the zoning districts where the use is currently allowed, with the exception of CN District. This clarification of the approval process is to be consistent with the existing Supplementary Standards for Indoor Theater that allows the use to be Permitted by Right when less than 15,000 square feet.
8. Make the use Permitted by Right in the PO Zoning District as this type of use is very likely to be publicly owned or operated.

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**135.Vehicle Sales and Rental**

<p><b>HISTORY:</b> The Vehicle Sales and Rental use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplementary standards were amended by Ord. 1993-004, 1996-028, 1997-014, 1997-064, 2000-015, 2001-029, 2003-067, 2006-004, 2009-040, 2010-005, and 2012-027.</p>
<p><b>Reason for amendments:</b> [Zoning]</p>
<p>1. Revise definition for consistency with terms used by the Florida Department of Motor Vehicles and related Florida Statutes.</p>
<p>2. Establish two “types” of Vehicle Sales and Rental to allow for easier clarification of existing standards intended to limit larger motor vehicles or heavy equipment to Industrial Zoning districts, or Commercial districts with a Commercial High (CH) future land use designation, where appropriate.</p>
<p>3. Establish limitation to limit Vehicle Sales and Rental to Neighborhood Rental Facilities in the Commercial Pod of PUD and the Neighborhood Center of a TND, to better reflect intent to serve surrounding neighborhoods and mitigate incompatible uses.</p>
<p>4. The majority of terms used to describe the different types of vehicles or equipment assigned to the Light or Heavy Types of Vehicle Sales and Rental are sourced from Title XXIII, Motor Vehicles, of Florida Statutes, including F.S. 316.003, Definitions and F.S. 320.01, General Definitions. Note that where some definitions may not exist in a manner that would be intuitive for staff or customers, minor revisions are made, such as “light truck”. Whereas F.S. do not explicitly define light duty trucks or SUVs, but rather use the simple definition of “truck” for trucks with a gross vehicle weight of less than 5,000 pounds, and multiple variations for those greater than, including heavy truck, truck tractor, bus, farm tractor, etc.</p>
<p>5. Relocate “motorcycles” and “golf carts” from General Retail Sales to Vehicle Sales and Rental, to include a provision to allow for facilities limited to those vehicles to retain the original Permitted by Right approval process, while addressing the following:</p> <ul style="list-style-type: none"> <li>• Sale of these vehicles oftentimes includes many of the same characteristics regulated under Vehicle Sales and Rental, with relocation allowing for standards such as outdoor storage or display to be applied.</li> <li>• Under General Retail Sales, the location where merchandise may be displayed outdoors is restricted and must be removed and placed indoors or in a designated storage area after hours. Relocating to Vehicle Sales and Rental allows dealers to leave vehicles in designated “display areas” if desired.</li> <li>• Industry input received through the Use Regulations Project, included requests to allow the sale of motorcycles to use the lower parking ratios afforded to Vehicle Sales and Rental. Whereas General Retail Sales requires 5 spaces per 1,000 square feet, Vehicle Sales and Rental allows a lower ration of 4 spaces per 1,000 square feet of indoor showroom, and 1 space per 5,000 square feet of outdoor display. Staff concurs that these ratios are more appropriate for the sale of these types of vehicles.</li> </ul>
<p>6. Typical Uses include terms referenced by the Florida Department of Highway Safety and Motor Vehicles licensing requirements, including:</p> <ul style="list-style-type: none"> <li>• Independent Dealers, which allows licensee to sell, retail or wholesale, used motor vehicles only.</li> <li>• Franchise Dealers, which allows the licensee to sell new motor vehicles under an agreement with the manufacturer, as well as used motor vehicles.</li> <li>• Wholesale Dealer, which limits licensees to buying, selling or dealing at wholesale with licensed dealers.</li> <li>• Mobile Home Dealer, which allows the licensee to sell new or used mobile homes.</li> <li>• Mobile Home Broker,</li> <li>• New Recreational Vehicle Dealer, allows licensee to sell new and used recreational vehicles (subject to agreement with manufacturer).</li> <li>• Used Recreational Vehicle Dealer, allows licensee to sell used recreational vehicles.</li> </ul> <p>Vehicle sales and rental does not include the following license types:</p> <ul style="list-style-type: none"> <li>• Auction, allows licensee to sell, on behalf of licensed dealers, through a bid process. This would fall under the Auction use classification.</li> <li>• Salvage, allows licensee to deal in salvage or wrecked vehicles, but requires that the title to the vehicle be reassigned to an independent dealer for resale. This would fall under Heavy Repair and Maintenance.</li> </ul>
<p>7. Note: ULDC Art. 6.B.1.B.1.G.1 [Related to Prohibitions] states “A street or driveway shall not be used for loading or unloading.” While such loading activities may occur in streets or driveways, the existing prohibition is sufficient for any Code Enforcement actions, and staff does not recommend adding any redundant standards.</p>

8. Add provision to allow for limited Heavy Vehicle Sales and Rental of farm equipment in the Rural Tier. The Commercial High FLU designation is not permitted in this Tier, and the Commercial Low FLU designation is intended to provide for neighborhood serving uses. Staff recognizes that the sale or rental of Heavy Equipment where limited to farm equipment, where demonstrated as part of the Class A Conditional use process, would further efforts to support agriculture and Right to Farm in the Rural Tier.

~~An establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~a. Development Standards~~

~~1) Lot Size~~

~~A minimum of three acres. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~2) IL District~~

~~A minimum of one acre. [Partially relocated to both new Heavy Vehicle or Equipment Sales and Rental]~~

~~3) Accessory Uses~~

~~Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located a minimum of 100 feet from any residential district. [Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]~~

~~4) Bay Doors~~

~~Service bay doors shall not be oriented toward any adjacent property in a residential district or toward any adjacent public street. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~5) Outdoor Activities~~

~~There shall be no outdoor repair of vehicles or outdoor storage of disassembled vehicles or parts. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~6) Sales Office~~

~~No mobile home, recreational vehicle, or other vehicle shall be used as a sales office, storage space or as a dwelling unit.~~

~~7) Car Wash~~

~~Car wash facilities shall use a water recycling system.~~

~~8) Loudspeakers~~

~~No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.~~

~~9) Loading Space~~

~~Loading space shall be setback a minimum of 100 feet from an existing residential district, use or FLU designation. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~10) Parking~~

~~Vehicles otherwise stated in this Section, all vehicular use areas for display, sale, rent, or storage shall comply with Article 6, PARKING. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~b. Display~~

~~Outdoor area storage and display areas shall be permitted, subject to the following requirements: [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~1) Bull Pen Storage~~

~~Vehicle may be stored outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops. Outdoor sales and display parking shall conform to Article 6, PARKING, except for space striping. Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees. Vehicles shall not be stored or temporarily parked in a required parking space, handicap parking space, driveway, queuing area, fire lane, or other vehicle circulation area. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental, Standards for Display Areas]~~

~~2) Parking~~

1 A barrier shall be provided between vehicles or display and customer parking. This  
2 barrier may be in the form of a landscape strip, curbing, removable bollards, or other  
3 suitable barrier approved by the DRO. [Partially relocated to both new Light  
4 Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental,  
5 Standards for Display Areas]

6 **3) ~~Display~~**

7 No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor  
8 vehicles on display shall not be elevated in full or in part. [Partially relocated to  
9 both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment  
10 Sales and Rental]

11 **4) ~~Operating Conditions~~**

12 No vehicles shall be stored or displayed on-site except those which are intended for  
13 sale, rental or lease, and are in safe operating and running condition. [Partially  
14 relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or  
15 Equipment Sales and Rental]

16 **c. ~~District and Overlay Limitations~~**

17 **1) ~~CC, CG IL, and MUPD Districts~~**

18 **a) ~~Truck and Trailer Rental~~**

19 Truck and trailer rental, limited to a maximum of five vehicles per lot, shall be  
20 permitted as an accessory use to an auto service station or convenience store  
21 with gas sales subject to DRO approval. Truck and trailer rental exceeding five  
22 vehicles shall be permitted subject to requested or Class B conditional use  
23 approval. Designated storage spaces for each truck or trailer shall be depicted  
24 on the approved site plan. All storage spaces shall be setback a minimum of 100  
25 feet from the front and side street property lines, or in a location which is fully  
26 screened from view from any public street by a combination of walls, fences or  
27 landscaping. No truck or trailer shall be stored or temporarily parked in a  
28 required parking space, handicapped parking space, driveway, queuing area, fire  
29 lane, or other vehicular circulation area. [Partially relocated to new Heavy  
30 Vehicle or Equipment Sales and Rental]

31 **2) ~~Indoor Vehicle Showroom Exception~~**

32 An indoor vehicle sales and rental facility located in the CG or MUPD districts shall  
33 be exempt from the minimum three-acre lot size requirement, and may be allowed  
34 subject to DRO approval and the following criteria. [Ord. 2015-031] [Partially  
35 relocated to new Light Vehicle Sales and Rental, Approval Process]

36 **a) ~~Floor Area~~**

37 A maximum of 30,000 square feet and 15 display vehicles. [Partially relocated  
38 to new Light Vehicle Sales and Rental, Approval Process]

39 **b) ~~New Vehicles~~**

40 Display shall be limited to new vehicles only.

41 **c) ~~Test Drives~~**

42 Test drives shall not be permitted from the indoor vehicle showroom or on-site.  
43 [Partially relocated to new Light Vehicle Sales and Rental, Approval  
44 Process]

45 **d) ~~Parking~~**

46 Vehicles for sale or lease shall not be parked or displayed outside of the  
47 showroom. Trucks used to transport vehicles to and from the showroom shall not  
48 be parked in required loading spaces and shall not be stored on-site. [Partially  
49 relocated to new Light Vehicle Sales and Rental, Approval Process]

50 **e) ~~Vehicle Operations~~**

51 Display vehicles shall not operate engines during store hours. Engines shall only  
52 be permitted to operate during the transport of vehicle into or out of the  
53 showroom. [Partially relocated to new Light Vehicle Sales and Rental,  
54 Approval Process]

55 **f) ~~Maintenance and Repair~~**

56 Maintenance, repair, or painting shall not occur on-site. [Ord. 2015-031]

57 **g) ~~Stand Alone Exception~~**

58 A stand alone indoor vehicle sales and rental facility with lot frontage on an  
59 Arterial Street may be exempt from the limitations of a) through f) above, except  
60 for d), Parking, provided that all vehicle display, storage, detailing, or other  
61 collocated activities occur indoors. [Ord. 2015-031] [Partially relocated to new  
62 Light Vehicle Sales and Rental, Approval Process]

63 **3) ~~IL District~~**

64 In the district vehicle sales and rental uses shall be limited to the following:  
65 [Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]

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~~a) Accessory Use~~

~~In the IL districts limited vehicle sales may be permitted as an accessory use to general repair and maintenance facilities, subject to DRO approval. The vehicle sales use shall be limited to a maximum of five vehicles per lot. Designated storage spaces for each vehicle shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of walls, fences or landscaping. No vehicle shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.~~ **[Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]**

~~(1) Display~~

~~Vehicles on display shall be located within 100 feet of a repair bay.~~ **[Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]**

~~b) Automobile Rental~~

~~Automobile rental shall be subject to Class A conditional use approval.~~ **[Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]**

~~c) Mobile Home, RV, and Heavy Equipment Sales or Rental~~

~~The sale or rental of mobile homes, recreational vehicles or heavy equipment shall be permitted subject to Class B conditional use approval.~~

~~d) Rental Equipment~~

~~Construction equipment, moving trailer, farm equipment, and farm implement and machinery sales and rental uses shall require DRO approval.~~ **[Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]**

~~4) WCRA Overlay~~

~~Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004]~~ **[Partially relocated to new Light Vehicle Sales and Rental and Heavy Vehicle or Equipment Sales and Rental]**

~~d. Temporary Sale~~

~~The temporary sale of vehicles shall be allowed as a Special Permit, and subject to the following additional standards.~~ **[Partially relocated to new Temporary Sales]**

~~1) CG, IL, and MUPD Districts~~

~~Temporary sale of vehicles shall be permitted.~~ **[Partially relocated to new Temporary Sales]**

~~2) Lot Size~~

~~A minimum of ten acres.~~ **[Partially relocated to new Temporary Sales]**

~~3) Separation~~

~~A minimum of 50 feet from all buildings.~~ **[Partially relocated to new Temporary Sales]**

~~4) Duration~~

~~Temporary sales shall be limited to five consecutive calendar days and shall be prohibited during the months of November and December.~~ **[Partially relocated to new Temporary Sales]**

~~5) Parking~~

~~A maximum of 50 required off-street parking spaces may be utilized. No activities shall extend beyond the permitted area.~~ **[Partially relocated to new Temporary Sales]**

~~6) Signage~~

~~Signage shall be permitted only in the designated event area.~~ **[Partially relocated to new Temporary Sales]**

~~7) Hours of Operation~~

~~Hours of operation shall be from 8:00 a.m. to 9:00 p.m.~~ **[Partially relocated to new Temporary Sales]**

~~8) Location~~

~~There shall be suitable access to the event area, subject to Zoning Division approval.~~ **[Partially relocated to new Temporary Sales]**

~~e. Neighborhood Vehicle Rental Facility~~

~~A rental facility that is limited to a maximum of six vehicles stored on site. For the purpose of this section vehicles shall be limited to cars, sports utility vehicles, standard pick up trucks, and minivans. [Ord. 2009-040]~~ **[Partially relocated to new Light Vehicle Sales and Rental]**

~~1) Development Standards~~

~~a) Minimum Lot Size~~

1 The lot size shall comply with the minimum required for the applicable zoning  
2 district. Legal non-conforming lots of record shall be able to develop a  
3 neighborhood vehicle rental facility provided all other minimum site development  
4 regulations can be met. ~~[Ord. 2009-040]~~ [Partially relocated to new Light  
5 Vehicle Sales and Rental]

6 **~~b) Zoning Districts~~**

7 Facilities shall be permitted in the CN, CC, and CG zoning districts; PDDs with a  
8 CH or CL FLU designation; and the Neighborhood Center (NC) of a TDD. ~~[Ord.  
9 2009-040]~~ [Partially relocated to new Light Vehicle Sales and Rental]

10 **~~c) Approval Process~~**

11 This use shall be subject to DRO approval. ~~[Ord. 2009-040]~~ [Partially relocated  
12 to new Light Vehicle Sales and Rental]

13 **~~d) Parking~~**

14 The rental vehicles shall be parked in specifically designated spaces or located in  
15 bull pen storage. Vehicles shall not be parked in required or handicap spaces,  
16 driveways, queuing areas, fire lanes, or other vehicular circulation areas. ~~[Ord.  
17 2009-040]~~ [Partially relocated to new Light Vehicle Sales and Rental]

18 **~~e) Outdoor Activities~~**

19 Maintenance, repair, detailing, washing, cleaning or related activities shall not be  
20 conducted on site. ~~[Ord. 2009-040]~~ [Partially relocated to new Light Vehicle  
21 Sales and Rental]

22 **~~f) Infill Redevelopment Overlay (IRO)~~**

23 A vehicle sales and rental use located on a parcel with a CH FLU designation within the  
24 Core Transect Zone may be approved by the DRO. ~~[Ord. 2010-005]~~



27  
28 **39. Vehicle or Equipment Sales and Rental, Heavy**

29 **a. Definition**

30 *An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used*  
31 *mobile homes or commercial vehicles, as may be defined by the Florida Department of*  
32 *Motor Vehicles, or equipment, including but not limited to the following: heavy trucks,*  
33 *truck tractors, road tractors, straight trucks, special mobile equipment, buses, school*  
34 *buses, farm tractors, farm implements, heavy equipment including construction and earth*  
35 *moving equipment, trailers, and semitrailers. [Partially relocated from Art. 4.B.2.C.39,*  
36 **Vehicle Sales and Rental]**

37 **b. Typical Uses**

38 *Typical uses include independent dealers, franchise dealers, wholesale dealers, or*  
39 *mobile home dealers or brokers, or, moving truck or trailer rental, , construction or farm*  
40 *equipment sales or rental yards, and large implement sales or rental. [Partially*  
41 **relocated from Art. 4.B.2.C.39, Vehicle Sales and Rental]**

42 **c. Approval Process**

43 **1) Moving Truck and Trailer Rental**

44 *Moving Truck and Trailer Rental, limited to a maximum of five vehicles per lot, may*  
45 *be permitted as an accessory use to Retail Gas and Fuel Sales or a Large Scale*  
46 *Commercial Development, subject to DRO approval.*

47 **2) IL District, MUPD with IND FLU Designation and Light Industrial Pod of a PIPD -**  
48 **Rental Equipment**

49 *The rental of construction equipment, moving trucks or trailers, farm equipment, and*  
50 *farm implement and machinery sales and rental uses may be permitted subject to*  
51 *DRO approval. [Partially relocated from Art. 4.B.2.C.39.c.3)d), Rental Equipment]*

52 **3) Rural Tier Farm Equipment - MUPD with CL FLU Designation**

53 *Heavy Vehicle or Equipment Sales and Rental limited to farm equipment that*  
54 *supports the residents of the Rural Tier may be allowed in an MUPD with a CL FLU*  
55 *designation, subject to Class A Conditional Use approval.*

56 **d. Overlay – Westgate Community Redevelopment Area (WCRA) Overlay**

57 *Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per Table*  
58 *3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004]* [Partially relocated  
59 from Art. 4.B.2.C.39.c.4), WCRA Overlay]

60 **e. Lot Size**

61 **1) Commercial Districts**

62 *A minimum of three acres. [Partially relocated from Art. 4.B.2.C.x.b,*  
63 **Development Standards]**



1           **2) IL District**

2           *A minimum of one acre.* [Partially relocated from Art. 4.B.2.C.39.b, Development

3           Standards]

4           **f. Accessory Uses - Industrial Districts**

5           *Retail sale of parts may be provided as an accessory use. Where permitted in Industrial*

6           *districts, limited Light Vehicle Sales and Rental, may be permitted as an accessory use to*

7           *Heavy Repair and Maintenance facilities, subject to DRO approval, and the following:*

8           [Partially relocated from Art. 4.B.2.C.39.a.3), Accessory Uses]

9           **a) Limited to vehicle sales of a maximum of five vehicles per lot.** [Partially relocated

10           from Art. 4.B.2.C.39.c.3)a), Accessory Uses]

11           **b) All storage spaces shall be located indoors, or setback a minimum of 100 feet from**

12           *the front and side street property lines, or in a location which is screened from view*

13           *from any public street by a combination of buildings or walls, or opaque fences or*

14           *landscaping.* [Partially relocated from Art. 4.B.2.C.39.c.3)a), Accessory Uses]

15           **c) Vehicles on display shall be located within 100 feet of a repair bay.** [Partially

16           relocated from Art. 4.B.2.C.39.c.3)a), Accessory Uses]

17           **g. Nuisances – Test Drives**

18           *Test drives of motor vehicles shall be prohibited on Local Residential Streets.*

19           **h. Storage or Display**

20           *Outdoor storage or display of vehicles or equipment shall only be permitted in areas*

21           *designated for storage or display on an approved Development Order, subject to the*

22           *following requirements:* [Partially relocated from Art. 4.B.2.C.39.b, Display]

23           **1) General**

24           **a) Vehicle Operating Conditions**

25           (1) *The storage or display of inoperable vehicles or equipment shall be*

26           *prohibited, with exception to designated storage areas permitted under an*

27           *approved Accessory or Collocated use.*

28           (2) *No vehicles or equipment shall be stored or displayed on-site except those*

29           *intended for sale, rental or lease. An exception shall be permitted for new*

30           *motor vehicle or equipment inventory owned by another dealership, provided*

31           *that such vehicles or equipment is of the same type approved for the subject*

32           *site.* [Partially relocated from Art. 4.B.2.C.39.b.4), Operating Conditions]

33           **b) Loading Spaces**

34           *Loadings spaces shall be setback a minimum of 100 feet from an existing*

35           *residential use or vacant parcel with a residential FLU designation.* [Partially

36           relocated from Art. 4.B.2.C.39.j, Parking]

37           **c) Required Parking**

38           *Parking for vehicle storage, sales or display may not be counted toward meeting*

39           *the number of off-street parking spaces required for customers and employees.*

40           [Partially relocated from Art. 4.B.2.C.39.b)1), Bull Pen Storage]

41           **2) Standards for Bull Pen Storage**

42           **a) Location or Design**

43           *Bull Pen Storage areas shall be located towards the side or rear of the property*

44           *and designed in a manner that clearly distinguishes the storage area from vehicle*

45           *showroom or Outdoor Display areas, by placement behind buildings, or through*

46           *use of opaque fences, walls or landscape barriers a minimum of six feet high.*

47           **b) Outdoor Storage**

48           *Bull Pen Storage areas shall comply with the Outdoor Storage area requirements*

49           *of Art. 5, Supplementary Standards. This shall not preclude the ability to seek*

50           *Variance relief.*

51           **3) Standards for Display Areas**

52           **a) General**

53           *No vehicle shall be parked, stored or displayed with its hood or trunk open.*

54           *Motor vehicles on display shall not be elevated in full or in part.* [Partially

55           relocated from Art. 4.B.2.C.39.b.2), Display]

56           **b) Barrier**

57           *A barrier shall be provided between display areas, and customer parking, related*

58           *driveway access or drive isles. This barrier may be in the form of a landscape*

59           *strip, curbing, removable bollards, or other suitable barrier approved by the DRO.*

60           [Partially relocated from Art. 4.B.2.C.39.j.3, Standards for Display Areas),

61           General]

62           **c) Design Standards**

63           *Display areas shall conform to Article 6, PARKING, except for space striping.*

64           [Partially relocated from Art. 4.B.2.C.39.b)1), Bull Pen Storage]

1 **4) Standards for Moving Truck and Trailer Rental**

2 *Designated storage spaces for each truck or trailer shall be depicted on the approved*  
3 *site plan. All storage spaces shall be setback a minimum of 100 feet from the front*  
4 *and side street property lines, or in a location which is fully screened from view from*  
5 *any public street by a combination of walls, fences or landscaping. [Partially*  
6 *relocated from Art. 4.B.2.C.39.c.1)a), Truck and Trailer Rental]*  
7

8 **Reason for amendments to Vehicle Sales and Rental in the Use Matrix: [Zoning]**

9  
10 1. Reorganize approval processes based on new Type of Vehicle Sales, with the Light category  
11 generally permitted in most Commercial Zoning districts and Heavy is similarly limited to the CH FLU  
12 and Industrial districts.

13 **40. Vehicle Sales and Rental, Light**

14 **a. Definition**

15 *An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used*  
16 *motor vehicles as may be defined by the Florida Department of Motor Vehicles, or boats,*  
17 *and recreational vehicles, including but not limited to the following vehicles typically*  
18 *acquired for personal non-commercial use: [Partially relocated from Art. 4.B.2.C.39,*  
19 **Vehicle Sales and Rental]**

- 20 1) *Automobiles, sport utility vehicles (SUVs) and light trucks or vans with a curb weight*  
21 *of 8,000 lbs. or less; or.*
- 22 2) *Boats, personal watercraft, recreational vehicles (RV), off-highway vehicles (OHV),*  
23 *motorcycles, golf carts, or swamp buggies.*

24 **b. Typical Uses**

25 *Typical uses include independent dealers, franchise dealers, wholesale dealers, or new*  
26 *and used recreational vehicle dealers, auto and truck rental, and boat or personal*  
27 *watercraft rental and sales. [Partially relocated from Art. 4.B.2.C.39, Vehicle Sales*  
28 **and Rental]**

29 **c. Approval Process**

30 **1) Indoor Vehicle Showroom**

31 *An indoor Vehicle Sales and Rental facility located in the CG or MUPD districts shall*  
32 *be exempt from the minimum three-acre lot size requirement, and may be permitted*  
33 *subject to DRO approval and the following criteria. [Partially Relocated from Art.*  
34 **4.B.2.C.39.c.2, Indoor Vehicle Showroom Exception]**

35 **a) Floor Area**

36 *A maximum of 30,000 square feet and 15 display vehicles. [Partially Relocated*  
37 **from Art. 4.B.2.C.39.c.2, Indoor Vehicle Showroom Exception]**

38 **b) Test Drives**

39 *Test drives shall not be permitted from the indoor vehicle showroom or on-site.*  
40 **[Partially Relocated from Art. 4.B.2.C.39.c.2, Indoor Vehicle Showroom**  
41 **Exception]**

42 **c) Vehicle Operations**

43 *Display vehicles shall not operate engines during store hours. Engines shall only*  
44 *be permitted to operate during the transport of vehicle into or out of the*  
45 *showroom. [Partially Relocated from Art. 4.B.2.C.39.c.2, Indoor Vehicle*  
46 **Showroom Exception]**

47 **d) Parking**

48 *Vehicles for sale or lease shall not be parked or displayed outside of the*  
49 *showroom. [Partially Relocated from Art. 4.B.2.C.39.c.2, Indoor Vehicle*  
50 **Showroom Exception]**

51 **e) Stand Alone Exception**

52 *Stand Alone with lot frontage on an Arterial Street or Planned Collector Street,*  
53 *may be exempt from the limitations of a) through c) above, provided that all*  
54 *vehicle display, storage, detailing, or other Collocated uses or activities occur*  
55 *indoors. [Ord. 2015-031] [Partially Relocated from Art. 4.B.2.C.39.c.2,*  
56 **Indoor Vehicle Showroom Exception]**

57 **2) Neighborhood Vehicle Rental Facility**

58 *A Neighborhood Vehicle Rental Facility may be permitted in the CN, CC, and CG*  
59 *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: [Partially Relocated from Art. 4.B.2.C.39.e, Neighborhood*  
**Vehicle Rental Facility]**

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- a) **Vehicle Limitations**  
A maximum of six vehicles stored on-site, limited to cars, SUVs, standard pick-up trucks, and minivans. [Ord. 2009-040] [Partially Relocated from Art. 4.B.2.C.39.e, Neighborhood Vehicle Rental Facility]
- 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. [Ord. 2009-040] [Partially Relocated from Art. 4.B.2.C.39.e, Neighborhood Vehicle Rental Facility]
- c) **Parking**  
The rental vehicles shall be parked in specifically designated spaces or located in bull pen storage. [Ord. 2009-040] [Partially Relocated from Art. 4.B.2.C.39.e, Neighborhood Vehicle Rental Facility]
- d) **Outdoor Activities**  
Maintenance, repair, detailing, washing, cleaning or related activities shall not be conducted on-site. [Ord. 2009-040] [Partially Relocated from Art. 4.B.2.C.39.e, Neighborhood Vehicle Rental Facility]
- d. **Overlay – Westgate Community Redevelopment Area (WCRA) Overlay**  
Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Partially relocated from Art. 4.B.2.C.39.c.4), WCRA Overlay]
- e. **Zoning Districts**
  - 1) **Commercial Pod of PUD and Neighborhood Center of TND**  
Shall be limited to a Neighborhood Vehicle Rental Facility.
  - 2) **LCC and TMD**  
Shall be limited to Indoor Vehicle Showroom.
  - 3) **Districts with Commercial Low FLU Designation**  
The sale or rental of OHVs, RVs, boats, or motorcycles shall be subject to the standards for Accessory Uses.
  - 4) **IL District - Automobile Rental**  
Automobile rental may be permitted in the IL district when located on an Arterial Street, subject Class A Conditional Use approval. [Partially relocated from Art. 4.B.2.C.39.3)b), Automobile Rental]
- f. **Lot Size**  
A minimum of three acres, excluding the following:
  - a) Indoor Vehicle Showrooms.
  - b) Motorcycle or OHV sales and rental.
  - c) Boat or watercraft sales and rental when collocated with a Marina Facility; or
  - d) Where otherwise stated within this Sub-section.
- g. **Accessory Uses – 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.
- h. **Nuisances – Test Drives**  
Test drives of motor vehicles shall be prohibited on Local 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: [Partially relocated from Art. 4.B.2.C.39.b, Display]
  - 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. [Partially relocated from Art. 4.B.2.C.39.b.4), Operating Conditions]
    - b) **Loading Spaces**  
Loadings spaces shall be setback a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation. [Partially relocated from Art. 4.B.2.C.39.j, Parking]

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- c) **Required Parking**  
*Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees. [Partially relocated from Art. 4.B.2.C.39.b)1), Bull Pen Storage]*
- 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. [Partially relocated from Art. 4.B.2.C.39.b.2), Display]*
  - b) **Barrier**  
*A barrier shall be provided between display areas, and customer parking, related driveway access or drive isles. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO. [Partially relocated from Art. 4.B.2.C.39.j.3, Standards for Display Areas), General]*
  - c) **Design Standards**  
*Display areas shall conform to Article 6, PARKING, except for space striping. [Partially relocated from Art. 4.B.2.C.39.b)1), Bull Pen Storage]*

<b>Reason for amendments to Vehicle Sales and Rental in the Use Matrix:</b> [Zoning]
1. Reorganize approval processes based on new Type of Vehicle Sales, with the Light category generally permitted in most Commercial Zoning districts and Heavy is similarly limited to the CH FLU and Industrial districts.

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**43641. Veterinary Clinic**

<b>HISTORY:</b> The Veterinary Clinic use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1995-008, 1998-011, 1997-037, 2001-001, 2003-067, 2005-002, 2009-040, 2010-005, 2010-022, 2010-055, and 2011-016.
<b>Reason for amendments:</b> [Zoning]
1. Revise the Approval Process standard to clarify between optional and zoning district specific regulations.
2. Delete Extended Care as the definition addresses temporary boarding.

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- a. **Definition**  
An establishment engaged in providing medical care, treatment and temporary boarding for animals.
- a. **District Specific Regulations**
  - 1) ~~**AR and AGR Districts**  
*Shall be limited to livestock only and located on a minimum of five acres. [Ord. 2010-055]*~~
  - 2) ~~**CN District**  
*Shall not have outdoor runs, nor occupy more than 3,000 square feet of GFA. [Ord. 2010-055]*~~
  - 3) ~~**LCC and TDD Districts**  
*Shall not include outdoor runs, nor occupy more than 5,000 square feet of GFA. [Ord. 2010-005] [Ord. 2010-055]*~~
  - 4) ~~**Infill Redevelopment Overlay**  
*Shall not include outdoor runs. Boarding facilities shall comply with the standards for a type III commercial kennel. [Ord. 2010-005] [Ord. 2010-055]*~~ [Partially relocated Standards c., Lot Size and d., Zoning District below]

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**b. Approval Process – AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU Designation Exceptions for Limited Facilities**

A ~~v~~Veterinary ~~e~~Clinic may be ~~p~~Permitted by ~~r~~Right in AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU designation any district where the use is permitted pursuant to Table 3.E.1.B, PDD Use Matrix or Table 4.A.3.A, Use Matrix, subject to the following limitations: **[Ord. 2010-055]**

- 1) GFA shall not exceed 5,000 square feet; and, **[Ord. 2010-055]**
- 2) Shall not include outdoor runs. **[Ord. 2010-055]**

**c. Lot Size – AR and AGR Districts**

*Shall be located on a minimum of five acres. **[Ord. 2010-055]*** **[Partially relocated from Standard a., District Specific Regulaitons above]**

**d. Zoning District**

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

**1) CC and CN Zoning Districts**

*Shall not occupy more than 3,000 square feet of GFA. **[Ord. 2010-055]***

**2) MUPD with CL FLU Designation, LCC and TDD Districts**

*Shall not occupy more than 5,000 square feet of GFA. **[Ord. 2010-005]** **[Ord. 2010-055]***

**3) Infill Redevelopment Overlay**

*Boarding facilities shall comply with the standards for a Type 3 Commercial Kennel. **[Ord. 2010-005]** **[Ord. 2010-055]*** **[Partially relocated from Standard a., District Specific Regulations above]**

**e. Extended Care**

~~Shall be limited to animals requiring onsite veterinary care due to illness or during recovery from surgical procedures. **[Ord. 2010-055]**~~

**de. Outdoor Runs**

A ~~v~~Veterinary ~~e~~Clinic with outdoor runs shall comply with the following standards: **[Ord. 2010-055]**

**1) Lot Size**

A minimum of one acre.

**2) Setbacks**

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

**3) WCRAO**

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

**4) Standards**

A six foot high fence shall be required around the runs. If the fence is not opaque or screened from view of adjacent properties or R-O-W, a continuous opaque hedge, a minimum of four feet at installation, shall be provided around the run. **[Ord. 2010-055]** **[Ord. 2015-031]**

**5) Waste Disposal**

A Veterinary Clinic shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. **[Ord. 2015-031]**

**ef. Facility without Outdoor Runs**

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

Reason for amendments to Veterinary Clinic in the Use Matrix: [Zoning]	
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3.	Change the approval process from: <ul style="list-style-type: none"> <li>• Class A Conditional Use to P in the CN Zoning District;</li> <li>• Class B Conditional Use to P in the CC Zoning District;</li> <li>• Requested Use to P in PDDs and TDDs where the use is allowed; and,</li> <li>• Class B Conditional Use to DRO Approval in the CHO Zoning District.</li> </ul>
4.	Change the Approval Process from: <ul style="list-style-type: none"> <li>• DRO Approval to Class A Conditional Use in the AGR Zoning District;</li> <li>• Class B Conditional Use to Class A Conditional Use in the AR Zoning District.</li> </ul>

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1 **13742. Vocational School Institution**

2 **HISTORY:** The Vocational School use definition and Supplementary Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Standards were amended by Ord. 1992-020, 1996-028, 1999-037, 2001-001, 2001-029, 2003-067, 2011-016, and 2012-027 .

**Reason for amendments:** [Zoning]

- 1. Change the use name from Vocational School to Vocational Institution in order to avoid any confusion with the School definition.
- 2. Expand the use definition by clarifying additional activities included in the use intend. Simplify the use definition by addressing typical uses as separate standard. Typical uses include relocation of art schools from Professional Services as establishments oriented to educate in arts are more consistent with the definition of Vocational Institution. Individual art instructions are addressed through Home Occupation. The definition also includes language that intents to create a difference between this use and Elementary or Secondary School.
- 3. Delete standard that prohibits Vocational Schools in AGR-PUD. The Code allows the use in Commercial pod of PUD and after researching the history of the standard, there is no clear evidence for the prohibition in AGR PUD.
- 4. Expand the list of typical uses in order to address institutions that provide instruction of heavy mechanical equipment. In addition, it includes programs that issue high school diplomas that do not fit the definition of Elementary or Secondary School which are typically for young adults.
- 5. Allow the use as Permitted by Right in the CN Zoning District and change the approval from Class A Conditional Use to Permitted by Right in the CC Zoning District limited to 3,000 SF. This provision provides consistency with the scale of the use expected in these zoning districts.
- 6. Delete standard that makes the use subject to Class A Conditional approval in the AGR, CC, CG and LCC Zoning District. The use is not permitted in AGR Zoning District therefore this provision has not been applicable. To address all other zoning districts contained in the standard, specific provisions have been added to limit the use of heavy equipment utilized for instructional purposes to be only permitted in Industrial Zoning Districts, for compatibility reasons with similar uses and activities.

3 **a. Definition**

4 An establishment, that is not an elementary or secondary school, offering regularly  
5 scheduled instruction and training in industrial, mechanical, construction, technical,  
6 commercial, clerical, managerial or artistic trade skills ~~such as business, real estate,~~  
7 ~~building and construction trades, electronics, computer programming and technology,~~  
8 ~~automotive or aircraft mechanics and technology, or other type of vocational instruction.~~  
9 **[Partially relocated to Typical Uses, below]**

10 ~~**b. AGR-PUD**~~

11 ~~A Vocational School is not permitted.~~

12 **b. Typical Uses**

13 Typical uses may include but are not limited to: business, real estate, building and  
14 construction trades; machinery operation and repair; electronics, computer programming  
15 and technology; automotive or aircraft mechanics and technology; beauty or art school or  
16 instruction leading to a high school diploma. **[Partially relocated from Vocational**  
17 **School definition and Professional Service definition]**

18 **c. Zoning District - CN and CC**

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

20 ~~**a. AGR, CC, CG and LCC Districts**~~

21 ~~A vocational school shall not involve heavy equipment or machinery, motor vehicle~~  
22 ~~engines, or aircraft unless approved as a Class A conditional use. **[Ord. 2010-005]**~~  
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- 7. Additional provisions have been included to limit the use to be indoor only when located in commercial zoning districts or when separated from residential 250 feet. This amendment is to prevent possible nuisances that may affect residential uses.

25 **d. FLU Designation - Industrial**

26 A Vocational Institution that requires the use of heavy machinery, mechanical,  
27 construction or industrial equipment such as auto repair, masonry, automotive operation  
28 or repair, metal fabrication, welding, mechanical or electrical repair shall be limited to  
29 sites with Industrial FLU designation excluding Commercial pod of a PIPD. **[Ord. 2012-**  
30 **027]** **[Partially relocated from PIPD Industrial Use Zones, below]**

31 ~~**bd. Nuisances**~~

32 The use shall be conducted within an enclosed building in a non-industrial zoning district  
33 where the use is allowed unless separated 250 feet from a parcel of land with Residential  
34 FLU designation or use.  
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**~~c. PIPD Industrial Use Zones~~**

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

<b>Reason for amendments to Vocational School in the Use Matrix:</b> [Zoning]	
8.	Allow the use in CN Zoning District and the development area of an AGR TMD. In the CN Zoning District the use will be limited to 3,000 SF and TMD is intended to be mixed use therefore the use is expected in that district.
9.	Change the approval process from Class A Conditional use to Permitted by Right in CHO Zoning District as the use will be limited to 3,000 SF for consistency with the use size expected in that area.
10.	Change from Class A Conditional Use approval to Permitted by right in the IPF Zoning District, Commercial pod of PUD, MUPD and MXPD with CL and EDC FLU designation, and the LCC with CL FLU designation as the use is intended to be in commercial zoning districts and expected to be indoor or away from residential as least 250 feet to prevent any impacts.
11.	Change the approval process from DRO to Permitted by Right in MUPD with INST FLU designation as it is an institutional use expected in that area.
12.	Change from Class A Conditional Use approval to Permitted by right in the General Industrial and General Industrial pods of PIPD as the use is limited to institutions oriented to include heavy equipment in the vocational programs.

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**~~141-43. Work/Live Space~~**

<b>Reason for amendments:</b> [Zoning]	
1.	No significant revisions are proposed. See additional deletions to redundant Work/Live Space standards located under the Multiple Use Planned Development (MUPD) district.

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**a. Definition**

A space within a building that is used jointly for residential and any non-residential use permitted in the Zoning district, where permitted by the FBC, where the residential space is accessory to the primary use as a place of work. [Ord. 2004-040] [Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-005]

**ba. Non-residential Designation**

Both residential and non-residential square footage shall be counted towards the maximum FAR allowed for the district. [Ord. 2010-005]

**cb. Floor Area**

Shall not exceed 1,000 square feet of living area. [Ord. 2004-040]

**de. Office Space**

A minimum of ten percent of the living area shall be designated as office space. [Ord. 2004-040]

**ed. WCRAO**

Shall be permitted in accordance with Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2007-013]

<b>Reason for amendments to Work/Live Space in the Use Matrix:</b> [Zoning]	
2.	Amend to allow Work/Live Spaces in the Commercial Low Office (CLO) and Community Commercial (CC) Zoning districts subject to Class A Conditional Use approval, and in the Commercial High Office (CHO) and General Commercial (CG) Zoning districts, subject to Development Review Officer (DRO) approval, in order to expand opportunities for small businesses such as artist lofts, or business or professional uses, etc. While the uses are Permitted by Right in comparable Planned Development Districts (PDDs), additional scrutiny is required in standard districts to ensure that parking and other site layout is compatible with the residential component of the Work/Live Space.
3.	Amend to allow Work/Live Spaces to be Permitted by Right where currently subject to Class A Conditional Use approval in a Traditional Marketplace Development (TMD). TMDs are subject to Preliminary and Final Site Plan approval, are subject to more holistic parking regulations allowing for changes in use, and include a higher level of pedestrian walkability and amenities which easily accommodate the Work/Live Space use
4.	Amend to allow the Work/Live Space in an Agricultural Reserve TMD as Permitted by Right. As implied above, TMDs are a good fit for the Work/Live Space use and existing regulatory review or design standards address any issues associated with incorporation of this use.

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

Reason for amendments: [Zoning]
1. Relocate standard related to accessory office from Business or Professional Office use to Lake Okeechobee Scenic Trail Overlay (LOSTO) regulations to consolidate with provisions that pertain only to that overlay.
2. Relocate standard related to Retail Sales from Article 4.B.1.A.114 to consolidate with provisions that pertain only to that overlay.

5 CHAPTER B OVERLAYS

6 Section 6 LOSTO, Lake Okeechobee Scenic Trail Overlay

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8 **C. Use Regulations**

9 Uses permitted as of right in the underlying district are permitted as of right in the LOSTO. In  
10 addition, the following uses shall be permitted subject to Article 4.B, Supplementary Use  
11 Standards:

- 12 1. Bed & ~~b~~B~~reakfast~~;
- 13 2. Camping ~~e~~C~~abin~~;
- 14 3. Catering ~~s~~S~~ervice~~;
- 15 4. Offices, ~~b~~B~~usiness~~ or ~~p~~P~~rofessional~~;
- 16 5. Restaurant, ~~s~~pecialty Type 1;
- 17 6. Retail ~~s~~S~~ales~~, ~~g~~eneral;
- 18 7. Stable, ~~e~~C~~ommercial~~.

19 **D. Accessory Office**

20 *Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the sole*  
21 *purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours to*  
22 *natural, agricultural, or historic points of interest of the area, shall be allowed subject to approval*  
23 *of a Special Permit. [Relocated from Art.4.B.1.A.91, Business or Professional, Office]*

24 **E. Additional Standards for Retail Sales**

25 *Shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books,*  
26 *prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises,*  
27 *hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for*  
28 *recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total*  
29 *floor area shall be allowed subject to approval of a Special Permit. [Relocated from Art.*  
30 *4.B.1.A.114, Retail Sales, General]*

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1 **Part 5. ULDC Table 3.B.14.E, WCRAO Sub-area Use Regulations (page 46 of 234), is hereby**  
 2 **amended as follows:**  
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<p><b>Reason for amendments:</b> [Westgate CRA] The NC Sub-area of the WCRAO comprises Westgate Avenue from Suwanee Drive to the LWDD L-2B canal, Cherokee Drive to the north and Nokomis Avenue to the south and measures slightly under 1 mile long. There are currently four convenience stores in operation within the NC Sub-area on Westgate Avenue, two of which are separated by less than 650 feet. Due to extended hours of operation, minimal staffing, and the types of products which are typically sold, such as alcohol, tobacco and fast-foods, convenience stores are often the target of crime, and are conducive to loitering, prostitution and drug trafficking. The Westgate CRA redevelopment area has seen an increase in criminal solicitation and has also seen an increase in the homeless population which tend to cluster in vacant lots and easements on Westgate Avenue and in other areas of the CRA. Crime, or the perception of crime, does not encourage new investment and significantly cripples redevelopment efforts. This use is only permitted by Class A approval in the CN standard zoning district. While most lots are zoned CG along Westgate Avenue to facilitate more intense commercial activity, the character of the corridor remains neighborhood oriented. Some jurisdictions have adopted ordinances that prohibit convenience stores in neighborhood commercial zoning district to mitigate further negative impacts on neighborhood character and growth. With two neighborhood grocery stores on Westgate Avenue, food retail amenities for community residents are well provided. Convenience Stores with Gas Sales have also proliferated throughout the CRA; there are currently two at the corner of Westgate Avenue and Congress Avenue and at least five built or entitled within the CRA's boundaries along Okeechobee Blvd. This use has already been prohibited in the NR, NRM and NG Sub-areas of the WCRAO, where many lots are still residentially zoned.</p>
<p>1. Convenience Store with Gas Sales stricken to cross reference existing WCRAO limitations in Art. 4.1.B.A.37.h. pursuant to Use Regulations Project amendment language.</p>
<p>2. Day Labor Employment Service stricken to cross reference existing WCRAO limitations in Art. 4.1.B.A.41.a. pursuant to Use Regulations Project amendment language. Standards which prohibit this use in the WCRAO have been relocated to the use Business or Professional Office.</p>
<p>3. This amendment also seeks to prohibit Gas and Fuel, Retail in the NC Sub-area commiserate with modifications to that use pursuant to the Use Regulations Project. Gas and Fuel, Retail is already prohibited in the NR, NRM, and NG Sub-areas of the WCRAO. See line 9 for further justification.</p>
<p>4. Repair and Maintenance, General stricken to cross reference existing WCRAO limitations in Art. 4.1.B.A.107 pursuant to Use Regulations Project amendment language. Repair and Maintenance, General will be divided into Repair and Maintenance, Heavy and Repair and Maintenance, Light to ...”clarify that certain types of repairs are likely to cause adverse impacts to adjacent properties, ...additional clarification of types of vehicles or equipment repaired, ...clarify standards and prohibitions for outdoor storage.”</p>
<p>5. Repair and Maintenance, Heavy added to cross reference amended WCRAO limitations in Art.4.1.B.A.30.c. pursuant to Use Regulations Project amendment language.</p>
<p>6. Repair and Maintenance, Light added to cross reference amended WCRAO limitations in Art.4.1.B.A.31.c. pursuant to Use Regulations Project amendment language.</p>
<p>7. Vehicle Sales and Rental stricken to cross reference existing WCRAO limitations in Art.4.B.A.135. pursuant to Use Regulations Project amendment language. Vehicle Sales and Rental will be divided into Vehicle Sales and Rental, Light and Vehicle and Equipment Sales and Rental, Heavy to...”identify specific types of light or heavy vehicles or equipment per Florida Statute, and ...”to clarify standards and establish limitations...to mitigate incompatible uses”.</p>
<p>8. Vehicle Sales and Rental, Light added to cross reference amended WCRAO limitations in Art.4.1.B.A.37.d. pursuant to Use Regulations Project amendment language.</p>
<p>9. Vehicle and Equipment Sales and Rental, Heavy added to cross reference amended WCRAO limitations in Art.4.1.B.A.38.d. pursuant to Use Regulations Project amendment language.</p>
<p>10. The NC Sub-area of the WCRAO is envisioned in the CRA's Community Redevelopment Plan as the commercial downtown of the redevelopment area with a focus on mixed use which is a requirement for new development in that Sub-area. There has been a proliferation of auto related uses throughout the WCRA that do little to further the goal of community redevelopment. Generally auto related uses do not encourage the foot traffic needed to foster interest and expand economic opportunity. General repair and maintenance and vehicle sales and rental uses have already been prohibited in the NG Sub-area of the WCRAO. Auto related uses can have negative visual and noise related impacts on adjacent or surrounding uses. Neighborhood streets are used for test drives, vehicles are often parked or inventory stored in adjacent vacant lots or in swales along the R-O-W creating a persistent Code Enforcement issue, both in the NG Sub-area and increasingly in the NC Sub-area. The requirement for mixed use in the NC Sub-area discourages these types of uses in new development, however, by prohibiting General Repair and Maintenance, both Heavy and Light, Retail Gas and Fuel, and Vehicle and Equipment Sales and Rental uses in the NC Sub-area of the WCRAO, clarity of intent is established and the WCRA is afforded the opportunity to attract new investment and a mix of vibrant uses to the Westgate Avenue corridor.</p>

11. Live/Work Unit is stricken to cross reference the deletion of this use pursuant to Use Regulations amended language.

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE (2)
....								
Commercial Uses								
Adult Entertainment (3)	X	X	X	X	X	X	X	<u>4.B.2.C.1</u>
Convenience Store	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	-	-	-	<u>4.B.2.C.7</u>
Convenience Store with Gas Sales	X	X	X	-	-	-	-	37
Employment Agencies (5) Day Labor Employment Service	X	X	X	X	X	X	X	41 <u>4.B.2.C.25</u>
Gas and Fuel Sales, Retail	X	X	X	<u>X</u>	-	-		18 <u>4.B.2.C.15</u>
Repair and Maintenance, General	<u>X</u>	<u>X</u>	<u>X</u>	-	-	-	-	107
Repair and Maintenance, Heavy	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	-	-	-	<u>4.B.2.C.29</u>
Repair and Maintenance, Light	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	-	-	-	<u>4.B.2.C.30</u>
Self-service Storage	X	X	X	X	-	-	-	120 <u>4.B.2.C.36</u>
Vehicle Sales and Rental	X	X	X	-	-	-	-	135
Vehicle Sales and Rental, Light	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	-	-	-	<u>4.B.2.C.38</u>
Vehicle or Equipment Sales and Rental, Heavy	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	-	-	-	<u>4.B.2.C.39</u>
Office Warehouse	X	X	X	X	A (1)	A (1)	A (1)	138 <u>4.B.5.C.15</u>
Work/Live Space <del>or Live/Work Unit</del>	X	P (4)	P (4)	P (4)	P (4)	P (4)	P (4)	<del>141, 141-2</del> <u>4.B.2.C.43</u>
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007]								
<b>Notes:</b>								
1. Limited to lots with a CH or IND FLU Designation and corresponding zoning district. [Ord. 2006-004]								
2. A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. [Ord. 2006-004]								
3. Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. [Ord. 2007-013]								
4. Limited to lots with a CH or CL FLU Designation and corresponding zoning district. [Ord. 2007-013]								
5. <u>Employment Agencies as contained in Art. 4 under Office, Business or Professional.</u>								
<b>Key:</b>								
X Prohibited in Sub-area.								
- Subject to Use Regulations of zoning district.								
P Permitted by Right. [Ord. 2007-013] [2009-040]								
A Class A Conditional or Requested Use								

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**Part 6. ULDC Art. 3.E.3.D.1, Work/Live Space (page 176 of 234), is hereby deleted as follows:**

**Reason for Amendment:** [Zoning] Work/Live combinations are not entirely limited to MUPDs, the definition and other standards are redundant to Art. 4.B.2.C.x, Work/Live Unit (e.g. definition, districts permitted, minimum 10% office designation, maximum 1,000 square feet, etc.), and thresholds for approval processes based on number of “spaces” per acre are either redundant to the Use Matrix, or no longer applicable where the approval process in TMDs has been changed to Permitted by Right.

7

**CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

**Section 3 Multiple Use Planned Development (MUPD)**

**D. Property Development Regulations**

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

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

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

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- a. ~~Shall not exceed 1000 square feet of living area; [Ord. 2004-040]~~
- b. ~~A minimum of 10 percent of the living area shall be designated as office space; [Ord. 2004-040]~~
- c. ~~Shall be counted as non-residential square footage; [Ord. 2004-040]~~
- d. ~~The maximum number allowed in a PDD is indicated in Table 3.E.3.D-32, Work/Live PDD; [Ord. 2004-040]~~
- e. ~~The maximum number allowed by the DRO in a PDD is indicated in the Table 3.E.3.D-32, Work/Live Space PDD. The maximum number allowed by the DRO in a TMD is indicated in the Table 3.E.3.D-33, Work/Live Space TMD; and [Ord. 2004-040]~~
- f. ~~Work/live spaces in excess of the maximum number allowed by the DRO shall be a Requested Use. [Ord. 2004-040]~~

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

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

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

TIER	U/S	AGR/GLADES	RURAL/EXURBAN
DRO	100	100	75
<del>[Ord. 2004-040]</del>			

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**Part 7. Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements (page 5-6 of 39), is hereby amended as follows:**

<b>Reason for amendments:</b> [Zoning]
1. Revise Minimum Off-Street Parking and Loading table to remove uses that have been deleted in Article 4, related to Commercial Uses.
2. Establish parking and loading regulations for Microbrewery. The production and packaging of alcohol will be similar to the Manufacturing and Processing use in the Industrial Use Classification. Accessory Tap Room will be similar to Cocktail Lounge.
3. Add loading provisions for Laundry Services as the use may include loading activities when serving the hospitality business.
4. Establish parking and loading regulations for Rooming and Boarding House, as the use was split from Hotel or Motel to make it more consistent with its residential Single Family dwelling character.
5. Consolidate existing Supplementary Standards for Self Service Storage loading requirements with Art. 6, Parking and Loading Standards, for ease of use. Delete reference to Security Caretakers Quarters, which is already defined as a Collocated use where permitted.
6. Add parking provisions for new Use Single Room Occupancy (SRO) as the use was removed from Hotel or Motel. The parking provisions are similar to the requirements included in Hotel or Motel use.

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**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements**

Use Type: Commercial	Parking	Loading (1)
....		
Auto paint or body shop	1 space per 200 sq. ft.	E
....		
Broadcast studio	1 space per 1,000 sq. ft.	N/A
Building supplies	1 space per 200 sq. ft.	B
Butcher shop, wholesale	1 space per 1,000 sq. ft.	A
....		
Convenience store, w/ or w/o gas	1 space per 200 sq. ft.	C
Day labor employment service	1 space per 250 sq. ft.	C
....		
Kiosk	N/A	N/A
....		
Laundry services	1 space per 200 sq. ft.	N/A-C
Microbrewery	1 space per 3 seats	C
Monument sales, retail	1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area	E
....		
Printing and copying services	1 space per 250 sq. ft.	B
Retail sales, auto parts	1 space per 200 sq. ft.	C
....		
Rooming and Boarding House	1 space for each guest room	C
Self Service Storage	1 space per 200 storage bays units; minimum of 5 customer spaces; security quarters calculated separately	(6) <sup>6</sup>
Single Room Occupancy (SRO)	1.25 spaces per room	C
Theater, drive-in	1 space per 250 sq. ft.	N/A
Theater, indoor	1 space per 3 seats	B
Theater <u>or</u> Performance Venue, indoor, in-line	1 space per 3 seats; plus 1 space per employee	B
Theater <u>or</u> Performance Venue, indoor, stand alone	1 space per 4 seats; plus 1 space per employee	B
....		
<b>[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]</b>		
<b>Loading Key:</b>		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		
<b>Notes:</b>		
.... ....		
6. Limited access <u>Self Service Storage</u> facilities must provide <u>a minimum of two off-street loading spaces at each entry into the building off-street loading spaces as indicated in Art. 4.B.1.A.120.d.2), Loading excluding office access not utilized by customers for accessing storage units.</u> [Ord. 2005-041] [Partially relocated from Art. 4.B.7.C.36.d.2, Loading (Related to Multi-access Self Service Storage facilities)]		
.... ....		

U:\Zoning\CODEREV\Research - Central\Use Regulations Project\4 - Meetings\6 - BCC Status Memos\14- BCC Zoning Hearing - 10-27-16 Commercial Temp Ag uses\Attachment 1- Commercial Uses.docx

1 Part 1. ULDC, Art. 1.I.2.T, Temporary Uses (page 105 of 119), is hereby amended as follows:  
2

Reason for amendments: [Zoning]

1. Expand the definition of "Temporary" to address new use classification in Article 4, Use Regulations that include uses subject to specific period of time to operate.

3

4 **CHAPTER I DEFINITIONS AND ACRONYMS**

5 **Section 2 Definitions**

6 **A. Terms defined herein or referenced in this Article shall have the following meanings:**  
7

8 **19. Temporary**

- 9 **a.** For the purposes of Art. 4, Temporary means uses not intended to be permanently  
10 fixed or permanent, and are typically approved for a defined period of time.  
11 **b.** ~~F~~For the purposes of Art. 8, Signage, a single period or an accumulation of periods  
12 not exceeding 90 days in any 365-day period unless further restricted.  
13 **bc.** For the purposes of Art. 15.A, as defined by Rule 64E-6, F.A.C.  
14  
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18 **Part 2. New ULDC Art. 4.B.11, Temporary Uses, is hereby established as follows:**  
19

Reason for amendments: [Zoning]

1. Create a new use classification in Art. 4 for Temporary Uses, to relocate and consolidate uses that are temporary in nature from multiple use classifications as follows:
- Communication Cell Sites on Wheels (COWs) approval process presented as part of Utilities and Excavation Use and supplementary Use Standards from Commercial Communication Towers;
  - Day Camp from Public and Civic Uses;
  - Mobile Retail Sales, Real Estate Sales Model Non-PDD, Temporary Green Market, Temporary Retail Sales, and Temporary Vehicles Sales from Commercial Use;
  - Recycling Drop Off Bin from Utility and Excavation; and,
  - Special Event from Recreation Uses.
2. The Use Matrix has been modified to reflect the most restrictive approval process. Approval process changes are explained in the reason for amendments under every use.

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21 **CHAPTER B USE CLASSIFICATION**

22 **Section 11 Temporary Uses**

23 **A. Temporary Use Matrix**  
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<b>Reason for amendments:</b> [Zoning]	
1.	This amendment deletes duplicated language in the various supplemental standards pursuant to Temporary Uses and consolidates them under Common Provisions and General Standards applicable for all Temporary Uses. The General provisions include Design Standards, Signage, Consent, Electric Service, and Liability and Insurance.
2.	Palm Beach County Parks and Recreation Department has for years issued permits for temporary activities or uses within County parks. This amendment recognizes this practice by adding the clarification in the Code for Temporary Uses.

**B. General Standards and Application Requirements**

**1. Design Standards**

- a. All Temporary Uses, which includes all related activities, vehicles, and equipment shall not be located in a manner that distracts motor vehicle operators, or causes any vehicles to stop or park in violation of the law or official traffic-control devices. [Partially relocated from Art. 4.B.1.A.115.d.2, Location, below]
- b. All Temporary Uses shall not be located in the required setbacks, parking, driveway aisles or loading areas, vehicular maneuvering areas, fire lanes, landscape buffers, sidewalks or ADA accessible routes, unless stated otherwise herein. [Partially relocated from Art. 4.B.1.A.115.d.2, Location, below, and partially relocated from Art. 4.B.1.A.115.a.4, Landscape, below]

**2. Signage**

All signage for Temporary Uses shall comply with Art. 8, Signage, unless otherwise stated herein. [Partially relocated from Art. 4.B.1.A.115.d.8, Signage, below]

**3. Electric Service**

All electrical uses 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. [Partially relocated from Art. 4.B.1.A.115.c.4, Electric Service, below]

**4. Palm Beach County Parks**

Approvals for Temporary Uses located within Palm Beach County Parks shall be submitted to and reviewed by the PBC Parks and Recreation Department.

**5. Additional Requirements**

In addition to the requirements pursuant to Art. 2, Development Review Procedures, the following documentation shall be provided by the Applicant:

**a. Consent**

The Applicant shall obtain and submit as part of their application, consent from the Property Owner(s) or a POA, of which has ownership or control over the property where the Temporary Use will be located.

**b. Liability and Insurance**

The Applicant shall submit:

- 1) A proof of liability insurance listing the BCC as additionally insured and certificate holder. It shall be paid in full covering the period for which the permit is issued, in the minimum amount of \$500,000 per occurrence; and, [Partially relocated from Art. 4.B.1.A.115.a.3, Insurance, under Retail Sales, Mobile or Temporary]
- 2) A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation. [Relocated from Art. 4.B.1.A.115.c.5.a, Liability, under Retail Sales, Mobile or Temporary]



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1 **C. Definitions and Supplementary Use Standards for Specific Uses**  
2 **1. Communication Cell Sites on Wheels (COWs)**  
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<b>Reason for amendments:</b> [Zoning] Communication Cell Sites on Wheels (COWs) definition and Supplementary Use Standards were established in 1998 through Ordinance 1998-1 which included provisions to address Commercial Communication towers and respond to Federal regulations and industry trends in cellular communication. The definition and Supplementary Use Standards were amended by Ord. 2003-067 and 2011-016.
1. Delete standard that indicates the use is subject to Special Permit as the Use Matrix is already indicating that approval process for the zoning districts where the use is allowed.
2. Relocate standards for COWs from Commercial Communication Towers and reorganize according to formatting protocol established for the standards in every use.

4  
5 **a. Definition**

6 ~~COWs shall comply with the following supplementary use standards. COWs means a~~  
7 ~~temporary facility utilized to ensure adequate telecommunications capacity during periods~~  
8 ~~of high usage or during periods when traditional modes of communication are~~  
9 ~~unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with~~  
10 ~~attached antenna, mounted on a trailer or truck. [Relocated from Art. 4.C.8,~~  
11 **Communication Cell Sites on Wheels (COWs)]**

12 **~~B. Special Permit~~**

13 ~~A Special Permit must be obtained from the Zoning Division prior to the placement of the~~  
14 ~~facility.~~

15 **b. Zoning Districts**

16 **~~F.1) Non-Residential Districts~~**

17 **~~1-a) COWs Greater than 50 Feet in Height~~**

18 ~~COWs greater than 50 feet in height located on parcels with non-residential~~  
19 ~~zoning designations shall be subject to the following: [Relocated from Art.~~  
20 **4.C.8.F.1, COWs Greater than 50 Feet in Height]**

21 **~~a.(1) Setback~~**

22 ~~The structure shall meet the greater of the setback requirements of the~~  
23 ~~applicable zoning district or a distance equal to 110 percent of its height.~~  
24 **[Relocated from Art. 4.C.8.F.1.a, Setbacks]**

25 **~~a.(2) Separation~~**

26 ~~The structure shall be separated a minimum of 300 percent of its height from~~  
27 ~~any residential structure on an adjacent parcel. [Relocated from Art.~~  
28 **4.C.8.F.1.b, Separation]**

29 **~~2-b) COWs 50 Feet in Height or Less~~**

30 ~~COWs 50 feet in height or less, located on parcels with non-residential zoning~~  
31 ~~designations are subject to the following: [Relocated from Art. 4.C.8.F.2, COWs~~  
32 **50 Feet in Height or Less]**

33 **~~a.(1) Setback~~**

34 ~~The structure shall meet the setback requirements of the applicable zoning~~  
35 ~~district, provided that a commercial power source (e.g., electric) is utilized, in~~  
36 ~~lieu of petroleum based auxiliary power (e.g., generator). [Relocated from~~  
37 **Art. 4.C.8.F.2.a, Setbacks]**

38 **~~b.(2) Separation~~**

39 ~~The structure shall be separated a minimum of 150 percent of its height from~~  
40 ~~any residential structure on an adjacent parcel. [Relocated from Art.~~  
41 **4.C.8.F.2.b, Separation]**

42 **~~c.(3) Other~~**

43 ~~COWS not utilizing a commercial power source shall be subject to the~~  
44 ~~setback requirements of Article 4.C.8.F.1, COWs Greater than 50 Feet in~~  
45 ~~Height. [Relocated from Art. 4.C.8.F.2.c, Other]~~

46 **~~G.2) Residential Districts~~**

47 **~~1-a) COWs Greater than 50 Feet in Height~~**

48 ~~COWs greater than 50 feet in height located on parcels with residential zoning~~  
49 ~~designations shall be subject to the following: [Relocated from Art. 4.C.8.G.1,~~  
50 **COWs Greater than 50 Feet in Height]**

51 **~~a.(1) Setback~~**

52 ~~The structure shall meet a setback from the property lines equal to 150~~  
53 ~~percent of its height. [Relocated from Art. 4.C.8.G.1.a, Setback]~~

54 **~~b.(2) Separation~~**



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*The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel. [Relocated from Art. 4.C.8.G.1.b, Separation]*

**2.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: [Relocated from Art. 4.C.8.G.2, COWs 50 Feet in Height or Less]*

**a.(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). [Relocated from Art. 4.C.8.G.2.a, Setback]*

**b.(2) Separation**

*The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel. [Relocated from Art. 4.C.8.G.2.b, Separation]*

**c.(3) Other**

*COWs not utilizing a commercial power source shall be subject to the setback requirements of Article 4.C.8.G.1, COWs Greater than 50 Feet in Height, above. [Relocated from Art. 4.C.8.G.2.c, Other]*

**Gc. Use Limitations**

*COWs shall be permitted only in association with recognized large-scale Special Events with a minimum projected daily attendance of 30,000 or greater. The Zoning Director may consider allowing COWs for events with projected attendance of less than 30,000 people. The applicant shall provide documentation that the existing communication facilities cannot accommodate the increase in usage. [Ord. 2011-016] [Relocated from Art. 4.C.8.C, Use Limitations]*

3. Delete standard that limits the use to seven days as COWs are allowed to operate only in conjunction with large Special Events which can take place up to 14 days. A special permit will be issued to allow this use concurrent with the Special Event timeframe therefore there is no need for the time limitation language of seven days.

**D. Time Limitations Extensions**

~~The Special Permit shall be valid for seven days, including installation and removal.~~

**1. Time Extensions**

~~The Special Permit may be extended up to an additional ten days by the Zoning Director based upon individual circumstances and demonstration of need by the applicant. [Relocated from Art. 4.C.8.d, Time Limitations and Art. 4.C.8.d.1, Time Extension]~~

**Ed. Fencing**

~~The COW shall be enclosed by a temporary fence a minimum of six feet in height, or other barrier approved by the Zoning Division Director. [Relocated from Art. 4.C.8.E, Fencing]~~

**He. Removal Bond and Agreement**

~~The applicant shall execute a removal agreement and post a \$50,000.00 removal bond, subject to approval by the Zoning Director and County Attorney. [Relocated from Art. 4.C.8.H, Removal Bond and Agreement]~~

**Af. 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. [Relocated from Art. 4.C.8 A, States of Emergency]~~

Reason for amendments to Communication Cell Sites on Wheels (COWs) in the Use Matrix: [Zoning]	
4.	Consolidate Special Permit approval process reflected in standard zoning districts, Urban Redevelopment Area Overlay (URAO), Infill Redevelopment Overlay (IRO), Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) Use Matrices.
5.	As the use is limited to operate in association with Special Events, the Use Matrix has been modified to remove the approval of the use from zoning districts where Special Events are not allowed.
6.	Allow the use in Multiple Use Planned Development (MUPD) with Economic Development Center (EDC) Future Land Use (FLU) designation, and the Exurban and Rural Tier as well as the development area of the Agricultural Reserve (AGR) Tier in the Traditional Marketplace Development (TMD) subject to Special Permit. The change is made for consistency with the zoning districts where Special Event use is allowed.

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3 **2. Day Camp**  
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<b>Reason for amendments:</b> [Zoning] The Day Camp use definition and Supplementary Use Standards were first referenced as part of the 1997 ULDC (Ord. 1997-014). The definition and Supplementary Use Standards were amended by Ord. 2000-015 and 2003-067.
1. Revise Definition, and relocate the statement that clarifies this use shall not operate as a Day Care since Day Care is a separate use and subject to separate provisions.
2. Delete standard that limits the operation of the use to only those times when local schools are not in session. This amendment recognizes that the operation of the use shall be dictated by the times when schools consider appropriate to house Day Camps.

5  
6 **a. Definition**

7 An establishment which provides care, protection and programmed activities for children  
8 five years of age and older for a period of less than 24 hours per day. ~~This use shall not  
9 operate as a day care as defined and regulated by the Department of Children and  
10 Family Services.~~ [Relocated to Operation, below]

11 **ab. Duration**

12 Maximum 16 weeks per calendar year.

13 **bc. Operation**

14 ~~Shall operate only during those times when local schools are not in session. This use  
15 shall not operate as a day care as defined and regulated by the Department of Children  
16 and Family Services.~~ [Relocated from Definition, above]

17 **ed. Accessory Use**

18 A day camp for 200 or fewer children may be ~~p~~Permitted by Right as an accessory use to  
19 a legally established institutional, civic, recreational, or educational use.  
20

<b>Reason for amendments to Day Camp in the Use Matrix:</b> [Zoning]
3. The use has been added to Community Commercial (CC) and General Commercial (CG) Zoning Districts, Commercial pods within Planned Unit Development (PUD) and Planned Industrial Park (PIPD), Neighborhood Center (NC) of Traditional Neighborhood Development (TND), and TMD except for the Preservation area of the AGR Tier, subject to DRO approval. The change is made for consistency with approval in other commercial zoning districts where the use will not cause changes to the character of the districts or areas where they are allowed.
4. Change the approval process in MUPD, Mixed Use Planned Development (MXPDP), and Lifestyle Commercial Center Development (LCC) with Commercial High (CH) FLU designation from Class A Conditional Use to DRO. The use is limited to operate during 16 weeks per year which does not merit public hearing due to its temporary nature. The change is consistent with the approval process in similar commercial zoning districts.
5. Change the approval process in Commercial Recreation (CRE) and Institutional and Public Facilities (IPF) Zoning Districts from DRO to Permitted by Right to support the location of the use in areas where institutional and recreational uses are expected which is consistent with approval in similar zoning districts such as MUPD with Commercial Recreation (CR) or Institutional (INST) FLU designation.

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24 **3. Mobile Retail Sales**  
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<b>HISTORY:</b> The Mobile and Temporary Retail Sales use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 2003-067, 2005-002, 2008-003 and 2011-016.
<b>Reason for amendments:</b> [Zoning]
1. Split Retail Sales, Mobile or Temporary into two distinct uses, for purposes of clarifying the requirements and approval process for each, and to establish Mobile Retail Sales as a new Temporary Use with more specific Supplementary Use Standards.
2. Establish a definition to clarify that the sales shall remain portable and mobile at all times.

26  
27 **a. Definition**

28 General retail sales from a mobile vehicle or a portable trailer without a fixed or  
29 permanent location.

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3. Recognize transient mobile vendors typically associated to mobile sales of food that spend no more than 2 hours on any site, are exempt from Mobile Retail Sales Supplementary Use Standards and Special Permit approval process. As these vendors are moving from site to site, it is hard to track their location. In addition, since they are on the site for less than a couple hours and provide a needed service to the tenant and customers they do not require specific on-site regulations. These provisions do not include road vendors since they are regulated by the Engineering Department.

**b. Exception**

Transient sales vehicles that travel to several locations in one day, and spend less than two-hours in the same location, may be exempt from Special Permit approval and these requirements.

**c. Renewal**

The Special Permit shall be renewed annually pursuant to Art. 2.D.2, Special Permit. [Partially relocated from Art. 4.B.1.A.115.d.7, Renewal, under Retail Sales, Mobile or Temporary]

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- 4. Limit the number of parking spaces to be utilized by a Mobile Retail Sales to two required parking spaces when the applicant demonstrates that the site does not have enough space available to locate the use, in such case, it would be limited to only one Mobile Retail Sales vendor per site. Additional provisions allow up to three vendors if the location is in parking spaces that are in excess of the minimum spaces required for the site to operate.
- 5. Establish an exception for setback requirements from existing residential uses by allowing the Mobile Retail Sales within 200 feet of residential if there is a non-residential structure blocking the view of the Mobile Retail Sales. The setback was modified from 300 feet to 200 feet to make the distance consistent with Special Event use.
- 6. Clarify that retail goods are not allowed to be displayed outside of the mobile vehicle in order to avoid expansion of the use to areas not permitted to operate business.
- 7. Clarify that the Transit Division of the Engineering Department has historically issued permits for roadside vendors and such applications are not processed by the Zoning Division or subject to the standards contained in this use.

**d. Location**

Vendors shall not be located in vehicular maneuvering areas, or access aisles, however, a vendor may be located in two required parking spaces when limited areas are available on-site.

**e. Setbacks**

The use shall be setback a minimum of 200 feet from any property line of an existing residential use. This requirement shall not apply if a permanent building or structure blocks the view of the Mobile Retail Sales from residential. [Partially relocated from Art. 4.B.1.A.115.d.3, Adjacent Residential District, under Retail Sales, Mobile or Temporary]

**f. Number of Vendors**

A maximum of three Mobile Retail Sale vendors per development, provided they comply with the location above.

**g. Operation**

Merchandise shall only be displayed in the interior of the mobile vehicle or portable trailer.

**h. Roadside Vendors**

Applications for roadside vendors located within Palm Beach County R-O-Ws shall be submitted to and reviewed by the PBC Traffic Division in accordance with the Palm Beach County Code, Chapter 23, Article V, Roadside Stands and Vendors, as amended.

<b>Reason for amendments to Mobile Retail Sales in the Use Matrix: [Zoning]</b>	
8.	The Use Matrix is indicating the use as new in terms of approval process and it is allowed in commercial, industrial and institutional standard zoning districts subject to Special Permit. Most of the zoning districts where the use has been indicated as allowed are consistent with the zoning districts where Temporary Sales is allowed, too. As this use is mobile, it does not remain on the same site for long periods of time, therefore it is also allowed in industrial zoning districts.
9.	When compared with the approval of the original use, Retail Sales Mobile or Temporary, this Mobile Retail Sales use was added to the Commercial Low (CL) and Commercial High (CH) subareas of the IRO, as well as all subareas of MUPD, the Commercial High Office (CHO) subarea of MXPDP, Industrial (IND/L and IND/G) subareas of PIPD, and in CL and CH subareas of LCC, for purposes of maintaining consistency among Zoning Districts.

**4. Real Estate Sales Model, Non-PDD**

<b>HISTORY:</b> The Real Estate Sales Model, Non-PDD use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).
<b>Reason for amendments:</b> [Zoning]
1. Reorganize the Supplementary Use Standards for consistency with the standardized formatting applicable to Use Regulations.
2. Revise definition to incorporate additional residential types by deleting limitation of the use to Single Family residential units only.
3. Simplify standards that relate to the duration of the use to improve readability.
4. Delete provision pertaining to fees as procedures are currently established that apply to all Special Permit Uses.
5. Amend the Signage standard to remove the conflicting language, since both freestanding signs and monument signs are ground-mounted signs with the same design limitations within Art. 8, Signage.
6. Delete duplicate language that is covered in Article 8, Signage that addresses prohibited signs.
7. Delete language that does not allow additional parking for unmanned models since staff cannot justify this restriction.

**a. Definition**

A ~~single family~~ residential unit used for real estate marketing, ~~real estate and sales, as a~~ builder's office, and ~~for~~ other services directly associated with the sale of ~~a~~ residential units ~~and limited to the areas referenced below. In a real estate sales model, sales shall be limited to new units built by the company operating the sales model.~~ **[Partially relocated to Operation, below]**

**a. Approval Duration**

The Special Permit ~~and completion agreement obtained from the Zoning Division~~ shall be valid for five years ~~from the date of issuance. —The terms of the Special Permit and completion agreement and~~ may be ~~extended~~ renewed for an additional five years ~~provided that the permit holder:~~

- 1) ~~executes a five year completion agreement with the Zoning Division; and~~
- 2) ~~complies with the terms of this Subsection.~~

**b. Fee**

~~A Special Permit fee may be required by the Zoning Division to process and inspect a real estate sales model that is applying for an extension.~~

**c. Location**

~~A real estate sales model s~~shall be located ~~on~~ with access directly from a paved street.

**d. Parking**

~~The driveway and required handicap spaces shall be the only paved parking areas.~~ **[Partially relocated from Parking, below]**

**e. Signage**

~~The following signs shall be permitted:~~ **[Relocated from Permitted Signs, below]**

**1) Temporary**

~~One ground mounted sign not exceeding eight feet in height and 32 square feet of sign face area.~~ **[Partially relocated from Permitted Signs, below]**

**2) Directional**

~~A maximum of two directional signs not exceeding four feet in height and two square feet in sign face area.~~ **[Partially relocated from Permitted Signs, below]**

**3) Flags**

~~A maximum of three roadside flags shall be permitted per lot between the hours of 9:00 a.m. and 6:00 p.m.~~ **[Partially relocated from Permitted Signs, below]**

**f. Storage**

~~Outdoor storage of construction material, supplies, or equipment shall not be permitted.~~ **[Relocated from Outdoor Storage, below]**

**dg. Number**

A builder may construct and operate a maximum of two manned and two unmanned models in a platted residential subdivision which is not in a PUD, or in one of the following residential areas:

- 1) Jupiter Farms.
- 2) The Acreage.
- 3) ~~Loxahatchee Groves.~~
- 4) Palm Beach Country Estates.



1 **5. Recycling Drop-Off Bin**

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<b>HISTORY:</b> The Recycling Drop-Off Bin use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1993-004, 1995-008, 1997-064, 1988-011, 1999-037, 2000-015, 2001-001, 2001-062, and 2001-100.
<b>Reason for amendments:</b> [Zoning]
1. Relocate the Supplementary Use Standards for consistency with the standardized formatting of Art. 4., Use Regulations.
2. Clarify that the use will be subject to annual renewal when there is not a site plan and the use is subject to Special Permit.
3. Clarify the definition of Recycling Drop-Off Bin identify the temporary and portable nature.
4. Clarify the size of recycling bins by indicating the type of portable container utilized instead of using gross floor area.

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4 **a. Definition**

5 A totally enclosed ~~mobile temporary~~ structure or portable container within which the  
6 following pre-sorted, recyclable materials are collected: glass, aluminum, steel, and  
7 plastic containers no greater than six gallons in capacity, and paper. [Ord. 2013-001]  
8 [Ord. 2007-001] [Ord. 2013-001]

9 **a. Mobility**

10 ~~The mobility of a drop-off bin shall be maintained at all times.~~ [Relocated to Mobility,  
11 below]

12 **b. Approval Process**

13 ~~If a DRO Site Plan is not on file with the Zoning Division, a Special Permit shall be~~  
14 ~~required, and may be renewed annually pursuant to Art. 2.D.2, Special Permit. [Ord.~~  
15 ~~2013-001] [Partially relocated from Approval Process, below]~~

16 **b.c. Location**

17 The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not  
18 be located within required parking spaces. In TMD and LCC districts, and for IRO  
19 projects, the recycling drop-off bins shall be designed to be consistent with the building's  
20 design and shall not be located on a Main Street. [Ord. 2010-005] [Ord. 2013-001]

21 **d. Signage**

22 Signage shall be required for all bins, as follows: [Ord. 2013-001]

23 **1) Location**

24 a) One sign shall be located on the front or side where materials are collected.

25 b) No more than two signs shall be allowed. [Ord. 2013-001] [Partially relocated  
26 from Signage, below]

27 **2) Minimum/Maximum Size**

28 A minimum of eight and a maximum of 16 square feet. [Ord. 2013-001] [Relocated  
29 from Signage, below]

30 **3) Content**

31 All required sign content shall be in lettering a minimum of six inches in height. The  
32 name and phone number of a responsible party shall be clearly posted. The name of  
33 the organization that is collecting the recyclable materials shall also be posted and  
34 include whether for profit, not-for profit or government entity. No additional content  
35 other than logos, clarification of materials to be collected for recycling, or direction  
36 signage identifying the bin shall be allowed. [Ord. 2013-001] [Relocated from  
37 Signage, below]

38 **e. Storage**

39 Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no  
40 outdoor storage of materials or refuse. [Relocated from Outdoor Storage Prohibited,  
41 below]

42 **f. Number**

43 The number of recycling bins shall be based upon the overall acreage of a development,  
44 including outparcels, provided all development regulations are met on-site. A minimum of  
45 one recycling bin for each site up to a maximum of one recycling bin per acre, rounded  
46 down to the nearest whole acre, may be allowed. No more than three bins shall be  
47 clustered or located within any one acre area unless collocated with loading, dumpster or  
48 other similar areas. [Ord. 2013-001] [Partially relocated from Number, below]

49 **g. Maintenance-Operation**

50 1) The bin and adjacent area shall be maintained ~~in good appearance~~ and free from  
51 litter, debris, and residue on a daily basis. Failure to maintain ~~a good appearance the~~  
52 ~~bin and adjacent area shall may~~ result in the revocation of the DRO approval or  
53 sSpecial use pPermit, where applicable. [Ord. 2013-001]

- 1                   2) ~~No processing of deposited materials shall be allowed on-site. Limited sorting or~~  
 2                   ~~separation may only be permitted when a bin is manned by a person during permitted~~  
 3                   ~~collection hours. The unit shall employ no mechanical sorting or processing~~  
 4                   ~~equipment. [Ord. 2013-001] [Relocated from Processing, below]~~  
 5                   3) ~~A recycling bin containing 40 cubic yards or more shall be monitored by a person.~~  
 6                   ~~Manned collection activities shall be limited to between 7:00 a.m. to 8:00 p.m. daily.~~  
 7                   ~~[Ord. 2013-001] [Relocated from Manning, below]~~  
 8                   **d. Processing**  
 9                   ~~No processing of deposited materials shall be allowed on the site. Limited sorting or~~  
 10                   ~~separation shall only be permitted when a bin is manned by a person during permitted~~  
 11                   ~~collection hours. The unit shall employ no mechanical sorting or processing equipment.~~  
 12                   ~~[Ord. 2013-001] [Relocated to Operation, above]~~  
 13                   **eh. Prohibited Materials**  
 14                   Collection of materials shall be expressly limited to pre-sorted, recyclable materials  
 15                   identified in this supplementary standard. Collection of any other materials, including but  
 16                   not limited to rubber, textiles, hazardous wastes or construction debris is prohibited.  
 17                   **[Ord. 2013-001]**  
 18                   **f. Signage**  
 19                   ~~Signage shall be required for all bins, as follows: [Ord. 2013-001]~~  
 20                   1) ~~Location~~  
 21                   ~~One sign shall be located on the front or side where materials are collected. No more~~  
 22                   ~~than two signs shall be permitted. [Ord. 2013-001] [Partially relocated to Signage,~~  
 23                   ~~above]~~  
 24                   2) ~~Minimum/Maximum Size~~  
 25                   ~~A minimum of eight and a maximum of 16 square feet. [Ord. 2013-001] [Relocated~~  
 26                   ~~to Signage, above]~~  
 27                   3) ~~Content~~  
 28                   ~~All required sign content shall be in lettering a minimum of six inches in height. The~~  
 29                   ~~name and phone number of a responsible party shall be clearly posted. The name of~~  
 30                   ~~the organization that is collecting the recyclable materials shall also be posted and~~  
 31                   ~~include whether for profit, not for profit or government entity. No additional content~~  
 32                   ~~other than logos, clarification of materials to be collected for recycling, or direction~~  
 33                   ~~signage identifying the bin shall be permitted. [Ord. 2013-001] [Relocated to~~  
 34                   ~~Signage, above]~~  
 35                   **g. Number**  
 36                   ~~The number of recycling bins shall be based upon the overall acreage of a development,~~  
 37                   ~~including outparcels, provided all development regulations are met on site. A minimum of~~  
 38                   ~~one recycling bin shall be permitted for each development up to a maximum of one~~  
 39                   ~~recycling bin per acre, rounded down to the nearest whole acre. No more than 3 bins~~  
 40                   ~~shall be clustered or located within any one acre area unless collocated with loading,~~  
 41                   ~~dumpster or other similar areas. [Ord. 2013-001] [Partially relocated to Number,~~  
 42                   ~~above]~~  
 43                   **h. Outdoor Storage Prohibited**  
 44                   ~~Recycling materials shall be contained within a leak proof bin or trailer. There shall be no~~  
 45                   ~~outdoor storage of materials or refuse. [Relocated to Storage, above]~~  
 46                   **i. AR/RSA**  
 47                   ~~May be permitted in the AR/RSA District with a SA FLU, subject to DRO approval. [Ord.~~  
 48                   ~~2005 – 002] [Ord. 2007-001]~~  
 49                   **jj. Size**  
 50                   ~~A maximum of Shall be limited to 500 square feet of GFA per container or temporary~~  
 51                   ~~structure. [Ord. 2013-001]~~  
 52                   **k. Manning**  
 53                   ~~A recycling bin containing 40 cubic yards or more shall be monitored by a person.~~  
 54                   ~~Manned collection activities shall be limited to 7:00 a.m. to 8:00 p.m. daily. [Ord. 2013-~~  
 55                   ~~001] [Relocated to Operation, above]~~  
 56                   **l. Approval Process**  
 57                   ~~If there is no DRO certified site plan on file with the Zoning Division, a Special Permit~~  
 58                   ~~shall be required. [Ord. 2013-001] [Partially relocated to Approval Process, above]~~  
 59                   **j. Mobility**  
 60                   ~~The mobility of a drop-off bin shall be maintained at all times. [Relocated from Mobility,~~  
 61                   ~~above]~~

<b>Reason for amendments to Recycling Drop-Off Bin in the Use Matrix:</b> [Zoning]
5. No changes were made in the Use Matrix.

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3 **6. Special Event**  
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<b>HISTORY:</b> The Special Event use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1994-23, 1996-028, 1997-064, 1998-011, 1998-012, 1999-037, 2001-001 and 2003-013.
<b>Reason for amendments:</b> [Zoning]
1. Relocate the order of the Supplemental Use Standards for consistency with the standardized formatting for Art. 4, Use Regulations.
2. Expand the list of Typical Special Events to provide more examples and improve clarity of the use.
3. Delete requirement for Class A Conditional Use approval when Special Events are exceeding 14 days, since the Applicant can request up to three Special Event Permits per parcel, per year.
4. Delete the standard requiring 200 ft of frontage to increase the number of sites that may hold Special Events.
5. Delete the standard that requires access to minimize traffic through nearby residential areas since the site where the Special Event will take place already shall have access points established.

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6 **a. Definition**

7 A temporary activity which may includes rides, amusements, food, games, crafts, and  
8 performances, ~~or and services.~~ ~~Typical uses include carnivals, circuses, auctions, and~~  
9 ~~revivals.~~ [Partially relocated to Typical Events, below]

10 ~~a. Duration~~

11 ~~A maximum of 14 consecutive calendar days. Special events exceeding 14 days shall~~  
12 ~~require approval of a Class A conditional use.~~ [Partially relocated to Duration, below]

13 **b. Typical Special Events**

14 Typical Special Events may include but are not limited to carnivals, circuses, temporary  
15 auctions, rallies, and revivals. [Partially relocated from Definition, above]

16 **c. Approval Process**

17 The use shall be subject to Special Permit if the event is projected to attract less than  
18 1,000 patrons on a site less than two acres. Project attendance shall be specified in the  
19 application. [Partially relocated from Attendance, below]

20 **d. Duration**

21 1) A Special Event shall not exceed 14 consecutive days. [Partially relocated from

22 Duration, above]

23 2) If the Applicant provides to the Zoning Division a Justification Statement explaining  
24 the need for an extension, Zoning Staff shall determine whether the extension shall  
25 be granted up to 21 total consecutive days based on the following:

26 a) The types of activities warrant the additional time period; and,

27 b) The time extension shall not cause an adverse impact or a nuisance to the  
28 adjacent parcels.

29 3) A maximum of three events per calendar year per parcel. [Partially relocated

30 Events per Year, below]

31 **e. Zoning District - Residential**

32 Special Events that are prohibited in residential zoning districts may be allowed subject to  
33 a Special Permit approval, and the following:

34 1) Shall be collocated with a Place of Worship;

35 2) Hours of operation shall be from 9:00 a.m. to 5:00 p.m.; and,

36 3) Special Events and religious services operating during the same time are required to  
37 provide parking for both activities or comply with the off-site parking provisions in Art.  
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39 **b. Setbacks**

40 ~~All buildings, trailers, vehicles, tents, mechanical devices, rides or animals related to an~~  
41 ~~amusement or special event shall comply with the minimum setbacks of the district and~~  
42 ~~shall be located at a minimum of 50 feet from a street and 200 feet from any property line~~  
43 ~~adjacent to a residential use.~~ [Partially relocated to Setbacks, below]

44 **cf. Frontage Location**

45 ~~The minimum frontage on a public street shall be 200 feet. A special event s~~shall not be  
46 permitted if the frontage abuts a street under construction.

47 **1) U/S Tier**

48 Primary access shall be from a paved arterial or collector street.

49 **2) Rural-All Other Tiers**

50 a) In the Rural, Exurban, AGR and Glades Tiers, primary access shall be from a  
51 paved street. Access shall minimize traffic through nearby residential areas.

52 b) Back-out parking directly onto a public street shall be prohibited.



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<b>Reason for amendments:</b> [Zoning]	
6.	Provide alternative option for Special Events adjacent to residential land uses to be exempt from the setback requirements when there is no residential structure on the adjacent site.
7.	Limit locations of Special Events on vacant parcels to sites with stabilized ground, defined ingress and egress and forward motion vehicle circulation to address tentative location of the use on non-PDD sites.
8.	Delete the separation requirement between Special Events since they are temporary in nature and not linked to permanent use approvals.

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**g. Setbacks**

*All buildings, trailers, vehicles, tents, mechanical devices, rides, animals and related equipment and activities shall be setback as follows:*

- 1) *A minimum of 50 feet from any adjacent streets.*
- 2) *A minimum of 200 feet setback is required from any property line with a residential use or FLU designation. This requirement may be exempt if the residential parcel has no existing residential structures. [Partially relocated from Setbacks, above]*

**e. Events Per Year**

*There shall be no more than three special events permitted in any one calendar year per parcel of land. [Partially relocated to Duration, above]*

**dh. 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. Off-site parking may be and allowed and subject to a Special Permit and conditions for temporary special events.*

**f. Attendance**

*DRO approval shall be required for any event projected to attract more than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application. [Partially relocated to Approval Process, above]*

**g. Separation**

*A Special Permit shall not be issued for the same dates for two or more special events within one-half mile from each other.*

**h. AR/RSA**

*May be permitted in the AGR with a SA-FLU, subject to a Special Permit approval. [Ord. 2005-002]*

<b>Reason for amendments to Special Event in the Use Matrix:</b> [Zoning]	
9.	Change the approval process in the IRO with CL and CH FLU designation from DRO to Special Permit for consistency with other commercial zoning districts.
10.	Allow the use in the IRO with CHO FLU designation subject to Special permit, for consistency in the CHO Standard Zoning District.
11.	Allow the use in MUPD, MXPDP, PIPD, and LCC subject to Special Permit, for consistency with other commercial zoning districts where the use is expected to occur.

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**7. Temporary Green Market**

**History:** [Zoning] The Temporary Green Market use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards was amended by Ord. 2003-067.

<b>Reason for amendments:</b> [Zoning]	
1.	Define the Duration by limiting Temporary Green Market operation to six months and differentiate from Permanent Green Market.
2.	Clarify that the use will be subject to annual renewal as the use duration is limited to a calendar year.

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**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 on a retail basis. [Ord. 2012-027]*

**b. Duration**

*Shall only be allowed on weekends and holidays, and up to six-months per calendar year. [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Partially relocated from Duration and Approval, below]*

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| 3. | Add language supporting operation on smaller lot sizes in the Westgate CRA Overlay so that the community is not prevented from having Temporary Green Markets due to smaller lot sizes typical of that overlay. |
| 4. | Minimize the proliferation of signs at Temporary Green Markets by limiting the visibility of signage from streets to ensure reduction of visual impact.   |
| 5. | Delete duplicate language for Temporary Electric Service to be covered by the Common Provisions and General Standards.  |

- c. Renewal**  
The Special Permit may be renewed annually pursuant to Art. 2.D.2, Special Permit.
- ad. Lot Size**  
A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required. [Ord. 2012-027] [Ord. 2015-031]
- e. Signage**  
Vendor signs shall not be visible from the right of way.
- b. Duration and Approval**  
~~Weekends only, subject to approval of a Special Permit. A Temporary Green Market that is located within required parking spaces or access aisles for a temporary period of time, which shall be defined by anything exceeding one hour or several days, shall comply with the Special Permit requirements in Article 2.D.2. [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Partially relocated to Duration, above]~~
- ~~**c. Site Operation**  
The market stall shall be located on the site as not to utilize required parking spaces or obstruct any access or parking lot aisles. [Ord. 2007-001] [Partially relocated to Operation, below]~~
- ~~**d. Temporary Electric Service.**  
The applicant shall obtain an electrical permit for temporary power, if applicable. [Ord. 2007-001] [Ord. 2012-027]~~

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| <b>Reason for amendments:</b> [Zoning] |   |
| 6.                                     | Reduce the maximum size of a vendor stand so that it corresponds to the size required to obtain a building permit for a temporary structure.  |
| 7.                                     | Delete language that specifies types of vehicles that may be utilized for transporting vendor supplies, and clarify that vehicles may remain on-site subject to removal within 2 hours after the market closes. |
| 8.                                     | Delete Signage language that is currently covered in Art. 8, Signage.   |

- ~~**e. Stands Operation**
  - 1) Tents exceeding 120 square feet shall be subject to a building permit review in accordance with Art. 2.D.2.D, Review Process. ~~Each vendor stand shall not exceed 150 square feet. The stand shall remain transportable.~~
  - 2) Motor vehicles ~~such as vans or small trucks utilized for the purpose of transporting vendor supplies and products~~ may be ~~permitted~~ allowed on-site, provided the vehicles is-are removed from the site at within two hours after ~~the close of the~~ market closes each weekend.
  - 3) ~~Shall not utilize required parking spaces.~~ [Ord. 2007-001] [Partially relocated from Site Operation, above]~~
- ~~**f. Signage**  
A maximum of two signs with a maximum sign face area of 32 square feet per side. Signs shall be setback a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons and flags shall be prohibited.~~

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|--|--|
| <b>Reason for amendments to Temporary Green Market in the Use Matrix:</b> [Zoning] |  |
| 9.   | Change the approval process in the URAO and IRO from DRO to Special Permit, to keep the use consistent with similar standards for commercial zoning districts.   |
| 10.  | Temporary Green Market use has been added to the following Zoning Districts, subject to Special Permit: Light Industrial (IL) and Public Ownership (PO), Commercial and Civic pods of PUD, CL, CH, Commercial Office Low (CLO), CHO, and Industrial (IND) subareas of MUPD, CH and CHO subareas of MXPD, Light Industrial (IND/L) and Commercial pods of PIPD. The use has been added to the new districts in order to provide more opportunities to access local produce. |



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**8. Temporary Retail Sales**

<b>HISTORY:</b> The Mobile Retail Sales and Temporary Retail Sales use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 2003-067, 2005-002, 2008-003 and 2011-016.
<b>Reason for amendments:</b> [Zoning]
1. Delete duplicate language for Insurance and Landscape that is covered in Common Provisions and General Standards.
2. Delete Setback provisions since the use is required to comply with the setbacks of the zoning district where the use shall be located. In addition, safe sight triangle regulations are already in Art. 3 of the ULDC.
3. Delete standard requiring Location Plan since it will be covered by Art. 2 and the Technical Manual.
4. Delete the duplicate definition of Temporary Sales and specific provisions that apply to sparklers. Deletion also includes the standard for specific zoning district approval process now shown in the Use Matrix.
5. Delete Sign standard that is currently covered in Art. 8, Signage.

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**a. Definition**

General retail sales without a fixed or permanent location.

**a. General Requirements**

~~1) Frontage~~

~~Mobile or temporary sales shall front an arterial street.~~ [Partially relocated to Location, below]

~~2) Setbacks~~

~~Mobile or temporary retail sales shall comply with the setbacks of the district. The minimum setback from streets is 20 feet. Setbacks shall not be located in any safe sight triangle.~~

~~3) Insurance~~

~~Proof of liability insurance shall be submitted listing the BCC as additionally insured or certificate holder, paid in full covering the period for which the permit is issued, in the minimum amount of \$500,000 per occurrence.~~ [Partially relocated to Art. 4.B.11.B.4.b, Liability and Insurance under Common Provisions and General Standards]

~~4) Landscape~~

~~Mobile or temporary sales shall not be located in any landscape buffer.~~ [Partially relocated to Art. 4.B.11.B.1.b, Design Standards]

~~5) Location Plan~~

~~An application for mobile or temporary sales shall submit a plan delineating location, parking and vehicle circulation and signage.~~

~~6) Warranty Deed~~

~~Submit a copy of the recorded warranty deed for the property.~~

**b. Temporary Sales**

Temporary sales shall be conducted without a fixed or permanent location. Typical uses include sparklers, as defined in F.S. §791.01, or special event sales, such as the sale of furniture, and seasonal sales regulating (e.g. Christmas trees, pumpkins) that may require a tent or temporary structure.

~~1) Districts~~

~~Limited to the CN, CC, CG, IPF, AGR, UC, UI, MUPD, or MXPD Zoning districts. [Ord. 2011-016]~~

~~2) AGR District~~

~~Temporary sales in the AGR district shall be limited to plants, pumpkins and Christmas trees.~~ [Relocated to Zoning District - AGR, below]

~~3) Duration~~

~~Temporary sales shall not exceed 30 days. Issuance of a Special Permit shall be limited to four times a year per parcel.~~ [Relocated to Duration, below]

~~4) Tent~~

~~A maximum of one temporary tent or structure shall be allowed per parcel.~~ [Relocated to Number, below]

~~5) Sign~~

~~One on-site, non-illuminated freestanding sign shall be permitted. This sign shall not exceed 32 square feet in sign area, shall not exceed six feet in height from finished grade, and shall be located at least five feet from all base building lines. The sign may remain on the site only for the approved duration of the temporary sale.~~



1                   **eb) Affidavit of Compliance**

2                   A signed and notarized affidavit of compliance with the Approved List of  
3                   Sparklers maintained by the State Fire Marshall. The affidavit shall be submitted  
4                   affirming that only products on the State Fire Marshall's approved List of  
5                   Sparklers ~~and Novelty Items~~ will be sold and that violation of the affidavit may  
6                   result in an injunction.

7                   **6c) Documentation**

8                   ~~The applicant shall submit e~~Copies of State of Florida registration documents for  
9                   any corporate or other business entity, evidence of registering any fictitious name  
10                  to be used and driver's licenses for the applicant's authorized agents.

11                  **f. Parking**

12                  Parking shall be provided on-site, on a stabilized surface with defined ingress/egress.  
13                  Vehicles shall enter and leave the site in a forward motion.

14                  Reason for amendments: [Zoning]

11. Delete zoning districts reference associated to Mobile Sales as the use was split and it is now shown in the Use Matrix part of the new Mobile Sale use.

15                  **d. Mobile Sales [Ord. 2005 – 002]**

16                  ~~Mobile sales shall be conducted from a portable stand, structure, or trailer which is~~  
17                  ~~removed each night. Mobile sales operations shall be limited to flowers and food products~~  
18                  ~~and shall:~~ **[Partially relocated to Art. 4.B.11.C.3.a, Definition, under Mobile Retail**  
19                  **Sales]**

20                  **1) District**

21                  ~~Mobile sales shall be limited to the CC, CG, IL, PO, UC, UI, and MUPD Zoning~~  
22                  ~~districts. [Ord. 2011-016]~~

23                  **2) Location**

24                  ~~Mobile sales shall not be located in any required parking spaces nor in such a~~  
25                  ~~manner as to distract motor vehicle operators or promote, require or cause any~~  
26                  ~~vehicles to stop, stand or to park in violation of official traffic control devices,~~  
27                  ~~including, but not limited to, signs, signals, and markings erected by authority of the~~  
28                  ~~County or State of Florida for the purpose of regulating, moving or guiding traffic.~~  
29                  ~~Mobile sales shall not be located in any driveway aisles or loading areas or interfere~~  
30                  ~~with on-site circulation. [Partially relocated to Art. 4.B.11.B.1.a, Design Standard]~~

31                  **3) Adjacent Residential District**

32                  ~~Mobile sales shall be located a minimum of 300 feet from the property line of any~~  
33                  ~~existing residential use. [Partially relocated to Art. 4.B.11.C.3.e, Setbacks, under~~  
34                  ~~Mobile Retail Sales]~~

35                  Reason for amendments: [Zoning]

12. Delete reference to the number of vendors limited to one as the provisions under Mobile Retail Sales is allowing up to 3 mobile vendors per development as long as they are not located on required parking spaces, vehicular and maneuvering areas, parking or landscaping.

13. Delete standard related to Electric Service which has been consolidated with Common Provisions and General Standards applicable to all Temporary Uses.

14. Delete Hours of Operation standard as it will be consolidated into Art. 5 with all other use classifications.

36                  **4) Number**

37                  ~~Only one mobile sales vendor shall be permitted per parcel of land.~~

38                  **5) Electric Service**

39                  ~~Electric service shall not be permitted.~~

40                  **6) Hours of Operation**

41                  ~~Mobile sales may operate between the hours of 6:00 a.m. and 11:00 p.m. daily.~~  
42                  ~~[Ord. 2008-003]~~

43                  **7) Renewal**

44                  ~~The Special Permit for mobile sales shall be renewed annually. [Partially relocated~~  
45                  ~~to Art. 4.B.11.C.3.c, Renewal, under Mobile Retail Sales]~~

46                  **8) Signage**

47                  ~~Shall comply with Article 8, SIGNAGE, subject to special standards and requiring no~~  
48                  ~~permit. [Partially relocated to Art. 4.B.11.B.2, Signage, under Common~~  
49                  ~~Provisions and General Standards]~~

50                  Reason for amendments to Temporary Retail Sales in the Use Matrix: [Zoning]

14. Change the approval process in IRO with CL and CH FLU designation from DRO to Special Permit for consistency with the approval of the use in similar zoning districts.

15. Allow the use in MUPD Zoning Districts with CL, CH, CLO, CHO, and CR FLU designations; MXPD with CHO FLU designation; and LCC with CL and CH FLU designation subject to Special Permit. The use is added in the zoning districts for consistency with the standard zoning districts.

**9. Temporary Vehicle Sales**

**HISTORY:** The Vehicle Sales and Rental use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

**Reason for amendments:** [Zoning]

- 1. Separate the Temporary Vehicle Sales use from the permanent Vehicle Sales and Rental use, to consolidate the temporary use classification.
- 2. Clarify the types of vehicles that may be sold at Temporary Vehicle Sales events, for purposes of improving the readability.
- 3. Delete standard that indicates zoning districts where the use is since the Use Matrix now reflects the approval process for CG, IL and MUPD Zoning Districts.
- 4. Clarify the Duration may not exceed four times per calendar year. The specificity on the number of times per year was missing from the existing Code.

**a. Definition**

*The temporary sale of new or used motor vehicles, including cars, trucks and recreational vehicles, shall be allowed as a Special Permit, and subject to the following additional standards. [Relocated from Art. 4.B.1.A.135.d, Temporary Sale]*

**1) ~~CG, IL, and MUPD Districts~~**

*Temporary sale of vehicles shall be permitted.*

**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. [Relocated from Art. 4.B.1.A.135.d.4, Duration]*

**2)c. Lot Size**

*A minimum of ten acres. [Relocated from Art. 4.B.1.A.135.d.2, Lot Size]*

**3)d. ~~Setbacks Separation~~**

*The event area shall be setback a minimum of 50 feet from all buildings. [Relocated from Art. 4.B.1.A.135.d.3, Separation]*

**4) ~~Duration~~**

*Temporary sales shall be limited to five consecutive calendar days and shall be prohibited during the months of November and December. [Partially relocated to Duration, above]*

5. Prevent the use of parking spaces dedicated for persons who have disabilities to be utilized by activities or display associated with this temporary use.

6. Allow accessory sales to Temporary Vehicle Sales limited to food and beverage and no more than three Mobile Retail Sales vendors consistent with the limitation in the number of Mobile Retail Sales standards.

7. Delete Hours of Operation standard as it will be consolidated into Art. 5 with all other use classifications.

**5)e. ~~Parking~~**

*1) A maximum of 50 required off-street parking spaces may be utilized, and No related activities shall extend beyond the permitted designated area. [Partially relocated from Art. 4.B.1.A.135.d.5, Parking]*

*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 standards.*

**6) ~~Signage~~**

*Signage shall be permitted only in the designated event area.*

**7) ~~Hours of Operation~~**

*Hours of operation shall be from 8:00 a.m. to 9:00 p.m.*

**8) ~~Location~~**

*There shall be suitable access to the event area, subject to Zoning Division approval.*

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<b>Reason for amendments to Temporary Vehicle Sales in the Use Matrix:</b> [Zoning]
8. Add to the Use Matrix the use approval in CG and IL Standard Zoning Districts; and, MUPD, MXPDP, and LCC with CH FLU designation, subject to Special Permit to reflect existing standard indicating the Zoning Districts where the use is allowed. The use was expanded to MXPDP and LCC with CH FLU designation for consistency with zoning districts where the use is currently allowed.

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**Part 4. Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements (page 5-14 of 39), is hereby amended as follows:**

<b>Reason for amendments:</b> [Zoning]
1. Relocate and consolidate all Temporary Uses' parking requirements, for consistency with the new use classification in Art. 4, Use Regulations to improve readability of the Code.
2. Eliminate inconsistencies between parking requirements contained in the individual use standards and in Art. 6, Parking.
3. Change the Parking Standard for Real-Estate Sales Models, Non-PDD's to be consistent with Real Estate Sales Models Parking Requirements in PDD's.
4. Delete parking requirements for Special Events, Temporary and Mobile Retail Sales since they are inconsistent with the Supplementary Use Standards and with Art. 6.A.1.D.3 which allows Temporary Uses associated with a Special Permit to occupy required parking spaces.

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**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements**

Use Type: Commercial	Parking	Loading (1)
....		
<del>Green Market</del>		
<del>Temporary</del> [Relocated to Table 6.A.1.B, Temporary Uses]	N/A	N/A
....		
<del>Retail sales, mobile or temporary</del> [Partially relocated to Table 6.A.1.B, Temporary Uses]	Enclosed: 1 space per 200 sq. ft. Open: 50 spaces total or 10 spaces per acre, whichever is greater	N/A
....		
Use Type: Public and Civic	Parking	Loading (1)
....		
<del>Day camp</del> [Relocated to Table 6.A.1.B, Temporary Uses]	<100 licensed capacity: 1 space per 5 persons; plus 1 drop off stall per 20 persons >100 licensed capacity: 1 space per 10 persons; plus 1 drop off stall per 20 persons	E
....		
Use Type: Recreation	Parking	Loading (1)
.....		
<del>Special event</del> [Partially relocated to Table 6.A.1.B, Temporary Uses]	1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater	N/A
....		
Use Type: Utilities and Excavation	Parking	Loading (1)
....		
<del>Cell site on wheels (COW) mobile</del> [Relocated to Table 6.A.1.B, Temporary Uses]	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
....		
<del>Recycling Drop-Off Bin</del> [Relocated to Table 6.A.1.B, Temporary Uses]	1 space per bin	N/A
....		
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		
<b>Loading Key:</b>		
....		

**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements**

Use Type: <u>Temporary</u>	Parking	Loading (1)
<u>Communication Cell Site on Wheels (COW)</u>	<i>Exempt from parking regulations unless otherwise required by Zoning Director.</i>	<i>N/A</i>
<u>Day Camp</u> [Relocated from Table 6.A.1.B, Public and Civic Uses]	<i>&lt;100 licensed capacity: One space per five persons; plus one drop off stall per 20 persons. &gt;100 licensed capacity: One space per ten persons; plus one drop off stall per 20 persons.</i>	<i>E</i>
<u>Mobile Retail Sales</u> [Relocated from Table 6.A.1.B, Commercial Uses]	<i>N/A</i>	<i>N/A</i>
<u>Real Estate Sales Model, Non-PDD</u>	<i>2 spaces per sales model.</i>	<i>N/A</i>
<u>Recycling Drop-Off Bin</u> [Relocated from Table 6.A.1.B, Utilities and Excavation Uses]	<i>1 space per bin.</i>	<i>N/A</i>
<u>Special Event</u> [Partially relocated from Table 6.A.1.B, Commercial Uses]	<i>N/A (1)</i>	<i>N/A</i>
<u>Temporary Green Market</u> [Relocated from Table 6.A.1.B, Commercial Uses]	<i>N/A</i>	<i>N/A</i>
<u>Temporary Retail Sales</u> [Partially relocated from Table 6.A.1.B, Commercial Uses]	<i>N/A</i>	<i>N/A</i>
<u>Temporary Vehicle Sales</u>	<i>N/A</i>	<i>N/A</i>
<b>[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]</b>		
<b>Loading Key:</b>		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,2000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		
(1) <u>A Special Event shall provide on-site parking unless off-site parking is approved.</u>		

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**Part 5. Article 6.A.1.D.3, Use of Required Off-Street Parking (page 14 of 39), is hereby amended as follows:**

<b>Reason for amendments:</b> [Zoning]
1. Modify language related to Temporary Uses, for purposes of improved clarity of Parking Requirements in Off-Street locations, for Temporary Uses.
2. Delete inconsistent language related to Parking Requirements for Recycling Drop-Off Bin, so that the Supplementary Use Standards and Table 6.A.1.B cover everything related to meeting Parking Requirements on-site.
3. Due to the limited duration of Temporary uses, this amendment gives authority to the Zoning Director to approve temporary off-site parking for Temporary Uses subject to Special Permit approval, and provides specific standards associated to distance between the temporary parking and the temporary use, modes of transportation, pedestrian safety, accessible parking protection, and clarification on the temporary parking duration.

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**3. Use of Required Off-Street Parking**

Off-street parking spaces shall be provided for the use of residents, customers, patrons and employees. Required parking spaces shall not be used for the storage, sale or display of goods or materials or for the sale, repair, or servicing of vehicles. All vehicles parked within off-street parking areas shall be registered and capable of moving under their own power. Required off-street parking spaces shall be free from building encroachments, ~~except that a portion of the required parking area may be used for the following purposes:~~

**a. Temporary Events Parking**

- 1) ~~Required off-street~~ The Zoning Director may consider a Special Permit for temporary off-site parking areas may be used on a temporary basis pursuant to a Special Permit issued by the Zoning Director for a temporary event.
- a) Off-site parking shall not be located more than 600 feet from the Temporary Use site, measured from access point to access point. The Zoning Director may approve a distance greater than 600 feet when the applicant demonstrates that



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the attendees or temporary use participants are transported to the site by other means;

b) Parcels used for off-site parking shall include access for vehicles to enter and exit the site in a forward motion; and,

c) Off-site parking shall not be separated by a street with a width of more than 80 feet, unless traffic assistance is provided to guide pedestrians.

2) Required accessible parking spaces shall not be located off-site.

3) Pedestrian sidewalks shall be provided from the off-site parking to the Temporary Use site.

4) The duration and dates of the temporary off-site parking shall be the same as the time allowed for the Temporary Use it is intended to serve.

5) In the event an off-site parking area is not under the same ownership as the site of the Special Permit, a written agreement between the applicant and all owners of record of the parking area shall be required prior to permit approval. A copy of the agreement shall be subject to review and approval of the Zoning Division, and at a minimum shall contain the following:

a) A list of names and ownership interest of all owners of the subject property;

b) A legal description of the land to be used for offsite parking;

c) Assurance by the owners of the subject property that all required offsite spaces will be available to the applicant for the uses described in the special event permit application;

d) A statement of maintenance obligations of each party for the duration of the permit; and,

e) A requirement that the Zoning Director receive notification in the event the off-site parking agreement is terminated prior to the termination of the Temporary Use permit.

**~~b. — Recyclable Materials Collection Bins~~**

~~Required off-street parking areas may be occupied by recyclable materials collection bins which have been issued a Special Permit. The bin shall retain its mobility and shall not occupy more than one parking space. The bin and adjacent area shall be maintained in good appearance, free from trash.~~

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Part 1. New ULDC Art. 4.B.6, Agricultural Uses, is hereby established as follows:

**CHAPTER B USE CLASSIFICATION**

**Section 6 Agricultural Uses**

**A. Agricultural Use Matrix**

**Use Matrix has been provided as a separate handout for ease of use.**

<b>Reason for amendments:</b> [Zoning]
1. This amendment consolidates Agricultural Uses approval processes currently contained in multiple use matrices. Reorganize Agricultural Uses to follow the order of Supplementary Use Standards as applied to other uses in Article 4, Use Regulations.
2. Include in the Use Matrix a reference to a PPM that clarifies the applicable Zoning and Building Division process for the development of a Farm. The clarification was originally included in the definition, which is not the appropriate location for that statement, therefore it has been placed under the Use Matrix for Agricultural Uses.





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**B. General Agricultural Standards**  
Reserved for Future Use

**C. Definitions and Supplementary Use Standards for Specific Uses**

**Reason for amendments: [Zoning]**

1. Change Agriculture Bona Fide use title and reference in Supplementary Use Standards to "Farm" for consistency with the Right to Farm Act and to differentiate with terminology used in F.S. 193.461 for the purposes of establishing criteria for the classification and assessment of agricultural lands.

**1. Agriculture Bona Fide Farm**

**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 Farm** use, except where pre-empted by State law. [Ord. 2009-040] [Ord. 2013-021]

**ab. Agricultural Uses in the U/S Tier**

**1) Applicability**

Uses legally established prior to the effective date of this code in the U/S Tier shall be considered conforming. Any expansion of existing agricultural uses shall be consistent with all applicable requirements and subject to the review procedure identified in this Code.

**2) Uses Not Listed**

Agricultural uses not listed in Table 4.A.3.A, Use Matrix, as permitted in the U/S Tier shall only be permitted as an interim use, subject to Class A conditional use approval.

**3) AR District**

The AR district shall be considered consistent with all FLU designations in the U/S Tier for the purposes of permitting interim agricultural uses only.

**4) Temporary Agricultural Uses**

Property which has an existing development order may also receive an additional development order for a temporary agricultural use in the U/S Tier in accordance with the standards for the specific agricultural use, however, the agricultural use shall not be eligible for an agricultural tax exemption.

**bc. Groves and Row Crop**

The cultivation of fruits and vegetables as groves and row crops shall be subject to the following additional standards in all districts:

**1) Lot Size**

A minimum of five acres.

**2) Setback**

Structures and accessory activities shall be setback a minimum of 50 feet.

**3) Hours of Operation**

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

**4) Loading**

All loading and unloading of trucks shall be restricted to the site and shall not be permitted in any setbacks.

**5) Spraying**

No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.

**cd. Dipping Vats**

Dipping vats shall not be allowed in the AR district, unless approved as a Class B conditional use.

**de. Pens and Cages**

In the AR and AGR districts, pens, cages or structures shall meet the district setbacks for a principal use, or be setback a minimum of 50 feet from any property line, whichever is greater.

**ef. Game and Exotic Animals**

The Florida Fish and Wildlife Conservation Commission (FWC) regulates game farms or game animal care for private or commercial purposes. [Ord. 2012-003]

1           **1) Exotic Animals**

2           Care for exotic animals (imported or non-native animal species) for private or  
3           commercial breeding purposes shall have a minimum lot size of five acres.

4           **2) Dangerous or Class I and II Animals**

5           Ownership, care, or keeping of dangerous or Class I and II animals, as defined by the  
6           FG&FWFC, shall require Class A conditional use approval and shall have a minimum  
7           lot size of five acres.

8           **fg. Livestock Raising**

9           The breeding, raising and caring for domestic animals including horses.

10          **1) Urban Service Area (USA)**

11          In the Urban Service Area, livestock raising shall comply with the following standards:

12          **a) Lot Size**

13          A minimum of five acres.

14          **b) Setback**

15          All accessory uses and structure, such as troughs, feed mechanisms and  
16          storage, shall be setback a minimum of 100 feet.

17          **c) Large Animals**

18          The maximum number of large animals permitted for each acre shall not exceed  
19          five. Large animals shall include horses, swine, cattle, goats, and sheep. An  
20          enclosed structure with one stall for each large animal is required when the total  
21          number of large animals exceeds three per acre. In addition, the following  
22          limitation on the number of specific large animals per acre shall apply: horses:  
23          five; swine: one; cattle: two; goats: two; sheep: two.

24          **d) Small Animals**

25          The maximum number of small animals permitted for each acre shall not exceed  
26          100. Small animals shall include rabbits and fowl, excluding peafowl. Small  
27          animals shall be permitted in addition to large animals.

28          **e) Palm Beach County Animal Control Department (PBCACD)**

29          The property owner shall notify PBCACD as to the type of livestock and details of  
30          animal care to be provided.

31          **f) Processing and Slaughtering**

32          Processing and slaughtering shall be prohibited.

33          **g) Loading**

34          All loading and unloading of trucks shall be restricted to the site and shall not  
35          encroach any setback.

36          **h) Waste**

37          A plan outlining a method of waste removal shall be submitted to and approved  
38          by PBC Health Department.

39          **i) Compatibility**

40          The use shall assure that there is no incompatibility with surrounding land uses.  
41          In the event that an incompatibility exists, the petitioner shall satisfactorily  
42          mitigate the incompatibility prior to receiving conditional or DRO approval.

43          **gh. Accessory Agricultural Uses**

44          These uses include "U-Pick-Em" operations; sale of on-site produced products; corrals;  
45          pens; training facilities; dipping vats; processing of raw material; storage sheds; repair,  
46          fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk  
47          storage of petroleum products; shipping containers used for temporary storage; washing,  
48          cutting, and packing of farm products, and canning, dehydration, and basic preparation of  
49          raw food products prior to shipment, and outdoor storage of equipment. [Ord. 2005 –  
50          002]

51          **hi. Agriculture Marketplace**

52          A use that is accessory, incidental and subordinate, to a ~~Bona-fide-Agricultural Farm~~ use  
53          in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced  
54          opportunities for visitors, which generates income for the owner or operator of the ~~bona-~~  
55          ~~fide-agricultural Farm~~ use, adding economic viability to farming operations. [Ord. 2012-  
56          027]

57          **1) Approval Process**

58          Class A Conditional Use. [Ord. 2012- 027]

59          **2) Location Criteria**

60          **a) Tier and District**

61          AGR Tier and Zoning district only. [Ord. 2012-027]

62          **b) Location**

63          The Agriculture Marketplace shall be located adjacent to an arterial road  
64          designated on the PBC Functional Classification of Roads Map. [Ord. 2012-027]

65          **c) Proximity to Residential Uses**

1 The parcel or area designated on the Final Site Plan for an Agriculture  
2 Marketplace shall be located at least 500 feet measured from the property line, if  
3 adjacent to existing residential uses, or approvals for PUD or TMD development  
4 areas with residential uses. [Ord. 2012-027]

5 **3) Minimum Acreage and Production**

6 May be allowed if the land area has a minimum of 75 contiguous acres. A Unity of  
7 Control shall be required at the time for the approval of the Class A Conditional Use.  
8 [Ord. 2012-027]

9 **a) Agriculture Preserve Parcels**

10 The minimum acreage requirements may include parcels under an agricultural  
11 conservation easement, identified as an AGR PUD Preserve or AGR TMD  
12 Preserve, or other similar protections, provided that the Agriculture Marketplace  
13 is not located on those parcels. [Ord. 2012-027]

14 **b) Agriculture Production**

15 A minimum of 70 percent of the overall land area must meet the requirements for  
16 ~~Bona Fide Agriculture Farm~~. [Ord. 2012-027]

17 **4) Use Limitations and Sale of Products**

18 The area designated as an Agriculture Marketplace shall be limited to the retail sales  
19 of agricultural products such as fruits, vegetables, flowers, containerized house  
20 plants and other agricultural food products such as jelly, jam, honey and juice. This  
21 shall not preclude any structures from being used for the coordination of activities for  
22 permitted collocated uses, or other accessory, educational or recreational uses  
23 permitted on the ~~Bona fide Agriculture Farm~~ operation. The sale of grocery or  
24 convenience-type foods or products shall not be permitted nor shall vending  
25 machines or other similar equipment be permitted, unless stated otherwise herein.  
26 [Ord. 2012-027]

27 **a) Floor Area**

28 A maximum of 24,000 square feet of GFA, including outdoor display areas. The  
29 floor area shall not include any FAR transferred from the portions of the site that  
30 is dedicated to ~~Bona Fide Agriculture Farm~~ production or otherwise encumbered  
31 with a conservation easement, preserve area or other similar protection. [Ord.  
32 2012-027]

33 **b) Outdoor Open Space Area**

34 Areas set aside as outdoor open space for collocated uses and outdoor  
35 permanent activities shall be limited to a maximum of 12,000 square feet.  
36 Permanent shelters, such as Seminole chickee huts shall be limited to a  
37 maximum of 2,000 square feet. [Ord. 2012-027]

38 **c) Collocated Uses**

39 Additional uses may be permitted subject to compliance with the Supplemental  
40 Use Standards for each use and the following: [Ord. 2012-027]

41 **(1) General Retail Sales**

42 Ten percent or 2,000 square feet, whichever is less, of the GFA of the  
43 Agriculture Marketplace may be devoted to General Retail Sales. There  
44 shall be no exterior signage advertising to the public of the sale of grocery or  
45 other retail products. Approval shall be part of the Class A Conditional Use.  
46 [Ord. 2012-027]

47 **(2) Permanent Green Market**

48 Subject to DRO approval. An Open Flea Market may be permitted in  
49 conjunction with a Green Market. The Open Flea Market shall be limited to  
50 ten percent of the total square footage of the Permanent Green Market.  
51 [Ord. 2012-027]

52 **(3) Retail Sales, Mobile or Temporary**

53 Mobile sales shall be permitted subject to approval of a Special Permit.  
54 [Ord. 2012-027]

55 **(4) Special Event**

56 Subject to approval of a Special Permit. [Ord. 2012-027]

57 **d) Outdoor Permanent Activities**

58 Activities shall be clearly shown and labeled on the Site Plan and shall function  
59 with other uses on the site. Impacts from these uses, including but not limited to,  
60 traffic, parking, rest rooms, or nuisances, shall be addressed as part of the Class  
61 A Conditional Use approval. The BCC may impose conditions of approval to  
62 address these activities. Additional activities, such as: cooking classes and  
63 charity events, shall be permitted by right, subject to the following: [Ord. 2012-  
64 027]

- 1 (1) Shall be located within the GFA of the Agriculture Marketplace or permitted  
 2 Outdoor Open Space areas; **[Ord. 2012-027]**  
 3 (2) The maximum number of participants, including a combination of special  
 4 activities, shall not exceed 50 attendees; and, **[Ord. 2012-027]**  
 5 (3) Overflow parking is provided. A minimum of one parking space shall be  
 6 provided for each three attendees. This shall require the posting of adequate  
 7 onsite directional signage to preclude any inappropriate parking activity, such  
 8 as parking in rights of way or on adjacent properties. **[Ord. 2012-027]**  
 9  
 10 e) **Outdoor Display**  
 11 Shall be limited to agricultural products only, located along the property's  
 12 frontage or other area, except within required setbacks. **[Ord. 2012-027]**  
 13 f) **Storage**  
 14 Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers,  
 15 and other permanent or temporary structures shall not be used for storage or  
 16 display purposes. **[Ord. 2012-027]**  
 17 g) **Parking**  
 18 Off-site parking within a public or private R-O-W, or to areas accessed by other  
 19 than an approved access way, shall be prohibited. **[Ord. 2012-027]**  
 20 h) **Hours of Operation**  
 21 1) Eight a.m. to six p.m. Monday through Saturday; and,  
 22 2) Ten a.m. to six p.m. Sunday. **[Ord. 2012-027]**  
 23 ij. **Landscape Curbing**  
 24 A ~~bona fide agricultural~~ **Farm** use may use railroad ties or landscape lumber as an  
 25 alternate to the curbing requirement in Article 7.G, Off-Street Parking Requirements.  
 26 jk. **Barbed Wire in AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels**  
 27 1) Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials.  
 28 **[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]**  
 29 2) In the AR district with any ~~bona fide agricultural~~ **Farm** use, other than nurseries,  
 30 provided it is setback a minimum of 25 feet from any property line. **[Ord. 2011-001]**

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 32  
 33 **42. Agriculture, Light Manufacturing**

34 **a. Definition**

35 An accessory agricultural use for the manufacturing of products related to agricultural  
 36 operations, such as fencing, pallets, crates, or containers. Product components are  
 37 predominantly assembled from previously prepared materials or finished parts.  
 38 Manufacturing includes processing, fabrication, assembly, treatment, and packaging of  
 39 such products, and accessory storage and distribution, but excludes heavy industrial  
 40 processing or manufacturing.

41 **ab. Setbacks**

42 A minimum 100 foot setback shall be required adjacent to a residential district.

43 **bc. Accessory Use**

44 Light agricultural manufacturing operations may be allowed as an accessory use to a  
 45 related ~~bona fide agriculture~~ **Farm** use on the same property provided it does not exceed  
 46 25,000 square feet.

47 **ed. Landscaping**

48 An incompatibility buffer may be omitted if the use is adjacent to farm worker quarters or  
 49 a mobile home accessory to agriculture.  
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 53 **53. Agriculture, Packing Plant**

54 **a. Definition**

55 A facility used for the packing of produce not necessarily grown on site.

56 **b. Typical Activities**

57 Activities may also include canning, dehydration, washing, cutting, or basic preparation of  
 58 raw produce prior to shipment. **[Ord. 2005-002] [Ord. 2012-027]**  
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~~a. Accessory Use~~

~~A packing plant in the AP and AGR districts, or the Preserve Area of an AGR PUD, 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. [Ord. 2012-027] [Partially relocated to Accessory Uses f, below]~~

~~b. Setbacks~~

~~A minimum of 100 feet along all property lines which are adjacent to a residential district. [Relocated to Setbacks e, below]~~

~~c. Landscaping~~

~~An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to a bona fide agriculture use. [Partially relocated to Landscaping g, below]~~

~~c. Approval Process - AR/RSA Zoning District~~

~~May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005-002] [Relocated from AR/RSA e, below]~~

~~d. Storage~~

~~Only equipment directly related to the facility shall be stored on the site. All stored equipment shall be screened from view from adjacent properties and streets. [Relocated to Storage h, below]~~

~~d. Zoning District AGR-PUD Preserve Area~~

~~An agriculture packing plant located in an AGR Preserve Area, including where permitted as an accessory use as specified above, shall comply with the following: [Ord. 2012-027] [Relocated from AGR-PUD Preserve Area f., below]~~

- ~~1) Located on a roadway classified as an arterial street on figure TE 3.1 – Functional Classification of Roads; and, [Ord. 2012-027] [Relocated from Zoning District f., below]~~
- ~~2) Located on or adjacent to active agricultural crop production. [Ord. 2012-027] [Relocated from Zoning District f, below]~~

~~e. AR/RSA~~

~~May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005-002] [Relocated to Approval Process c., above]~~

~~e. Setbacks~~

~~A minimum of 100 feet along all property lines which are adjacent to a residential district. [Relocated from Setbacks b., above]~~

~~f. AGR-PUD Preserve Area~~

~~An agriculture packing plant located in an AGR Preserve Area, including where permitted as an accessory use as specified above, shall comply with the following: [Ord. 2012-027] [Relocated to Zoning District d, above]~~

- ~~1) Located on a roadway classified as an arterial street on figure TE 3.1 – Functional Classification of Roads; and, [Ord. 2012-027] [Relocated to Zoning District d, above]~~
- ~~2) Located on or adjacent to active agricultural crop production. [Ord. 2012-027] [Relocated to Zoning District d, above]~~

~~f. Accessory Use~~

~~A packing plant in the AP and AGR districts, or the Preserve Area of an AGR PUD, may be allowed as an accessory use to a related Farm use on the same property, provided it does not exceed 25,000 square feet. [Ord. 2012-027] [Relocated from Accessory Use a, above]~~

~~g. Landscaping~~

~~An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to a Farm use. [Relocated from Landscaping c., above]~~

~~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. [Relocated from Storage d., above]~~



1  
2 **3-24. Agriculture, Renewable Fuels Production**

3 **a. Definition**

4 Any facility using biomass as its principal source of feed stock for the production of  
5 renewable fuel or fuels and other related renewable products including but not limited to  
6 ethanol or fuel ethanol. [Ord. 2008-037]

7 **ab. ~~Setbacks from Residential~~**

8 The facility shall be located a minimum of 750 feet away from parcels with a residential  
9 zoning or future land use designation that accommodate an existing residential structure.  
10 [Ord. 2008-037]

11 **b. Location**

12 ~~Facilities shall be located within two miles of an existing agricultural related use. [Ord.~~  
13 ~~2008-037] [Partially relocated to Separation Distance e., below]~~

14 **ec. Review Procedures and Standards**

- 15 1) The applicant shall submit a site plan, for informational purposes only, to the Zoning  
16 Division prior to Building Permit application. The site plan shall be consistent with the  
17 requirements indicated in the Technical Requirements Manual. [Ord. 2008-037]  
18 2) The owner or operator shall obtain the required approval and permits from all  
19 applicable federal, state, and local agencies prior to operating the facility. [Ord.  
20 2008-037]  
21 3) The owner or operator shall perform a daily visual inspection of all wood material and  
22 similar vegetative matter to be used as feed stock. [Ord. 2008-037]  
23 4) Any toxic or hazardous waste generated at the site shall be handled pursuant to Rule  
24 62-730 FAC. [Ord. 2008-037]

25 **ed. Prohibitions**

- 26 1) The generation of toxic or hazardous waste effluent into the sanitary system shall be  
27 prohibited unless adequate pretreatment facilities have been constructed and are  
28 being utilized. The pretreatment facilities are subject to approval by DEP and the  
29 appropriate sewage works provider. [Ord. 2008-037]  
30 2) Feed stock observed to contain prohibited materials shall not be used. [Ord. 2008-  
31 037]

32 **e. Separation Distance**

33 ~~Facilities shall be separated two miles from an existing agricultural related use. [Ord.~~  
34 ~~2008-037] [Partially relocated from Location b, above]~~

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38 **3-45. Agriculture, Research and Development**

39 **a. Definition**

40 The use of land or buildings for agriculture research and the cultivation of new agricultural  
41 products.

42 **ab. Approval Process - AR/RSA Zoning District**

43 May be permitted in the AR/RSA District with a SA FLU subject to a Class B conditional  
44 use approval. [Ord. 2005-002]

45 **bc. Outdoor Activities**

46 Outdoor research, testing or development of agricultural products shall be limited to  
47 industrial districts only.

48 **ed. Landscape Curbing**

49 A ~~bona fide agricultural~~ **Farm** use may use railroad ties or landscape lumber as an  
50 alternate to the curbing requirement in Article 7.G, Off-Street Parking Requirements.

51  
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54 **6. Agriculture, Sales and Service**

55 **a. Definition**

56 An establishment primarily engaged in the sale or rental of farm tools, small implements  
57 and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack,  
58 riding attire, animal care products, farm supplies, and the like:

59 **a. ~~Storage~~**

60 ~~All storage areas for agricultural sales and service uses shall be enclosed or completely~~  
61 ~~screened from view. A maximum of five tractor trailers used for the transport of bona fide~~  
62 ~~agricultural products may be stored outside if they are completely screened from view~~  
63 ~~from adjacent properties and streets. [Partially relocated to Storage c., below]~~

1 **~~b. Grocery Sales~~**

2 ~~Five percent or 1000 square feet, whichever is less, of the merchandise sales area use~~  
3 ~~may be devoted to retail grocery sales. Shelves, floor area, counter space and overhead~~  
4 ~~display areas shall be included in the calculation of the grocery sales area. There shall be~~  
5 ~~no exterior signage and no external evidence of the availability of grocery products for~~  
6 ~~sale. [Relocated to Grocery Sales d., below]~~

7 **~~b. Approval Process - AR/RSA Zoning District~~**

8 ~~May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional~~  
9 ~~use approval. [Ord. 2005 – 002] [Relocated from AR/RSA d, below]~~

10 **~~c. Repair Service~~**

11 ~~Service of small implements only shall be permitted in an enclosed area that is~~  
12 ~~completely screened from view from adjacent properties and setback a minimum of 25~~  
13 ~~feet from any side or rear property line. Repair activities shall occur only between the~~  
14 ~~hours of 7:00 a.m. and 9:00 p.m. [Relocated to Repair Service e., below]~~

15 **~~c. Storage~~**

16 ~~All storage areas for agricultural sales and service uses shall be enclosed or completely~~  
17 ~~screened from view. A maximum of five tractor-trailers used for the transport of Farm~~  
18 ~~products may be stored outside if they are completely screened from view from adjacent~~  
19 ~~properties and streets. [Partially relocated from Storage a., above]~~

20 **~~d. AR/RSA~~**

21 ~~May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional~~  
22 ~~use approval. [Ord. 2005 – 002] [Relocated to Approval Process b, above]~~

23 **~~bd. Grocery Sales~~**

24 ~~Five percent or 1,000 square feet, whichever is less, of the merchandise sales area use~~  
25 ~~may be devoted to retail grocery sales. Shelves, floor area, counter space and overhead~~  
26 ~~display areas shall be included in the calculation of the grocery sales area. There shall be~~  
27 ~~no exterior signage and no external evidence of the availability of grocery products for~~  
28 ~~sale. [Relocated from Grocery Sales b., above]~~

29 **~~ce. Repair Service~~**

30 ~~Service of small implements only shall be permitted in an enclosed area that is~~  
31 ~~completely screened from view from adjacent properties and setback a minimum of 25~~  
32 ~~feet from any side or rear property line. Repair activities shall occur only between the~~  
33 ~~hours of 7:00 a.m. and 9:00 p.m. [Relocated from Repair Service c., above]~~

34 **~~d. AR/RSA~~**

35 ~~May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional~~  
36 ~~use approval. [Ord. 2005 – 002] [Relocated to Approval Process b., above]~~



39  
40 **7. Agriculture, Storage**

41 **a. Definition**

42 The storage of equipment or products accessory or incidental to a principal agricultural  
43 use.

44 **ab. General Storage**

45 1) Storage of hazardous waste or regulated substances shall comply with local, state  
46 and federal regulations.

47 **b. Outdoor Storage**

48 2) Outdoor agricultural storage shall comply with the following standards:

49 **1)a Urban Service Area**

50 **a)1)Setbacks**

51 Outdoor agricultural storage shall meet the principal use setbacks of the  
52 district in which it is located.

53 **b)2)Screening**

54 Outdoor agricultural storage shall be screened from view by a solid fence,  
55 wall or building.

56 **2)3 Outdoor Agriculture Storage**

57 b) Outdoor agriculture storage is only permitted in the RE, RT, RS, RM, CN, CC  
58 and CG districts as a Class B conditional use.

59 **a)1)Exception**

60 Outdoor agriculture storage is not permitted in a PDD with a commercial FLU  
61 designation.

62 **c)3).Indoor Storage**

63 Indoor agricultural storage shall be permitted in conjunction with a ~~bona fide~~  
64 ~~agricultural Farm~~ use with or without a principal structure. Indoor storage shall be  
65 contained within a permanent structure. Agricultural storage in a mobile home shall

1 not be permitted. Agricultural storage in a shipping container shall only be permitted  
2 in conjunction with a ~~bona fide agricultural Farm~~ use.

3 **1) AR district in Urban Service Area (USA)**

4 An enclosed structure shall be setback 100 feet from the front and side street  
5 and 50 feet from the side and rear property lines.

6 **2) All Other Districts in Urban Service Area (USA)**

7 An enclosed structure shall meet the principal use setbacks of the district in  
8 which it is located.  
9

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12 **8. Agriculture, Transshipment**

13 **a. Definition**

14 A facility engaged in the transferring of agricultural products between two modes of  
15 transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.

16 **ab. Zoning District - AGR and AP Districts**

17 **1) Accessory Use**

18 Agricultural transshipment facilities not exceeding 25,000 square feet shall be  
19 permitted as an accessory use.

20 **2) Setback**

21 A minimum 100 foot setback shall be required along all property lines which are  
22 adjacent to an existing residential use, district or FLU as of the effective date of this  
23 Code excluding farm worker quarters and mobile homes accessory to agriculture.  
24

25  
26  
27 **199. Aviculture, Hobby Breeder**

28 **a. Definition**

29 The raising and care of birds in captivity.

30 **ab. Minimum Lot Size**

31 The minimum lot size shall be as follows:

- 32 1) Two acres: 40-200 birds.  
33 2) Five acres: 201 or more birds.

34 **bc. Hobby Breeder**

35 **1) AR/USA**

36 The raising of birds as a hobby in the AR/USA shall be permitted subject to the  
37 following: [Ord. 2009-040]

- 38 a) The hobby breeder shall not engage in the sale of more than 24 birds to the  
39 public during any consecutive 12 month period;  
40 b) The hobby breeder shall not provide care for more than 40 birds on a parcel of  
41 land at any time;  
42 c) The minimum lot size of two acres;  
43 d) Shelters, cages, and accessory structure shall be setback a minimum of 50 feet  
44 from all property lines;  
45 e) Outdoor shelters and cages shall be contained to specific areas on the site and  
46 screened from view on all sides by a minimum six foot high opaque fence or wall.  
47 The fence or wall shall be located within 20 feet of the containment area;  
48 f) The hobby breeder shall locate birds which excessively screech, chirp, crow, or  
49 make loud noises away from residential properties to the maximum extent  
50 possible. Birds considered a nuisance by the Sheriff's Office shall be removed  
51 from the site; and  
52 g) Care, licensing, registration, and inspections shall be as required by the Animal  
53 Care and Control Ordinance and other applicable statutes.  
54

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56  
57 **3210. Community Vegetable Garden**

58 **a. Definition**

59 A plot of land used primarily as a vegetable garden which is cultivated and harvested by  
60 a group of residents from the surrounding area.

61 **a. Accessory Structures**

62 ~~Accessory structures shall be limited to 400 square feet.~~ [Relocated to Accessory  
63 Structures c, below]

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**b. Setbacks**

Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential districts. Accessory structures shall meet the setbacks of the district.

~~**e. Spraying**~~

~~Aerial application of fertilizer or pesticides shall be prohibited. [Relocated to Spraying g, below]~~

~~**c. Accessory Structures**~~

~~Accessory structures shall be limited to 400 square feet. [Relocated from Accessory Structures a, above]~~

**d. Parking**

Overnight parking shall be prohibited.

**e. Loading**

All loading and unloading activities shall be restricted to the site and shall not encroach into any setbacks.

**f. Storage**

Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall be contained within an accessory structure.

~~**g. Spraying**~~

~~Aerial application of fertilizer or pesticides shall be prohibited. [Relocated from Spraying c, above]~~



**4711. 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.

~~**ab. U/S Tier**~~

~~**1) Urban/ Suburban (U/S)**~~

~~**1a) Lot Size**~~

~~The minimum lot size shall be five acres.~~

~~**2b) Frontage**~~

~~The project in which an equestrian arena is located shall front on and access from collector or arterial street.~~

~~**3c) Hours of Operation**~~

~~Outdoor activity shall be limited from hours of 6:00 a.m. to 10:00 p.m. daily.~~

~~**4d) Loudspeakers**~~

~~Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.~~

~~**b.2) Rural, Exurban, Agricultural Reserve (AGR) and Glades Tiers**~~

~~**1a) Location**~~

~~The project in which an equestrian arena is located shall have frontage on a paved street.~~

~~**2b) Operating Hours**~~

~~Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily.~~

~~**3c) Loudspeakers**~~

~~Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.~~

**c. Setbacks**

Riding, spectator viewing areas, and show rings shall not be located within 100 feet of any property line.

**d. Compatibility**

Design of the site shall assure no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.



1 **5212. Farmers Market**

2 **a. Definition**

3 An establishment for the wholesale sale of farm produce.

4 ~~**a. Setback**~~

5 ~~A farmers market shall be setback a minimum of 100 feet from property lines adjacent to~~  
6 ~~a residential use existing as of the effective date of this Code, excluding farm worker~~  
7 ~~quarters and mobile homes accessory to agriculture. [Relocated to Setback d., below]~~

8 ~~**b. Accessory Use**~~

9 ~~A produce stand shall be permitted as an accessory use to a farmers market. [Relocated~~  
10 ~~to Accessory Use e., below]~~

11 ~~**d.b Approval Process - AR/RSA Zoning District**~~

12 ~~May be permitted in the AR/RSA District with a SA FLU, subject to a Class A Conditional~~  
13 ~~Use approval. [Ord. 2005-002] [Relocated from AE/RSA d., below]~~

14 **c. Frontage**

15 Shall be located on an arterial street.

16 ~~**d. AR/RSA**~~

17 ~~May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional~~  
18 ~~use approval. [Ord. 2005-002] [Relocated to Approval Process b., above]~~

19 ~~**a.d Setback**~~

20 ~~A Farmers Market shall be setback a minimum of 100 feet from property lines adjacent to~~  
21 ~~a residential use existing as of the effective date of this Code, excluding Farm Worker~~  
22 ~~Quarters and Mobile Homes accessory to agriculture. [Relocated from Setback a.,~~  
23 ~~above]~~

24 ~~**b.e. Accessory Use**~~

25 ~~A Produce Stand shall be permitted as an accessory use to a Farmers Market.~~  
26 ~~[Relocated from Accessory Use b., above]~~



Reason for amendments: [Zoning]	
1.	Delete Ferrier from the Use Matrix and Supplementary Use Standards as this use has not been utilized. Typical functions associated with equestrian activities such as Ferrier are accessory to a principal use such as Stable Commercial or Private.

30 **53. Farrier**

31 ~~One that shoes horses. May be accessory to a blacksmith, farm, equestrian facility, or is~~  
32 ~~mobile and shoes the horses on site. [Use to be deleted from the ULDC]~~



36 **8813. Nursery, Retail**

37 **a. Definition**

38 The retail sale of horticultural specialties such as flowers, shrubs, sod, trees, mulch and  
39 accessory hardscape materials such as decorative stones intended for ornamental or  
40 landscaping purposes. [Ord. 2009-040]

41 ~~**ab. Frontage**~~

42 Shall front on and access from a collector or arterial street.

43 ~~**bc. Lot Size**~~

44 A minimum of one acre is required in a residential district.

45 **d. Setbacks**

46 All structures and outdoor storage areas shall be setback a minimum of 50 feet from the  
47 property line. Shade houses shall be subject to the requirements pursuant to Art.  
48 4.B.121, Shade House. [Ord. 2009-040]

49 **e. Loading**

50 All loading and unloading of trucks shall occur on the site.

51 **f. Office Accessory Uses**

52 An office is permitted as an accessory use, provided it is not a ~~m~~Mobile ~~h~~Home.

53 ~~**g. Compatibility**~~

54 ~~The use shall assure that there is no incompatibility with surrounding land uses. When an~~  
55 ~~incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility~~  
56 ~~prior to receiving conditional or DRO approval. [Relocated to Compatibility g., below]~~

57 ~~**h. Spraying**~~

58 ~~No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall~~  
59 ~~be allowed. [Relocated to Spraying I., below]~~

1 **ig. Buffering Landscaping**

2 A buffer shall be provided along all property lines that are not screened by plant material.

3 **1) Incompatibility Buffer**

4 A Type 3 incompatibility buffer shall be required adjacent to all retail, office, parking,  
5 loading and other non-growing areas within 50 feet of a property line. The buffer  
6 requirements may be satisfied by plant material for sale provided that the plant  
7 material is grown in the ground, ten feet on center, six feet high, and the growing  
8 area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the  
9 buffer contains permanent landscaping only and not for-sale plant inventory.

10 **2) Compatibility Buffer**

11 A compatibility buffer shall be provided around all growing areas less than 50 feet in  
12 width. The buffer requirements may be satisfied by plant material for sale provided  
13 that the plant material is grown in the ground, ten feet on center, six feet high and the  
14 growing area is a minimum of five feet wide.

15 **3) R-O-W Buffer**

16 A R-O-W buffer shall be required adjacent to all office, parking, loading, internal  
17 roads and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall  
18 be required adjacent to all growing areas unless the growing area is at least 50 feet  
19 in width, and contains plant materials providing a six foot high visual buffer equivalent  
20 in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall  
21 be preserved.

22 **4) Barbed Wire**

23 The use of barbed wire shall be prohibited.

24 **jh. Outdoor Bulk Storage**

25 Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in  
26 Article 5.B, ACCESSORY AND TEMPORARY USES. In residential districts, outdoor bulk  
27 storage shall be setback a minimum of fifty feet or the district setback, whichever is  
28 greater.

29 **ki. Site Plan**

30 Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM  
31 requirements may exceed DRO threshold limitations.

32 **lj. Hours of Operation**

33 *Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of*  
34 *10,000 pounds, including load, from 5:00 p.m. to 8:00 a.m. is prohibited. [Relocated*  
35 *from Hours of Operation c., above]*

36 **kk. Compatibility**

37 *The use shall assure that there is no incompatibility with surrounding land uses. When an*  
38 *incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility*  
39 *prior to receiving conditional or DRO approval. [Relocated from Compatibility g.,*  
40 *above]*

41 **ll. Spraying**

42 *No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall*  
43 *be allowed. [Relocated from Spraying h., above]*

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47 **8914. Nursery, Wholesale**

48 **a. Definition**

49 The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch  
50 and accessory hardscape materials such as decorative stones intended for ornamental or  
51 landscaping purposes. [Ord. 2009-040]

52 **a. Limitations of Sales**

53 ~~*Sales from a wholesale nursery are limited to exporters, distributors, landscape*~~  
54 ~~*contractors, retailers, or other businesses. [Relocated to Limitation of Sales j., below]*~~

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b. Approval Process

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Table 4.B.1.A - Residential Districts in the USA

Residential Districts in the USA	
Special Permit	Five acres or less.
DRO	More than five but less than 20 acres.
Class B conditional use or Requested Use	20 or more acres.
[Ord. 2005-041]	

Table 4.B.1.A – AR District in RSA

AR District in RSA	
Permitted	Ten acres or less.
Special Permit	More than ten but less than 40 acres.
DRO	40 or more acres.

1) All Other Districts

Permitted.

**e. 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.* [Relocated to Hours of Operation i., below]

**c. Tier**

*In addition to the above standards, a wholesale nursery in the U/S Tier shall comply with the following standards.* [Relocated from U/S Tier h., below]

1) **Lot Size**

*A minimum of one acre.* [Relocated from U/S Tier h., below]

2) **Setbacks**

*All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.121, Shade House.* [Ord. 2009-040] [Relocated from U/S Tier h., below]

3) **Compatibility**

*The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving conditional DRO or Special Permit approval.* [Relocated from U/S Tier h., below]

4) **Spraying**

*No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.* [Relocated from U/S Tier h., below]

**d. Parking and Loading**

*All parking and loading shall occur on site* [Relocated to Parking and Loading f., below]

**ed. Zoning District - AR**

*May be operated in conjunction with a residence.* [Relocated from Zoning District e., below]

**j.e. Agricultural Reserve (AGR) Tier Accessory Use**

1) *A retail nursery may be permitted as an accessory use to a wholesale nursery in the AGR Tier.* [Relocated from Agricultural Reserve (AGR) Tier j., below]

2) *An office is permitted as an accessory use, provided it is not a mobile home.* [Relocated from Office g., below]

**f. Buffering**

*A buffer shall be provided along all property lines that are not screened by plant material.* [Relocated to Landscaping g., below]

1) ~~**Incompatibility Buffer**~~

~~*A Type 3 incompatibility buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for sale plant inventory.*~~ [Relocated to Landscaping g., below]



1 **2) ~~Compatibility Buffer~~**

2 ~~A compatibility buffer shall be provided around all growing areas less than 50 feet in~~  
3 ~~width. The buffer requirements may be satisfied by plant material for sale provided~~  
4 ~~that the plant material is grown in the ground, ten feet on center, six feet high and the~~  
5 ~~growing area is a minimum of five feet wide. Relocated to Landscaping g., below]~~

6 **3) ~~R-O-W Buffer~~**

7 ~~A R-O-W buffer shall be required adjacent to all office, parking, loading, internal~~  
8 ~~roads, and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall~~  
9 ~~be required adjacent to all growing areas unless the growing area is at least 50 feet~~  
10 ~~in width and contains plant materials providing a six foot high visual buffer equivalent~~  
11 ~~in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall~~  
12 ~~be preserved. Relocated to Landscaping g., below]~~

13 **4) ~~Barbed Wire~~**

14 ~~The use of barbed wire shall be prohibited. Relocated to Landscaping g., below]~~

15 **f. ~~Parking and Loading~~**

16 ~~All parking and loading shall occur on site. [Relocated from Paring and Loading d.,~~  
17 ~~above]~~

18 **g. ~~Office~~**

19 ~~An office is permitted as an accessory use, provided it is not a mobile home. [Relocated~~  
20 ~~to Accessory Use e.1, above]~~

21 **g. ~~Buffering Landscaping~~**

22 ~~A buffer shall be provided along all property lines that are not screened by plant material~~  
23 ~~[Relocated from Buffering f., above].~~

24 **1) ~~Incompatibility Buffer~~**

25 ~~A Type 3 incompatibility buffer shall be required adjacent to all office, parking,~~  
26 ~~loading, internal roads and other non-growing areas within 50 feet of a property line.~~  
27 ~~The buffer requirements may be satisfied by plant material for sale provided that the~~  
28 ~~plant material is grown in the ground, ten feet on center, six feet high, and the~~  
29 ~~growing area is at least 20 feet wide. The width of the buffer may be reduced to ten~~  
30 ~~feet if the buffer contains permanent landscaping only and not for-sale plant~~  
31 ~~inventory. [Relocated from Buffering f., above].~~

32 **2) ~~Compatibility Buffer~~**

33 ~~A compatibility buffer shall be provided around all growing areas less than 50 feet in~~  
34 ~~width. The buffer requirements may be satisfied by plant material for sale provided~~  
35 ~~that the plant material is grown in the ground, ten feet on center, six feet high and the~~  
36 ~~growing area is a minimum of five feet wide. [Relocated from Buffering f., above].~~

37 **3) ~~R-O-W Buffer~~**

38 ~~A R-O-W buffer shall be required adjacent to all office, parking, loading, internal~~  
39 ~~roads, and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall~~  
40 ~~be required adjacent to all growing areas unless the growing area is at least 50 feet~~  
41 ~~in width and contains plant materials providing a six foot high visual buffer equivalent~~  
42 ~~in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall~~  
43 ~~be preserved. [Relocated from Buffering f., above].~~

44 **4) ~~Barbed Wire~~**

45 ~~The use of barbed wire shall be prohibited.. [Relocated from Buffering f., above].~~

46 **h. ~~U/S Tier~~**

47 ~~In addition to the above standards, a wholesale nursery in the U/S Tier shall comply with~~  
48 ~~the following standards. [Relocated to U/S Tier c.,above]~~

49 **1) ~~Lot Size~~**

50 ~~A minimum of one acre. [Relocated to U/S Tier c.,above]~~

51 **2) ~~Setbacks~~**

52 ~~All structures and outdoor storage areas shall be setback a minimum of 50 feet from~~  
53 ~~the property line. Shade houses shall be subject to the requirements pursuant to Art.~~  
54 ~~4.B.121, Shade House. [Ord. 2009-040] [Relocated to U/S Tier c., above]~~

55 **3) ~~Compatibility~~**

56 ~~The use shall assure that there is no incompatibility with surrounding land uses.~~  
57 ~~When an incompatibility exists, the property owner shall satisfactorily mitigate the~~  
58 ~~incompatibility prior to receiving conditional DRO or Special Permit approval.~~  
59 ~~[Relocated to U/S Tier c., above]~~

60 **4) ~~Spraying~~**

61 ~~No aerial application of any pesticides, fungicides, fertilizers or any other chemical~~  
62 ~~shall be allowed. [Relocated to U/S Tier c., above]~~

63 **h. ~~Storage~~**

64 ~~Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor~~  
65 ~~storage standards contained in Article 5.B, ACCESSORY AND TEMPORARY USES.~~

1 Outdoor bulk storage in residential zoning districts shall be setback a minimum of 50 feet  
2 or the district setback, whichever is greater.

3 **ei. Hours of Operation**

4 *Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of*  
5 *10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited. [Relocated*  
6 *from Hours of Operation c., above]*

7 **j. Agricultural Reserve (AGR) Tier**

8 ~~*A retail nursery may be permitted as an accessory use to a wholesale nursery.*~~  
9 **[Relocated to Accessory Use e., above]**

10 **aj. Limitations of Sales**

11 *Sales from a wholesale nursery are limited to exporters, distributors, landscape*  
12 *.contractors, retailers, or other businesses. [Relocated from Limitation of Sales a.,*  
13 *above]*

14 **k. Site Plan**

15 Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM  
16 requirements may exceed the DRO limitations contained in Article 2.D.1, Development  
17 Review Officer.  
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21 **9915. Potting Soil Manufacturing**

22 **a. Definition**

23 An establishment engaged in producing potting soil, including the use of incineration.

24 **a. Setbacks**

25 ~~*A minimum of 50 feet from any property line abutting a residential district or use.*~~  
26 **[Relocated to Setbacks d., below]**

27 **b. Frontage**

28 ~~*The facility shall front on and access from a collector or arterial street.*~~ **[Relocated to**  
29 **Location c., below]**

30 **b. Approval Process - AR/RSA**

31 *May be permitted in the AR/RSA District with a SA FLU, subject to a Class A Conditional*  
32 *Use approval. [Ord. 2005 – 002] [Relocated from AR/RSA f., below]*

33 **c. Storage**

34 ~~*Storage of unprocessed material shall be limited to 45 days and pile height of storage*~~  
35 ~~*material shall be limited to 15 feet. Outdoor storage piles shall be setback a minimum of*~~  
36 ~~*25 feet from any property line or 50 feet from any property line abutting a residential*~~  
37 ~~*district or use. Storage areas shall be screened from view, pursuant to Article 5.B,*~~  
38 ~~*ACCESSORY AND TEMPORARY USES. [Relocated to Storage f., below]*~~

39 **c. Location**

40 *The facility shall front on and access from a collector or arterial street. [Relocated from*  
41 **Frontage b., above]**

42 **d. Supplemental Application Requirements**

43 **1) Site Plan**

44 ~~*The site plan shall illustrate how the operation functions including circulation routes,*~~  
45 ~~*square footage, height and location of buildings, equipment and storage piles.*~~  
46 **[Relocated to Supplemental Application Requirements g., below]**

47 **2) Dust Control**

48 ~~*A plan to address dust control in traffic, storage and processing areas. Dust control*~~  
49 ~~*measures may include: additional setbacks, full or partial enclosure of chipper or*~~  
50 ~~*grinder and watering or enclosing mulch piles. [Relocated to Supplemental*~~  
51 ~~*Application Requirements g., below]*~~

52 **d. Setbacks**

53 *A minimum of 50 feet from any property line abutting a residential district or use.*  
54 **[Relocated from Setbacks a., above]**

55 **e. Collocated Uses**

56 If a potting soil manufacturing facility includes chipping, mulching, grinding, or air curtain  
57 incinerator, adherence to the supplementary use standards applicable to such uses shall  
58 also be required.

59 **f. Storage**

60 *Storage of unprocessed material shall be limited to 45 days and pile height of storage*  
61 *material shall be limited to 15 feet. Outdoor storage piles shall be setback a minimum of*  
62 *25 feet from any property line or 50 feet from any property line abutting a residential*  
63 *district or use. Storage areas shall be screened from view, pursuant to Article 5.B,*  
64 *ACCESSORY AND TEMPORARY USES. [Relocated from Storage c., above]*

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**g. Supplemental Application Requirements**

**1) Site Plan**

*The site plan shall illustrate how the operation functions including circulation routes, square footage, height and location of buildings, equipment and storage piles. [Relocated from Supplemental Application Requirements d., above]*

**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. [Relocated from Supplemental Application Requirements d., above]*

**f. AR/RSA**

*May be permitted in the AR/RSA District with a SA-FLU, subject to a Class A conditional use approval. [Ord. 2005-002] [Relocated to Approval Process b, above]*



**10416. Produce Stand**

**a. Definition**

An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products. The sale of grocery or convenience-type foods or products shall not be permitted, unless stated otherwise herein. **[Ord. 2012-003]**

**ab. Permanent**

**1) Maximum Floor Area**

The square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.

**2) Outdoor Display and Storage**

Outdoor storage shall be subject to the provisions in Article 5.B, ACCESSORY AND TEMPORARY USES. Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.

**3) Sale of Products**

**a) General**

Includes sales of agricultural food products such as jelly, jam, honey and juice. No Special Permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Art. 4.B.1.A.115, Retail Sales, Mobile or Temporary. No vending machines or other similar equipment shall be permitted on site. **[Ord. 2005-002] [Ord. 2012-003]**

**b) Urban/Suburban Tier**

The sale of packaged or canned food products may be permitted, where in compliance with the following: **[Ord. 2012-003]**

(1) The parcel has Commercial Future Land Use designation; and, **[Ord. 2012-003]**

(2) Sales area is limited to five percent of the total square footage of the structure, or 1,000 square feet, whichever is less. **[Ord. 2012-003]**

**4) Building Construction**

The produce stand shall be contained in either an entirely enclosed or roofed open-air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

**5) AR/RSA and AGR Tiers**

In addition to the standards above, permanent produce stands shall comply with the following:

**a) Locational Criteria**

The structure and accessory area shall be:

(1) Located on an arterial designated on the PBC Thoroughfare Plan; and

(2) Located at least 500 feet from adjacent existing residential uses.

**b) Lot Size**

The stand shall be located on a legal lot of record. A minimum of one acre shall be allocated to the exclusive use of the stand and accessory parking area.

**c) Setbacks**

The structure and accessory area shall be setback at least 50 feet from the front and side corner property lines. The rear and side interior setbacks shall meet the minimum standards of the district.

1                   d) **Approval**

2                   A permanent produce stand shall be a permitted use in the AGR and AR, and by  
3                   Special Permit in the CN, CC & CG Zoning Districts. **[Ord. 2005 – 002]**

4                   **(1) AR and AGR Districts**

5                   The area devoted to the permanent produce stand exceeding 3,000 square  
6                   feet shall be approved subject to a Class A conditional use. **[Ord. 2005 –  
7                   002]**

8                   **6) Stands Less than 1,500 Square Feet**

9                   In addition to the standards stated above, stands less than 1,500 square feet  
10                  (including both the structure and all accessory areas devoted to display or storage)  
11                  shall be subject to the following development standards: **[Ord. 2005 – 002]**

12                  **a) Paving**

13                  The surface parking lot may be constructed of shell rock or other similar material.  
14                  At a minimum, the following areas shall be paved in accordance with Article 6.A,  
15                  PARKING, of this Code:

- 16                  (1) A paved driveway apron area, connecting the streets to the site shall be  
17                  subject to approval by the County Engineer; and  
18                  (2) Handicap parking spaces and handicap access.

19                  **7) Wholesale**

20                  Wholesale of produce shall be allowed in the AGR district only.

21                  **bc. Temporary Stands**

22                  A temporary stand used for the retail sale of agricultural products not necessarily grown  
23                  on the site. A temporary produce stand shall consist exclusively of fresh unprocessed  
24                  fruit, vegetables, flowers, and containerized interior houseplants.

25                  **1) Use Limitations**

26                  **a) Location Criteria**

27                  The stand and accessory area shall be located:

- 28                  (1) on an arterial street designated on the PBC Thoroughfare Plan;  
29                  (2) a minimum of 100 feet from an Intersection of an arterial and any other  
30                  dedicated R-O-W;  
31                  (3) at least 600 feet from any other agricultural stand permitted in accordance  
32                  with these provisions; if located in a zoning district other than a commercial  
33                  district;  
34                  (4) at least 500 feet from adjacent residential uses, and **[Ord. 2005-041]**  
35                  (5) located on a legal lot of record no less than one acre in size.

36                  **b) Number**

37                  Only one stand shall be permitted on a lot of record.

38                  **c) Approval**

39                  Subject to Special Permit approval.

40                  **d) Setbacks**

41                  The stand shall be setback a minimum of 35 feet from the front property line and  
42                  50 feet from all other property lines.

43                  **e) Size and Configuration**

44                  The stand shall not exceed 300 square feet. The accessory area shall be limited  
45                  to display, storage and cashier purposes and shall be covered by a removable  
46                  cantilevered canopy or umbrellas. No outdoor display or storage shall occur  
47                  outside of the stand, umbrella, or canopy area.

48                  **2) Uses**

49                  No on-site food preparation or processing shall be permitted. No vending machines  
50                  shall be permitted on site. No additional Special Permits shall be permitted in  
51                  conjunction with the stand except for seasonal sales.

52                  **3) Parking**

53                  A minimum of two spaces and additional spaces subject to approval by the Zoning  
54                  Director.

55                  **4) Special Regulations**

56                  **a) Mobility**

57                  The stand shall retain its mobility, and have a frame of sufficient strength to  
58                  withstand being transported by wheels, skids, or hoist.

59                  **b) Building Materials**

60                  The stand shall be constructed of durable materials such as but not limited to  
61                  metal, fiberglass, wood, etc. The structure used for a stand shall be constructed  
62                  for the sole purpose of selling agricultural products. Semi-truck trailers, mobile  
63                  homes, and other permanent or temporary structures shall not be used as a  
64                  stand. Motor vehicles, including vans and small trucks may be permitted provided

1 the vehicle is removed from site at the end of each business day. These vehicles  
2 shall not be used for permanent or temporary residential purposes.

3 **c) Refrigeration**

4 Refrigeration shall be contained within the confines of the stand. If a motor  
5 vehicle is used for the stand, portable refrigeration may be used if contained as  
6 part of a motor vehicle and removed from the site daily.

7 **d) Signage**

8 Signs shall be limited to two, with a combined maximum sign face area of 32  
9 square feet per side. Signs shall be setback a minimum of five feet from the  
10 base building line and have a minimum separation of 100 feet. Banners,  
11 pennants, balloons, or flags shall be prohibited.

12 **e) Existing Stands**

13 All stands with a valid permit in effect on July 11, 1995, and which have been  
14 operating continually with a valid business tax receipt since issuance of the valid  
15 permit, shall be considered conforming uses. These operations may continue in  
16 the configuration as existed on July 11, 1995 in accordance with the laws and  
17 ordinances of PBC, Florida, and as provided herein: **[Ord. 2007-013]**

- 18 (1) the enclosed portion of the stand shall not exceed 300 square feet unless
- 19 provided for below;
- 20 (2) display of products immediately adjacent to the stand, whether or not
- 21 displayed under an umbrella or canopy, may continue in the same
- 22 configuration as existed on July 11, 1995;
- 23 (3) the stand shall not sell any products unless permitted in accordance with the
- 24 uses permitted to be sold in an agricultural stand as set forth in this
- 25 Subsection, as amended;
- 26 (4) portable refrigeration may be permitted if confined within the 300 square foot
- 27 stand and all required electrical permits have been obtained;
- 28 (5) the use of vending machines shall not continue; and,
- 29 (6) expansion of existing stands shall not be permitted. Any future expansion of
- 30 an existing stand shall comply with the regulations of this Section. If an
- 31 existing stand is expanded, repaired, or altered, the affected area shall
- 32 comply with the regulations herein.

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36 **42417. Shade House**

37 **a. Definition**

38 A temporary screen enclosure used to protect plants from insects, heat and exposure to  
39 the sun.

40 **ab. Permits**

41 A shade house used for ~~bona fide agricultural Farm~~ purposes less than 12 feet in height  
42 shall not be required to obtain a building permit.

43 **Table 4.B.1.A - Minimum Setbacks 12 feet or Less In Height**

Front and Street	15 feet
Side and Rear	7.5 feet

44 **Table 4.B.1.A - Minimum Setbacks Over 12 feet in Height**

Front and Street	25 feet
Side and Rear	15 feet

45 **bc. Commercial Greenhouse**

46 Commercial greenhouses having roofs and walls made of rolled plastic or other similar  
47 materials, used for the indoor cultivation of plants, including hydroponic farming using  
48 water containing dissolved inorganic nutrients, may be permitted in the AGR districts,  
49 subject to the following: **[Ord. 2006-004]**

50 **1) DRO Approval**

51 Commercial greenhouses that exceed the FAR limitations of FLU Element Table  
52 III.C.2 of the Plan, or with five or more acres of building coverage must be approved  
53 by the DRO. **[Ord. 2006-004]**

54 **2) Property Development Regulations**

55 Setbacks for greenhouses in excess of 25 feet in height must be in accordance with  
56 Table 3.D.1.A, Property Development Regulations. Setbacks for greenhouses less  
57 than 25 feet in height may be reduced by 50 percent. FAR and Building Coverage  
58

1 may be increased up to a maximum of .75 to accommodate commercial  
2 greenhouses. [Ord. 2006-004]

3 **3) Landscaping and Buffering**

4 Commercial greenhouses are exempt from the interior and foundation planting  
5 requirements of Table 7.C.3, Minimum Tier Requirements. A Type III incompatibility  
6 buffer shall be required along property lines where greenhouses are adjacent to or  
7 visible from a public R-O-W or parcels with a civic, conservation, commercial,  
8 recreational or residential FLU designation or use. Buffers shall be a minimum of 25  
9 feet in width for greenhouses up to 25 feet in height, and 50 feet for greenhouses  
10 greater than 25 feet in height. [Ord. 2006-004]

11 **a) Exceptions**

12 **(1) Visual Screening**

13 Landscape buffer and planting requirements may be waived in areas where it  
14 can be demonstrated that greenhouse structures are not visible from the  
15 subject property lines or use areas. [Ord. 2006-004]

16 **(2) Alternative Planting**

17 Planting requirements may be satisfied by the use of existing native  
18 vegetation or the placement of other related plant material, provided that the  
19 growing area is at least 25 feet wide and meets the buffering requirements  
20 for a Type III incompatibility buffer. [Ord. 2006-004]

21 **4) Parking and Loading**

22 All parking and loading shall occur in the designated areas indicated on the site plan.  
23 [Ord. 2006-004]

24 **a) Parking**

25 If vans, buses, or commercial loading vehicles are used for employee  
26 transportation, required parking shall be configured to accommodate these  
27 vehicles. [Ord. 2006-004]

28 **b) Loading**

29 Loading zones shall not be oriented towards residential uses, and shall be  
30 setback from property lines a minimum of 250 feet, unless approved as a Type I  
31 Waiver. [Ord. 2006-004] [Ord. 2012-027]

32 **5) Storage**

33 Only equipment directly related to the facility may be stored on site. All stored  
34 equipment must be screened from view from adjacent properties and streets. [Ord.  
35 2006-004]

36 **6) Interior Lighting**

37 Greenhouses shall not be illuminated between 9 p.m. and 6 a.m. if light is visible from  
38 outside of the structure from any adjacent R-O-W, or properties with a residential  
39 FLU designation or use. [Ord. 2006-004]

40 **7) Accessory Office**

41 An office is permitted as an accessory use, subject to the following and all other  
42 applicable requirements: [Ord. 2006-004]

43 a) Less than five acres of commercial greenhouse: 1,000 square feet. [Ord. 2006-  
44 004]

45 b) Greater than five acres of commercial greenhouse: 2,000 square feet. [Ord.  
46 2006-004]

47 c) Bathroom facilities shall not be included in the calculation of office square  
48 footage. [Ord. 2006-004]

49 **8) Signage**

50 Signage for commercial greenhouses shall be limited to one freestanding sign  
51 located at the projects primary entrance. [Ord. 2006-004]

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55 **42518. Stable, Commercial**

56 **a. Definition**

57 An establishment for boarding, breeding, training or raising of horses not necessarily  
58 owned by the owners or operators of the establishment; rental of horses for riding or  
59 other equestrian activities, excluding uses classified as an equestrian arena. ~~A  
60 commercial stable may be operated in conjunction with a residence and shall comply with  
61 the PBACD.~~ [Partially relocated to Collocated Use g., below]

62 **b. Lot Size**

63 ~~A minimum of five acres.~~ [Relocated to Lot Size e., below]

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**ab. 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.

**e. 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. [Relocated to Frontage d., below]~~

**c. Overlay - LOSTO**

~~A commercial stable with 20 or fewer stalls shall be allowed as a Special Permit. [Relocated from LOSTO e., below]~~

**d. Setbacks**

~~A minimum of 25 feet from any property line, or the minimum setback of the district, whichever is greater. [Relocated to Setbacks f., below]~~

**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. [Relocated from Frontage c., above]~~

**e. LOSTO**

~~A commercial stable with 20 or fewer stalls shall be allowed as a Special Permit. [Relocated to Overlay - LOSTO c., above]~~

**e. Lot Size**

~~A minimum of five acres. [Relocated from Lot Size b., above]~~

**f. Setbacks**

~~A minimum of 25 feet from any property line, or the minimum setback of the district, whichever is greater. [Relocated from Setbacks d., above]~~

**g. Collocated Uses**

~~A commercial stable may be operated in conjunction with a residence and shall comply with the PBCACC. [Partially relocated from Definition a., above]~~

**12619. 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 ~~PBAGD~~ PBCACC.

**a. Boarding**

~~On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted. [Relocated to Board c., below]~~

**b. Setbacks**

**1) Accessory Structure**

A private stable with twelve stalls or fewer located on a parcel with a single family residence shall be considered an accessory structure and shall meet the setback requirements for an accessory structure, or 25 feet, whichever is greater.

**2) Principal Structure**

A private stable with more than twelve stalls located on a parcel with a single family residence, or a vacant parcel, shall be considered a principal structure and shall meet the applicable setback requirements for a principal structure.

**c. Boarding**

~~On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted. [Relocated from Boarding a., above]~~

**12720. Sugar Mill or Refinery**

**a. Definition**

An establishment for the extraction and refining of sugar from agricultural products.

**ab. Setback**

Shall be setback 300 feet from off-site residentially occupied or zoned property. In the AR district, a sugar mill or refinery shall be permitted on land in a RR FLU designation as a Class A conditional use.

**b. Barbed Wire**

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

U:\Zoning\CODEREV\Research - Central\Use Regulations Project\4 - Meetings\6 - BCC Status Memos\14- BCC Zoning Hearing - 10-27-16 Commercial Temp Ag uses\Attachment 3 - Agricultural Uses.docx

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**Part 1. New Table 4.B.1.D, Corresponding Accessory Use to a Principal (page 28 of 35), is hereby revised as follows:**

<b>Reason for amendments:</b> [Zoning]	
1.	For an in depth explanation of the proposed amendment, please see Part 2 below.
2.	Establish the approval process for Limited Pet Boarding as Class A Conditional Use in the Agricultural Reserve (AGR), Agricultural Residential/ Rural Service (AR/RSA) and Agricultural Residential/ Urban Service (AR/USA) Zoning Districts accessory to Single Family. The use and approval process will be added to the Residential Use Classification, Table 4.B.1.D, Corresponding Accessory Use to a Principal Use. The Class A Conditional Use approval process will allow for public input to discuss any potential impacts from Limited Pet Boarding at BCC Public Hearing.
3.	Establish Note 4 in Table 4.B.1.D to clarify that a Limited Pet Boarding use will be allowed in the AGR and AR/RSA and AR/USA Zoning Districts only subject to Class A Conditional Use approval.

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

	Principal Use												
	Mobile Home Dwelling	Multifamily	Single Family	Townhouse	Zero Lot Line	Farm	Stable Commercial / Stable Private	Agricultural Uses	Commercial Uses	Industrial Uses	Institutional and Public Uses	Recreation Uses	Utilities and Excavation Uses
<b>Accessory Use</b>													
----													
<b>Kennel, Type 1</b>	-	-	P	-	-	-	-	-	-	-	-	-	-
<b>Limited Pet Boarding</b>	-	-	A(4)	-	-	-	-	-	-	-	-	-	-
<b>Notes</b>													
-	Accessory use not permitted												
P	Permitted by Right												
A	Accessory use subject to Class A Conditional Use unless stated otherwise – See principal use and accessory use supplementary standards.												
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(4)	Limited Pet Boarding shall be allowed in the AGR and AR/RSA and AR/USA Zoning Districts only.												

**Part 2. New ULDC Art. 4.B.1.C, Residential Uses, is hereby established as follows:**

**CHAPTER B USE CLASSIFICATION**

**Section 1 Residential Uses**

**E. Accessory Residential Use Standards**

**11. Limited Pet Boarding**

**BACKGROUND**  
 Establish a new use to allow limited boarding accessory to Single Family use in the Agricultural Reserve (AGR) and Agricultural Residential (AR) Zoning Districts. Limited Pet Boarding use within a Single Family use would allow limited boarding of cats and dogs not owned by the owners or occupants of the premise. The new use is being introduced to acknowledge the potential for these types of businesses in certain rural residential districts, as explained further below. The AGR and AR Zoning Districts may be suitable for this type of use as the occupants of the Single Family dwelling will operate the use.

Commercial kennels are currently prohibited within residential zoning districts. While Private Kennels are permitted in residential zoning districts, the use is limited to the boarding of dogs “owned by the occupants of the premises...” In 2012, it was learned by the Zoning Division that several residential dog boarding operations had been established in Residential Zoning Districts pursuant to an Animal Care and Control (ACC) permit, but contrary to the Zoning prohibitions.

A Privately Initiated Amendment (PIA) was submitted to the Zoning Division in 2012 by Jeff and Monika



Stefaniak to allow for limited boarding of cats and dogs in certain Residential Zoning Districts. The initiation of this amendment was presented for recommendation at the February 27, 2013 Land Development Regulations Advisory Board (LDRAB). LDRAB expressed concerns with the initiation of this amendment based on impacts of nuisances (such as noise and traffic) and incompatibility of commercial uses in residential zoning districts. However, LDRAB voted to move the application forward to the BCC with direction for staff to express their concerns to the BCC. At the March 28, 2013 BCC Zoning Hearing, the BCC directed staff to draft a code amendment for limited boarding of cats and dogs in certain residential districts as part of the ULDC Use Regulations Project.

**RESEARCH/FINDINGS:**

Staff reviewed several ordinances from other jurisdictions in Palm Beach County, Florida, and other States, including but not limited to, California, North Carolina and Minnesota that allow boarding facilities in residential zoning districts. Staff also conducted two meetings, on May 13, 2014 and September 15, 2014, with Boarding Operators, interested parties and County staff to solicit input and feedback on the proposed new use. Meeting feedback yielded specific recommendations including: number of animals per boarding operation, outdoor runs, signage, and duration of stay, hours of operation, noise and traffic. Preliminary research indicates that other uses with similar nuisances (noise, odor) and adverse impacts (non-residential traffic) are permitted within certain residential zoning districts, such as the boarding of up to four horses in a Private Stable when located on a two or more acre lot; and, a family day care home, which allows for daycare of up to six children, excluding the operator’s children who reside in the home.

Staff research found that when uses are allowed in Residential Zoning Districts, regulations typically require a Conditional Use approval or Special Exception. The research also found that where the use is allowed, supplementary standards were established to address adverse impacts such as separation requirements, minimum lot size and nuisance mitigation (soundproofing and odor abatement).

**CONCLUSION:**

Staff concurs with the potential viability of the proposed limited boarding, accessory to Single Family use, in certain residential zoning districts. In an effort to address LDRAB and Zoning staff concerns, staff is proposing to add the Limited Boarding use by allowing them, as a Class A Conditional Use, in the AGR and AR Zoning Districts accessory to Single Family dwelling. Supplementary standards will be added to mitigate potential adverse impacts in rural residential zoning districts. The use will also be added to Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, in the Residential Use Classification. Limited Pet Boarding will be grouped with uses that are accessory in nature to Residential uses.

**Reason for amendments: [Zoning]**

1. Establish definition to clarify that boarding is accessory to a Single Family use.
2. Establish limitations of use standards to address potential nuisances and adverse impacts adjacent to residential uses:
  - Establish Approval Process standard to clarify that the use is subject to Class A Conditional Use in the AGR and AR Zoning Districts; and, clarify coordination of ACC and Zoning at time of Class A Conditional Use application. Concurrent with the Class A Conditional Use review, the applicant for the Limited Pet Boarding use must provide official ACC correspondence to the Zoning Division identifying intent to develop the use operation and location.
  - Establish ACC Permit standard to clarify that Zoning Approval is required prior to owner applying for ACC permit.
  - Establish a minimum lot size requirement of one acre. Review of municipal and industry research indicates that a proposed minimum lot size would assist in the mitigation of adverse impacts.
  - Establish separation distance from one operation to another in order to mitigate possible impacts over adjacent properties.
  - Limit boarding to only cats and dogs shall be exclusively within the Single Family dwelling structure. Zoning staff recognizes the need for the dogs and cats to be outdoors, therefore the standard clarifies that the boarding limitation excludes time for outdoor activities.
  - Establish a maximum threshold for number of cats and dogs boarded. The Animal Care and Control (ACC) Ordinance 98-22 restricts the number of cats or dogs based on acreage (for example, 1-10 cats/ dogs allowed on parcels less than 1.5 acres). In an effort to mitigate traffic trips within a neighborhood and other potential impacts, staff’s recommendation is to establish the maximum total number of cats and dogs at seven, exclusive of the owner’s dogs and cats.
  - Clarify hours for operation and include reference to setback requirements for outdoor runs in Article 5, Supplementary Standards.
  - Clarify Outdoor Area standard to allow for occasional limited outdoor activity. Although runs and play areas are prohibited, staff recognizes occasional walking and relief of animals is

common.

- Clarify that signage shall be prohibited for consistency with regulations applicable to similar uses located in the Residential zoning districts.

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**a. Definition**

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

**b. Approval Process**

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

**c. Lot Size**

A minimum of one acre.

**d. Separation Distance**

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

**e. Maximum Number**

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

**f. Boarding**

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

**g. Hours**

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

**h. Outdoor Areas**

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

**i. Signage**

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

**j. ACC Permit**

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