

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

TITLE: UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS - USE REGULATIONS PROJECT: ADOPTION HEARING

SUMMARY: The proposed ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications to the Unified Land Development Code (ULDC), as well as several specific amendments, as follows:

- Reasons for Amendments Summary
- Ordinance Title
- Exhibit A - Article 1, General Provisions
- Exhibit B - Article 2, Development Review Process
- Exhibit C - Article 3, Overlays and Zoning Districts
- Exhibit D - Article 4, Use Regulations
 - Residential Uses
 - Commercial Uses
 - Recreation Uses
 - Institutional, Public and Civic Uses
 - Industrial Uses
 - Agricultural Uses
 - Utility Uses
 - Transportation Uses
 - Commercial Communication Tower Uses
 - Excavation Uses
 - Temporary Uses
- Exhibit E - Article 5, Supplementary Standards
- Exhibit F - Article 6, Parking
- Exhibit G - Article 7, Landscaping
- Exhibit H - Article 8, Signage
- Exhibit I - Article 9, Archaeological and Historical Preservation
- Exhibit J - Article 10, Enforcement
- Exhibit K - Article 11, Subdivision, Platting, and Required Improvements
- Exhibit L - Article 12, Traffic Performance Standards

Staff Recommendation: Staff recommends approval of the motion to adopt.

Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC): The proposed code amendments were submitted for review to the LDRAB on October 23, 2013; February 26, 2014; July 23, 2014; June 24, 2015; November 18, 2015; April 27, 2016; May 25, 2016; October 14, 2016; October 26, 2016; November 30, 2016; and December 14, 2016, and the Land Development Regulation Commission (LDRC) on November 30, 2016; and December 14, 2016. All proposed ULDC amendments were found to be consistent with the Plan. The LDRAB recommended approval, including revisions incorporated by staff, with exception to the following:

- At the October 14, 2016 meeting, the LDRAB recommended that the BCC not approve the proposed amendments to establish the Limited Pet Boarding Use (8 – 2).
- At the December 14, 2016 meeting, the LDRC made the following recommendations:
 - Reiterated October 14 recommendation against Limited Pet Boarding (10 – 0);
 - To retain proposed amendments for Homeless Resource Center Use (9 – 3); and,
 - To consider alternatives for requests to modify Limited Self Service Storage Facility Use to allow for higher percentage in a Commercial Pod of a PUD or Neighborhood Center of a TND.

BCC Public Hearings: January 5, 2017: Request for Permission to Advertise for First Reading on January 26, 2017: Approved, (7-0). Key items discussed, included:

- Staff noted that pursuant to an upcoming meeting it was anticipated that additional revisions to the amendments for Homeless Resource Center (HRC) would be reintroduced for 1st Reading;
- Overview of the status of recent coordination efforts with the School District of Palm Beach County, related to Use Regulations for Schools. Find attached, the January 5,

2017 letter from the School District reaffirming request to postpone any amendments pertaining to public schools.

- One member of the public commented on ongoing efforts to work with staff regarding options for placement of Self Service Storage Facilities in the Commercial Pod of a Planned Unit Development (PUD).

January 26, 2017: First Reading and Advertise for Adoption Hearing on February 23, 2017: Approved, (6-0). Key items discussed, included:

- Staff mentioned the opposition to Limited Pet Boarding use by the Alliance of Delray Residential Associations, Inc requesting the Board for denial of that use in AGR and AR Zoning Districts. The Board voted to move the item for adoption in February without changes as the use is proposed to be subject to public hearing.

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS:** CHAPTER B, INTERPRETATION OF CODE; CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS & ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER E, PRIOR APPROVALS; CHAPTER G, EMINENT DOMAIN; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD's); **ARTICLE 4 – USE REGULATIONS:** CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; CHAPTER D, EXCAVATION; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER H, MASS-TRANSIT STANDARDS; **ARTICLE 6 – PARKING:** CHAPTER A, PARKING; **ARTICLE 7 – LANDSCAPING:** CHAPTER A, GENERAL; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 8 – SIGNAGE:** CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES; **ARTICLE 9 – ARCHAEOLOGICAL AND HISTORICAL PRESERVATION:** CHAPTER A, ARCHAEOLOGICAL RESOURCES PROTECTION; **ARTICLE 10 – ENFORCEMENT:** CHAPTER C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD; CHAPTER E, REMEDIES; **ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS:** CHAPTER B, SUBDIVISION REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; **ARTICLE 12: TRAFFIC PERFORMANCE STANDARDS:** CHAPTER J, TRANSPORTATION CONCURRENCY MANAGEMENT AREAS (TCMA); CHAPTER L, TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION; CHAPTER Q, PROPORTIONATE FAIR-SHARE PROGRAM; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

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ACTING CHIEF OF FACILITIES MANAGEMENT

January 5, 2017

Mr. Jon MacGillis, ASLA, Director
Palm Beach County Zoning Division
2300 N Jog Road
West Palm Beach, FL 33411

SUBJECT: ULDC REGULATIONS PERTAINING TO PUBLIC SCHOOLS

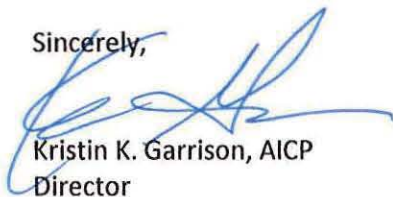
Dear Mr. MacGillis:

Please let this letter serve as a formal request from the School District to withdraw County staff's request for changes to the land development regulations governing public schools. District staff requests that no public school related amendments regarding public schools go forward at this time. As recently discussed, District staff believes that the proposed changes are substantial and may hinder the District's ability to build and renovate schools on schedule to serve the student population.

District staff would like the opportunity to further review the proposed amendments, conduct research and, if appropriate, make recommendations regarding the review process and land development regulations to be reviewed by the County staff at a later date. We appreciate you and your staff's assistance.

As always, thank you for working collaboratively with the District and for an open, constructive mindset.

Sincerely,



Kristin K. Garrison, AICP
Director

cc: Palm Beach County Board of County Commissioners
Donald E. Fennoy II, Ed. D, SDPBC Chief Operating Officer
Angela D. Usher, AICP, SDPBC Planning and Intergov. Manager

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EXHIBIT A – ARTICLE 1, GENERAL PROVISIONS

Part 1. ULDC Art. 1.B.1.A, Authority, (page 6 of 119), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Update and clarify who has the authority to interpret the various sections of Article 4.B.10, Excavation Uses. The Reviewing Agencies involved include the Director of the Environmental Resource Management (ERM), the County Engineer, or the Planning, Zoning and Building (PZB) Executive Director. For example, Zoning related provisions such as setbacks should be interpreted by the PZB Executive Director instead of the Director of ERM, as currently established in the Code. Specific Excavation articles contain regulations that pertain to all three departments and should be interpreted by the PZB Executive Director in consultation with the Director of ERM and the County Engineer, or, by the Director of ERM in consultation with PZB Executive Director.
2. As part of the Use Regulations Project, articles have been re-ordered and re-numbered as a result of the reorganized Excavation section.

Part 2. ULDC Art. 1.C.1.A.2.x, Use Type [Related to Rules of Construction] (page 8 of 119), is hereby amended as follows:

Reason for amendments: [Zoning]
Delete reference to “Use Type” currently used in the Use Matrices. The consolidated Use Matrix for every Use Classification is proposed to reference directly “Supplementary Use Standards” instead of “Use Type” therefore this definition is deleted from Art. 1.

Part 3. ULDC Art. 1.F.2.D, Nonconforming Lot (page 20 of 119), is hereby amended as follows:

Reason for amendments: [Zoning]
Update use name Accessory Dwelling for Accessory Quarters as proposed in the Residential Use Classification.

Part 4. ULDC Art. 1.F.4.D.2.a, Nonconforming Use (page 23 of 119), is hereby amended as follows:

Reason for amendments: [Zoning]
Update use name Convenience Store with Gas Sales to Retail Gas and Fuel Sales as proposed in the Commercial Use Classification.

Part 5. ULDC Art. 1.I, Definitions and Acronyms (page 31-35, 37-40, 42-44, 46-52, 54-59, 63-65, 69-70, 72, 74-77, 80-84, 93, 105, 107, 108, 109, 112, and, 114 of 119), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Eliminate redundant definitions already contained in Article 4, Use Regulations.
2. All definitions to be renumbered accordingly to reflect proposed deletion of definitions.
3. Relocate definitions related to Commercial Communication Tower types from article 1.I, Definitions and Acronyms, to consolidate in Article 4, Use Regulations under the Towers Use Classification.
4. Delete duplicate definition of Agricultural Excavation in Article 1 as standard is already used in Art. 4.B.10, Excavation Uses.
5. Ambulatory Surgical Center definition is proposed to clarify typical uses related to Medical or Dental Office.
6. Asphalt and Concrete Plant will be consolidated with Heavy Industry as these two uses have similar characteristics.
7. Introduce definition of Chapel to clarify the use is not the same as a Place of Worship and clarify that the use may be considered accessory, incidental and subordinate, subject to the limitations applicable to any accessory use.
8. Introduce a new definition for “Construction and Demolition Debris” to better clarify what specific materials can be received in a Recycling Plant. According to the PBC Solid Waste Management Plan, mixing of Construction and Demolition Debris with other types of solid waste will classify the waste as something else. This definition is consistent with State Statute 403.703, Environmental Control, the Department of Environmental Protection Solid Waste Facilities Chapter 62-701 and the Integrated Solid Waste Management Plan of the Palm Beach County Solid Waste Authority.
9. The consolidated Use Matrix does not longer reflect Requested Uses which is the terminology used for public hearing approvals through the Board of County Commissioners (BCC) applicable to Planned Development Districts (PDDs) and Traditional Development Districts (TDDs). The Public Hearing approval process terminology is Conditional Use, Class A for BCC approval and Class B

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	for Zoning Commission approval as reflected on the use matrices in Art. 4, Use Regulations.
10.	Establish definition for Equestrian Waste based on existing ULDC definition for Livestock Waste, which was based upon applicable Florida laws, in support of new Equestrian Waster Management Facility.
11.	Expand definition of manufactured building to provide consistency with the definition contained in the State Statute 553, Building Construction Standards. The revised definition includes residential, commercial, institutional, and industrial structures that are built under the standards of the Florida Building Code.
12.	Clarify mobile home definition to differentiate between structure and dwelling unit as the terminology has been used interchangeably in the Code. Mobile home structure relates to non-density related uses such as Caretaker Quarters, Accessory to Bona Fide Agriculture and Farm Workers Quarters, temporary construction of Single Family, or, office. Mobile Home Dwelling is a principal residential use counted as density and permitted only in Mobile Home Park Development (MHPD) Districts or within an existing approved mobile home park. Mobile Home is a residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development.
13.	Delete duplicated definition of Mobile Home Subdivision which applies to articles 4, Use Regulations and 11, Subdivision, Platting and Required Improvements.
14.	To clarify that screening requirements for outdoor activities are not intended to apply to common business operations such as outdoor storage or loading bays and related activities. See also relocation and consolidation of standards for screening outdoor activities with Art. 5, Supplementary Use Standards for outdoor storage.
15.	Clarify definition of "Street" by indicating the term pertains to commercial communication towers located in Electrical Transmission Lines or Florida Department of Transportation right-of-ways (R-O-W) or easements within that R-O-W that have a minimum width of 250 feet.
16.	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.
17.	Urgent Care Center definition is proposed to clarify typical uses related to Medical or Dental Office.

1 **Part 6. New ULDC Art. 1.1.3, Abbreviations and Acronyms, (Pages 115, 118 and 119 of 119) is**
 2 **hereby amended as follows:**
 3

Reason for amendments: [Zoning]
1. Delete duplicated acronym for Congregate Living Facility (CLF) which also includes wrongly the word "Adult". CLFs are not specifically oriented to attend adult population.
2. Create an acronym for "mobile home" or "manufactured home" to be consistent with State Statutes and maintain common reference to "mobile home" as well.
3. Recognize new acronyms for vehicles as established in amendments for Vehicle sales and Rental.

EXHIBIT B – ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES

4 **Part 1. ULDC Art. 2, Development Review Procedures (pages 12-18, 20, 25-29, 37, 39-42, 54-55,**
 5 **58, 75-76, 84 and 87 of 87), is hereby amended as follows:**
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 7
 8

Reason for amendments: [Zoning]
1. Use Matrices in Articles 3 and 4 of the ULDC have been consolidated to be located in Article 4, Use Regulations under every Use Classification. As a result, any reference through the Code to the Use Matrix has to be updated to reflect its new location. Some of the amendments below reflect the update in the Use Matric reference.
2. Delete reference to Live/Work use as the use is proposed to be deleted from Art. 4, Use Regulations.
3. The Use Regulations Project (URP) is proposed to consolidate Use Matrices and by doing that, terminology used for Public Hearing process is also consolidated. This amendment deletes from the Code any reference to "Requested Use" and be replaced with "Conditional Use". Requested Use is the terminology used to refer to Board of County Commissioners (BCC) approval of uses as indicated in the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) Use Matrices. Currently the Code reflects "Conditional Use" approval in the standard zoning districts Use Matrix only with clarification that Class A is for BCC approval while Class B for Zoning Commission approval. This amendment updates all the references in Art. 2 where the words "Requested Use" are utilized.
5. Update reference of "bank drive through facilities" to Financial Institution with Drive Thru Facilities and Financial Institution Freestanding ATM to be consistent with the proposed uses name in the Commercial Use Classification.
6. Update use name Commercial Communication Towers to be consistent with the proposed amendment in the Towers Use Classification.
7. Update use name Renewable Energy Wind Facility to reflect the use name change as proposed in the Utilities Use Classification.

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8.	Update Type 1B Excavation reference to reflect use of Arabic numbers instead of Roman numbers for consistency with proposed changes in the Excavation Uses chapter of Art. 4, Use Regulations.
9.	Currently Stealth Towers when less than 100 feet in height and located in Agricultural Reserve (AGR), Agricultural Residential (AR) Urban and Rural Service areas, and Residential Estate (RE) Zoning Districts are allowed to be subject to DRO Agency Review process which allows amendments to existing approved plans. This amendment creates cross reference between the regulations related to DRO Agency Review process contained in Art. 2.G.2, Administrative Modification, and the Stealth Tower standard in Art. 4; and, clarifies it applies only to sites with existing DRO site plans, otherwise the tower will be subject to the review of all DRO agencies.
10.	Update Type 1B Administrative Variance references to Type 1A and Type 1B Excavation to reflect revised article numbers resulting from the reorganized excavation language as part of the Use Regulations Project.
11.	Update table footnotes to reflect use of Arabic numbers instead of Roman numbers when excavation types are referenced, for consistency with proposed changes in the Excavation Uses chapter of Art. 4, Use Regulations.
12.	Update the power and duties of the Groundwater and Natural Resource Protection Board to reflect the changes proposed in Art. 1.B.1, related to ERM's Interpretations of Excavation Use Regulations.
13.	Reflect use of Arabic numbers instead of Roman numbers for excavation types to be consistent with proposed changes in the Excavation Uses chapter of Art. 4, Use Regulations.
14.	Clarify that the Director of ERM has the authority to review and approve, approve with conditions, or deny applications for Agricultural Excavations in the West County Agricultural Area (WCAA), pursuant to Art. 4.D.3.A, Agricultural Excavation. The provisions for Excavation Uses in Article 4 indicate that approvals for Agricultural Excavation outside of the WCAA, Type 2 Excavation and Type 3 Excavation are administered by both ERM and the PZB Department.

EXHIBIT C – ARTICLE 3, OVERLAYS AND ZONING DISTRICTS

Part 1. ULDC Art. 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (pages 16 – 18 of 134), is hereby amended, as follows:

Reason for amendments: [Zoning]
<p>1. Establish that the Institutional and Public Facilities District (IPF) Zoning district is consistent with the Utilities and Transportation (U/T) future land use (FLU) designation for the purposes of accommodating development required for certain types of publically held or privately operated utilities that do not fit criteria for the Public Ownership (PO) Zoning district:</p> <ul style="list-style-type: none"> • Whereas, FLUE Policy 2.2.9-c indicates that <i>“Transportation and Utility uses may be allowed in all future land use designations, provided the uses are consistent with the Comprehensive Plan and the ULDC.”</i>; • Whereas, a number of utility uses may be allowed in the most Zoning districts; • Whereas, the ULDC has historically and currently limits the U/T FLU designation to the Public Ownership (PO) Zoning district; • Whereas, the PO district is defined in a way that suggests ownership or operation by governmental entities; • Whereas, certain publically held utilities, or those that may be privately owned or operated, do not necessarily afford the same level of public input or accountability expected from governmental entities anticipated within the scope of the PO district; • Whereas, the Institutional and Public Facilities (IPF) Zoning district is defined to include <i>“...regional or community uses that are either publically or privately operated.”</i> <p>Note: See also Part 10, related to new Art. 3.D.3.A.6, Institutional and Public Facilities District (IPF) with UT FLU Designation.</p>
<p>2. Implement concurrent amendment to the Future Land Use Element (FLUE) of the Comprehensive Plan, which will allow for limited use of the Special Agriculture (SA) future land use (FLU) designation in the Glades Tier, to allow for a Equestrian Waste Recycling Pilot Project.</p>

Part 2. ULDC Table 3.B.2.B, Airport Use Regulations (Continued) (page 21-23 of 234), is hereby amended as follows:

Reason for amendments: [Zoning]
Rename, relocate and expand uses where applicable for consistency with revisions to Art. 4, Use Regulations.

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1 **Part 3. ULDC Art. 3, Overlays and Zoning Districts [Related to Hours of Operation] (pages 27,**
2 **140, 141, 164 and 179 of 234), is hereby amended as follows:**
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Reason for amendments: [Zoning]
Relocate and consolidate hours of operation in new Article 5.E.5, Hours of Operation [Related to Performance Standards].

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6 **Part 4. ULDC Art. 3.B.6, LOSTO, Lake Okeechobee Scenic Trail Overlay (page 30 of 234), is**
7 **hereby amended as follows:**
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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.

9
10 **Part 5. ULDC Art. 3.B.9.D.5.a, Permitted Uses [Related to PBIA], (pages 35, of 234), is hereby**
11 **amended as follows:**
12

Reason for amendments: [Zoning]
1. Delete redundant reference, which does not apply to Non-conforming Uses.
2. Update Excavation type reference to reflect use of Arabic numbers instead of Roman numbers for consistency with proposed changes in the Excavation Uses chapter of Art. 4, Use Regulations.
3. Update Excavation Uses reference to reflect updated article numbers resulting from the reorganized excavation language as part of the Use Regulations Project.

13
14 **Part 6. ULDC Art. 3.B.10.C.1, Prohibited Noise Sensitive Uses [Related to RTO, Research and**
15 **Technology Overlay] (page 38 of 234), is hereby amended as follow**
16

Reason for amendments: [Zoning]
Rename uses for consistency with revisions to Art. 4, Use Regulations.

17
18 **Part 7. ULDC Art. 3.B.11.C, Use Regulations [Related to CGCFO, Sugar Cane Growers**
19 **Cooperative of Florida Protection Area Overlay] (page 38-39 of 234), is hereby**
20 **amended as follows:**
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Reason for amendments: [Zoning]
Rename uses for consistency with revisions to Art. 4, Use Regulations.

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23 **Part 8. ULDC Art. 3.B.13, TAPO Turnpike Aquifer Protection Overlay (pages 39-40 of 234), is**
24 **hereby amended as follows:**
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Reason for amendments: [Zoning]
Rename uses for consistency with revisions to Art. 4, Use Regulations.

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28 **Part 9. ULDC Art. 3.B.14, WCRAO, Westgate Community Redevelopment Area Overlay (pages**
29 **41-53 of 234), is hereby amended as follows:**
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Reason for amendments: [Westgate CRA]
1. 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

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	adopted ordinances that prohibit convenience stores in neighborhood commercial zoning districts 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.
2.	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.
3.	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.
4.	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.
5.	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."
6.	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.
7.	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.
8.	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".
9.	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.
10.	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.
11.	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.
12.	Live/Work Unit is stricken to cross reference the deletion of this use pursuant to Use Regulations amended language.
13.	The Westgate CRA has identified the need to amend certain use regulations to better facilitate the CRA's objective of eliminating slum and blight in the Westgate community redevelopment area. This amendment seeks to add a more restrictive approvals process and more stringent property development regulations to the Contractor Storage Yard use to mitigate for potentially harmful impacts. A Contractor Storage Yard is an intense, operationally active industrial use that can have a negative impact on surrounding areas, particularly if adjacent or nearby residentially zoned districts. The use is not only visually unappealing, it can generate noise, increased heavy truck traffic, and possible environmental impacts from the storage of certain construction material. The Westgate CRA believes this use to be inappropriate for an urban redevelopment area. Where allowed on industrially zoned parcels in the UG and UI Sub-areas of the WCRAO, the use will require a Class A conditional use approval by the BCC providing an opportunity for the concerns of neighboring community residents to be heard via the public hearing process. A required accessory office structure serves to screen the storage yard and prevent stand-alone outdoor storage. The accessory office structure must meet the setbacks, build to line, minimum frontage, and building coverage property development standards of the UI or UG Sub-area to create better building presence.
14.	Rename uses for consistency with revisions to Art. 4, Use Regulations.

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1 **Part 10. ULDC Art. 3.B.15, Infill Redevelopment Overlay (IRO) (pages 78-88, of 234), is hereby**
2 **amended as follows:**

Reason for amendments: [Zoning]
1. Provide link to relocated Use Matrices, due to relocation of Infill Redevelopment Overlay (IRO) Use Schedule to new consolidated Use Matrices in Article 4, Use Regulations, where all zoning district or specific Overlay use standards are grouped by classification.
2. Rename uses for consistency with revisions to Art. 4, Use Regulations.

3 **Part 11. ULDC Art. 3.B.16.E, PRA Use Matrix (pages 85 and 90 of 229), is hereby amended as**
4 **follows:**
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Reason for amendments: [Zoning]
1. Provide link to relocated Use Matrices, due to relocation of PRA Use Matrix to new consolidated Use Matrices in Article 4, Use Regulations, where all zoning district or specific Overlay use standards are grouped by classification.
2. Delete scrivener's error reference to Use Matrices for other Zoning Districts and Overlays.
3. Rename uses for consistency with revisions to Art. 4, Use Regulations.
4. Per Florida Statutes 419.001(3)(c), Type 1 CLF shall be treated the same as a Single Family use.

6 **Part 12. ULDC Table 3.D.1.A, Property Development Regulations [Related to PDRs for Standard**
7 **Zoning Districts] (page 127 of 234), is hereby amended as follows:**
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Reason for amendments: [Zoning]
Recognize that concurrent amendments to the FLUE of the Plan to allow for limited use of the Special Agriculture (SA) future land use designation in the Glades Tier with the Agriculture Production (AP) Zoning district, necessitates an increase in permitted Building Coverage. Whereas, the maximum 10% Building Coverage in the AP district corresponds to the maximum 0.10 FAR permitted for the AP FLU designation, the SA FLU designation allows for a maximum 0.15 FAR, and there is no need to encourage vertical development for agricultural support uses, which tend to be one-story as a matter of function. Hence, the Building Coverage needs to be increased to allow for a reasonable use of the greater FAR afforded to the SA FLU designation.

9 **Part 13. ULDC Art. 3.D.3.A, District Specific Regulations (pages 136-137, 140-141 of 234), is**
10 **hereby amended as follows:**
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Reason for amendments: [Zoning]
1. Rename uses for consistency with changes done in Article 4, Use Regulations.
2. Relocate language in Article 3.D.3.A.1, District Specific Regulations, related to Multifamily Residential (RM) Zoning District for parcels that contain Medium Residential, 5 units per acre (MR-5) FLU designation to Multifamily use in Art. 4. The regulations are use-specific and they have been consolidated as a supplementary use standard under Multifamily.
3. Delete prohibition related to RM corresponding to MR-5 FLU designation as the language is redundant since Article 3, Table 3.A.3.B, FLU Designation and Corresponding Standard Zoning Districts, already addresses it.
4. Delete "Buildings Over 100 Feet in Height" standard applicable to multifamily buildings. The ULDC addresses buildings height in Article 3.D.1.E.
5. Relocate and consolidate hours of operation in new Article 5.E.5, Hours of Operation [Related to Performance Standards].
6. Relocate and consolidate redundant screening requirements applicable to "outdoor activities" in Light and General Industrial Zoning Districts, since Art. 5.B.1.A.3, Outdoor Storage already contains similar provisions.
7. Establish that the Institutional and Public Facilities District (IPF) Zoning district is consistent with the Utilities and Transportation (U/T) future land use (FLU) designation for the purposes of accommodating development required for certain types of publically held or privately operated utilities that do not fit criteria for the Public Ownership (PO) Zoning district: <ul style="list-style-type: none"> • Whereas, FLUE Policy 2.2.9-c indicates that "Transportation and Utility uses may be allowed in all future land use designations, provided the uses are consistent with the Comprehensive Plan and the ULDC."; • Whereas, a number of utility uses may be allowed in the most Zoning districts; • Whereas, the ULDC has historically and currently limits the U/T FLU designation to the Public Ownership (PO) Zoning district; • Whereas, the PO district is defined in a way that suggests ownership or operation by governmental entities; • Whereas, certain publically held utilities, or those that may be privately owned or operated, do not necessarily afford the same level of public input or accountability expected from

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<p>governmental entities anticipated within the scope of the PO district;</p> <ul style="list-style-type: none"> Whereas, the Institutional and Public Facilities (IPF) Zoning district is defined to include "...regional or community uses that are either publically or privately operated."
Note: See also Part 1, related to Art. 3.A.3.B, Standard Districts.

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Part 14. ULDC Art. 3.E, Planned Development Districts (PDDs) (pages 141-195 of 234), are hereby amended as follows:

Reason for amendments: [Zoning]
1. Provide link to relocated Use Matrices, due to relocation of PDD Use Matrix to new consolidated Use Matrices in Article 4, Use Regulations, where all zoning district or specific Overlay use standards are grouped by classification.
2. Delete redundant explanations of types of approval processes, which is already outlined in Art. 4, Use Regulations.
3. Relocate and consolidate hours of operation in new Article 5.E.5, Hours of Operation [Related to Performance Standards].
4. Update Excavation Uses reference to reflect updated article numbers resulting from the reorganized excavation language as part of the Use Regulations Project.
5. Clarify applicability of provisions for freestanding buildings.
6. 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. In revising the use "Campground", staff identified issues regarding the intensity of the number of RV and campsites allowed through this section of the ULDC and the Future Land Use (FLU) designation. Areas where the density was capped at one unit/10 acres were permitted to have up to 12 RV sites or 40 campsites per acre. A new intensity of development was created using the FLU as a basis. The resulting table includes intensity of use for land with the RVPD Zoning designation with both a Rural Residential (RR) and Commercial Recreation (CR) FLU designation. It is intended that this table supersede the threshold for RVPD. It is also intended to link the intensity to Article 4 to preclude anyone requesting a variance from the standard.
8. Consolidate Recreational Vehicle standards contained in Recreational Vehicle Planned Development District (RVPD) into Campground use in Article 4. to accompany intensity thresholds. This will permit the use of one set of standards to be applied to multiple sections of the Code, and to link the RVPD Zoning District with Campsite to ensure consistence between the two uses, due to their similarities.

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Part 15. ULDC Table 3.F.1.F, Traditional Development Permitted Use Schedule (pages 195-233, of 234), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Provide link to relocated Use Matrices, due to relocation of TDD Use Matrix to new consolidated Use Matrices in Article 4, Use Regulations, where all zoning district or specific Overlay use standards are grouped by classification.
2. Delete redundant explanations of types of approval processes, which is already outlined in Art. 4, Use Regulations.
3. Clarify approval process applicable to civic uses allocated in Traditional Town Development (TTD). The Use Matrix does not include approval processes for uses in TTDs as this development may be formed by Traditional Neighborhoods Development (TND), Traditional Marketplace Development (TMD), PUD, and MUPD, which are Zoning Districts identified in the Use Matrix. As contained in Art. 3, TTD may also include Civic / Institutional areas that need identification of specific uses and approval process. This amendment creates a cross reference to utilize the list of uses and approval processes of civic uses currently allowed in the civic pod of a Planned Unit Development (PUD) to be applied to TTD Civic / Institutional areas. The civic uses are intended to serve local residents needs in both zoning districts.

EXHIBIT D – ARTICLE 4, USE REGULATIONS

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Part. 1 Art. 4, Use Regulations is hereby deleted in its entirety and replaced with new Art. 4, Use Regulations, as follows:

Reason for amendments: [Zoning]
Update Art.4.A, Use Classification to include a User Guide. The Guide will assist the users in understanding the proposed methodology and reorganization of Article 4.

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RESIDENTIAL USES

Reason for amendments: [Zoning]
<p>1. Consolidate all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for standard, Planned Development Districts (PDDs) or Traditional Development Districts (TDDs). Tables consolidated are as follows: Table 3.B.15.F, Infill Redevelopment Overlay (IRO) Permitted Use Schedule; Table 3.B.16.E, Priority Redevelopment Area (PRA) Use Matrix; Table 3.E.1.B, PDD Use Matrix; Table 3.F.1.F, TDD Use Schedule; and, Table 4.A.3.A, Use Matrix.</p> <p>2. Remove uses that are accessory to principal residential uses, or that are residential but cannot function as standalone uses from the Use Matrix. The change responds to the fact that these uses are accessory in nature and the principal use or uses to which they are accessory, already address the approval process. Accessory residential uses are not subject to a Class A Conditional Use approval in cases where the principal use is unless stated otherwise.</p> <p style="padding-left: 40px;">Accessory Dwelling, Caretaker Quarters, Estate Kitchen, Farm Residence, Farm Workers Quarters, Groom's Quarters, Guest Cottage, Garage Sale, Home Occupation, and Kennel Type 1A, are being consolidated in a new section 4.B.1.D, under the Residential Use classification. In addition, a table that indicates the Corresponding Accessory Use to a Principal Use has been developed for easier identification of the principal use, in locations where these accessory uses are permitted. This new section also includes accessory use definitions and standards.</p> <p>3. Include footnote in the Use Matrix to ensure the users of this Code review the Supplementary Use Standards that are applicable to each use Type to determine whether the use is allowed in a particular zoning district or identify the approval process. Since the Use Matrix is intended to show the most restrictive approval process, some uses may be indicated as prohibited or with a specific approval process that may be further clarified in the Supplementary Use Standards that allows the use to be subject to a lower level of approval when specific provisions are met.</p> <p>4. Partially relocate standard that allows affordable housing in the INST FLU designation accessory to Place of Worship to the Residential Use Classification. The Future Land Use Element of the Comprehensive Plan indicates that residential uses are not permitted in the Institutional and Public Facilities (INST) Future Land Use (FLU) designation except for accessory affordable housing. The Plan allows the use of affordable housing only when sponsored by a non-profit organization or a community-based group and the units are not for sale. This amendment includes a general standard to clarify that Multi-family, Single Family, Townhouse or Zero Lot Line (ZLL) Homes are permitted in the Institutional and Public Facility (IPF) Zoning District only when sponsored by a non-profit organization or community-based group and the development is done to fulfill housing needs in the community. Accessory affordable housing for the Residential uses noted above is proposed to be subject to Development Review Officer (DRO) approval. This approval allows demonstration that the residential development is sponsored by a non-profit organization or community-based group with the opportunity for multiple agencies to review accordingly.</p>

Congregate Living Facility (CLF)

Reason for amendments: [Zoning]
<p>1. Delete types of facilities referenced in definition such as assisted living facilities; extended congregate care facilities, transitional living facilities, etc. Types of facilities should not be included in a definition for consistency with standardized formatting protocol.</p> <p>2. Replace the term "personal services" in the definition with "assistive care services". Research has indicated assistive care services more accurately defines the services offered at a CLF and will avoid confusion with the principal use of Personal Services. Assistive care services shall mean assistance with activities of daily living and limited nursing services.</p> <p>3. Clarify that Type 1 and 2 CLFs in all zoning districts where the use is permitted shall be licensed in accordance with Florida Statute 419.001, Site Selection of Community Residential Homes by one of the following agencies: Agency for Persons with Disabilities (APD), Department of Children and Families (DCF), Department of Juvenile Justice (DJJ), Department of Elderly Affairs (DOEA), or, Agency for Healthcare Administration (AHCA).</p> <p>4. Clarify a Type 3 CLF is only permitted in the Residential Single Family (RS) Zoning District with HR-8 FLU subject to Class A Conditional Use approval.</p> <p>5. Delete Table 4.B.1.A - Maximum Permissible Occupancy and refer to appropriate tables of the Plan to eliminate redundancy. Clarify a dwelling unit is equivalent to 2.39 beds.</p> <p>6. Revise standard on measurement for separation from to add proposed CLF structure to the existing CLF structure to be consistent with Florida Statute 419.001.</p> <p>7. Clarify a Type 2 CLF is permitted only when located at least 1,200 feet from any other CLF to comply with State Statutes 419.001(3)(c).</p> <p>8. Consolidate Type 3 CLF frontage requirements for standard zoning districts and PDDs for consistency with standardized formatting protocol.</p> <p>9. Codify separation distance between Type 1 CLF and Type 2 CLF as contained in F.S. 419.001(2) to be 1,200 feet. The statute was effective on July 1, 2016 and clarifies which zoning requirement</p>

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	applies when determining the proper distance between a CLF Type 2 (community residential home) and a Type 1 CLF (home of six or fewer residents).
10.	Delete requirement for a Type 2 CLF to comply with Article 5.C, Design Standards. Type 2 CLFs are generally converted Single Family dwellings or multifamily structures which would not be subject to Article 5.C. Relocate requirement of design and compatibility for Type 3 CLF by adding Type 3 CLF to Article 5.C.1, Architectural Guidelines that require elevations to be provided for review.
11.	Delete reference to compatibility and height standards as language is referenced under Article 3.D.1.E, Building Height.
12.	Delete standards under Reserve Parking for Type 2 and 3 CLFs as the proposed use would be required to meet all Building and Zoning requirements and will require zoning action to abandon the approval.
13.	Delete the height provision under Design and Compatibility. The maximum building height for buildings in all districts is 35 feet. In the Residential Multifamily (RM), Commercial Low Office (CLO), Commercial Office High (CHO), Commercial General (CG), Industrial Light (IL), and PDD additional height may be allowed when setback is increased pursuant to Article 3.D.1.E, Building Height.
14.	Delete the reference to freestanding signs for Type 3 CLF as they are typically located on arterial/collector roadways, therefore, smaller signage may be out of character for the area or missed by visitors to the facility and defer to Article 8.G.2., Ground Mounted Signs.
15.	Delete reference to Single Family Accessory Uses. Accessory uses to Single Family include: Accessory Quarters, Garage Sales, Guest Cottage, Home Occupation, Kennel Type 1A and Estate Kitchen are not customarily incidental to the operation of Type 1 or 2 CLF.
16.	Delete standard that allows Accessory Uses to a Multifamily to be also accessory to Type 3 CLF as Garage Sale and Home Occupation are not customarily incidental to a CLF Type 3.
17.	Delete Non-Commercial Uses standard as the regulation indicates items not considered uses such as dining room or nursing stations. They are customary and incidental to a Type 3 CLF.
18.	Delete Conversion to Conventional Units standard for Type 3 CLFs as the proposed use would be required to meet all Building and Zoning requirements and will require Board of County Commissioner (BCC) action to abandon the existing Type 3 CLF approval.
19.	Change Personal Services to assistive care services. Research has indicated assistive care services more accurately defines the services offered at a CLF and will avoid confusion with the principal use of Personal Services.

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Reason for amendments to Congregate Living Facility (CLF) in the Use Matrix: [Zoning]	
20.	Allow Type 1 CLF to be Permitted by Right in Agricultural Reserve (AGR) Zoning District and streamline the approval process from DRO to Permitted by Right in the Urban Redevelopment Area Overlay (URAO), to be consistent with the approval process for Single Family in those districts. Additionally, this change is pursuant to Florida Statute 419.001(3)(c) that indicates Type 1 CLFs shall be treated the same as a Single Family use.
21.	Change the approval process for Type 2 CLF from Class B Conditional Use to Permitted by Right in the RM Zoning District, when located at least 1,200 feet from any other CLF to comply with Florida Statute 419.001(3)(c).
22.	Change the approval process of Type 2 CLF from Special Permit to DRO in the Civic pod of a Planned Unit Development (PUD) to ensure the use is site planned. In addition, Special Permits are generally temporary in nature as defined in Article 1.
23.	Remove the Class A Conditional Use approval in the Use Matrix for the Residential Single Family (RS) Zoning District as a Type 3 CLF is only permitted in the High Residential, 8 units per acre (HR-8) FLU designation and is prohibited elsewhere. A new symbol in the Use Matrix references the reader to check the "Approval Process – RS Zoning District" Supplementary Use Standard.

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Mobile Home Dwelling

Reason for amendments: [Zoning]	
1.	Revise definition to clarify that the Mobile Home Dwelling is for occupancy by a single household.
2.	Delete duplicated definition of mobile home already established in Article 1.I, Definitions and Acronyms.
3.	Delete definition for mobile home subdivision as the subdivision process is defined and regulated by Article 11, Subdivision, Platting and Required Improvements.
4.	Clarify that the only zoning district in which Mobile Home Dwelling is considered principal use is in Mobile Home Planned Development (MHPD) or existing mobile home parks.
5.	A removal agreement is required in the event that the property on which the accessory mobile home is located, is no longer used for Bona Fide Agriculture or the property is sold. The agreement shall be done prior to building permit of the mobile home. This is intended to ensure that County staff monitors the accessory use for continued compliance with the agricultural status and ownership requirements of the property.
6.	Relocate redundant standard for Temporary Mobile Home During Construction and consolidate provisions applicable to temporary Mobile Home Dwelling in Article 5.B.1.B.3, Temporary Structures and Uses During Development Activity. The relocated standards relate to temporary Mobile Home While Constructing Single Family Dwelling already exists in Article 5. Provisions such as Building Permit, Removal Agreement and Proof of Ownership are duplicated and existing already in Art. 5

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therefore they are not relocated.
7. Relocate standard that prohibits use of mobile home for other purpose other than dwelling such as storage to new Article 5.B.1.A.23 under a section related to supplementary regulations for accessory uses and structures.

Reason for amendments to Mobile Home Dwelling in the Use Matrix: [Zoning]
8. Mobile Home Dwelling, as a principal use, is limited to the MHPD Zoning District, consequently the use is deleted from the Use Matrix in AGR, Agricultural Production (AP), Agricultural Residential/Rural Service Area (AR/RSA) and AGR Preserve pod of PUD.

Multifamily

Reason for amendments: [Zoning]
1. Revise the definition to clarify that a mobile home, by definition, cannot be Multifamily. Reference to Mobile Home Dwelling is no longer applicable, as this and other similar restrictions are being clarified in a specific section addressing uses of mobile homes.
2. Delete references to Article 3 and Westgate Community Redevelopment Area Overlay (WCRAO) in the definition as they are redundant and addressed elsewhere in the Code.
3. Delete provision related to Multifamily use in the main street of Traditional Marketplace Development (TMD) to allow market to dictate where Multifamily units need to be located.
4. Relocate District Specific Regulation language from Article 3.D.3.A.1, related to Residential Multifamily (RM) Zoning District to consolidate as a supplementary use standard under Multifamily.
5. Establish a cross-reference to Table 3.B.14.E, WCRAO Sub-area Use Regulations to clarify variances cannot be requested for the approval of Multifamily in the NR Sub-area of WCRAO.
6. Reorder the approval process shown in Table 4.B.1.C, Approval Process to indicate the most restrictive at the top. Change "Building Permit Process" to "Permitted by Right"; and, indicate 1 as the minimum number of units needed instead of 0 in the range of 1 to 4 Permitted by Right.
7. Recognize that a Multifamily use approval in the RM Zoning District with MR5 Future Land Use (FLU) designation can be redeveloped, reconstructed or expanded by considering them legal conforming uses.

Reason for amendments to Multifamily in the Use Matrix: [Zoning]
8. Change the approval process from Permitted by Right to Class A Conditional Use approval in the RM Zoning District to indicate the most restrictive approval process in the Matrix. A specific standard to address less restrictive approval process is included within the use standards. Table 4.B.1.C describes the approval process for Multifamily in the RM district which indicates the approval process based on the number of units.
9. Indicate the most restrictive approval process in the Use Matrix for Multifamily in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. Multifamily is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies Multifamily use as affordable housing is permitted by the DRO in the IPF Zoning District.

Single Family

Reason for amendments to: [Zoning]:
1. Reference to mobile home is no longer applicable, as this and other similar restrictions are being clarified in Article 5.B.1.A, Temporary Structures addressing uses of mobile home.
2. Delete reference to manufactured buildings in the definition of Single Family to address change in definition of manufactured buildings in Article 1.1.2 (Part 4) for consistency with State Statute 553, Building Construction Standards.

Reason for amendments to Single Family in the Use Matrix: [Zoning]
3. Indicate the most restrictive approval process in the Use Matrix for Single Family in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. Single Family is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies Single Family use utilized as affordable housing is permitted by the DRO in the IPF Zoning District.

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Townhouse

Reason for amendments to: [Zoning]
1. Change term “permitted” to “allowed” to avoid confusion with approval shown in the Use Matrix “Permitted by Right”.

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Reason for amendments to Townhouse in the Use Matrix: [Zoning]
2. Change approval process from DRO to Class A Conditional Use approval in RS Zoning District to reflect that the use requires a Class A Conditional use approval if it is located on land with an MR-5 FLU designation.
3. Indicate the most restrictive approval process in the Use Matrix for Townhouse in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. Townhouse is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies Townhouse use utilized as affordable housing is permitted by the DRO in the IPF Zoning District.

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Zero Lot Line Home (ZLL)

Reason for amendments: [Zoning]
1. Reference to Mobile Home Dwelling is no longer applicable, as this and other similar restrictions are being clarified in Article 5.B.1.A, Temporary Structures addressing uses of mobile homes
2. Delete reference to manufactured buildings in the definition of ZLL to address change in definition of manufactured buildings in Article 1.1.2 (Part 4) for consistency with State Statute 553, Building Construction Standards.
3. Delete reference to Art. 3 to prevent issues with variances from the standards located in that article. Article 3 includes specific Property Development Regulations (PDRs) and other standards for ZLL homes.

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Reason for amendments to Zero Lot Line Home in the Use Matrix: [Zoning]
4. Because one of the use standards requires a Class A Conditional Use in the RS Zoning District when located on MR-5 FLU designation, the approval process has been changed from DRO to Class A Conditional Use in the Use Matrix to show the most restrictive approval process.
5. Indicate the most restrictive approval process in the Use Matrix for ZLL in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. ZLL Home is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies ZLL Home use utilized as affordable housing is permitted by the DRO in the IPF Zoning District.

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General Standards for Accessory Uses

Reason for amendments: [Zoning]
1. Distinguish accessory uses from principal uses currently located within the residential uses classification. Accessory Dwelling, Caretaker Quarters, Estate Kitchen, Family Day Care Home, Farm Residence, Farm Workers Quarters, Groom’s Quarters, Guest Cottage, Garage Sale, Home Occupation and Limited Pet Boarding, are being consolidated in Table 4.B.1.D, Corresponding Accessory Use to a Principal Use to group uses that are accessory in nature.
<p>The accessory uses listed below will be permitted by right in the zoning districts where their corresponding principal uses are permitted unless indicated otherwise. More restrictive approval processes may be applicable to some uses and will be indicated in table 4.B.1.D, Corresponding Accessory Use to a Principal Use.</p> <p>Factors that were considered in the removal of these uses from the Use Matrix include:</p> <ul style="list-style-type: none"> • The relationship between accessory uses and the principal uses in zoning districts where the principal use is permitted, ownership of the principal use, and, function of the principal use; and, • Accessory uses include specific supplementary use standards that limit expansion of the use, such as building area, operation, or removal agreements to guarantee subordination of the accessory use. • These accessory uses do not exist as stand-alone uses since they incidental to the principal use. • Accessory uses such as Accessory Dwelling, Farm Residence, Groom’s Quarters and Caretaker Quarters are proposed to be less restrictive in some zoning districts, while in others, they may no longer be permitted. The approval process is covered through the approval of the principal

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	use, unless indicated otherwise in the supplementary use standards. These changes are to streamline the approval process, eliminate redundancies and facilitate identification of accessory uses in relation with principal uses.
2.	Farm Residence functions as a Single Family dwelling accessory to Bona Fide Agriculture use permitted in the AGR and AP Zoning Districts. Clarification is provided to indicate that accessory uses that are consistent with Single Family are also permitted accessory to a Farm Residence. Guest Cottage and Kennel Type 1A have been included as accessory to a Farm Residence in order to be consistent with Single Family.
3.	Clarify that accessory residential uses are subject to the property development regulations of the zoning districts where they are located unless specific standards under the use state otherwise.
4.	Prevent subdivision of land or sale of accessory residential uses as separate residential dwelling units to avoid non-conformities or increase in density above the underlined FLU designation.
5.	Per F.S. 125.0109, this use shall constitute a valid residential use to be permitted by right in residential zoning districts. F.S. 402.302 defines the use as an occupied residence which makes it accessory to a principal residential use therefore, the use cannot exist on its own. This amendment identifies the use as accessory to Multifamily, Single Family, Townhouse, Zero Lot Line and Mobile Home Dwelling which will allow its location in any of the residential zoning districts where these principal residential uses are allowed.
6.	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. 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.
7.	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.
8.	Clarify that no single accessory use can utilized more than once when associated with one principal use. Accessory uses referenced in Table 4.B.1.D – Corresponding Accessory Use to a Principal Use uses are not counted as density. Individual accessory uses are not allowed to be duplicated on any single principal use other than when specified by the Code. Specific Supplementary Use Standards under the accessory uses will dictate if more units are permitted or not.
9.	Relocate and expand Discontinuation of Use standard to be applicable to all accessory residential uses.

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Accessory Quarters

	Reason for amendments: [Zoning]
1.	Change use name from Accessory Dwelling to Accessory Quarters as the term "dwelling" implies density. The term "quarters" implies living environment currently used for Grooms Quarters, Caretaker Quarters, and Farm Workers Quarters.
2.	Revise definition to clarify the accessory quarter can be a separate living facility from the principal dwelling unit and to clarify that the principal dwelling must be owner occupied.
3.	Consolidate building square footage standards for consistency with standardized formatting protocol and clarify that the square footage associated with Accessory Quarters is the maximum allowable.
4.	Clarify that only one accessory quarter is permitted regardless if it is owner occupied or not.
5.	Delete language associated to accessory quarters attached or detached as the use is subject to the same property development regulations applicable to the principal use.
6.	Delete the "Maximum Number of Bedrooms/Baths" standard. Existing provisions limiting the size of the accessory housing will dictate the maximum number of bedrooms and bathrooms in the unit.
7.	Delete the PDRs Standard. Property development regulations will be applicable to all accessory residential uses and addressed under Accessory Residential Use standards under Article 4.
8.	Delete ownership standard to be applicable to all accessory residential uses which is addressed under Accessory Residential Use standard section of Article 4.
9.	Clarify that all utilities will utilize the same meter as the principal dwelling. The clarification is intended to ensure that the accessory quarter is not converted into a principal dwelling.
10.	Add standard applicable to Townhouse and ZLL that establishes location of the Accessory Quarters in the lot and location criteria. The access provision is included to address potential traffic and parking impacts.

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Reason for amendments to Accessory Quarters in the Use Matrix: [Zoning]	
11.	Remove Accessory Dwelling from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. The following indicates the changes to the approval process: Permitted in: <ul style="list-style-type: none"> • Institutional and Public Facilities (IPF) Zoning District for Single Family, Townhouse and Zero Lot Line (ZLL); • Mixed Use Planned Development (MXPDP) for Townhouse and ZLL; • Lifestyle Commercial Center (LCC) for Townhouse; and, • Urban/Suburban Tier and Exurban/Rural Tier of Traditional Neighborhood Development (TND) and Development area in the Agricultural Reserve (AGR) Tier of Traditional Marketplace Development (TMD) for Townhouse.
12.	Accessory Dwelling use is no longer permitted in AGR Preserve of Planned Unit Development (PUD), as Single Family, Townhouse, and ZLL uses are not permitted in that Zoning District.
13.	The use is more restrictive in Single Family Residential (RS) and Multifamily Residential (RM) Zoning Districts because Townhouse and ZLL include more restrictive approval process standards which are applicable to the principal use in those zoning districts. It is also more restrictive in the Residential area of the Exurban/Rural Tier of TND when accessory to Townhouse and ZLL.

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Caretaker Quarters

Reason for amendments: [Zoning]	
1.	Revise Use title and definition to clarify services provided on the premises.
2.	Consolidate building square footage standards for consistency with standardized formatting protocol and clarify that the square footage associated with Accessory Quarters is the maximum allowable.
3.	Simplify the maximum number of Caretaker Quarters permitted to only one per site. Additionally, delete the “bona fide agriculture, commercial, industrial, or institutional” use reference as Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, will clarify where the use is permitted to be accessory. Retaining the reference is redundant.
4.	Delete language identifying area governed to eliminate redundancy. General accessory use standards clarify that accessory uses are permitted in the same zoning districts where the principal use is located unless indicated otherwise.
5.	Revise the occupancy standard to clarify that the owner can also be the caretaker or the custodian.
6.	Delete the accessory use standard as it is addressed by Table 4.B.1.A, Corresponding Accessory Residential Use to a Principal Use.
7.	Delete most of Discontinuation of Use standard to eliminate redundant language and partially relocate to be applicable to all accessory residential uses which is addressed under Accessory Residential Use section of Article 4.
8.	A removal agreement is required in the event that the principal use on the property ceases and the mobile home utilized as a Caretaker’s Quarters is no longer permitted. The agreement shall be executed prior to issuance of the building permit for the mobile home.

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Reason for amendments to Caretaker Quarters in the Use Matrix: [Zoning]	
9.	Remove Caretaker Quarters from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. Caretaker Quarters is a permanent accessory use for which Special Permit is no longer necessary, since Special Permit applies mainly to temporary uses that require monitoring. The following indicates the changes to the approval process: <ul style="list-style-type: none"> • Less restrictive in agricultural, residential, commercial, industrial and institutional standard zoning districts where the use was changed from SP to Permitted by Right, and in the IRO and Urban Redevelopment Area Overlay (URAO) where the change was from Development Review Officer (DRO) to Permitted by Right. • Expand approval to permit in Residential pod of a PUD where Single Family is permitted, Recreation pod of a PUD, Multiple Use Planned Development (MUPD) with EDC FLU designation, LCC, Residential area and Open Space Recreation area in the Urban/Suburban (U/S) Tier and Exurban/Rural Tier of TND, and in the in the Preserve area of AGR TMD.

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Estate Kitchen

Reason for amendments: [Zoning]	
1.	An estate kitchen is an accessory use to a single-family residence. Therefore, it is relocated from principal use under Accessory Residential Use standard section of Article 4. It is recommended that this is accessory to Farm Residence, Single Family, and Zero Lot Line units.
2.	Clarify that the creation of a second complete residence through the installation of a secondary kitchen shall be prohibited.
3.	Delete lot size restriction as this is considered irrelevant to the use being treated as an accessory use.

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Reason for amendments to Estate Kitchen in the Use Matrix: [Zoning]
4. Remove Estate Kitchen from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed.
The following indicates the changes to the approval process:
<ul style="list-style-type: none"> Permitted in MXPB with Commercial High (CH) and CHO FLU designation as ZLL is allowed in those Zoning Districts. Also permitted now in the Residential of the Urban/Suburban, Exurban and Rural Tiers of a TND as ZLL and Single Family uses are allowed in those zoning districts. Estate Kitchen is no longer allowed in the AP Zoning District. Principal residential uses where Estate Kitchen is accessory to are not allowed in that district.

Family Day Care Home

Reason for amendments: [Zoning]
1. Relocate Family Day Care Home from the Day Care Use and add with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. Per F.S. 125.0109, this use shall constitute a valid residential use to be Permitted by Right in residential zoning districts. Florida Statutes 402.302 defines the use as an occupied residence which makes it accessory to a principal residential use therefore, the use cannot exist on its own.

Reason for amendments to Family Day Care Home in the Use Matrix: [Zoning]
2. This amendment identifies the use as accessory to Multifamily, Single Family, Townhouse, Zero Lot Line and Mobile Home Dwelling which will allow its location in any of the residential zoning districts where these principal residential uses are allowed per Table 4.B.1.D – Corresponding Accessory Use to a Principal Use.

Farm Residence

Reason for amendments: [Zoning]
1. No substantive changes are being made to the Farm Residence Use.

Reason for amendments to Farm Residence in the Use Matrix: [Zoning]
2. Remove Farm Residence from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. The following indicates the changes to the approval process:
<ul style="list-style-type: none"> Permitted by Right only when accessory to Bona Fide Agriculture use in the AGR and AP Zoning Districts for consistency with the zoning districts in which the Use Matrix currently allows the use.

Farm Workers Quarters

Reason for amendments: [Zoning]:
1. Clarify that the structure is a complete living environment which must include cooking facilities, as well as sanitary facilities and sleeping accommodations.
2. Add words “bona fide” to clarify that the use is intended to be accessory to Bona Fide Agricultural operations, without which, there would be no need for this use.
3. Create maximum 1,000 square feet gross floor area (GFA) standard for consistency with other accessory residential uses.
4. Delete clustering standard as Farm Workers Quarters are subject to Property Development Regulations.
5. Delete AR/RSA with Specialized Agriculture (SA) FLU designation standard. Currently there are no parcels which have both the AR Zoning District and SA FLU designation.
6. Allow mobile home to be utilized as a Farm Workers Quarters to be consistent with other accessory residential uses in Bona Fide Agriculture.

Reason for amendments to Farm Quarters in the Use Matrix: [Zoning]
7. Remove Farm Workers Quarters from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. The following indicates the changes to the approval process:
<ul style="list-style-type: none"> Permitted only when accessory to Bona Fide Agriculture use expanding its allowance into residential, commercial, industrial, public and institutional standard zoning districts.

Garage Sale

Reason for amendments: [Zoning]:
1. Revise the definition to clarify Garage Sale location is within a residential dwelling unit and sales are temporary.

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Reason for amendments to Garage Sale in the Use Matrix: [Zoning]

2. Remove Garage Sale from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. The following indicates the changes to the approval process:
 - Expanded to be allowed in LCC, the Residential and Neighborhood Center area of the U/S, Exurban and Rural Tiers of TND and U/S, Exurban, and Rural Tiers of a TMD and the Development Area of the AGR Tier in TMD as multiple residential uses are permitted in these Zoning Districts.
 - The use is no longer permitted in the AGR Preserve of a PUD and MUPD with Institutional (INST) FLU designation as there are not residential uses allowed on those Zoning Districts.

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Groom's Quarters

Reason for amendments: [Zoning]

1. Traditionally stables operate with a Groom's Quarters while a Groom's Quarters cannot function without a Stable. The standards related to accessory Groom's Quarters to Stable remain under Groom's Quarters for consistency with the construction of Art. 4, Use Regulations.
2. Revise definition to relocate occupancy limitations. Occupancy is not an element of the definition but a supplementary use standard.
3. Relocate AGR PUD or TMD standard related to the numbers of Groom's Quarters for consistency with standardized formatting protocol for the construction of Art. 4, Use Regulations.
4. Clarify that 20 Groom's Quarters are allowed in AGR PUD and AGR TMD as the existing language only indicates how to address number of quarters when more than 20.
5. Delete the "Maximum Number of Bedrooms/Baths" standard. Existing provisions limiting the size of a Groom's Quarters will dictate the maximum number of bedrooms and bathrooms in the unit.
6. Private or Commercial Stable have their own approval process contained in the Use Matrix but once Groom's Quarters are included on site, it may trigger upper level of approval. More than 21 Groom's Quarters will be subject to public hearing which tends to minimize the impacts of overconcentration of quarters to adjacent properties.
7. Revise Kitchen Facilities standard to clarify when removal agreement is to be executed and establish specific time for removal of kitchen when the use ceases to operate. The 90-day threshold was added to ensure that adequate time was given for obtaining proper permits, such as plumbing and electrical, and to remove kitchen facilities.

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Reason for amendments to Groom's Quarters in the Use Matrix: [Zoning]

8. Remove Groom's Quarters from the Use Matrix and relocate with other accessory uses. This use is accessory in nature to Private Stable and Commercial Stables. The approval process for accessory Groom's Quarters to Stable use is based on the number of Groom's Quarters as contained in the standards for this use. The approval indicated in Table 4.B.1.D – Corresponding Accessory Use to a Principal Use, shows the most restrictive approval process Class A Conditional Use. A specific Supplementary Use Standard the number at which Groom's Quarters may trigger a different approval process than the one applicable to the principal use Stable.

The following indicates the approval process changes of the accessory use when compared with the zoning districts where the Private Stable and Commercial Stable are allowed:

- Less restrictive for Commercial Stables in Agricultural Residential (AR), AGR, Agricultural Production (AP) Zoning Districts and commercial, industrial and public standard zoning districts; and, for Private Stables in agriculture and residential standard zoning districts due to a change from Class A Conditional Use to a less restrictive approval.
- Permitted by Right approval process remains unchanged in the Residential pod and Agricultural Preserve pod of a PUD for Commercial and Private Stables.
- Proposed to be permitted in Multiple Use Land Development (MUPD) with Commercial Recreation (CR) Future Land Use (FLU) designation for Commercial Stable and for Private Stable, in Residential area in the U/S Tier and Exurban/Rural Tier of TND.
- No longer permitted in commercial, industrial, public and institutional standard zoning districts where Private Stable is not permitted; and in the residential pod of a PUD for Commercial Stable.
- More restrictive in the Preserve area AGR Tier of TMD for Commercial Stables by changing the Special Permit approval to DRO approval.

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Guest Cottage

Reason for amendments: [Zoning]

1. Clarify that the principal dwelling unit on the property is owner occupied to prevent multiple rental units on one property owned by an absentee landlord.
2. Consolidate under Building Area standard the floor area regulations for consistency with standardized formatting protocol and clarify that the square footage associated with Accessory Quarters is the maximum allowable.
3. Delete reference to unit type. Where the accessory use is allowed will be dictated by new Table

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4.B.1.A – Corresponding Accessory Residential Use to a Principal Use.
4. Delete standards related to setbacks and ownership as these are standards applicable to all accessory residential uses indicated in section 4.B.1.D. General Standards for Accessory Uses.
5. Stipulate that all utilities shall be maintained under the principal residential use, including no separate meters for such metered utilities as water, gas, and electric.

Reason for amendments to Guest Cottage in the Use Matrix: [Zoning]

6. Remove Guest Cottage from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and the principal use or uses to which it is accessory, already cover the approval process. The following indicates the changes to the approval process: <ul style="list-style-type: none"> • Permitted in: <ul style="list-style-type: none"> - IPF for Single Family, Townhouse and ZLL; - MXPDP for Townhouse and ZLL; - LCC for Townhouse; - Residential area in the U/S Tier of TND for Single Family, Townhouse and ZLL; - Residential area in the Exurban/Rural Tier of TND for Single Family; - U/S Tier, Exurban/Rural Tier, and Development area in the AGR Tier of TMD for Townhouse. • No longer permitted in IRO for Single Family and ZLL. • More restrictive in RM and RS Zoning Districts for Townhouse and ZLL; and, Residential area in the Exurban/Rural Tier of TND for Townhouse and ZLL.
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Home Occupation

Reason for amendments: [Zoning]

1. Recognize current zoning policy which allows for cottage food production as a home occupation, in accordance with Florida Statutes 500.80, and the requirements of the Department of Agriculture and Consumer Services.
2. Allow incidental retail sales where the home occupation is a mail order or internet business, and where inventory is stored in accordance with existing standards.
3. Revise title of On-Premise Sales standards to read “On-Premise Sales of Goods and Services” to clarify the sale of services is prohibited at the home other than instructional services.
4. Delete the certificate of insurance requirement associated with instructional services as Zoning no longer reviews Home Occupational Licenses and the certificate is not a Tax Collector or State of Florida requirement.

Reason for amendments to Home Occupation in the Use Matrix: [Zoning]

5. Remove Home Occupation from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed.

Kennel, Type 1

Reason for amendments: [Zoning]

1. Kennel, Type 1 (Private) is proposed to be relocated to two locations in the ULDC: Art. 4, Accessory Residential Uses (new) and Art. 5.B, Accessory and Temporary Uses. <ul style="list-style-type: none"> • The definition is revised to clarify that private kennels are accessory to Single Family dwelling and not principal in nature. • A new Limited Pet Boarding use is being established to allow the boarding of cats and dogs in residential zoning districts. • Regulations for Hobby Breeder and number of animals are contained in the Private Non-Profit standard are addressed by Animal Care and Control (ACC), therefore not needed. Additionally, add a provision to ensure a private non-profit Type 1 Kennel does not exceed the maximum number of animals. The ACC Ordinance 98-22 allows for a property that is at least 2.5 acres to apply for an Excess Animal Habitat permit to exceed the maximum allowed (30). • Portions of the use will be relocated from the current Residential Classification to Article 5.B, Accessory and Temporary Uses. See Part 12 below.
2. The Pot Bellied Pigs Standard will be deleted since Kennel Type 1 definition clearly indicates this use is limited to dogs and cats only.

Reason for amendments to Kennel Type 1 in the Use Matrix: [Zoning]

3. Remove Kennel Type 1 (Private) from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed.

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1 **Limited Pet Boarding**
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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: <ul style="list-style-type: none"> • 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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Reason for amendments to Limited Pet Boarding in the Use Matrix: [Zoning]
3. Limited Pet Boarding is a new use will be added to Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, in the Residential Use Classification.

4 **COMMERCIAL USES**

Reason for amendments: [Zoning]
1. Consolidate all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for standard, Planned Development Districts (PDDs) or Traditional Development Districts (TDDs). Tables consolidated are as follows: Table 3.B.15.F, Infill Redevelopment Overlay (IRO) Permitted Use Schedule; Table 3.B.16.E, Priority Redevelopment Area (PRA) Use Matrix; Table 3.E.1.B, PDD Use Matrix; Table 3.F.1.F, TDD Use Schedule; and, Table 4.A.3.A, Use Matrix.
2. Include footnote in the Use Matrix to ensure the Code user reviews the Supplementary Use Standards applicable to every individual use when determining the applicable approval process. Since the Use Matrix is intended to show the most restrictive approval process and some uses may be shown prohibited or with a specific approval process, the Supplementary Use Standards may contain additional provisions that allow the use to be subject to a lower level of approval when specific provisions are met.

5 **Bay Doors**
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Reason for amendments: [Zoning]
1. Address bay door orientation by making it part 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.

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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 a 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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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.
2.	Delete definition of Residential Zoning District as it is already defined in the section dedicated to definitions in Article 1 of the Code.
3.	Language related to approval process, review and "Decision Relief" from licensing to be relocated to their own Supplementary Use Standard.
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 Use 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.
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 nonconforming 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.
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.
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.
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.
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.
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.

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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.

Reason for amendments to Adult Entertainment in the Matrix: [Zoning]

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. 1.F, Nonconformities. This change will allow multiple government agencies to review AE applications and site plans to be provided through the DRO process.

Auction

HISTORY: 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 Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1998-011, 2001-001 (Outdoor) 2003-067, 2009-040 (Outdoor and Enclosed Supplementary Use Standards are consolidated), 2010-005, 2010-022, 2011-016 and 2012-003.

Reason for amendments: [Zoning]

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 Supplementary Use 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 Traditional Marketplace Development (TMD) and Lifestyle Commercial Center (LCC) limiting enclosed auctions to the Urban/Suburban (U/S) Tier. The Use Matrix will identify the location of an auction in those districts.
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.

Reason for amendments to Auction in the Matrix: [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.

Auto Paint and Body Shop

HISTORY: The Auto Paint and Body Shop 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. 2001-028, 2003-067, 2010-005, 2010-022, 2011-016, and 2013-018.

Reason for amendments: [Zoning]

1. The use is consolidated with Heavy Repair and Maintenance due to similarities in repair activity that may create adverse impacts.

Reason for amendments to Auto Paint and Body Shop in the Use Matrix: [Zoning]

2. Approval process to be consolidated with Heavy Repair and Maintenance approval.

Bed and Breakfast

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HISTORY: The Bed and Breakfast 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. 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.
5. Delete the Guest Register Supplementary Use 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 Use 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.
7. 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.

Reason for amendments to Bed and Breakfast in the Use Matrix: [Zoning]

8. 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.
9. Delete the use from Planned Development Districts (PDDs) and Traditional Development Districts (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.

Broadcast Studio

HISTORY: The Broadcast Studio 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. 2001-001, 2003-067, 2009-040, 2010- 005 and 2011-016.

Reason for amendments: [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.

Reason for amendments to Broadcast Studio in the Use Matrix: [Zoning]

3. Delete the approval process from the use matrix as the use has been consolidated with Multimedia Production use.

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1 **Building Supplies**
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HISTORY: The Building Supplies 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, Ord. 2010-005 and Ord. 2013-008.

Reason for amendments: [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 Use 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 Use Standards.

3 **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.

4 **Butcher Shop, Wholesale**
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HISTORY: The Wholesale Butcher Shop use definition and Supplementary Use Standards were first added to the Code through Ord. 2001-100. The definition and Supplementary Use 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.

7 **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.

8 **Car Wash**
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HISTORY: The Car Wash 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. 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 an Automatic 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 by Right.
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.

11 **Reason for amendments to Car Wash in the Use Matrix:** [Zoning]

7. Add the use to the Neighborhood Commercial (CN) as a Class A Conditional Use and in the Multiple Use Planned Development (MUPD) with a Commercial Low (CL) FLU designation. The addition of the use is consistent with other low-intensity Commercial Zoning Districts and PDD's with Commercial FLU, Pod or Use Areas.
8. Change the approval process:
 - From Class B Conditional Use to DRO Approval in the Commercial General (CG) Zoning District;

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- From Class A Conditional Use to DRO Approval in the Infill Redevelopment Overlay (IRO) with a Commercial High (CH) FLU designation;
- From a Requested Use to DRO in the Commercial (COM) Pod of a Planned Unit Development (PUD), Mixed-Use Planned Development (MXPd) with a CH FLU designation, and LCC with a CH FLU designation, Neighborhood Center (NC) of a Traditional Neighborhood Development (TND), and TMD except the AGR Preserve area; and,
- From a Requested Use to a DRO in the MUPD with a CH FLU designation.

Catering Service

HISTORY: 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 Use 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.

Reason for amendments: [Zoning]

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, 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.

Reason for amendments to Catering Services in the Use Matrix: [Zoning]

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, Commercial Recreation (CR), and Industrial (IND) FLU designation; MXPd with CH FLU designation; Commercial, Industrial Light (IND/L) and Industrial General (IND/G) pods of PIPD; LCC with CH FLU designation; Neighborhood Center (NC) 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.

Cocktail Lounge

HISTORY: The Cocktail Lounge 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. 1994-023, 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.

Reason for amendments: [Zoning]

1. No additional substantive revisions have been made to the Cocktail Lounge use.
2. Revise the definition to relocated references to bars, taverns, etc. to the newly established Typical Uses standard.
3. Establish Approval Process Supplementary Use Standard to reconcile with revisions made to the Use Matrix that shows most restrictive approval process in CG Zoning District and PDDs or TDDs with CH FLU designation. The standard clarifies a streamlined approval process if separation distance is met for the use to be Permitted by Right instead of Class A Conditional Use or prohibited.
4. 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.
5. Delete the Commercial High Office (CHO) standard. Accessory uses will be addressed by the Accessory Uses Supplementary Standards.
6. Delete the Outdoor standard as the separation distance is already addressed by the Separation Requirements Supplementary Use Standard.
7. Relocate language from the Definition to clarify the distinction between a Restaurant and Cocktail Lounge.

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

8. Delete Cocktail Lounge use from Commercial High Office (CHO) Zoning District and MUPD with a CHO FLU Designation. Cocktail Lounge is an accessory use and will be addressed by the Supplementary Use Standard.
9. Add Cocktail Lounge to the DEV/ AGR of a TMD as the district is intended to support commercial uses.

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Convenience Store

HISTORY: The Convenience Store 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. 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. Establish a cross-reference to Table 3.B.14.E, WCRAO Sub-area Use Regulations to clarify variances cannot be requested for the approval of a Convenience Store in the NR, NRM, NG, and NC Sub-areas of WCRAO.
3. 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.

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Reason for amendments to Convenience Store in the Use Matrix: [Zoning]
4. No changes to the approval process are being recommended.

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Convenience Store with Gas Sales

HISTORY: The Convenience Store with Gas Sales use definition and Supplementary Use 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.

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Reason for amendments to Convenience Store with Gas Sales in the Use Matrix: [Zoning]
2. This use classification is being sunset due to industry changes in the types of uses that are typically collocated with establishments which sell motor vehicle fuel.

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Day Labor Employment Service

HISTORY: The Day Labor Employment Service 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 and 2006-004.
Reason for amendments: [Zoning]
1. Delete Day Labor Employment Service use as the concept fits the definition of Office use. Some of the standards that relate an office for temporary labor service in the Westgate Community Redevelopment Agency Overlay (WCRAO) are relocated to the use Office, Business or Professional.

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Reason for amendments to Day Labor Employment Service in the Use Matrix: [Zoning]
2. Delete the approval from the Use Matrix as the use has been consolidated with Business or Professional Office. Outdoor standards associated to this particular use have been relocated and consolidated with Business or Professional Office use, which help address any issues that could be subject of concern by adjacent residents or discussed at public hearings.

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Dispatching Service

HISTORY: The Dispatching Office 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. 2001-001, Ord. 2003-067, Ord. 2010-005 and Ord. 2010-022.
Reason for amendments: [Zoning]
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
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

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storage of vehicles; or, outdoor storage of vehicles separated 250 feet from residential use or FLU designation.
3. Allow the use to be Permitted by Right when limited to an office for the dispatching operation.

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

Dog Daycare

HISTORY: The Dog Daycare use definition and Supplementary Use Standards were first referenced as part of the 2001 ULDC (Ord. 2001-015). The definition and Supplementary Use 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 Animal Care and Control (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. The standard also clarifies the location limitations and supervision requirements.

Reason for amendments to Dog Daycare in the Use Matrix: [Zoning]
5. Add the use to the Commercial Community (CC) Zoning District, COM Pod of a PUD as a DRO Approval, and in MUPD with an IND FLU as Permitted by Right.
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.

Financial Institution

HISTORY: The Financial Institution 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. 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 Use Standards to address the myriad of different but de minimis differences in Financial Institution configurations. <ul style="list-style-type: none"> • 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.

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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Financial Institution with Drive Thru Facilities

Reason for amendments to Financial Institution with Drive Thru Facilities in the Matrix: [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.).

Financial Institution - Freestanding ATM

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

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.

Flea Market, Indoor

HISTORY: The Enclosed Flea 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 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.

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.

Flea Market, Outdoor

HISTORY: The Open Flea 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 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.

Reason for amendments to Open Flea Market in the Use Matrix: [Zoning]
2. Delete the use from the Industrial Light (IL) Zoning District. The use is not allowed in any other Industrial Zoning District.

Gas and Fuel Sales, Retail

HISTORY: The Retail Gas and Fuel 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. 1997-064, 2001-001, 2001-029, 2003-067, 2006-004, 2010-005, 2010-022, 2011-016, and 2012-027.
Reason for amendments: [Zoning]
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 nonconforming for what is shown on the Development Order. Further clarifies that these sites may also expand subject to compliance with landscaping and traffic safety standards. This is intended to ensure that any nonconforming buffers or unsafe vehicular access points are not carried forward onto a subsequent Development Order as part of any expansion of the use.
2. Delete the requirement for the BCC to make a separate finding regarding: compatibility, scale and

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	other similar requirements by revising to require consideration as part of the 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.
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.
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.

Reason for amendments to Retail Gas and Fuel Sales in the Use Matrix: [Zoning]	
5.	Delete from industrial districts, as: <ul style="list-style-type: none"> • 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 allowed through the Truckstop use; and, • Additional provisions have been added to recognize limited accessory retail in conjunction with Wholesale Fuel or other similar industries.

Green Market

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 Use 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 into 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 and limited to operating only six months out of the year.
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 (CCRT) and the Westgate Community Redevelopment Area Overlay (WCRAO). 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 the use to three days a week. 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.

Reason for amendments to 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 Commercial Low Office (CLO) and CHO FLU designation to indicate DRO approval required. 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 MXPDP with CH FLU designation, MUPD with CL designation, and Commercial pod of Planned Industrial Park District (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.

Hotel or Motel

HISTORY: The Hotel, Motel, SRO, and Rooming and Boarding House 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, 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.	
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Reason for amendments: [Zoning]	
1.	Remove Single Room Occupancy (SRO) and Rooming and Boarding House from Hotel or Motel. This change relates to Florida Statute 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, boarding house, 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. <ul style="list-style-type: none"> • 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 (U/S) Tier. This change is proposed for consistency with the approval of the use in similarly intense commercial zoning districts and to help clarify it is only applicable to CH FLU since TMDs are also allowed in CL FLU.
6.	Allow for exceptions to prohibition on access from a Residential Street as part of BCC approval. The Collocated Hotel in the Public Ownership (PO) Zoning District was originally developed in anticipation of a future hotel to be developed at Morikami Park or other similar Regional Parks. At the time, the accessway within the development was cited as the intended access for the hotel, and since these large parks may have multiple access points, staff sought to protect residential communities from commercial traffic that would normally be mitigated through limits on location for Commercial properties. However, recent discussions with County Facilities and Development Operations (FDO) staff have clarified that access is desired from the more aptly named Morikami Park Road. Staff concurs with a FDO request to establish an exception as part of the Conditional Use approval, which will allow for subsequent Variance or Waiver relief from any applicable Engineering standards. Note, such Deviations have previously been utilized on Morikami Park Road, to accommodate a PBC School.
7.	Expand the list of typical accessory services that are incidental to a Hotel or Motel so there is no confusion that they are part of the functionality of the use and not to be considered accessory uses.
8.	Relocate the standard that limits accessory Cocktail Lounge to ten percent of a Hotel or Motel gross floor area (GFA) along with the standards that apply to Lounge for consistency with the construction of the Code.

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Reason for amendments to Hotel or Motel 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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kennel, Type 2 (Commercial)

HISTORY: The Type 2 Kennel 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

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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.

Reason for amendments to Type 2 (Commercial) Kennel in the Use Matrix: [Zoning]

5. Add the use in the COM Pod of a PIPD as a DRO Approval;
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,
 - Delete the Use from the IL and IG Zoning Districts.
 A Type 2 Commercial Kennel with outdoor runs would be addressed by the existing Supplementary Use 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).

Kennel, Type 3 (Commercial)

HISTORY: The Type 3 Kennel 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. 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 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 (IND/L) and Commercial (COM) Pod.

Reason for amendments to Type 3 (Commercial) Kennel in the Use Matrix: [Zoning]

6. Add the use as a P in the COM Pod of a PIPD;
Change the approval process from:
 - Class A Conditional Use to DRO Approval in the CC Zoning District;
 - Class B Conditional Use to P in the CG Zoning District;
 - DRO Approval to P in the IRO with a CL and CH FLU designation;
 - PDDs and TDDs where the use is allowed from Requested Use to P; and,
 Delete the Use from the IL and IG Zoning Districts.
 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).

Kiosk

HISTORY: The Kiosk 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. 2001-001, 2003-067, 2009-040, 2010-005, and 2011-016.

Reason for amendments: [Zoning]

1. Delete the use from the ULDC. A kiosk or similar use will be considered a structure. Portions of the Kiosk use will be consolidated into Retail Sales.

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Reason for amendments to Kiosk in the Use Matrix: [Zoning]
2. The use is being deleted from the Use Matrix.

Landscape Service

HISTORY: The Landscape Service 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, 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.
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.
5. Revise provisions allowing for small mom and pop accessory Landscape Service as a Home Occupation where allowed in the Rural Service Area and the Agricultural Residential Zoning district, to require approval by Special Permit. This revision will enable staff to document compliance with screening and parking requirements, and establishing a snap shot in time to ensure that the business does not expand beyond what was originally proposed.

Reason for amendments to Landscape Service in the Use Matrix: [Zoning]
6. Delete use from the AGR district. Existing Supplementary Use Standards establish that the use is only permitted where accessory to a Nursery, subject to additional standards.
7. 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.

Laundry Service

HISTORY: The Laundry Service 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, 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 Use 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 caused 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 including customer pick up or drop off areas are not allowed in order to reduce traffic impact that could be created by allowing 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 to prohibit the storage of vehicles associated with the business in required parking spaces that are provided for the 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 reviewers 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.

Reason for amendments to Laundry Service in the Use Matrix: [Zoning]
5. Indicate the most restrictive approval process in the Use Matrix, as follows: <ul style="list-style-type: none"> • 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, • MXPD with CH FLU designation, • Industrial Light and Commercial pods of PIPD,

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<ul style="list-style-type: none"> • 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). <p>New standards allow the use to be subject to a lesser approval process when the square footage is less than 15,000 square feet.</p>
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 (IND/G) pod of PIPD subject to Class A Conditional Use approval, to support industrial-scale Laundry Service that serves commercial businesses and the hospitality industry.

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Live/Work

HISTORY: The Live/Work 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. 2010-005.
Reason for amendments: [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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Reason for amendments to Live/Work in the Use Matrix: [Zoning]
2. Use has been deleted, see Reason above.

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Marina

HISTORY: The Marina 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. 1999-037, 2003-067, 2009-040, and 2010-005.
Reason for amendments: [Zoning]
1. The use was relocated from Recreation Uses, ULDC Supp. 20 Art.4.B.1.A.82, Marine Facility to Commercial Use Classification.
2. Revise definition to: <ul style="list-style-type: none"> • Partially relocate typical uses to a new Supplementary Use Standard 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 <i>Boat Facility Siting Plan</i> language. The threshold of slips for Marina is not an element of the definition but a Supplementary Use Standard.
3. Relocate <i>Boatel Units</i> Supplementary Use Standard.

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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 the use is being eliminated 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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Medical or Dental Office

HISTORY: The Medical or Dental Office use definition and Supplementary Use Standards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and Supplementary Use 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.

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Reason for amendments to Medical or Dental Office in the Use Matrix: [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 process.
4. Change the approval process from DRO Approval to Permitted by Right in the IRO with a CH and CHO FLU Designations. Medical or Dental Office uses are the least intense use of the health related uses and is appropriately located in commercial districts.

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Microbrewery

BACKGROUND/SUMMARY

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.

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.

RESEARCH/FINDINGS

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.

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.

Reason for amendments: [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 thresholds 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.

Reason for amendments to Microbrewery in the Use Matrix: [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, MXPD 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 Use 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.

Monument Sales, Retail

HISTORY: The Retail Monument 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. 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 Use Standard will be established to address outdoor storage and display.

Reason for amendments to Retail Monument Sales in the Use Matrix: [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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Office, Business or Professional

HISTORY: The Business of Professional Office 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, 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.
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 Business or Professional Office 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 standards do not allow outdoor loitering, waiting or seating areas. This amendment looks to provide an option to provide such areas subject to architectural requirements that help beautify the site and reduce 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.
8. Delete standard that limits General Retail and Personal Service uses to be accessory to Business or 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 Use Standards are provided to distinguish from this use.

Reason for amendments to Business of Professional Office in the Use Matrix: [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 Use 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.

Parking Garage/Structure

HISTORY: The Parking/Garage Structure use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).
Reason for amendments: [Zoning]
1. Delete and consolidate with Commercial Parking Lot as "Commercial Parking", with an emphasis on ensuring consistency of existing and revised Supplementary Use Standards that previously did not apply to Commercial Parking Garages.

Reason for amendments to Parking Garage/Structure in the Use Matrix: [Zoning]
2. Use has been deleted, see Reason above.

Parking Lot, Commercial

HISTORY: The Commercial Parking Lot 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.
Reason for amendments: [Zoning]
1. Revise definition to allow consolidation with deleted Commercial Parking Garage use by deleting

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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 Supplementary Use Standards.
3. Amend prohibition against Commercial Parking "adjacent" to residential uses by revising as follows: <ul style="list-style-type: none"> • 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 sever "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 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 allowed under the Contractor Storage Yard use classification.

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Reason for amendments to Commercial Parking Lot in the Use Matrix: [Zoning]
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.

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Pawnshop

HISTORY: The Pawnshop use definition and Supplementary Use Standards were first referenced as part of the 2001 ULDC (Ord.2001-029). The definition and Supplementary Use Standards were amended by Ord. 2003-067, 2010-005, 2010-022, and 2011-016.
Reason for amendments: [Zoning]
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."

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

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Personal Services

HISTORY: The Personal Services 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 and Ord. 2011-016.
Reason for amendments: [Zoning]
1. Simplify Personal Services use definition by deleting language that relates to accessory retail sales as provisions in Art. 5, Supplementary Use 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.

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Reason for amendments to Personal Services in the Use Matrix: [Zoning]
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 Comprehensive 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 Comprehensive Plan policies for Commercial Office Uses.

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1 **Printing and Copying Services**
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HISTORY: The Printing and Copying Services 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. 1998-011, 2009-040, 2010-005 and 2011-016.
Reason for amendments: [Zoning]
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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Reason for amendments to Printing and Copying Services in the Use Matrix: [Zoning]
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.

4 **Repair and Maintenance, General**
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HISTORY: The General Repair and Maintenance use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).
Reason for amendments: [Zoning]
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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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.

8 **Repair and Maintenance, Heavy**
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Reason for amendments: [Zoning]
1. Establish new Heavy Repair and Maintenance to 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, and 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 spaces, drive isles or abutting streets is a common Code Enforcement issue.
5. Consolidate and relocate Bay Door Orientation standards to Art.5.

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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.

12 **Repair and Maintenance, Light**
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Reason for amendments: [Zoning]
1. Establish new Light Repair and Maintenance to 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 Art.5.

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

16 **Repair Services, Limited**
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HISTORY: The Limited Repair Services 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, 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

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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.

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 (PIPD), which is inconsistent with allowing in the IG district.

Restaurant, Type 1

HISTORY: The Type 1 Restaurant 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, 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-thru lanes. Engineering Division reviews all traffic related issues (trips).
2. Establish the Accessory Alcohol Sales Supplementary Use Standard to clarify accessory alcohol sales. The licensing of types of sales is regulated by the State of Florida.
3. Delete the IL reference in the Supplementary Use Standard to be consistent with the Use Matrix. The Use Matrix prohibits the use in the IL Zoning District. Additionally, delete the reference to district specific requirements as the provision does not apply to other restaurant types.

Reason for amendments to Type 1 Restaurant in the Use Matrix: [Zoning]
4. No changes to the approval process are being proposed.

Restaurant, Type 2

HISTORY: The Type 2 Restaurant 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, 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. Engineering Division reviews all traffic related issues (trips).
2. Delete a portion of Alcohol Sales Supplementary Use Standard as the State of Florida provides the regulatory framework to address alcohol licensing.
3. Establish Outdoor Dining standard to clarify the setback requirements.

Reason for amendments to Type 2 Restaurant in the Use Matrix: [Zoning]
4. No changes to the approval process are being proposed.

Retail Sales, Auto Accessories and Parts

HISTORY: The Auto Accessories and Parts Retail Sales use definition and Supplementary Use Standards were first referenced as part of the 2001 Ordinance (Ord.2001-028). The definition and Supplementary Use 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.

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.

Retail Sales

HISTORY: The General 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. 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]

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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 Use Standard 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 into Retail Sales use as a Typical Use.
 - Consolidate Retail Monument Sales into Retail Sales and establish a Supplementary Use Standard to exempt the use from Outdoor Storage and Activities per Art. 5. The use allowed outdoor display areas as a principal use and the standard ensures the allowance of that common business practice.
2. Delete the SR 7 Economic Development Overlay (EDO) standard as the Overlay is being deleted from the Comprehensive Plan. The SR 7 EDO has been annexed by the Village of Royal Palm Beach.
3. Consolidate existing language from Kiosk to Retail Sales, to better recognize retail uses while establishing new provisions for Unmanned Retail Structures that may dispense ice and water, as well as structures that hold packages temporarily when they are in the shipping process.
4. Allow the use when accessory to specific uses in the Industrial Zoning Districts, when the Unmanned Retail Structure may reasonably support, and is incidental to, the specified uses even when industrial districts.
5. Clarify which Design Standards specifically apply to freestanding Unmanned Retail Structures, as they apply to both freestanding and in-line structures, in order to make it clear for applicants and staff how and when architecturally compatible design elements must be integrated.
6. Establish the maximum building size as 50 square feet larger than the existing Kiosk use, in order to accommodate new industry trends that may be slightly larger than 100 square feet, such as ice-dispensing structures that require additional area for the temporary creation and storage of bulky items prior to dispensing them to customers. Clarify that the building square foot limitation does not apply to decorative awnings or weather protection canopies, as defined by Building Square Footage in Art. 1.
7. Ensure requirements that are addressed in alternative sections of the Code are not duplicated in the Supplementary Use Standards.
8. Distinguish that Unmanned Retail Structures, when located within 15 feet of a principal structure, shall have different limitations on signage than freestanding structures that are limited through Art. 8, Signage, and specify the particular standards that apply to those structures.
9. Clarify that total sign face area shall not exceed eight square feet, regardless of Wall Sign limitations in Art. 8, Signage, in order to limit total signage, based on the maximum total area of 150 square feet for each structure.
10. Limit freestanding structures to 15 feet in height in order to ensure that the use is appropriately pedestrian-scaled.
11. Allow in-line structures up to nine feet in height in order to accommodate equipment, camera viewing angle requirements and weather protection or decorative canopies.

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

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

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 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, 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, Motel, SRO and Rooming and Boarding House and create a definition for Rooming House to identify the use operates in a Single Family dwelling structure only with no more than five guests.
2. Relocate existing standard from Hotel, Motel, SRO and Rooming and Boarding House 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 Florida Building Code and Fire Rescue regulations.

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Reason for amendments to Rooming and 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.

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Self-Service Storage

HISTORY: The Self-Service Storage 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. 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 facilities, 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 Supplementary Use Standards will be retained under the general heading Self Service Storage, since most of the standards apply to both.
2. Correct scrivener's error that inadvertently implied that a Self Service Storage facility was allowed in Commercial Low Office and Commercial High Office FLU designation of an MUPD, which is inconsistent with the intended uses outlined in the Future Land Use Element (FLUE) of the Comprehensive Plan.
3. Establish new provisions to coincide with amendment to Use Matrix to allow Limited Access facilities 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.
4. 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.
5. 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.
6. Delete reference to Security Caretakers Quarters, which is already defined as a Collocated use where permitted.

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Reason for amendments to Self-Service Storage in the Use Matrix: [Zoning]
7. Delete from General Industrial (IG) district and General Industrial (IND/G) 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.
8. 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.
9. 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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Single Room Occupancy (SRO)

HISTORY: This use has been historically located under Hotel, Motel, SRO, and Rooming and Boarding House. The 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, 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) 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

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the standard clarifies this is applicable to RR FLU designation since CRE is also consistent with CR and IND FLU designations.

Reason for amendments to Single Room Occupancy (SRO) in the Use Matrix: [Zoning]

3. Indicate Class A approval process in the CRE Zoning District to reflect existing standard currently applicable 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.

Theater, Drive-In

HISTORY: Theater 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, 1998-011, 1999-037, 2000-015, 2001-001, 2001-028, 2001-062, 2003-067, 2010-005, and 2011-016.

Reason for amendments: [Zoning]

1. Consolidate use with new Theater and Performance Venue to provide additional options for similar uses.

Reason for amendments to Drive-In Theater in the Use Matrix: [Zoning]

2. Delete use approval process from the Use Matrix as the use is consolidated with new Theater and Performance Venue use.

Theater and Performance Venue

HISTORY: This is an expanded use that includes Performance Venues, Drive-In Theater and Indoor Theater. Theater 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, 1998-011, 1999-037, 2000-015, 2001-001, 2001-028, 2001-062, 2003-067, 2010-005, and 2011-016.

Reason for amendments: [Zoning]

1. Consolidate Indoor Theater and Drive-In Theater with Performance Venue as a new use to address location of facilities that allow for activities not included in Arena 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 Venue 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.

Reason for amendments to Theater and Performance Venue in the Use Matrix: [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 Use 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.

Vehicle Sales and Rental

HISTORY: The Vehicle Sales and Rental 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, 1996-028, 1997-014, 1997-064, 2000-015, 2001-029, 2003-067, 2006-004, 2009-040, 2010-005, and 2012-027.

Reason for amendments: [Zoning]

1. Revise definition for consistency with terms used by the Florida Department of Motor Vehicles and

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	related Florida Statutes.
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.
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.
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.
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: <ul style="list-style-type: none"> • 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. • 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. • 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.
6.	Typical Uses include terms referenced by the Florida Department of Highway Safety and Motor Vehicles licensing requirements, including: <ul style="list-style-type: none"> • Independent Dealers, which allows licensee to sell, retail or wholesale, used motor vehicles only. • Franchise Dealers, which allows the licensee to sell new motor vehicles under an agreement with the manufacturer, as well as used motor vehicles. • Wholesale Dealer, which limits licensees to buying, selling or dealing at wholesale with licensed dealers. • Mobile Home Dealer, which allows the licensee to sell new or used mobile homes. • Mobile Home Broker, • New Recreational Vehicle Dealer, allows licensee to sell new and used recreational vehicles (subject to agreement with manufacturer). • Used Recreational Vehicle Dealer, allows licensee to sell used recreational vehicles. <p>Vehicle sales and rental does not include the following license types:</p> <ul style="list-style-type: none"> • Auction, allows licensee to sell, on behalf of licensed dealers, through a bid process. This would fall under the Auction use classification. • 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.
7.	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.
	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.

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	Reason for amendments to Vehicle Sales and Rental in the Use Matrix: [Zoning]
8.	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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1 **Veterinary Clinic**
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HISTORY: The Veterinary Clinic 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. 1995-008, 1998-011, 1997-037, 2001-001, 2003-067, 2005-002, 2009-040, 2010-005, 2010-022, 2010-055, and 2011-016.

Reason for amendments: [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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Reason for amendments to Veterinary Clinic in the Use Matrix: [Zoning]

3. Change the approval process from:
 - Class A Conditional Use to P in the CN Zoning District;
 - Class B Conditional Use to P in the CC Zoning District;
 - Requested Use to P in PDDs and TDDs where the use is allowed; and,
 - Class B Conditional Use to DRO Approval in the CHO Zoning District.
4. Change the Approval Process from:
 - DRO Approval to Class A Conditional Use in the AGR Zoning District;
 - Class B Conditional Use to Class A Conditional Use in the AR Zoning District.

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Vocational Institution

HISTORY: The Vocational School 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. 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 a 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 intends 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 use. In addition, it includes programs that issue high school diplomas that do not fit the definition of Elementary or Secondary School, and 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 uses 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.
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.

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Reason for amendments to Vocational School in the Use Matrix: [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 Institutional Public Facilities (IPF) Zoning District, Commercial pod of PUD, MUPD and MXPD with CL and Economic Development Center (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 at 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 Light Industrial and

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General Industrial pods of PIPD as the use is limited to institutions oriented to include heavy equipment in the vocational programs.

Work/Live Space

Reason for amendments: [Zoning]

1. Establish a cross-reference to Table 3.B.14.E, WCRAO Sub-area Use Regulations to clarify variances cannot be requested for the approval of Work/ Live in the NR Sub-area of WCRAO. See additional deletions to redundant Work/Live Space standards located under the Multiple Use Planned Development (MUPD) district.

Reason for amendments to Work/Live Space in the Use Matrix: [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 the parking and 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.

RECREATION USES

New ULDC Art. 4.B.3, Recreation Uses, is hereby established as follows:

Reason for amendments: [Zoning]

1. Consolidate all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for standard, Planned Development Districts (PDDs) or Traditional Development Districts (TDDs). Tables consolidated are as follows: Table 3.B.15.F, Infill Redevelopment Overlay (IRO) Permitted Use Schedule; Table 3.B.16.E, Priority Redevelopment Area (PRA) Use Matrix; Table 3.E.1.B, PDD Use Matrix; Table 3.F.1.F, TDD Use Schedule; and, Table 4.A.3.A, Use Matrix.
2. Include footnote in the Use Matrix to ensure the Code user reviews the Supplementary Use Standards applicable to every individual use when determining the applicable approval process. Since the Use Matrix is intended to show the most restrictive approval process and some uses may be shown prohibited or with a specific approval process, the Supplementary Use Standards may contain additional provisions that allow the use to be subject to a lower level of approval when specific provisions are met.

Reason for amendments: [Zoning]

3. Clarify that recreation uses are prohibited to include any kind of gaming or pari-mutuel betting when located in the Agricultural Reserve (AGR) Tier for consistency with the Comprehensive Plan policy 1.5-p. This provision was relocated from Supplementary Use Standards contained in Arena, Auditorium or Stadium and Commercial Equestrian Arena.

Arena, Stadium or Amphitheater

Reason for amendments: [Zoning]

1. Remove Auditorium from the use name and include Amphitheater as it is the most common term that describes an outdoor facility designed for performances.
2. Revise definition to clarify that the use is intended to be for large sport events or performance. Convention center, exhibition halls and conference center will be relocated to be addressed as civic use, tentatively under revised assembly use or similar.
3. Delete provision related to location of the use in the Rural Residential (RR) Future Land Use (FLU) designation associated with the Commercial Recreation (CRE) Zoning District as this zoning district is not consistent with that FLU designation.
4. Delete limitation of lot size as the minimum standards already existing in the Code such as the zoning district property development regulations, landscaping, drainage and parking spaces should dictate the minimum lot size needed for the use to function.
5. Clarify that vehicular access has to be from Collector or Arterial Street to prevent vehicular traffic to

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	and through local streets in nearby local streets.
6.	Relocate pari-mutuel betting prohibition to the new section General Recreation standards in order to make this regulation applicable to all recreation uses when located in the AGR Tier for consistency with Comprehensive Plan policy 1.5-p.

Reason for amendments to Arena or Stadium or Amphitheater in the Use Matrix: [Zoning]	
7.	No changes are recommended to the approval process.

Campground

Reason for amendments: [Zoning]	
1.	Amend definition to add Recreational Vehicles (RV) to the use, as this is a better reflection of reality.
2.	With the revision of the use to include RVs the setback should be for all sites (camp and RV), not just campsites.
3.	Differentiate between the uses campsite and RV site to show how they are to be distinguished, and what type of activity is to take place on the site. Campsites are intended for more rustic type of camping in tents or pop-up trailers, or in camping cabins, and RV sites are to be improved with paved parking for the RV unit and the accompanying vehicle.
4.	Add provisions regulating the number of RV sites and campsites which may be located in a campground based on the Future Land Use (FLU) designation of the property. The lower the underlying density, the less sites one can have. The table is intended to clearly indicate that the number of sites per acre is campsite OR RV site, not both.
5.	The table contains a footnote for the AP, Agricultural Production Zoning District to clarify that the table only applies to AP zoned land in the LOSTO, Lake Okeechobee Scenic Trail Overlay.
6.	Relocated and change the duration in which someone may reside in a Camping Cabin to apply to campsites. The duration noted in 3.E.7.D is 180 days. This is in excess of identified standards of other jurisdictions. The duration of stay is to show that campsites and camping cabins may be occupied by the same person(s) up to 30 days in a six month period, and in accordance with State Statutes, RV sites may be occupied by the same person(s) up to 180 days.
7.	Create a subsection to deal with Accessory Uses, specifically camping cabins, and a general retail facility specifically to serve the needs of the campground and RV occupants.
8.	Relocate and revise the maximum number of camping cabins permitted in a campground. Clarify that the maximum number of approved sites (both camp and RV) which can be used to site a camping cabin is limited to 30%.
9.	Delete the requirement that camping cabins must comply with the Building Code. This is mandatory by State law, and redundant.
10.	Remove reference to Recreational Vehicle Planned Development (RVPD), which is a Planned Development District located in Article 3, from the subsection dealing with camping cabins. Camping cabins in an RVPD need to be addressed in Article 3.
11.	Clarify that the setback for camping cabins is based on the setback for campsites, not RV sites. There are not setbacks for RV sites identified in this use.
12.	Change the standard regarding the location of camping cabins in-lieu of RV sites to sites in general.
13.	Simplify setbacks for Camping Cabins to apply a standard 50 foot setback from the perimeter of the project for all sites in the campground.
14.	Delete the standard allowing up to 49% of the sites to be occupied by Camping Cabins. This is direct conflict with the previous standard allowing no more than 30% of sites to be "converted" from campsites to cabins.
15.	Permit the establishment of a small accessory general retail sales component to a campground subject to: <ul style="list-style-type: none"> • Limited to 2,500 square feet of gross floor area (GFA), including storage; • Located to the interior of the campground with no exposure to external abutting streets; • Requiring one parking space per 500 square feet of GFA, including storage, plus on space per employee on duty; • Signage limited to wall signage on the front elevation of the building, not freestanding signage, and no signage associated with the retail facility visible to the exterior of the campsite.
16.	Amend the section dealing with the LOSTO, Lake Okeechobee Scenic Trail Overlay to: <ul style="list-style-type: none"> • Remove the word "Overlay" from the title, as it is redundant; • Specify uses to allow differentiation between Campgrounds and Camping Cabins, as Camping Cabins in the LOSTO have historically been treated differently in that they can be an accessory to a single family dwelling, or a principal use; • Specify that Campgrounds without RV sites are permitted in the LOSTO through a DRO approval; and, • Clarify that Camping Cabins as an accessory to a single family residence or as a principal use may be allowed through issuance of a Special Permit, as opposed to a Special Use. The ULDC does not identify a Special Use as an approval process in Article 2.

Reason for amendments to Campground in the Use Matrix: [Zoning]	
17.	Staff recommends deletion of the use from the AP, Agriculture Production Zoning District, as this

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district is typically not intended to support recreation activity, with the exception of the LOSTO, Lake Okeechobee Scenic Trail Overlay, which is intended to support tourism.

Entertainment, Indoor

Reason for amendments: [Zoning]

1. Revise definition to clarify that Indoor Entertainment includes such indoor recreational activities as skating (ice and roller), paintball, and soccer. This is intended to be an example, not a definitive list.
2. Delete CRE Zoning District standard related to Rural Residential (RR) FLU designation as the zoning district is not consistent with that FLU designation.
3. Delete reference to IL, since the use is to be prohibited in IL.
4. Add Mixed Use Planned Development (MXPDP) and Planned Industrial Park Development (PIPD) Zoning districts to 3,000 sq. ft. exemption from more restrictive review process.
5. Delete provision for banquet or reception facility as principal use. This provision has never been used, and the concept is not common to this region as it is elsewhere. The use of banquet and reception facility should be addressed with Restaurants, Catering Service, or with Nonprofit Institutional or Membership Assembly.

Reason for amendments to Indoor Entertainment in the Use Matrix: [Zoning]

6. Delete from IL Zoning District. Currently the use is allowed in the IL Zoning District as DRO. However, but is not allowed in Planned Development Districts with an IND FLU designation or Pod, therefore, the use is proposed to be deleted from the IL Zoning District.
7. Because of the level of scrutiny PDDs are given in their approval process, it is proposed that the use be reviewed by the Development Review Officer (DRO) in the following zoning districts:
 - Multiple Use Planned Development (MUPD) with a Commercial High (CH) FLU designation;
 - MXPDP with a CH FLU designation; and
 - Lifestyle Commercial Center (LCC) with a CH FLU designation.
8. Change the use from Permitted by Right to DRO review in the Commercial (COM) Pod of a PIPD to ensure that the use is truly oriented to serve those employed within the district or residing therein.

Entertainment, Outdoor

Reason for amendments: [Zoning]

1. Revise definition to:
 - Clarify commercial activity and;
 - Relocate "Archery Ranges" to Shooting Range use.
2. Delete Commercial Recreation (CRE) Zoning District Supplementary Use Standard. The standard, as written, excludes privately owned commercial recreation. The County has a zoning district that specifically focuses on public ownership and is consistent with all FLU designations.
3. Delete Community Commercial (CC) Zoning District Supplementary Use Standard. The use is allowed as a Class A Conditional Use. The definition of CC in the ULDC does not clearly delineate the meaning of community nature and neighborhood serving. Determination of "community nature" and "neighborhood serving" would be discussed during the review process and confirmed by the BCC.
4. Delete IL Zoning District Supplementary Use Standard. The use will be deleted from the Use Matrix and the standard will no longer apply.
5. Location Supplementary Use Standard to be revised. Delete the words "paved public" and minimum frontage requirement from the standard.

Reason for amendments to Outdoor Entertainment in the Use Matrix: [Zoning]

6. Delete the DRO approval process from Industrial standard Zoning District and MUPD with IND FLU designation. The Regulation Section of the Comprehensive Plan identifies that the Outdoor Entertainment use is allowed in Commercial, Commercial Recreation and Industrial Future Land Use designations within a PIPD. Existing approvals within the IL standard Zoning District and MUPD with IND FLU designation will be deemed legal non-conforming uses.

Fitness Center

Reason for amendments: [Zoning]

1. Delete Multifamily Residential (RM) Zoning District Supplementary Use Standard for consistency with deletion of the use approval in the Use Matrix. The 3,000 square footage limitation ~~is~~ still remains applicable to Neighborhood Commercial (CN) Zoning District.
2. Remove General Commercial (CG) Zoning District Supplementary Use Standard that allows the use to be Permitted when less than 15,000 SF. The use is here now proposed to be Permitted by Right as indicated in the Use Matrix without restriction on the square footage.
3. Provide consistency between the square footage in Table 4.A.3.A, Threshold of Projects Requiring DRO approval, where the threshold for CC Zoning District is 8,000 SF, and the Supplementary Use Standard that allows a Fitness Center in CC Zoning District. This amendment modifies the minimum square footage from 15,000 SF to 8,000 SF for the use to be Permitted by Right and creates a

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	second threshold for Fitness Center between 8,000 SF and 15,000 SF that previously to be DRO approval instead of Permitted by Right. Above those thresholds the use is subject to Class A Conditional Use in the CC Zoning District.
4.	Delete Commercial High Office (CHO) Zoning District from the provisions that allow the use to be Permitted by Right when less than 15,000 SF for consistency with the intent of that district to include mainly uses of office nature and deletion of the use approval in the Use Matrix.
5.	Delete CRE Zoning District standard related to RR FLU designation as the zoning district is not consistent with that FLU designation.
6.	Delete Supplementary Use Standard related to the use in Light Industrial pod of PIPD. As proposed in the Use Matrix, the use is no longer allowed in that zoning district therefore the standard is not applicable.
7.	Recognize existing approvals for Fitness Center in IL and Industrial Light pod of PIPD by considering them legal non-conforming in order to address prohibition of the use in industrial zoning districts.

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Reason for amendments to Fitness Center in the Use Matrix: [Zoning]	
8.	Delete from the RM Zoning District as any form of this use open to the general public would not be consistent with the purpose and intent for a residential district. There are other provisions to allow for similar uses where limited to residents of a residential development.
9.	Amend the approval process in CN Zoning Districts from Class B Conditional Use approval to be Permitted by Right. The Supplementary Use Standard limiting the building to 3,000 SF and no outdoor activities makes the structure consistent with the neighborhood character of the CN Zoning District and the prohibition of outdoor activities protects surrounding residential from nuisances.
10.	Delete from IL Zoning District to keep industrial land limited to industrial uses or uses of an industrial nature.
11.	Delete from CHO Zoning District, MUPD with CHO FLU designation, and MXPDP with CHO FLU designation as the CH-O FLU designation is intended to support mainly office related uses as contained in the FLU Element Section III.C.2 of the Comprehensive Plan for Commercial Office Uses.
12.	Amend the approval process from Class A Conditional Use to Permitted by Right in CG Zoning District and MUPD with CH FLU designation to make the use consistent with expected intensity in CH FLU designation. In the CG Zoning District the building square footage will trigger upper level of review (Board of County Commissioners [BCC] approval) when the structure is above 49,999 SF.
13.	Increase the approval process from Permitted by Right to DRO in COM Pod of a PIPD to ensure the use is site planned.
14.	County policies require preservation of industrial land for industrial uses and the approval of Fitness Center in industrial zoning districts is not consistent with the County's directive. Through the draft presented previously to LDRAB, staff inadvertently left the approval of the use in the Industrial Light pod of PIPD in the Use Matrix. This amendment corrects that mistake by removing the approval process from that zoning district, making the use now prohibited.

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Golf Course

Reason for amendments: [Zoning]	
1.	Delete reference to Management Plan. Per the Environmental Resource Management (ERM), this document is required by South Florida Water Management District, and is based on the plans approved by the County. This would be redundant with State Agency requirements.
2.	Change reference to clubhouse to be an accessory use to comply with new wording for reordered Supplementary Use Standards.
3.	Change fencing to be a subcategory of accessory use due to the specialized nature of the type of fencing being referenced in this standard.
4.	Establish Variance Relief Supplementary Use Standard to recognize instances when adjacent uses, streets or easements may need additional protective netting or fencing.

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Reason for amendments to Golf Course in the Use Matrix: [Zoning]	
5.	Change from Class B to Permitted by Right in PO Zoning District, publicly owned golf course serve a greater public good with minimal impacts under government control.
6.	Allow as a Class A Conditional Use in a COM Pod of a PIPD, as Commercial Recreation (CR) FLU designation is not a land use permitted in PIPD.

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Park, Neighborhood Infill

Reason for amendments: [Zoning]	
1.	Minor revision to the use definition.
2.	Delete limitation on hours of operation and landscaping standards to defer to Parks and Recreation handbook.
3.	Delete limitation on hours of operation and defer to Parks and Recreation. With the prohibition on lighting and other amenities, most parks of this nature will be posted as closed from dusk to dawn.
4.	Consolidate redundant minimum setbacks for residential, non residential, and ROW, and allow for

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reduction of minimum setback for active recreation by the Parks and Recreation Director when compatibility issues are addressed with any adjacent residential uses.

Reason for amendments to Neighborhood Infill Park in the Use Matrix: [Zoning]

5. Research did not reveal a need for approval process changes.

Park, Passive

Reason for amendments: [Zoning]

1. Minor revision to the use definition and Supplementary Use Standard and relocate Typical Uses to a new Standard. Typical uses reference is not a function of the definition.

Reason for amendments to Passive Park in the Use Matrix: [Zoning]

2. Change Class A Conditional Use to Permitted by Right in the Agricultural Reserve/ Preserve (AGR/P) Pod of a Planned Unit Development (PUD).

3. Add as a Permitted by Right use in the following zoning districts:

- MUPD with an IND and EDC FLU designation.
- Neighborhood Center (NC) and Residential (RES) Pods of a Traditional Neighborhood Development (TND) in Urban/Suburban, Exurban and Rural Tiers.
- The Comprehensive Plan states that parks are generally permitted in all future land use designations.

Park, Public

Reason for amendments: [Zoning]

1. Review the definition to clarify government ownership and management of the use.

2. Expand on the type of parks for consistency with the terminology and classification contained in the Parks and Recreation Department list of Public Parks contained in Article 5.B and the Comprehensive Plan Recreation and Open Space Element

3. Clarify that uses incidental to the operation of a public park located on Public Ownership (PO) Zoning District that are subject to a different approval process other than Permitted by Right are permitted as collocated. The uses are still subject to the Supplementary Use Standards applicable to every use as contained in the Code.

Reason for amendments to Public Park in the Use Matrix: [Zoning]

4. Streamline the approval process in MUPD with CL FLU designation from Class A Conditional Use to Permitted by Right as PDDs are subject to Public Hearings and opportunities are provided for adjacent residents to participate. In addition the location of the use will be part of a Master Plan.

Shooting Range, Indoor

Reason for amendments: [Zoning]

1. In 1993, Open Gun Club and Closed Gun Club use definitions and Supplementary Use Standards were consolidated but shown as two separate uses in the Use Matrix. The amendment will rename and separate the uses in the Supplementary Use Standards consistent with the Use Matrix as further specified below.

2. Update the definition to clarify that the use is intended for recreation and training, and is not intended to preempt gun ranges exempted by Florida statute.

3. Establish a standard to streamline approval process dedicated exclusively to the use of archery equipment. Archery is typically identified with shooting ranges by other municipalities.

4. Delete the minimum lot size standard. Industry and municipal research does not show any specific trend for minimum threshold of lot size for indoor shooting ranges. This type of use can range from one to 10 or more acres.

5. Establish a general standard to address nuisance (sound abatement) concerns.

6. Replacing "Setback and Buffer" with "Separation Distance" Supplementary Use Standard and increasing the 100 foot distance to 500 feet. Research indicates that separation distance assists with the mitigation of noise and potential safety concerns. Some jurisdictions have similar separation distance requirements that range from 50 feet to 1000 feet. The 500 foot separation distance is consistent with other uses in the Code (Adult Entertainment and Cocktail Lounge) that do or may have perceived similar negative impacts to public, civic, or residential uses. The Standard also clarifies separation distance exemption for indoor archery ranges.

7. Establish a general standard for gun range design to address safety (projectile containment and accidental discharge) and nuisance (sound abatement) concerns consistent with industry standards. Examples of the industry standards include U.S. Department of Energy, Office of Health, Safety and Security's Range Design Criteria (DOE O 473.3, Protection Program Operations); National Rifle Association's (NRA) The Range Source Book, A Guide to Planning and Construction (2012); and National Institute for Occupational Safety and Health's (NIOSH) Lead Exposure and Design Considerations for Indoor Firing Ranges (Publication Number 76-130).

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Reason for amendments to Indoor Shooting Range in the Use Matrix: [Zoning]
8. Change the approval process from Class B Conditional Use to Class A Conditional Use in the CG Zoning District for consistency with MUPD with a CH FLU designation.
9. Change the approval process from Permitted by Right to Class A Conditional Use in CRE Zoning District for consistency with MUPD with a CR FLU designation.
10. Change the approval process from DRO to Class A Conditional Use in the IRO with a CH FLU designation for consistency with MUPD with a CH FLU. The changes provide an opportunity for the public to discuss any potential impacts from an indoor shooting range before the Board of County Commissioners.

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Shooting Range, Outdoor

Reason for amendments: [Zoning]
1. The use was amended by Ordinance 2014-025.

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Reason for amendments to Outdoor Shooting Range in the Use Matrix: [Zoning]
2. No changes in the Use Matrix as the use was amended by Ordinance 2014-025.

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Zoo

Reason for amendments: [Zoning]
1. Revise the definition to clarify zoo use is intended for entertainment and educational purposes;
2. Delete the Agricultural Residential (AR) Zoning District use standard due to the inconsistency between the typical low density residential uses of AR and the traffic intensity and commercial nature of a Zoo use;
3. Relocate and consolidate Supplementary Use Standards regarding barbed wire, which will be addressed in Art. 5.

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Reason for amendments to Zoo in the Use Matrix: [Zoning]
4. To Delete from the AR Zoning District due to the inconsistency between the typical low density residential uses of AR and the traffic intensity and commercial nature of a Zoo use.
5. Use is currently a DRO approval in the CRE Zoning District, which is consistent with a CR FLU designation. Therefore, for consistency, make use DRO approval in the MUPD with a CR FLU designation.
6. Change the approval process from a Class B Conditional Use to Class A Conditional Use in the CG Zoning District. The change provides an opportunity for the public to discuss any potential impacts from a zoo before the BCC.



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INSTITUTIONAL, PUBLIC AND CIVIC USES

New ULDC Art. 4.B.4, Institutional, Public and Civic Uses, is hereby established as follows:

Reason for amendments: [Zoning]
1. Consolidate all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for standard, Planned Development Districts (PDDs) or Traditional Development Districts (TDDs). Tables consolidated are as follows: Table 3.B.15.F, Infill Redevelopment Overlay (IRO) Permitted Use Schedule; Table 3.B.16.E, Priority Redevelopment Area (PRA) Use Matrix; Table 3.E.1.B, PDD Use Matrix; Table 3.F.1.F, TDD Use Schedule; and, Table 4.A.3.A, Use Matrix.
2. Include footnote in the Use Matrix to ensure the Code user reviews the Supplementary Use Standards applicable to every individual use when determining the applicable approval process. Since the Use Matrix is intended to show the most restrictive approval process and some uses may be shown prohibited or with a specific approval process, the Supplementary Use Standards may contain additional provisions that allow the use to be subject to a lower level of approval when specific provisions are met.
3. Codify Palm Beach County Comprehensive Plan Future Land Use (FLU) Element Objective 1.5-r to make the regulations applicable to all uses in the Institutional, Public and Civic Use classification. The objective does not permit the location of institutional and public facilities west of State Road 7 in the Agricultural Reserve Tier in order to preserve farmland and wetlands.

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Animal Shelter

Reason for amendments: [Zoning]
1. Delete Kennel Type IV from the use name to only keep Animal Shelter. The change minimizes confusion with other commercial kennel uses.
2. Revise the definition to: <ul style="list-style-type: none"> • Delete the reference to type of establishment and acreage requirement as an Animal Shelter will

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	<p>be subject to the Property Development Regulations (PDRs) of the zoning district where the use is located. Humane Society and Private Animal Nonprofit organizations are defined by Ordinance 98-022 as amended, and therefore regulated by the ACC.</p> <ul style="list-style-type: none"> Delete reference in the use definition related to services. The use definition shall be limited to explain and outline the meaning of a use instead of providing additional information that is developed through separate Supplementary Use Standards.
2.	Rename the Limitations of Supplementary Use Standard to identify typical services the use is intended to include.
3.	Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an ACC Operational Permit.
4.	Delete the Hours of Operation Standard as the ACC Ordinance does not identify or regulate business hours. The hours of operation shall comply with new Article 5.E.5, Hours of Operation.
5.	Delete the Setback standard related to outdoor areas. Setback requirements will be subject to standards for kennels and runs under provisions for Accessory Uses found in Art. 5.B.1.A.22, Kennels and Runs.
6.	Delete standard for number of animals permitted. The number of animals is determined by the ACC Ord. 98-22.
7.	Delete Collocated Use standard as collocated and accessory uses will be identified under the individual use. The Code addresses instances where uses can be collocated and would be subject to the approval process identified in the new Use Matrix. The Veterinary Clinic reference will be deleted and relocated to the Veterinary Clinic Use under the Commercial Classification.
8.	Revise Accessory Residential Use standard to clarify that an Animal Shelter may have an accessory SFD if the parcel has an underlying residential FLU designation.
9.	Delete standard that allows Animal Shelter in Planned Industrial Park Development (PIPD) Zoning District subject to Development Review Officer (DRO) approval. The use will not be permitted in PIPD as the districts are intended for large employment centers, mainly designed to accommodate and promote manufacturing, research and development.

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Reason for amendments to Animal Shelter in the Use Matrix: [Zoning]	
10.	Allow the use in CL and CHO of IRO subject to Class A Conditional Use approval for consistency with the approval of the use in similar commercial zoning districts.

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Cemetery

Reason for amendments: [Zoning]	
1.	Delete reference in the use definition related to tentative accessory uses or services. The use definition shall be limited to explain and outline the meaning of a use instead of providing additional information that may be developed through Supplementary Use Standards. Definition of chapel will be added to Article 1 to clarify is an accessory use not to be confused with a Place of Worship as defined and developed in this use classification.
2.	There are circumstances in which a site may be subdivided with outparcels requiring the MUPD provision to be utilized. Since cemeteries are not consistent with commercial uses that are generally located in MUPD, a new Supplementary Use Standard is proposed to limit MUPDs developed for cemeteries to be limited to include other cemeteries or places of worship uses only.
3.	Relocate standard allowing a Funeral Home or a Crematory to be collocated with a Cemetery in the Multifamily Residential (RM) Zoning District. The standard is consolidated with regulations that apply to Funeral Home and Crematory uses, respectively.
4.	Clarify that pet cemetery is only permitted in the Institutional and Public Facilities (IPF) Zoning District for consistency with the uses intended to be located in the designation and delete approval from the General Commercial (CG) Zoning District. Pet cemetery will be permitted to be accessory to any Cemetery for humans provided the pet cemetery is not located within the minimum acreage required for the Cemetery for humans established by State Statutes.
5.	Florida Statutes 497 regulates Cemeteries as "a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains" but it does not cover pet cemeteries. Staff recognizes industry trend to allow pet cemeteries accessory to a Cemetery for humans but the minimum lot size of requirements of Cemeteries has to be met as stated in the State Statutes. Consequently, a new standard is proposed to allow accessory Pet Cemetery as long as the square footage is in addition to the minimum acreage required for Cemeteries for human internment.

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Reason for amendments to Cemetery in the Use Matrix: [Zoning]	
6.	Change approval in General Commercial (CG), Community Commercial (CC), and Public Ownership (PO) Zoning Districts from Class B Conditional Use to Class A Conditional Use. The use cannot be less restrictive in standard zoning district than in Planned Development Districts (PDDs) where additional site design requirements and development patterns are typically exceeded. The approval for the use in the Civic pod of PUD is Class A Conditional use, therefore this change is made to be consistent with approval in PDDs which allows public participation through the hearing process.
7.	Allow the approval of Cemeteries in MUPD with CH FLU designation subject to Class A Conditional Use approval to allow development of outparcels when collocated with other Cemeteries or Places

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of Worship. A Supplementary Use Standard has been created to clarify the limitations of the use in this district.

College or University

Reason for amendments: [Zoning]

1. Delete reference in the use definition related to supporting services or functions necessary for the operation of the use. The use definition shall be limited to explain and outline the meaning of a use.
2. Streamline the approval of the use to make it subject to DRO when standards related to separation from residential, limitation of building square footage, and location on collector or arterial streets are met.
 - The separation standard of 150 feet from residential FLU designation or use is utilized consistently throughout the Code for high intensity uses such as Pawnshop.
 - The limitation of maximum square footage to 30,000 gross floor area responds to the average mid-size college or university which also corresponds to the minimum square footage that will trigger approval of the use by the Board of County Commissioners (BCC) as contained in the Development Thresholds section of this Code. Dormitories shall be counted towards the total building square footage.
 - The requirement for freestanding or stand alone use located on arterial or collector street is added to facilitate approval and promote location of College or University use in Planned Development Districts and infill parcels and minimize the impact to adjacent uses or roads.
3. Clarify that dormitories shall be considered incidental use to a College or University to be allowed as long as they are owned or operated by the educational institution and used by its students. If this provision is not met, the use will be considered residential and will be subject to the applicable residential use standards, approval process and density requirements.

Reason for amendments to College or University in the Use Matrix: [Zoning]

4. The use is now proposed to be in the CHO Zoning District, MXPDP with CHO FLU designation and TMD Urban/Suburban, Exurban and Rural Tiers subject to Class A Conditional Use approval for consistency of the use approval in similar intensity commercial zoning districts.

Crematory

Reason for amendments: [Zoning]

1. Amend definition by deleting reference to Funeral Homes as Funeral Home is another defined use with Supplementary Use Standards in the Public and Civic Use classification. The use definition shall be limited to explain and outline the meaning of a use.
2. Relocate from Cemetery and consolidate Crematory standard related to collocation of the use under the provisions that pertain to Crematory use. The standard clarifies approval of collocated Crematory to a Cemetery in the RM Zoning District to be Class A Conditional Use since the use is prohibited in the Multifamily Residential (RM) Zoning District as identified in the Use Matrix.

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

3. No changes to the approval process have been proposed.

Day Care

Reason for amendments: [Zoning]

1. Clarify the different types of Day Care use by explaining them separately while retaining standards that apply to all Day Care uses.
2. Relocate the use is made for consistency with similar uses that are accessory to residential principal uses. The approval is indicated in Table 4.B.1.D - Corresponding Accessory Use to a Principal Use and Permitted by Right (P) accessory to Single Family dwelling, Townhouse, Zero Lot Line, Multifamily and Mobile Home Dwelling in the zoning districts where the principal uses are permitted.
3. Delete standard related to the approval of the Large Family Child Care Home (LFCCH) as the approval process is now indicated in the Use Matrix. The use is shown in the Use Matrix to be allowed in the same residential zoning district where Limited Day Care is allowed for consistency with content in the standard to be deleted. Per F.S. 402.302(11), a LFCCH is required to operate for two years as a Family Day Care Home prior to obtain license as LFCCH, therefore this use will be permitted only in the zoning districts indicated in the Use Matrix subject to the previous operation as Family Day Care Home.
4. Delete DRO approval standard in the LFCCH to clarify that the use is Permitted by Right when the parcel is 20,000 square feet (SF) or greater since the Use Matrix will reflect DRO as the most restrictive approval process for those smaller lots.
5. Create reference to the Residential use classification for Family Day Care Home use to assist the Code user on the location of the use information.
6. Delete Farm Workers Quarters from a reference that allowed the Day Care to be accessory to it. Farm Workers Quarters is an accessory use in itself, it cannot exist on its own.
7. Comprehensive Plan Future Land Use (FLU) Element Objective 1.5 does not permit institutional and

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	public facilities west of State Road 7 in the Agricultural Reserve Tier in order to preserve farmland and wetlands. The standard was deleted to be a general standard applicable to all uses in the Institutional, Public and Civic Use classification.
8.	Delete unenforceable standard that limits day cares in industrial zoning districts to serve only the employees of that zoning district.
9.	Delete a portion of the Outdoor Play Equipment Supplementary Use Standard that requires the site plan to show the location of stationary play equipment. Zoning Memorandum PPM# ZO-O-029 identifies structures that do not need to be shown on the approved Final Plans and it clearly identifies playground equipment to be excluded.

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Reason for amendments to Day Care in the Use Matrix: [Zoning]	
10.	Change the approval process for Day Care General in AGR Zoning District from Class B Conditional Use to Class A Conditional Use to make the approval consistent with all other zoning districts where the use is allowed.
11.	Change the approval process for Day Care General in CHO and CG Standard Zoning Districts from Class B Conditional use approval to Class A Conditional Use approval; and, Commercial Recreation (CRE) Standard Zoning District from DRO approval to Class A Conditional Use approval. The amendments address consistency with the use being subject to Class A Conditional Use in PDDs.
12.	Allow the use in CLO and CHO FLU designation of IRO subject to Class A Conditional Use approval for consistency with the approval of the use in similar commercial standard zoning districts.
13.	Delete the approval process for Day Care General and Day Care Limited in Industrial Light (IL) General Industrial (IG) standard Zoning Districts, and Industrial Light and Industrial General pods of PIPD. The change is made for consistency with the County's policy to retain industrial land for employment based economic activities and development. Non-industrial uses such as Day Care do not serve as support of employment centers or help in the implementation of mobility strategies as that is one of the main purposes of industrial uses in the Comprehensive Plan. Staff recognizes the use can be accessory to any industrial use.
14.	Change the approval for Day Care General in IPF from Class B Conditional Use to Class A Conditional use for consistency with the use in MUPD with INST FLU designation.
15.	Modify the approval for Day Care Limited in CL FLU designation of Infill Redevelopment Overlay (IRO) from Class A Conditional Use to Class B Conditional Use; and, allow the use in CLO FLU designation and CHO FLU designation in IRO to be subject to Class B Conditional Use and DRO approval respectively, for consistency with the approval of the use in CL, CLO and CHO standard Zoning Districts.
16.	Add Large Family Child Care Home to the Use Matrix to clarify approval process and differentiate from General, and Limited Day Care uses. The use approval is added to the Agricultural Residential (AR) Rural Service Area (RSA) and Urban Service Area (USA), Residential Estate (RE), Residential Transitional (RT), Residential Single Family (RS) and Residential Multifamily (RM) Zoning Districts subject to DRO approval as well as the Urban Redevelopment Area Overlay (URAO) where Single Family dwelling use is allowed. The use is Permitted by Right (P) when located in parcels 20,000 square feet (SF) or greater, as noted on a specific standard, but the Use Matrix indicates DRO (D) approval to reflect the most restrictive process when the parcel is less than the 20,000 SF.

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Funeral Home

Reason for amendments: [Zoning]	
1.	Amend definition by deleting reference to Cremation as Crematory is another defined use with separate standards in the Institutional, Public and Civic Use classification. The use definition shall be limited to explain and outline the meaning of a use.
2.	Relocate and consolidate Crematory standard to keep all related standards under the provisions that pertain to Crematory use. Stand alone Crematory is prohibited in the Multifamily Residential (RM) Zoning District. The relocated standard from Cemetery clarifies Class A Conditional approval is applicable to Crematory when collocated to a Cemetery in that Zoning District.

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Reason for amendments to Funeral Home in the Use Matrix: [Zoning]	
3.	No changes to the approval process have been proposed.

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Government Services

Reason for amendments: [Zoning]	
1.	Revise the Definition to delete typical uses and create an individual standard for clarification purposes. Delete reference to Homeless Resource Center, see reason #6, below.
2.	Standard related to Institutional and Public Facilities located in the AGR Tier west of SR 7/US 441 is relocated from this use and consolidated to the new general standards at the introductory part of Institutional, Public and Civic Uses as the Comprehensive Plan Policy 1.5-r makes the regulations applicable to all Institutional uses.
3.	Revise the Prison standard to: <ul style="list-style-type: none"> • Clarify jails, correctional facilities and prisons are allowed only in certain zoning districts subject to Class A Conditional Use and other Government Services uses will be subject to the existing

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	approval process in the Use Matrix; <ul style="list-style-type: none"> Relocate language related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Use Standards. Article 5 will be amended to include this use as one that allows barbed wire.
4.	Delete the PIPD reference in the ACC Control Facilities standard. ACC facilities do not meet the purpose of the PIPD Zoning District intended for large employment centers, promoting research and development and other value-added services.
5.	Pull out Prisons, Jails and Correctional Facilities from Government Services to minimize confusion related to the approval process applicable to Prisons (Class A Conditional Use) versus any other Government Service use subject to a lower approval process in the PO and IPF Zoning Districts.
6.	Delete standard that allowed Homeless Resource Centers to utilize Government Services approval. Homeless Resource Center use and related references are deleted to be discussed at a later time.

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Reason for amendments to Government Services in the Use Matrix: [Zoning]	
7.	Change the approval in the CN, CLO, CC, CHO, CG and CRE Zoning Districts for consistency with commercial FLUs and Pods in Planned Development Districts.

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Homeless Resource Center

HISTORY: The Homeless Resource Center use definition and supplemental standards were first referenced in 2009 (Ord. 2009-040).	
1.	Revise the definition to: <ul style="list-style-type: none"> Clarify that a Homeless Resource Center can be a public or private establishment. Publicly owned Homeless Resource Centers were referenced in the Government Services Use and relocated to the Homeless Resource Center use so that both distinctions would be incorporated into one use. Relocate typical services to a new supplemental standard. Typical services reference is not a function of the definition.
2.	Revise the Location and Separation Requirements standard to: <ul style="list-style-type: none"> Clarify PO Deviations are applicable to separation and location provisions; and, delete the Fire Rescue provision. Fire Department verifies through concurrency review process if a fire rescue station response time and accessibility is within the goals of that department to respond to any use.
3.	Establish a standard that recognizes government operated or owned Homeless Resource Centers approved during the period when this use was created and the effective date of this ordinance to consider them conforming. This change is made in response to the deletion of a standard that allows Homeless Resource Centers to utilize Government Services approval.
4.	Establish alternative Approval Process for Homeless Resource Center (HRC) owned or operated by a government entity, that: <ul style="list-style-type: none"> Re-establishes scope of eligible Zoning districts previously permitted when identified under the Government Services Use; and, Establishes an alternative Approval Process for government owned or operated HRC's, where PBC Department of Facilities, Development and Operations (FD&O) has developed standards to clarify an alternative form of enhanced public notification, outreach and participation related to site development or operations. This would include opportunity for interested persons to voice concerns or support at a duly noticed Board of County Commission (BCC) public meeting, whether prior to initiation of the project and/or approval of any related construction or operational contracts, or other similar. Failure to comply with this requirement would default to requiring Class A Conditional Use approval. <p>Background and Summary: FD&O indicates that existing Policies and Procedures are in place to provide for enhanced public participation at all stages of the Planning process for a site specific Homeless Resource Center. FD&O further indicates that requiring Class A Conditional Use approval at a BCC Zoning Hearing, including related opportunities for public participation, is redundant to FD&O enhanced public participation and other BCC public meetings where FD&O presents programmatic updates, approvals for RFQ's, contract approval, or other similar. FD&O has also advised that the County is likely to remain the sole provider of government provided homeless services in the unincorporated area, and in the case of the West Palm Beach service center, continues to coordinate with area residents, business owners, the City of WPB, or other interested persons, through a Memorandum of Understanding.</p> <p>FD&O has agreed to memorialize specific standards for enhanced public participation in a Policy and Procedures Manual (PPM) # FDO-071, and to ensure that other concerns regarding notification of opportunities for public participation at BCC public meetings are addressed.</p>

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Reason for amendments in the Use Matrix: [Zoning] The following changes are being proposed: <ul style="list-style-type: none"> Delete Class B Conditional (B) approval from the CC Zoning District. The use does not meet the intent of the Community Commercial Zoning District as this district is to provide neighborhood serving commercial facilities. An Homeless Resource Center is more of a regional serving facility. 	
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- Change the approval process in CHO and CG Standard Zoning Districts from Class B Conditional Use to Class A Conditional Use. The change is made for consistency with the approval of the use in similar zoning districts.
- Add Class A Conditional Use approval process to the CH and CHO of the IRO Zoning Districts. The use is proposed to be changed from DRO approval to Class A Conditional Use in the IL Zoning District and subject to Class A Conditional use in the MUPD with IND FLU designation for consistency between each other.
- Add Class A Conditional Use approval process to the PO Zoning District. The proposed addition is addressing the relocation of Homeless Resource Center from Government Services. Homeless Resource Center, regardless if the use is private or public, will be subject to the same approval process and supplementary use standards.
- The use is deleted from the Industrial light (IL) pod and Commercial pod of PIPD as it is a non-industrial use that is not supporting major function of an employment center such as PIPD.

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Hospital

Reason for amendments: [Zoning]
1. Revise use name and definition to remove reference to Medical Center. The industry utilizes "Medical Center" to identify facilities that provide services covered under Hospitals which are approved by the Agency for Health Care Administration (AHCA) as Hospitals. Approvals made to Hospital or Medical Center shall be covered under Hospitals. Staff recognizes the medical facility industry is emerging and as such needs to accommodate those uses that do not fit neatly into a Hospital use. Staff is proposing to add additional medical facility uses during the Commercial Use Classification review and analysis based on industry standards and state statute. The new uses may include Ambulatory Surgical Center, Emergency Center, Treatment Center or Urgent Care Center.
2. Address the licensing requirement for a Hospital by the State of Florida consistent with F.S. 395.003.
3. Delete the Beds standard as the Agency for Health Care Administration's (AHCA) Bureau of Health Facility Regulation addresses bed counts through the Certificate of Need (CON) program. The CON program reviews applications for new hospitals.
4. Relocate Helipad standard as collocated and accessory uses will be identified under the individual use in accordance with new formatting protocol. The Code addresses instances where uses can be collocated and would be subject to the approval process identified in the new Use Matrix.

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Reason for amendments to Hospital in the Use Matrix: [Zoning]
5. No change to the approval process is being proposed.

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Nonprofit Institutional Assembly

Reason for amendments: [Zoning]
1. Revise the definition to relocate typical uses to a new standard. Typical uses reference is not a function of the definition.
2. Per staff comments at November 18, 2015 LDRAB meeting, standard related to PO Zoning District are deleted in its entirety. The limitation to the PO Zoning District was originally established as part of a prior update done to Place of Worship, as this use was not allowed in the PO Zoning District at that time. The standard is now removed since a Place of Worship is an allowed use in the PO Zoning District. In addition, it is generally redundant to the government owned or operated limitations established in the definition for the PO Zoning District.
3. Clarify Nonprofit Institutional Assembly meets the intent of the Comprehensive Plan FLU Element Sub-Objective 1.2.1 Revitalization, Redevelopment and Infill Overlay (RRIO) for neighborhood revitalization efforts through the County-wide Community Revitalization Team (CCRT) Areas. The revisions will eliminate redundancy and provide flexibility by allowing the use subject to DRO to encourage development in the RRIO.
4. Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District as it is already addressed by the Comprehensive Plan's FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of Institutional, Public and Civic Uses. The Comprehensive Plan Future Land Use Element Policy 1.5-r makes the regulations applicable to all Institutional uses.

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Reason for amendments to Nonprofit Institutional Assembly in the Use Matrix: [Zoning]
5. Staff analyzed the approval process consistent with the proposed Place of Worship changes from Class A to DRO. Additionally, staff analyzed the approval process in standard zoning districts compared to the PDDs where additional site design requirements and development patterns are typically exceeded. The use should not be less restrictive in the standard zoning districts. The following changes are being proposed: <ul style="list-style-type: none"> • Add the use to the AR/USA Zoning District as a Class A Conditional Use (A); • Add the use to the CRE Zoning District as a DRO Approval;

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- Change the approval in the CG Standard Zoning District, Commercial Pod of a PUD, MUPD with CH, CR, and INST FLU designation, MXPDP with CH FLU designation and LCC with CH FLU designation from a Class A Conditional (A) approval to DRO (D) approval;
- Delete use from MXPDP with CHO FLU designation consistent with CHO Standard Zoning District and MUPD with CHO FLU designation as the use is prohibited in these districts; and,
- Change the approval in the PO Zoning District from Permitted by Right (P) to a DRO Approval. Staff is proposing to add the Place of Worship use to the PO Zoning District as a DRO approval, therefore a Nonprofit Institutional use must be on equal footing or have a more restrictive approval process.

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Nonprofit Membership Assembly

Reason for amendments: [Zoning]

1. Revise the definition to relocate typical uses to a new standard. Typical uses reference is not a function of the definition.
2. Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District as it is already addressed by the Comprehensive Plan's FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of Institutional, Public and Civic Use Classification. The Comprehensive Plan FLU Element Policy 1.5-r makes the regulations applicable to all Institutional uses.
3. Delete the PO District standard for consistency as the use is prohibited in the Use Matrix.

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Reason for amendments to Nonprofit Membership Assembly in the Use Matrix: [Zoning]

4. Similar to the Nonprofit Institutional Assembly use above, staff analyzed the approval process consistent with the proposed Place of Worship changes from Class A to DRO. Additionally, staff analyzed the approval process in standard zoning districts compared to the PDDs where additional site design requirements and development patterns are typically exceeded. The use should not be less restrictive in the standard zoning districts. The following changes are being proposed:
 - Add the use to the AR/RSA Zoning District as a Class A Conditional Use (A); and,
 - Change the approval in the CG Standard Zoning District, MUPD with CH, CR, and INST FLU designation, MXPDP with CH FLU designation and LCC with CH FLU designation from Class A Conditional (A) approval to DRO (D) approval.

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Nursing Home or Convalescent Facility

Reason for amendments: [Zoning]

1. Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Nursing or Convalescent Facility use. The definition and Supplementary Use Standards were amended by Ord. 2003-067 and 2005-002.
2. Address the licensing requirement for a Nursing Home by the State of Florida consistent with F.S. 400.021(12).
3. Delete Emergency Generators standard as the provision already exists in Art. 5 and is currently a duplicative requirement.

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Reason for amendments to Nursing Home or Convalescent Facility in the Use Matrix: [Zoning]

3. Change the use approval from Class B Conditional Use to DRO in the Institutional and Public Facilities (IPF) Zoning District for consistency with the approval of the use in MUPD with INST FLU designation in order to promote the location of the use in this district.

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Place of Worship

Reason for Amendments: [Zoning]

1. Delete the reference in the definition related to seminary. A seminary is defined as a College or University Use.
2. Establish standard to address potential modification of or abandonment of existing approvals.

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3. Revise the frontage and access requirements to clarify the location of a Place of Worship based on the size of the establishment.
4. Delete the DRO Approval standard, as it no longer applies due to the change to the the approval process from Class A Conditional Use (A) to DRO Approval (D). See Reason for Amendments in the Use Matrix #1 below.
5. Delete redundant Collocated language as the Code already addresses instances where uses can be collocated and would be subject the approval process identified in the new Article 4 Use Matrices. Revise the Accessory/ Collocated standard to clarify all collocated uses will be considered conforming so as to not create any nonconformities.
6. Any amendments to an existing development or new construction that meets or exceeds the maximum square footage in the threshold are subject to BCC or DRO approval. This standard clarifies that Places of Worship are not subject to the Development Thresholds contained in Art. 4.

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7.	Revise Temporary Sales standard to clarify specific types of sales allowed, differentiate accessory sales are not special events; and, establish threshold for number of sales allowed. These changes will mitigate prior confusion with other provisions for the more expansive Temporary Sales use which may include seasonal sales or other and similar concerns with Special Events, which require a Special Permit. Also, delete standard related to Temporary Sales for more than three consecutive days as the specific regulations applicable in that case are addressed through the Supplementary Use Standards in the Limited Temporary Sales use.
8.	Partially relocate standard that allows affordable housing in the INST FLU designation accessory to Place of Worship to the Residential Use Classification to reference Comprehensive Plan regulation in the Future Land Use Element that limits residential uses in the Institutional and Public Facilities (INST) Land Use designation to accessory affordable housing only when there is a non-profit organization or community-based group that sponsors the development to fulfill housing needs in the community.
9.	Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District as it is already addressed by the Comprehensive Plan's FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of the Institutional, Public and Civic Use classification. The Comprehensive Plan Policy 1.5-r makes the regulations applicable to all Institutional uses.

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Reason for amendments to Place of Worship in the Use Matrix:	
10.	This change will amend the existing approval process from Class A Conditional Use, where applicable, to DRO in all zoning districts where the use is allowed. The DRO approval process will allow Zoning staff and applicable County agencies to review applications. The DRO process requires applicable agencies to provide feedback on the proposed application and would require a site plan prior to building permit. Accompanying supplemental standards will provide clear-cut regulatory framework to review and process requests.
11.	Add Place of Worship use to the Infill Redevelopment Overlay (IRO) where inadvertently omitted when the district was first established.
12.	Delete Requested Use (R) approval from Mobile Home Planned Development (MHPD) District. The MHPD provisions defer to Planned Unit Development (PUD) regulations for recreation, civic and commercial pods, where the use is more appropriately limited to civic and commercial pods.

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Prison, Jail or Correctional Facility

Reason for Amendment: [Zoning]	
1.	Pull out Prisons, Jails and Correctional Facilities from Government Services to minimize confusion related to the approval process applicable to Prisons and reflect approval of the use as contained in a Supplementary Use Standard.

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Reason for amendments to Prison, Jail or Correctional Facility in the Use Matrix: [Zoning]	
2.	As a result of the relocation of Prisons, Jails and Correctional Facilities from Government Services use to be a separate use, this amendment reflects Class A Conditional Use approval in the PO and IPF Zoning Districts which was already indicated in a Supplementary Use Standard.

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School - Elementary or Secondary

Reason for amendments:	
1.	Staff is referencing Ordinance 1992-020 as the initial ordinance for amendment history for the School, Elementary or Secondary use. The definition and Supplemental Use Standards were amended by Ord. 2003-067, 2005-002 and 2012-027.
2.	Standard for those Schools that are located in the AGR Tier west of SR 7/US 441 is consolidated to the new general standards at the introductory part of Institutional, Public and Civic Use classification as contained in the Comprehensive Plan Policy 1.5-r, which allows these regulations applicable to all Institutional uses.
3.	Update Charter School by clarifying that in accordance with Florida Statutes 1002.33, section (1) Authorization, all Charter Schools in Florida are public schools. Furthermore, Florida Statutes 1002.33, section (18) Facilities, indicates that local governing authorities shall make Charter Schools subject to the same regulations applicable to Public Schools.
4.	Relocate standard related to Water or Waste Water Treatment facility accessory to a School for consistency with construction of the Code. The Use Regulations Project consolidates all standards applicable to a principal use under the existing provisions for that use to facilitate use of the Code.
Note: See January 5, 2017 School District letter attached to Cover Sheet.	

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INDUSTRIAL USES

Reason for amendments: [Zoning]

1. Consolidates all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for Standard, Planned Development Districts (PDD) or Traditional Development Districts (TDD) districts. Tables consolidated are as follows: Table 3.B.15.F, Infill Redevelopment Overlay (IRO) Permitted Use Schedule; Table 3.B.16.E, Priority Redevelopment Area (PRA) Use Matrix; Table 3.E.1.B, PDD Use Matrix; Table 3.F.1.F, TDD Use Schedule; and, Table 4.A.3.A, Use Matrix.
2. Include footnote in the Use Matrix to ensure the Code user reviews the Supplementary Use Standards applicable to every individual use when determining the applicable approval process. Since the Use Matrix is intended to show the most restrictive approval process and some uses may be shown prohibited or with a specific approval process, the Supplementary Use Standards may contain additional provisions that allow the use to be subject to a lower level of approval when specific provisions are met.

Asphalt or Concrete Plant

Reason for amendments: [Zoning]

1. Asphalt and Concrete Plant is being consolidated with Heavy Industry, due to similar characteristics such as:
 - Nuisances such as appearance, dust and odor, and noise; and,
 - Uses are land intensive requiring room for storage of aggregate and materials, heavy equipment, need for maneuvering area for delivery vehicles.

Reason for amendments to Asphalt or Concrete in the Use Matrix: [Zoning]

2. Asphalt and Concrete Plant is being consolidated with Heavy Industry.

Contractor Storage Yard

Reason for amendments: [Zoning]

1. Delete requirement limiting minimum number of commercial vehicles allowed and to consolidate language describing construction and mechanical equipment within the definition. Research of other municipal ordinances and the American Planning Association (APA) does not support a limitation of the number of vehicles;
2. Delete the Accessory Office requirement as it is addressed by Article 5.B.1.A, Accessory Uses and Structures; and,
3. Relocate and consolidate screening requirements for outdoor storage, Flex Space, and Barbed Wire in Article 5.B, Accessory and Temporary Uses.

Reason for amendments: [Westgate CRA]

4. The Westgate CRA has identified the need to amend certain use regulations to better facilitate the CRA's objective of eliminating slum and blight in the Westgate community redevelopment area. This amendment seeks to add a more restrictive approvals process and more stringent property development regulations to the Contractor Storage Yard use to mitigate for potentially harmful impacts. A Contractor Storage Yard is an intense, operationally active industrial use that can have a negative impact on surrounding areas, particularly if adjacent or nearby residentially zoned districts. The use is not only visually unappealing, it can generate noise, increased heavy truck traffic, and possible environmental impacts from the storage of certain construction material. The Westgate CRA believes this use to be inappropriate for an urban redevelopment area. Where allowed on industrially zoned parcels in the UG and UI Sub-areas of the WCRAO, the use will require a Class A conditional use approval by the BCC providing an opportunity for the concerns of neighboring community residents to be heard via the public hearing process. A required accessory office structure serves to screen the storage yard and prevent stand-alone outdoor storage. The accessory office structure must meet the setbacks, build to line, minimum frontage, and building coverage property development standards of the UI or UG Sub-area to create better building presence.
5. Establish new Home Occupation standard. Consistent with similar Florida jurisdictions, Palm Beach County maintains standards for Home Occupations to ensure that such businesses are not incompatible with neighboring residential uses or communities, nor inconsistent with Comprehensive Plan directives to maintain liveable communities. These regulations recognize that many home based businesses require the use of a vehicle, generally allowing for a maximum of one business related vehicle per household, subject to limitations on size that serve to preclude larger vehicles which are typically incompatible with residential communities.

In 2007, an exception was established to recognize the growing pains of a large number of successful mom and pop scaled landscape service businesses located in Rural areas of the County where larger lot sizes allowed for additional flexibility to accommodate additional employees and storage of lawn care related equipment. The amendment was intended to further encourage small business growth for uses that had outgrown the current residential limitations but were not yet ready

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to move to larger more expensive Commercial or Industrial locations.

Since that time, County Code Enforcement officials have noted other similar businesses that operating in the Exurban and Rural Tiers, which could be similarly accommodated through additional exceptions to limits on vehicle type/size, and equipment.

6. Revise newly added provisions allowing for small mom and pop accessory Contractor Storage Yard use as a Home Occupation, limited to larger lots in the Rural Service Area and the Agricultural Residential Zoning district, to require approval by Special Permit. This revision will enable staff to document compliance with screening and parking requirements, and establishing a snap shot in time to ensure that the business does not expand beyond what was originally proposed.

Reason for amendments to Contractor Storage Yard in the Use Matrix: [Zoning]

6. This use was previously classified under the "Commercial Uses" category; however, the use was not permitted in any commercial districts, only industrial districts.

7. The use has been added as a Development Review Officer (DRO) approval to the Multiple Use Planned Development (MUPD) with an Economic Development Center (EDC) Future Land Use (FLU) designation. This is consistent with the FLU Element of the Plan which states that light industrial uses are consistent with EDC FLU designation. The Industrial category is primarily utilized by light, medium and heavy industrial uses and related services. The EDC is intended to be an employment generator. Although a Contractor Storage Yard may not always be the prototypical employment generator, it would contribute to new industrial development.

Data and Information Processing

Reason for amendments: [Zoning]

1. Update Data and Information Processing use definition for a more specific and consistent terminology used in today's market; and to relocate reference to "Flex Space", which will be addressed in Article 5 of the ULDC. The proposed definition indicates that this use is commonly collocated with other uses in the Industrial Use Classification, such as manufacturing, and is commonly found in planned industrial campus style complexes. The revisions are based on an evaluation of definitions used by other municipalities locally, in the state, and nationally, as well as adapting language from such sources as North America Industry Classification System (NAICS) and American Planning Association (APA).

2. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

Reason for amendments to Data and Information Processing in the Use Matrix: [Zoning]

3. Due to the high number of employees typically employed by this use, it generates high trip counts and is not a neighborhood oriented use. Therefore, this use is proposed for deletion from the following:

- Commercial Low-Office (CLO) and Community Commercial (CC) Zoning Districts;
- Infill Redevelopment Overlay (IRO) Zoning District with a Commercial Low (CL) and CLO FLU designation;
- MUPD with a CL FLU designation; and,
- Lifestyle Commercial Center (LCC) Zoning District with a CL FLU designation.

4. Add as Permitted by Right Use to MUPD with an EDC FLU designation. This zoning district requires approval of a Preliminary Site Plan by the Board of County Commissioners (BCC), at which time related impacts such as location, access, and orientation should be addressed.

Distribution Facility

Reason for amendments: [Zoning]

1. Since 1992, Transportation Facility has regulated the movement of people and goods in certain zoning districts in the ULDC. Research concludes that the moving of people and goods are not similar in terms of overall operation and impact. The moving of people is consistent with public or civic uses (bus stops, train station) while goods are consistent with an industrial use (railroad depots, truck terminals). The proposed amendment will split Transportation Facility into two uses, Transportation Facility and Distribution Facility, to clarify the distinction between the moving of people and goods. Transportation Facility, the movement of people, will be established and located to a more appropriate use classification, Public and Civic Uses. Distribution Facility, the movement of goods, will be retained consistent with the industrial nature of the use.

2. To revise the definition to: a) clarify Distribution Facility is not people related; and, b) adds language to replace transfer of transportation standard. The revisions are based on an evaluation of definitions used by other municipalities locally, in the state, and nationally, as well as adapting language from such sources as NAICS and APA.

Reason for amendments to Distribution Facility in the Use Matrix: [Zoning]

3. Based on the reasons stated above, this use is being deleted from the following commercial districts:

- General Commercial (CG);
- Urban Redevelopment Area Overlay (URAO) Urban Center 1 (UC1); and,

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<ul style="list-style-type: none"> • Urban Infill 1 (UI1) Transect Sub-Zones. 	<p>4. Distribution Facility is generally considered a light or general industrial use therefore inappropriate for lesser types of designations such as commercial districts. The deletions are consistent with the proposed separation of Transportation Facility (which would be allowed in these districts) and Distribution Facility. Distribution Facility is a potentially intense industrial use (e.g., a railroad depot) and should not be in these districts regardless of mitigation options. The approval process has also been deleted in the Institutional Public Facilities (IPF) Zoning District for consistency.</p> <p>5. The use has been added as Permitted to a MUPD with an Industrial (IND) FLU designation or an Economic Development Center (EDC) FLU designation. This is consistent with the FLU Element of the Plan which states that light industrial uses are consistent with EDC FLU designation. The Industrial category is primarily utilized by light, medium and heavy industrial uses and related services.</p>
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Equestrian Waste Management Facility

Reason for Amendments: [Zoning]	
<p>1. Establish definition to clarify scope of use, including but not limited to:</p> <ul style="list-style-type: none"> • References to reuse or "limited processing" is included for consistency with standards for "Recovered Materials Processing Facilities" established under F.S. 403.703 and the definition for processing under 403.703(23) which clarifies methods for processing solid waste "...so as to render it safe for transport; amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration." Note, the intent of this amendment is to establish consistency with the aforementioned regulatory standards, regardless of whether or not equestrian waste may or may not be defined by the State as solid waste. Thus, "limited processing" would not allow for intensive Manufacturing and Processing, unless approved as a collocated use, or where specifically stated as permitted otherwise under standards for Accessory Uses for Equestrian Waste Management Facilities. • Additional collocated uses such as Composting, Manufacturing and Processing, Potting Soil Manufacturing, etc. would only be permitted where otherwise allowed in the applicable district, or where otherwise stated herein. While most of the uses anticipated to be inter-related with the new Equestrian Waste Management Facility may be permitted in Industrial districts, Manufacturing and Processing is not permitted in the AP district, nor does the Comprehensive Plan amendment anticipate that it should be. However, there may be a need to recognize a limited form of manufacturing to recognize that the preparation of recycling horse bedding may require the incorporation of new bedding material to supplement the more refined recycled material. In addition, there may be other forms of limited manufacturing from Equestrian Waste, consistent with the intent of a recycling facility, such as the production of usable products such as artificial fire place logs (aka pine logs). Subsequently, provisions to allow for limited manufacturing have been included under provisions allowing for Accessory Uses. 	
<p>2. Establish Approval Process standard to implement the concurrent Comprehensive Plan amendment which will allow for limited use of the Special Agriculture (SA) future land use (FLU) designation in the Glades Tier, to allow for a Equestrian Waste Recycling Pilot Project.</p>	
<p>3. Require compliance with previously established requirements for the storage of Animal Waste, which serves to mitigate surface and groundwater contamination resulting from improperly stored or handled organic waste. Prohibit outdoor storage and processing areas within the U/S Tier to mitigate adverse impacts to adjacent uses.</p>	
<p>4. Recognize need for similar application standards used for management of Composting facilities, including requirement to delineate how the site will function by specifying storage and processing areas, waste volume, and a dust control plan. In addition, expand to require an odor and pest management plan, given the potential for objectionable odors and nuisances such as flies or other pests.</p>	

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Reason for amendments to Equestrian Waste Management Facility in the Use Matrix: [Zoning]	
<p>5. Establish new Equestrian Waste Management Facility use as part of ongoing efforts to support the equestrian industry in Palm Beach County while working towards solutions to mitigate adverse impacts associated with the disposal of Equestrian Waste. While the use is consistent with other similar uses permitted in Industrial districts, concurrent amendments to the Comprehensive Plan are being undertaken to allow for a limited Pilot Program for this use to be located in the Agriculture Production (AP) district of the Glades Tier, subject to approval of a Special Agriculture (SA) future land use atlas (FLUA) amendment. Additional Supplemental Use Standards are proposed in Part 5 below, to ensure consistency with the Plan for these inter-related amendments.</p>	

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Gas and Fuel, Wholesale

Reason for amendments: [Zoning]	
<p>1. Update definition to reflect changes in technology and practices of the petroleum industry. The proposed definition focuses on the function of the use as opposed to the storage volumes.</p>	
<p>2. Remove the standard regarding locating the use in the Airport Zoning Overlay (AZO) from the definition, making it a standalone criteria. Criteria such as performance standards are not normally</p>	

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contained in definitions for uses, but listed as specific performance standards;
3. Add criteria to prevent the use from being located within the five-mile long runway use restriction zone for airports, to prevent any unfortunate mishaps in the event of emergency or short landings; and,
4. To require input from County fire officials in determining safe separation distances between the use and all adjacent uses in the event of an accidental leak or explosion.

1

Reason for amendments to Wholesale Gas and Fuel in the Use Matrix: [Zoning]
5. Light Industrial (IND/L) Pod of a Planned Industrial Park Development (PIPD): add the use as a Class A Conditional Use for consistency with Light Industrial (IL) Zoning District.
6. To change the approval process from a Class B Conditional Use in the General Industrial (IG) Zoning District to a DRO approval process. The IG Zoning District is a much more intense zoning district permitting a broader array of heavier industrial uses. Since the subject use is storage only, as opposed to the processing of raw product, the level of volatility is reduced, and therefore, no public hearing is needed. A DRO review will ensure specific design criteria, such as separation distances standards, are being properly complied with, as well as proper placement of landscaping, access, and screening to ensure public safety issues are being addressed.
7. Change the use in the Public Ownership (PO) Zoning District from Permitted by Right to a DRO approval process, for the reasons noted above in 2. This will primarily impact publicly owned lands and facilities, which should be treated in the same fashion as privately owned establishments.
8. To increase the review process to a DRO in the General Industrial (IND/G) Pod of a PIPD. This will be consistent with the treatment of the use in the IG Zoning District. While the PIPD goes through the BCC for approval of a Master Plan, due to the potential volatility of the use, requiring the DRO process, especially if the use is being added after the Master Plan is approved, will ensure that any conditions of Master Plan approval are implemented as well as the design issues discussed in 2 above.

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4 **Heavy Industry**

Reason for amendments: [Zoning]
1. Consolidate asphalt or concrete plant in the list of typical heavy industry uses, as this use is a good example of the type of impacts and traffic found in other heavier uses, including fumes and odors, heavy trucks and equipment, and loud noises. This use includes a very broad range of uses from manufacturing large machinery to concrete and asphalt plants.

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Reason for amendments to Heavy Industry in the Use Matrix: [Zoning]
2. Change from Permitted by Right to DRO approval process in the IND/G Pod of a PIPD for consistency with the approval process in IG Zoning District. DRO review ensures that any incompatibility issues are identified and made compliant with the requirements of the ULDC. This use involves large volumes of heavy vehicles, like semis and trailers, for delivery and distribution, which requires a higher level of scrutiny.

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8 **Machine or Welding Shop**

Reason for amendments: [Zoning]
1. To broaden the definition to include tool and die fabrication, which is typically associated with welding and machine shops.

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Reason for amendments to Machine or Welding Shop in the Use Matrix: [Zoning]
2. To include Machine and Welding Shop as Permitted by Right in MUPD with an EDC FLU designation. This is consistent with the language in the Plan which states that a use which is suitable to be Permitted in the IL Zoning District is also consistent with the characteristics of those uses permitted in the EDC FLU designation.

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12 **Manufacturing and Processing**

Reason for amendments: [Zoning]:
1. To revise the definition of Manufacturing and Processing to clarify that food processing does not include slaughterhouses and meat packing plants. Those uses involve the processing from raw materials (animals) which would classify them as Heavy Industrial. Wholesale butchers and similar uses are covered under Commercial Uses;
2. Provision excluding livestock and poultry slaughterhouses and meat packing plants" from this use are now deleted. This use now includes cutting, packaging and shipping of meat as part of food processing to reflect Wholesale Butcher Shop use consolidated with Manufacturing and Processing. Slaughterhouses are currently covered by Heavy Industry use.
3. To relocate and consolidate supplementary use standards regarding outdoor activity, which will be addressed in Art. 5; and,
4. Delete provisions for Outdoor Activities, to coincide with deletion of use from MUPD Commercial districts.

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5. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

Reason for amendments to Manufacturing and Processing in the Use Matrix: [Zoning]

6. To delete Manufacturing and Processing from MUPD with CL, Commercial High (CH), CLO, Commercial High-Office (CHO), and Commercial Recreation (CR) FLU designations, as this is an industrial use which is not consistent with these commercial FLU designations.

7. Add as Permitted by Right in MUPD with an EDC FLU designation. This use is currently Permitted in the IL Zoning District, which is intended for less noxious cleaner, lighter industrial uses. These types of uses are also consistent with the uses identified by the Plan for the EDC FLU designation.

Medical or Dental Laboratory

Reason for amendments: [Zoning]

1. Revise definition to ensure that other medical equipment, such as prosthetic, dental, optical and orthopedic, are included;

2. Revise definition to clarify in more detail the laboratory portion of the use; and,

3. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

Reason for amendments to Medical or Dental Laboratory in the Use Matrix: [Zoning]

4. Change the approval process from Class B Conditional Use to DRO approval process in CHO Zoning District. This use is typically confined to a wholly enclosed operation, is not a high traffic volume generator or attractor, does not generate noxious fumes, smoke or other common nuisances, and does not entail outdoor storage. A clear distinction needs to be made between the industrial nature of the use and the commercial nature of the use (e.g., lens grinding and fitment into eyeglass frames). This can be fulfilled by the DRO review. The establishment of the Urban Redevelopment Area Overlay (URAO) (2010) and Infill Redevelopment Overlay (IRO) (2010) allowed this use as a DRO approval.

5. Amend to allow this Use as Permitted by Right in the IG Zoning District; MUPD with an EDC FLU designation; and, IND/G Pod of a PIPD. Medical or Dental Laboratory is considered an industrial use. The recommendations for these districts are to be consistent with the intent of the use in industrial FLU designations and Pods.

Multi-Media Production

Reason for amendments: [Zoning]

1. Rename Film Production Studio to Multi-Media Production to:

- Reflect changes in the industry engaged in the production and distribution of information and cultural products; and,
- Clarify types of uses that may be included such as motion picture, Computer Generated Imagery (CGI) and special effects, production and broadcasting of mass communication.

This amendment consolidates Broadcast Studios which is proposed to be deleted from the Commercial Use Classification to be listed as a typical use of Multi-Media Production.

2. Simplify the use definition by addressing typical uses as separate standard.

3. Delete standard that requires the Film Liaison Office to provide permits for this use. This use is to allow a permanent location for the production of movies which differs from the permits issued by the Film and Television Commission. That office provides permits for time-specific productions using public right of ways or County sites or buildings. A specific standard has been added to clarify.

4. Expansion of the use to incorporate Broadcasting requires the site to include towers and antennas. This amendment clarifies that they are subject to separate standards contained in the Commercial Communication Towers classification section of the Code as well as the provision that pertain to antennas.

Reason for amendments to Multi-Media Production in the Use Matrix: [Zoning]

5. Add Permitted approval process in a MUPD with an EDC FLU designation. FLU Element of the Comprehensive Plan, under FLU Atlas Regulation (III.C.4), Industrial Uses, indicates that the EDC designation is intended for uses with "Light Industrial" attributes with the addition of office uses. The EDC FLU designation shall be primarily utilized by office and research parks. The use is consistent with the Comprehensive Plan FLU Element.

6. Change Commercial Recreation (CRE) Zoning District and MUPD with CR FLU designation approval process from BCC to DRO. FLU Element of the Comprehensive Plan, under FLU Atlas Regulation (III.C.3), Commercial Recreation, addresses major public and private commercial recreation facilities that meet a portion of the recreational needs of residents and tourists. The change would allow flexibility for a recreation use, such as Lion Country Safari, to incorporate the possible collocation of a multi-media production use as part of its business model or to allow it in the facility

7. Change Lifestyle Commercial Center (LCC) with CH FLU designation approval process from Permitted to DRO. This change is made to reflect consistency of commercial districts as requiring DRO approval due to the potential nature of this use being more consistent with light industrial. The change will also address the potential for adverse impacts where permitted in a LCC, by requiring

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DRO approval in combination with proposed Supplementary Use Standards establishing limitations on this use when located in Commercial districts.

Recycling Center

Reason for amendments: [Zoning]

1. The use was relocated from Utilities Uses, ULDC Supp. 20, Art. 4.B.1.A.103, Recycling Center, to new Industrial Use Classification.
2. Revise the definition standard to:
 - Delete limited processing of recyclable materials as the activity of processing is more intense than a Recycling Center. The revision will clarify that processing of recyclable materials will be addressed by the Recycling Plant use.
 - Pursuant to Florida Administrative Code (FAC) 62.722, revise the definition to delete the term “recyclable” as it includes the collection and processing of solid waste and utilize the term recovered as it does not include solid waste.
3. Relocate and consolidate Standards for Screening and Buffering to Article 5.B, Accessory and Temporary Uses.
4. Update the “DRO Approval Exception” standard to be consistent with updates reflecting most restrictive approval process in the Use Matrix. The revision will:
 - Clarify under what circumstances a Recycling Center requiring Class A Conditional Use approval may be approved by the Development Review Officer (DRO).
 - Establish a new separation distance requirement. The measurement of distance will be consistent with Article 1.C, Rules of Construction and Measurement. The revision will also address potential adverse impacts to residential zoning districts and will be consistent with similar uses.
5. Revise the Access standard to clarify proposed language that requires a Recycling Center access from local commercial street not serving residential is applicable to residential “lots”. The change is made for consistency with the definition of Local Commercial Street as contained in Article 1.I, Definitions and Acronyms.
6. Establish Operation Functions standard related to site plan and dust control provisions to clarify requirements for submittal. The standard would be in addition to Article 2.A.1.G.3, Plan Requirements, and the Palm Beach County Zoning Technical Manual.
7. Establish Solid Waste Authority (SWA) Permit standard to clarify zoning approval is required prior to SWA permit review for this use.

Reason for amendments to Recycling Center in the Use Matrix: [Zoning]

8. Change the approval process in the Light Industrial (IL) Zoning District, Multiple Use Planned Development (MUPD) with Industrial (IND) Future Land Use (FLU) designation and Light Industrial (IND/L) Pod of a Planned Industrial Park Development (PIPD) from Permitted by Right to Class A Conditional Use to indicate the most restrictive approval process in the Matrix. The existing “DRO Approval Exception” standard has been amended to clarify under what circumstances a Recycling Center requiring Class A Conditional Use approval may be approved by the DRO. The revision will also address potential adverse impacts to residential zoning districts.
9. Delete the approval process in the Neighborhood Commercial (CN) Zoning District. A Recycling Center does not meet the intent of the definition of a neighborhood serving commercial facility.

Recycling Plant

Reason for amendments: [Zoning]

1. Revise definition of Recycling Plant to create consistency with terminology identified in the definition of “Recovered Materials Processing Facility” used by the North America Industrial Classification System (NAICS); the Department of Environmental Protection (DEP); State Statute 403.703 Definitions for Resource Recovery and Management; and, Florida Administrative Code (F.A.C.) Chapter 62-701, Solid Waste Management Facilities which includes “recover” and “reuse” of sorted material. For consistency with “Recovered Material Processing Facilities” the Recycling Plant definition was revised to keep the processing aspect of the use;
2. Include a list of specific materials to be recycled in order to be consistent with and comply with State Statute 403-706(2)(g), that requires local governments to be responsible to promote recycling of plastic, metal, all grades of paper and rubber which includes tires; and,
3. Remove Chipping and Mulching from the use definition as it is a use defined in the Code therefore a principal use that may be collocated with Recycling Plant where permitted.
4. Concepts contained in standards for Screening and Buffering are relocated and consolidated with Article 5.B, Accessory and Temporary Uses, under the Outdoor Storage and Activities section.
5. Provide an exception for Recycling Plant to be DRO approval when surrounded by IND FLU designation and separated 500’ from residential, recreation, civic or conservation FLU or uses, or where all activities take place in an enclosed building.
6. Consolidate setbacks to allow application of district setback when a site shares the property line with an IND FLU designation, or Industrial Zoning District parcel with industrial use on it and keeping existing requirement of 50 feet setback when other zoning districts are adjacent.

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7.	Delete Recycling Plant distance requirement of 150 feet from civic and residential uses as the setback provision of 50 feet from property line should satisfy any impacts caused by the use.
8.	Delete redundant setback standard for IG and IL Zoning Districts addressed by the 50 foot setback.
9.	Remove proposed redundant language related to Chipping and Mulching accessory to Recycling Plant since the standard is already under Chipping and Mulching use.
10.	Delete redundant site plan requirements that are addressed through DRO or Building Permit Process;
11.	Delete language related to Type of Facility, Quantity of Waste, and Dust Control since they are requirements of the F.A.C. Chapter 62-722 Regulations of Recovered Materials, FAC Chapter 62-701.320 Solid Waste Management Facility Permit Requirements, and the PBC Solid Waste Authority at time of application for the use license.
12.	Clarify that a minimum lot size of 5 acres is required when the use includes outdoor activities.
13.	Delete Fire Protection since requirements are covered under State Statute F.A.C. Chapter 62-701.320(16)(a)3 to provide fire prevention system before commencing operation.

1

Reason for amendments to Recycling Plant in Use Matrix: [Zoning]	
14.	Make the use subject to Class A Conditional Use approval in IL Zoning District instead of Class B Conditional Use for consistency with approval of Salvage and Junk Yard located in IL Zoning District. Modify the approval process in IND/L Pod of PIPD from Permitted to Class A Conditional Use in order to: <ul style="list-style-type: none"> • Address the Comprehensive Plan directive contained in Section III.C.4 to maintain this type of use under General Industrial Districts instead of Light Industrial; and, • Create consistency with the proposed changes in IL Zoning District.
15.	An MUPD with IND FLU designation is changed to indicate the most restrictive approval process from Permitted to Class A Conditional Use. A specific standard to address less restrictive approval process is included within the use standards.
16.	Change approval process from Permitted to DRO in the IND/G Pod of a PIPD to provide consistency with the approval process in the IG Zoning District;

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Research and Development

Reason for amendments: [Zoning]	
1.	Rename Industrial Research Laboratory to Research and Development. The revision is based on an evaluation of definitions used by other municipalities locally, in the State, and Nationally, as well as adapting language from such sources as NAICS and APA.
2.	Clarify Research and Development includes bioscience/biotech uses.
3.	Relocate the Outdoor Activities standard for consistency.
4.	Delete the accessory use standard. The language would be better suited as a standard to a College or University use permitting Research and Development as an accessory use.
5.	Correct Scrivener's error to change existing Biotechnology Research Protection Overlay (BRPO) title in ULDC to be consistent with Comprehensive Plan title Bioscience Research Protection Overlay.
6.	Delete language related to BRPO. The use will be Permitted in IL Zoning District therefore not subject to DRO approval.
7.	Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

5

Reason for amendments to Research and Development in the Use Matrix: [Zoning]	
8.	Delete the approval processes in the CRE Zoning District as this is not a typical use expected in Commercial Recreation areas.
9.	Change the approval process to allow the use in the following Zoning Districts: <ul style="list-style-type: none"> • Standard Districts. <ul style="list-style-type: none"> - Add the use to CLO Zoning District as a Class A Conditional Use; - Add the use to CC, CHO and CG Zoning Districts subject to DRO approval process. - Change Class B Conditional Use to Permitted in IL Zoning District. • Planned Development Districts: <ul style="list-style-type: none"> - Change Class A Conditional Use to DRO approval in MUPD with CH and CHO FLU designations, MXPDP with CH FLU designation and Lifestyle Commercial Center (LCC) with CH FLU designation; - Add use as a DRO approval in MXPDP with CHO FLU designation; - Add use as Permitted in MUPD with an EDC FLU designation. <p>Certain types of office Research and Development (R & D) may fit well in commercial provided there is no outdoor activity. These changes will ensure that industrial R & D with outdoor activity does not go into commercial. The change will also ensure all districts have consistent approval processes in commercial low, commercial high and industrial districts.</p>

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1 **Salvage or Junk Yard**
2

Reason for amendments: [Zoning]
1. Salvage or Junk Yard, Recycling Plant and Recycling Center uses have similar terminology within their respective definitions, such as salvaging, storing, and collecting. The proposed changes to the definition are needed to clarify differences between similar uses (i.e., Recycling Plant and Recycling Center) and to acknowledge the trend in recycling. Clarification of definition to delete "waste paper, rags". The salvage of paper and rags is more appropriately addressed under Recycling Plant and will be incorporated into that use.
2. Add language to definition related to building materials and fixtures to include architectural salvage.
3. Add Approval Process Standard related to architectural salvaging (aka deconstruction) to allow in an IL or IG Zoning Districts, MUPD with an IND FLU designation or IND/L or IND/G Pod of PIPD. Architectural Salvage is commonly identified as a light industrial use. The established standard would allow this type of salvaging in light industrial districts.
4. Relocate and consolidate barbed wire in Article 5.B, Accessory and Temporary Uses.

3

Reason for amendments to Salvage or Junk Yard in the Use Matrix: [Zoning]
5. No changes in the approval process are being proposed. Implementation Section, III.C.4, of the Comprehensive Plan identifies that the Salvage or Junk Yard use is limited to the General Industrial Future Land Use designation.

4 **Towing Service and Storage**
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Reason for amendments: [Zoning]
1. Use relocated from Commercial Uses, ULDC Supp. 20, Art. 4.B.1.A.130, Towing Service and Storage, to new Industrial Use Classification., as it was not permitted in any commercial zoning district. The use is industrial in nature, with heavier equipment and outdoor storage as common activities.
2. Revise definition to reflect that only a certain portion of a parcel of land is being used for the storage lot, and that certain uses cannot take place within that storage lot, such as retail sales, salvage, or repair of towed vehicles. Any such activity will need to take place in conjunction with any possible collocated use, such as an Auto Paint and Body Shop, or a Salvage or Junk Yard.
3. Relocate Barbed Wire to be consolidated in Article 5.B, Accessory and Temporary Uses.

7

Reason for amendments to Towing Service and Storage in the Use Matrix: [Zoning]
4. The use is being relocated from the Commercial Use category to the Industrial Use category due to the fact that, while it has historically been listed as a commercial use, it has never been permitted in any commercial zoning district. Due to the type of equipment, and the normal presence of outdoor storage, the use is more consistent with lower intensity industrial uses. However, while the use is consistent with the criteria of the Plan for lighter industrial uses, it is not of a nature typically found in the EDC FLU designation, as this is not a major employment generator.
5. The use is being added to the IND/G Pod of a PIPD as it is compatible with the intensity of other uses proposed for that pod, including uses with which it might logically collocate, such as Salvage and Junk Yard, or Recycling Plant.

8 **Truck Stop**
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Reason for amendments: [Zoning]
1. Revise the definition to clarify that the use is primarily intended for commercial vehicle related services.
2. Revise the Lot Size standard. Review of municipal and industry trend research indicates that a minimum lot size of five (5) acres is customary to address the potential intensity of numerous uses on one lot.
3. Delete the Security Standard. Personal safety on our highways is an issue which is typically addressed by law enforcement officials. Security Quarters, if desired, may be approved by Special Permit.
4. Revise the "Accessory Uses" standards to clarify what uses are classified as "Collocated", are primarily for truck stops, and that the site layout will not unnecessarily isolate users based on vehicle type. Uses listed within the supplementary standard will be subject to DRO approval.

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Reason for amendments to Truck Stop in the Use Matrix: [Zoning]
5. No changes are being proposed to the existing approval processes. The Future Land Use Atlas Regulation (III.C.4), Industrial Uses delineates light, medium and heavy uses limited to the Industrial Future Land Use designations. A Truck Stop is considered an industrial use.

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1 **Warehouse**

2

Reason for amendments: [Zoning]	
1.	To clarify that warehousing in the zoning districts identified in the Use Matrix may include accessory office space equal to up to 30 percent of floor space of each bay. This guideline can be modified by review of Class A Conditional Use by the BCC. This new language also refers the reader to the guidelines for "Office/Warehouses" located in the Westgate Community Redevelopment Area Overlay (WCRAO) which specifies that a minimum of 25 percent of the floor space must be accessory office space in the Overlay.
2.	Clarify that retail sales from warehouses is prohibited, unless approved through the Flex Space standards in Article 5.
3.	Deleting prohibition on manufacturing. That use is regulated by "Manufacturing and Processing" in the industrial zoning districts. If a person wishes to engage in that use, they may obtain the necessary approvals to do so where otherwise permitted.
4.	Delete reference to parking standards. The need for this provision was eliminated with the adoption of past amendments to the ULDC (Ord. 2009-040).
5.	Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.
6.	To reword the language dealing with the use in the MUPD Zoning District, and to relocate the pertinent text dealing with the WCRAO to a new sub-heading.

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Reason for amendments to Warehouse in the Use Matrix: [Zoning]	
7.	Remove from MUPD with a CH FLU designation. The CH FLU designation permits a broad range of general commercial zoning districts, such as Neighborhood Commercial (CN) and CG, which permit a very broad range of uses, including general retail, professional offices, and day care. Warehousing is an incompatible use to this type of development. If retained in the CH FLU designation, it could be argued that the use should also be included in every standard zoning district permitted in the CH FLU designation. The use was added to the MUPD with CH FLU designation in 1998. Research has not revealed that it has ever been used.
8.	Add the use as Permitted in the MUPD with an EDC FLU designation: The use is consistent with the criteria in the plan for the EDC FLU designation, and is traditionally collocated with other lower intensity industrial uses.

4 **Wholesaling**

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Reason for amendments: [Zoning]	
1.	To revise the definition to more clearly and concisely list the activities which take place in this use, as well as uses that are excluded.
2.	Removed reference to refrigerated storage, as this is a function of warehousing. Wholesale operations typically do not lease space for storage by third parties, as it takes away inventory space. Refrigerated storage is already covered in the definition of a Warehouse as "cold storage."
3.	Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.
4.	Building Supplies use was deleted from Commercial uses; this amendment clarifies that wholesale of building supplies would be classified as Wholesaling.

7

Reason for amendments to Wholesaling in the Use Matrix: [Zoning]	
5.	Add the use as Permitted to MUPD with an EDC FLU designation. The use is consistent with the criteria in the plan for the EDC FLU designation, and is traditionally located with other lower intensity industrial uses.

8 **AGRICULTURAL USES**

9

Reason for amendments: [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.
3.	Include footnote in the Use Matrix to ensure the users of this Code review the Supplementary Use Standards that are applicable to each use Type to determine whether the use is allowed in a particular zoning district or identify the approval process. Since the Use Matrix is intended to show the most restrictive approval process, some uses may be indicated as prohibited or with a specific approval process that may be further clarified in the Supplementary Use Standards that allows the use to be subject to a lower level of approval when specific provisions are met.

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Ferrier

Reason for amendments: [Zoning]

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.

UTILITY USES

Reason for amendments: [Zoning]

1. Formerly Utilities and Excavation uses, this classification was split to address Utility uses separately from Excavation Uses and Commercial Communication Towers. For consistency with the Comprehensive Plan that calls out separately Excavation Uses and Communication Towers complexity requires a separate use matrix for ease of use. Standards for these use classifications are already done in the ULDC.
2. Include footnote in the Use Matrix to ensure the Code user reviews the Supplementary Use Standards applicable to every individual use when determining the applicable approval process. Since the Use Matrix is intended to show the most restrictive approval process and some uses may be shown prohibited or with a specific approval process, the Supplementary Use Standards may contain additional provisions that allow the use to be subject to a lower level of approval when specific provisions are met.

Air Stripper

Reason for amendments: [Zoning]

1. Relocate use from Article 4, Use Regulations and relocate standards under Article 5.B.1.A.22, Air Stripper, as the Department of Environmental Protection (DEP) and the Palm Beach County (PBC) Health Department regulate air strippers.

Reason for amendments to Air Stripper in the Use Matrix: [Zoning]

2. This use is being relocated to Art. 5.B, Accessory Uses, as it is typically accessory to remediation of contamination caused by other uses, such as fuel storage, gas stations and dry cleaners.

Chipping and Mulching

Reason for amendments: [Zoning]

1. Revise definition to clarify that Chipping and Mulching is limited to tree limbs, yard trash or brush. Delete reference to wood construction debris as it will be addressed under the Recycling Plant use. Addition of yard trash to definition for consistency with Florida Statute (F.S.) 403.703.
2. Add a new use standard to clarify a Chipping and Mulching use is Permitted by Right in the Agricultural Production (AP) Zoning District when accessory to a Bona Fide Agricultural Use.
3. Access standards:
 - Clarify proposed language that requires Chipping and Mulching access from local commercial street not serving residential is applicable to residential "lots". The change is made for consistency with the definition of Local Commercial Street as contained in Article 1.I, Definitions and Acronyms.
 - Clarify that gate setback from the road is determined by the County Engineer.
4. Clarify that Chipping and Mulching can operate in a Recycling Plant as collocated use subject to the standards contained in the use and DRO approval since the principal use, Recycling Plant, is Class A Conditional Use where allowed. This less restrictive approval process recognizes that Chipping and Mulching is commonly included in Recycling Plants.
5. Standard related to Potting Soil manufacturing accessory to Chipping and Mulching to be relocated to the Potting and Soil Manufacturing for consistency with construction of the Code that identifies when a principal use may be utilized as accessory use to another principal use.
6. Revise the following Outdoor Storage provisions to assist county agencies in enforcement and regulation:
 - Delete references to unprocessed under outdoor storage, as Solid Waste Authority (SWA) and the Health Department do not differentiate between the two. The 45 day limitation will apply to all outdoor storage material.
 - Include provision that may require the pile height to be less than 15 feet as F.A.C 62-709.350, Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure or Blending Manure, indicates the maximum height of piles is 12 feet for facilities that store vegetative material.
 - Add bollard requirements to delineate location of storage piles, maximum height and ground elevation.
 - Delete AP Zoning District exceptions (including height and 45 day limitation) ensuring all zoning districts are regulated consistently.

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7.	Rename Supplemental Application Requirements to Operation Functions and revise standards related to site plan and justification statement to clarify requirements for submittal. The standard would be in addition to ULDC Article 2.A.1.G.3, Plan Requirements, and the Palm Beach County Zoning Technical Manual.
8.	Establish SWA permit standard to clarify zoning approval is required prior to SWA permit review for this use.
9.	Establish new separation distance requirement. The measurement of distance will be consistent with Article 1.C, Rules of Construction and Measurement. The revision will also address potential adverse impacts to residential districts and will be consistent with similar uses.

Reason for amendments to Chipping and Mulching in the Use Matrix: [Zoning]

10.	Change the approval process from Permitted by Right to Class B Conditional Use in MUPD with an IND FLU and IND/L Pod of a PIPD, and from Permitted by Right to DRO in a General Industrial (IND/G) Pod of a PIPD. The changes provide consistency with the approval process in the Standard Industrial Light (IL) and General Industrial (IG) Zoning Districts.
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Composting Facility

Reason for amendments: [Zoning]

1.	Revise definition to clarify that a Composting Facility can compost clean wood in accordance with F.S. 62.709 (5). Pursuant to F.S. 62.709, clean wood is defined as “ <i>wood, including lumber, tree, and shrub trunks, branches, and limbs, which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, other wood preservatives or treatments</i> ”. Delete reference to food as the use is not intended to address outdoor or commercial food waste composting and will not be permitted by SWA.
2.	Introduce standard to clarify Composting Facility use will be Permitted by Right in the AP Zoning District when accessory to a Bona Fide Agricultural use.
3.	Access standards: <ul style="list-style-type: none"> • Clarify proposed language that requires a Composting Facility access from Local Commercial Street not serving residential is applicable to residential “lots”. The change is made for consistency with the definition of Local Commercial Street as contained in Article 1.I, Definitions and Acronyms. • Clarify that gate setback from the road is determined by the County Engineer.
4.	Revise the following Outdoor Storage provisions to assist county agencies in enforcement and regulation: <ul style="list-style-type: none"> • Delete references to unprocessed under outdoor storage, as SWA and the Health Department do not differentiate between the two. • Add bollard requirements to delineate location of storage piles, maximum height and ground elevation. Include provision that may require the pile height to be less than 15 feet pursuant to FAC 62-709.350, Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure or Blending Manure, may require the maximum height to be 12 feet. • Delete AP exceptions (including height and 45 day limitation) ensuring all zoning districts are regulated consistently.
5.	Revise the site plan requirements as follows: Delete square footage, height and location of buildings as they are commonly associated with site plan elements and reviewed through the DRO or Building Permit Process.
6.	Rename Supplemental Application Requirements to Operation Functions and revise standards related to site plan and justification statement to clarify requirements for submittal in addition to Article 2.A.1.G.3 and the Palm Beach County Zoning Technical Manual.
7.	Establish SWA permit standard to clarify Zoning approval is required prior to SWA permit review for this use.
8.	Establish new separation distance requirement. The revision will also address potential adverse impacts to residential zoning districts and will be consistent with similar uses.
9.	All measurements of distance shall be consistent with Article 1.C, Rules of Construction and Measurement.

Reason for amendments to Composting Facility in the Use Matrix: [Zoning]

10.	No change to the approval process is being proposed.
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Electric Distribution Substation

Reason for amendments: [Zoning]

1.	Relocate standards for Electric Distribution Substations and establish as a separate and distinct use from Minor Utility, to avoid confusion related to F.S. 163.3208, which specifically regulates substations less than 69 kilovolts in size and is not applicable to other Minor Utility uses.
2.	Correct kilowatts to kilovolts to be consistent with industry and statutory terminology regarding maximum capacity of distribution lines converted by an Electric Distribution Substation.
3.	Clarify landscape material shall not exceed mature height of 14’ at any time when located under

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overhead lines pursuant to F.S. 163.3208
4. Clarify landscape buffering in non-residential areas for consistency with landscape provisions implemented by the local government for consistency with F.S. 163.3208 which relates to Substation approval process to maintain, encourage and ensure adequate and reliable electric infrastructure in the state.
5. Clarify landscape buffering in residential areas. Further define standard for native landscaping as referenced in F.S. 163.3208 by providing reference to design principles in Art. 7.B.3.B.1, Design Principles and the PBC's Preferred Species List.
6. Clarify setback requirements are applicable from the property line.
7. Clarify an Electric Distribution Substation shall not be collocated with Neighborhood Recreation Facilities for safety reasons.

Reason for amendments to Electric Distribution Substation in the Use Matrix: [Zoning]
8. Relocate standards for Electric Distribution Substations and establish as a separate and distinct use from Minor Utility. The approval process for standard zoning districts remains unchanged from Minor Utility. However, in Planned Development Districts the approval has been changed to DRO Approval to ensure the use is site planned and deleted from the Civic pod of a PUD for safety reasons. The approval process is consistent with F.S. 163.3208, Substation Approval Process which states "New distribution electric substations shall be a permitted use".

Electric Power Plant

Reason for amendments: [Zoning]
1. Recognize Florida Power and Light (FPL) suggestion to update the use name to be consistent with Florida Statutes 403.503(14) under definitions related to Florida Electrical Power Plant Siting Act.
2. Clarify setbacks from an Electric Power Plant pertains to residential and civic use, zoning districts or Future Land Use (FLU) designation to be consistent with standardized formatting protocol.
3. All measurements of distance shall be consistent with Article 1.C, Rules of Construction and Measurement.
4. Clarify reference to poles under setbacks pertains to electric power poles to be consistent with other Electric Power Plant use terminology.
5. Delete reference to Alternative Landscape Plan (ALP) provisions as Table 7.B.3.A states what standards can be modified through the use of an ALP, which includes Article 7.F.9, Incompatibility Buffer.
6. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Use Standards. Article 5 will be amended to include this use as one that allows barbed wire.

Reason for amendments to Electric Power Plant in the Use Matrix: [Zoning]
7. Change the approval process from Permitted by Right (P) to Class A Conditional Use (A) in the Public Ownership (PO) Zoning District. The change provides an opportunity for the public to discuss any potential impacts from an Electric Power Plant before the Board of County Commissioners.

Electric Transmission Substation

Reason for amendments: [Zoning]
1. Update use name for consistency with terminology used by industry to indicate a facility that transfers energy from Electric Power Plants to Electric Distribution Substations.
2. Revise Definition to delete reference to Electric Distribution Substation, which is being established as a separate use, and the Maximum Gross Floor Area (GFA) as the square footage limitation was added in error and does not apply to Electric Distribution Substations. Clarify the use is limited to the transfer of bulk electricity.
3. Revise setback provision to include distribution line and electric power poles are excluded from meeting the Property Development Regulations (PDRs) pursuant to F.S. 553.73.
4. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Use Standards. Article 5 will be amended to include this use as one that allows barbed wire.
5. Delete reference to Alternative Landscape Plan (ALP) provisions as Table 7.B.3.A states what standards can be modified through the use of an ALP, which includes Art 7.F.9, Incompatibility Buffer.
6. Clarify an Electric Transmission Substation Facility shall not be collocated with Neighborhood Recreation Facilities for safety reasons.

Reason for amendments to Electric Transmission Substation in the Use Matrix: [Zoning]
7. No change to the approval process is being proposed.

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1 **Landfill or Incinerator**
2

Reasons for amendments: [Zoning]
1. Revise definition to be consistent with the definition of Landfill found in F.S. 403.703. Landfills are no longer referred to as “sanitary” landfills. The revision of the definition also includes the addition of “incineration”. Incineration is another process of treating solid waste.
2. Delete the Public Ownership (PO) Zoning District standard as the Use Matrix already identifies the use approval process.
3. Delete the “Accessory Incinerator” standard to Hospital or Medical Center use. Hospital or Medical Center already addresses Incinerator associated to a medical facility.
4. Establish SWA Permit standard to clarify Zoning approval is required prior to SWA permit review for this use.

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Reason for amendments to Landfill or Incinerator in the Use Matrix: [Zoning]
5. No change to the approval process is being proposed.

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5 **Minor Utility**
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Reason for amendments: [Zoning]
1. Revise the definition to clarify a Minor Utility is a facility (whether manned or unmanned) and differentiate between mechanical equipment that can be classified as an accessory structure referenced in Article 5, Accessory Uses and Structures.
2. Revise the Floor Area standards and add “structures” for consistency with the definition. Clarify that tanks and unoccupied facilities and structures are not subject to Art. 5.B.1.A.1, General which limits accessory uses and structures to 30 percent of the total square gross footage.
3. Delete the Buffer standard. Screening, buffering and setbacks are addressed in other parts of the Code. Screening is subject to Article 5.B.1.A.19, Mechanical Equipment; buffering is subject to Article 7, Landscaping, and setbacks are subject to Article 3.D.1.A, Property Development Regulations (PDRs).
4. Relocate Electric Distribution Substations from Minor Utility and create new use to avoid confusion related to F.S. 163.3208 which specifically regulates substations less than 69 kilovolts in size.
5. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Use Standards. Article 5 will be amended to include this use as one that allows barbed wire.
6. Allow Minor Utilities not to be subject to the hours of operation as the use typically includes gas and water regulators, chlorine injection and potable water booster pump stations, water reclamation treatment, storage and distribution facilities, membrane bioreactor plants, sewage lift stations, or telephone exchange buildings, to mention some, which require functioning and maintenance 24 hours to provide constant service to the public.

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Reason for amendments to Minor Utility in the Use Matrix: [Zoning]
7. Change approval process from Permitted by Right to DRO in all Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) except for the Agricultural Reserve (AGR) preserve area of a Planned Unit Development (PUD) and Traditional Marketplace Development (TMD) as well as the Recreation pod of a PUD. This use is necessary to any development and the DRO approval process will ensure update of approved site plan to track location of the use. The change is also consistent with approval process already applied to standard zoning districts.

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9 **Renewable Energy Solar Facility**
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Reason for amendments: [Zoning]
1. Delete repetitive language under minimum setback requirements as acreages are referenced in titles.
2. Change reference to side corner setback to side street setback in accordance with current terminology.
3. Revise Perimeter Buffers and Interior Tree Requirements standard to clarify a 6 foot hedge is required for Right-Of-Way (R-O-W) and compatibility buffers in addition to the required landscaping outlined in Article 7.F, Perimeter Buffer Landscape Requirements.
4. Delete reference to Substation as Article 4 allows for collocated uses and the standard does not need to be repeated under the individual use.
5. Delete reference to ALP provisions as Table 7.B.3.A states what standards can be modified through the use of an ALP, which includes Art 7.F.9, Incompatibility Buffer.

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Reason for amendments to Renewable Energy Solar Facility in the Use Matrix: [Zoning]
6. No change to the approval process is being proposed.

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1 **Renewable Energy Wind Facility**
2

Reason for amendments: [Zoning]
1. Delete Environmental Permitting standard pursuant to F.S. 163.3164 that reads as follows: "The County may not require a condition of processing or issuing a development permit, that an applicant obtain a permit or approval from any state or federal agency, unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit".
2. Delete reference to Substation as Article 4, Use Regulations allows for collocated uses and the standard does not need to be repeated under individual use.
3. Delete reference to ALP provisions as Table 7.B.3.A states what standards can be modified through the use of an ALP, which includes Art 7.F.9, Incompatibility Buffer.

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Reason for amendments to Renewable Energy Wind Facility in the Use Matrix: [Zoning]
4. No change to the approval process is being proposed.

4 **Solid Waste Transfer Station**
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Reason for amendments: [Zoning]
1. Revise the definition to: <ul style="list-style-type: none"> • Add yard waste to the definition to clarify stand alone yard waste collection facilities shall be approved as a Solid Waste Transfer Station. • Clarify temporary storage of solid waste is permitted on-site.
2. Revise setback requirement applicable to structures, ramps, parking, etc and all property lines to help mitigate any potential adverse impacts caused by the use.
3. Relocate and consolidate screening requirements for outdoor storage in Article 5.B, Accessory and Temporary Uses.
4. Revise SWA Permit standard to clarify Zoning approval is required prior to SWA permit review.
5. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Use Standards. Article 5 will be amended to include this use as one that allows barbed wire.

7

Reason for amendments to Solid Waste Transfer Station in the Use Matrix: [Zoning]
6. Delete use from MUPD with a Commercial High Office (CHO) and Commercial Recreation (CR) FLU designation as the use is too intense when compared with other uses allowed in commercial zoning districts.

8 **Water or Wastewater Treatment Plant**
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Reason for amendments: [Zoning]
1. Revise the Odor standard consistent with F.S. 386, Part I to clarify that enforcement is primarily the responsibility of the Florida Department of Health.
2. Revise the Package Treatment Facility standard to be consistent with the Comprehensive Plan, Utilities Element (UT), Objective 1.8, Package Treatment Plants for facilities in the Urban Service Area (USA) and the Limited Service Area (LSA).
3. Update reference to Florida Administrative Code (F.A.C.) 17-602 with new F.A.C. 62-699 and 62-602 applicable to staffing and operator requirements.
4. Update reference to F.A.C. 17-640 with new F.A.C. 62-640. Revise the Dewatered Domestic Water Residual Land Application (DDWRLA) standard consistent with F.A.C. 62-640. The revised F.A.C. replaces Dewatered Domestic Wastewater Residual (DDWR) with Requirements for Land Application of Class AA, A and B Biosolids.
5. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Use Standards. Article 5 will be amended to include this use as one that allows barbed wire.

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Reason for amendments to Water or Wastewater Treatment Plant in the Use Matrix: [Zoning]
6. No change to the approval process is being proposed.



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1 **TRANSPORTATION USES**
2

Reason for amendments: [Zoning]	
1.	The following section will address General Transportation standards related to private Airports, Heliports, Landing Strips and Seaplane Facilities which will be subject to local, state and federal regulations. Public airports and collocated uses will continue to be regulated by Article 3.B.2, Airport Zoning Overlay (AZO). Article 3.B.2 regulates airports and non-airport related uses for the following Palm Beach County airports: Palm Beach International Airport (PBI), PBC Glades Airport (Pahokee), Park Airport (Lantana), and Palm Beach North County Airport. Additionally, Article 16. Airport Regulations establishes additional standards applicable to the regulation of incompatible uses or building height near airport runway approach zones, and Review Procedures for Airport Land Use Noise Zones, among other similar topics. Standards were relocated from Airport standards to the general section as they mostly apply to all air transportation uses. The relocation of the language clarifies the following: <ul style="list-style-type: none"> • Setback requirements related to landing area, navigation aid or structure; • Increasing structure height would not require increase in setbacks if preempted by State or Federal regulation; • Hangars may be allowed as principal structures related to airports only. Hangars, as accessory structures, are prohibited in the front yard for Heliports, Landing Strips and Seaplane Facilities. The relocation also addresses lot size limitations for hangars, accessory to Agriculturally Classified uses as established by State Statutes; and, • Additional Federal (Federal Aviation Administration - FAA) and State regulations (Florida Department of Transportation - FDOT) may apply to private Airports, Heliports, Landing Strips and Seaplane Facilities. Florida Statutes prohibit counties from requiring the applicant to obtain any State or Federal permit unless said permit has already been denied.
2.	Include footnote in the Use Matrix to ensure the users of this Code review the Supplementary Use Standards that are applicable to each use Type to determine whether the use is allowed in a particular zoning district or identify the approval process. Since the Use Matrix is intended to show the most restrictive approval process, some uses may be indicated as prohibited or with a specific approval process that may be further clarified in the Supplementary Use Standards that allows the use to be subject to a lower level of approval when specific provisions are met.

3 **Airport**
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Reason for amendments: [Zoning]	
1.	Revise the definition:
2.	Partially relocate " <i>All airports, landing strips, and helipads not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards</i> " to the new General Transportation Uses standard. General standards are established to consolidate regulations for air transportation uses into one location.
3.	Delete the reference to ownership in definition.
4.	To clarify that a standalone use such as landing strip or heliport shall not be deemed an airport.
5.	Partially relocate the Accessory Landing Strip standard. The Use will be defined and the language will be relocated and clarified in its own section. The purpose is to ensure that Landing Strip is not misunderstood to be an Airport.
6.	Partially relocate the Agricultural Reserve (AGR) and Agricultural Residential (AR) reference. A new Supplementary Use Standard will be established to address accessory Heliports and Landing Strips to Agriculturally Classified Uses as established by State Statutes in certain zoning districts.
7.	Delete provision related to location of the use in the Rural Residential (RR) Future Land Use (FLU) designation associated with the Commercial Recreation (CRE) Zoning District as this zoning district is not consistent with that FLU designation.
8.	Delete the FAA and FDOT requirements for Airspace Analysis and Landing Area. Additional State and Federal regulations will apply for private Airports, Heliports, Landing Strips and Seaplane Facilities. Florida Statutes prohibit counties from requiring the applicant to obtain any State or Federal permit unless said permit has already been denied.
9.	Relocate the following Supplementary Use Standards to the General Transportation Standards: <ul style="list-style-type: none"> • Lot Size related to accessory hangars; and, • Hangars, Setback and Building Height.
10.	General Transportation standards will address common regulations for air transportation uses.
11.	Lot Size - relocate and consolidate reference to accessory Helipads with the Heliport standards below. Same principle is applied to accessory Landing Strip.

6 **Reason for amendments to Airport in the Matrix:** [Zoning]

12.	No change to the approval process is being proposed.
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1 **Heliport**

2

Reason for amendments: [Zoning]	
1.	Establish use definition for Heliport consistent with US Department of Transportation, FAA, and Title 14 of the Code of Federal Regulations (14 CFR) definition. Research suggested the need to change the use name from Helipad to Heliport as that is the appropriate name used by industry and contained in applicable regulations.
2.	Clarify that accessory heliport shall not include facilities or structures (i.e., repair and maintenance or commercial fueling stations) which in such case shall be referenced as helipad limited to landing and takeoff of helicopters.
3.	Consolidates removal of existing provisions and to clarify type of approval the use is subject to when accessory. The provisions are: <ul style="list-style-type: none"> • Use approval removed from Agricultural Production (AP), AGR, AR and Residential Estate (RE) in Use Matrix; • Supplementary Use Standard related to AGR and "AR" Tier limiting the use accessory to Bona Fide Agricultural use; and, • Prior minimum ten-acre lot size for Farm Residence (which by definition is accessory to a Bona Fide Agricultural use).
4.	Clarify no minimum acreage, as such would be addressed commensurate with scope of use (e.g. how often they fly, how close to other residences, other setback requirements, etc.).
5.	Clarify use can be utilized by aviation based communities or neighborhoods.
6.	Allow helipad accessory to public parks as a transportation option. Clarify if 1,000 foot separation distance from residential is met, an accessory heliport may be Permitted by Right. The separation distance requirement is to mitigate potential nuisances related to noise.
7.	Clarify limited landing or takeoff of helicopters accessory to uses such as Data and Information Processing or Government Services or Government Facilities, as defined, may be allowed as a Class A Conditional Use as these are uses that are very likely to require air transportation of people or for a public purpose. For purposes of this amendment, Article 1.1.2.G.12, Government Facilities is defined as " <i>lands that are owned by a unit of local, state, or federal government, that support government services, customary government operations, or delivery of public services</i> ".
8.	Landing or takeoff of helicopters accessory to hospitals is a relocated Supplementary Use Standard from the ULDC Supp. 20, 4.B.1.A.71.d, Helipad related to Hospital Use.

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Reason for amendments to Heliport in the Use Matrix: [Zoning]	
9.	Remove the use from the following zoning districts: AGR, AP, Agricultural Residential/ Rural Service Area (AR/RSA) and Agricultural Residential/ Urban Service Area (AR/USA), RE, and Multifamily Residential (RM) as a principal use. The supplemental standards will clarify where an accessory Heliport may be located and how the use shall be approved.
10.	Delete the use from the following zoning districts: Commercial High Office (CHO) standard zoning district and Infill Redevelopment Overlay (IRO) with a Commercial Low (CL), Commercial Low Office (CLO), and CHO FLU designation. A Heliport use is not suitable for lower intense zoning districts.
11.	Change the approval process in Commercial General (CG) from Class B Conditional Use and CRE from Development Review Officer (DRO) Approval to Class A Conditional Use. The change would address potential adverse impacts that may arise from the use and provides an opportunity for the public to speak before the Board of County Commissioners (BCC).
12.	Add the use to the Commercial Pod of a Planned Industrial Park Development (PIPD), Lifestyle Commercial Center Development (LCC) with a Commercial High (CH) FLU designation, and Traditional Marketplace Development (TMD) in the Urban/Suburban, Exurban, and Rural Tiers, and the Development area of the AGR Tier as a Class A Conditional Use Approval. The additions are for consistency with the approval of the use in similar commercial standard zoning districts.

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Landing Strip

Reason for amendments: [Zoning]	
1.	Establish use definition for Landing Strip consistent with US Department of Transportation, FAA, and Title 14 of the Code of Federal Regulations (14 CFR) definition.
2.	Consolidates removal from AP, AGR, AR/RSA in Use Matrix and prior minimum twenty acre lot size requirement for Farm Residence (which by definition is accessory to a Bona Fide Agricultural use).
3.	Clarify use can be utilized by aviation based communities or neighborhoods or emergency situations.
4.	Clarify use can be utilized by public entities such as South Florida Water Management District (SFWMD), Florida Highway Patrol (FHP), Palm Beach County Sheriff's Office (PBSO), Florida Fish and Wildlife Conservation Commission (FWCC), etc., to support services or the operation provided by the government agency.

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Reason for amendments to Landing Strip in the Use Matrix: [Zoning]	
5.	Remove the use from the following zoning districts: AGR, AP, and AR/RSA as a principal use. The Supplementary Use Standards will clarify where an accessory Landing Strip may be located and

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how the use shall be approved.
6. Change the approval process in CRE, General Industrial (IG) and Institutional and Public Facilities (IPF) Zoning Districts from Class B Conditional Use to Class A Conditional Use. The change would address potential adverse impacts that may arise from the use and provides an opportunity for the public to speak before the Board of County Commissioners.
7. Add the use to the Public Ownership (PO) Zoning District as a Class A Conditional Use Approval.

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Seaplane Facility

Reason for amendments: [Zoning]
1. Establish use definition for Seaplane Facility consistent with US Department of Transportation, FAA, and Title 14 of the Code of Federal Regulations (14 CFR) definition.

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Reason for amendments to Seaplane Facility in the Use Matrix: [Zoning]
2. Add the use to the CRE, IG, PO, and IPF Zoning Districts; MUPD with a Commercial Recreation (CR) and Industrial (IND) FLU designation; and Industrial Light (IND/L) & General Industrial (IND/G) Pods of a PIPD as a Class A Conditional Use approval (A).

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Transportation Facility

Reason for amendments: [Zoning]
1. Establish a Definition for new use Transportation Facility. The definition will focus on multi-model means of moving people from one destination to another and clarifies exclusion of airports, aviation related uses and bus stops and alighting areas.
2. Identify typical uses that may be covered by the Transportation Facility.
3. Establish a Location standard to clarify that bus and railroad establishments shall front and have access from a major street to limit potential adverse impacts.
4. Establish approval process requirements for a Transportation Facility and to identify the most restrictive approval process in the Use Matrix. Clarify a Transportation Facility requiring Class A Conditional Use approval may be approved by the DRO or Permitted by Right if separation distance requirements are met.
5. Establish separation distance standards from residential to clarify if a Transportation Facility is closer to residential it must comply with additional mitigating standards.
6. Establish minimum circulation requirements to ensure pedestrian and vehicular areas are clearly indicated on the site design and provide for pedestrian safety.

8

Reason for amendments to Transportation Facility in the Use Matrix: [Zoning]
7. Allow as a Class A Conditional Use approval, Transportation Facility use in the CG, Urban Center (UC) and Urban Infill (UI) Zoning Districts, PO and IPF Zoning Districts, Multiple Unit Planned Development (MUPD) with a CH or Institutional and Public Facilities (INST) FLU designation and Commercial Pod of a PIPD. The Use Matrix will reflect the most restrictive approval process. As stated in the historical section above, the movement of goods and people, components of the original use, was separated by definitions, Supplementary Use Standards and approval process. Prior to the separation of the use, the use was allowed in several zoning districts (e.g., commercial and industrial districts) regardless of intensity. The separation recognized the difference in intensity and was revised accordingly (i.e., Distribution Facility primarily in industrial districts). This amendment completes the use separation and allows a new Transportation Facility use in lower intense zoning districts.



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COMMERCIAL COMMUNICATION TOWERS

General Overview

Reason for amendments: [Zoning]
* Consolidate definitions in new Art. 4.B.9, Commercial Communication Towers.
1. In 1998, a comprehensive Commercial Communication Tower amendment was introduced in the Unified Land Development Code (ULDC) throughout Ordinance 1998-1 in response to Federal regulations and industry trends in cellular communication. Later, during re-write of the ULDC in Ordinance 2003-067, Commercial Communication Tower regulations were placed under Article 4.C. Multiple amendments have since been made to the Code that affected the approval processes and references of the uses contained in the Commercial Communication Towers section.
2. This amendment consolidates all Commercial Communication Tower regulations regarding approval processes, general standards, definitions, and Supplementary Use Standards in order to make it consistent with the formatting and construction of the Code proposed for Article 4 as part of the Use Regulations Project (URP).

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Reason for amendments to Commercial Communication Towers in the Use Matrix: [Zoning]	
3.	Indicate in the Use Matrix "P" for Permitted use where previously shown as "BP" for Building Permit review for consistency with construction of the consolidated Use Matrix.
4.	Allow Stealth, Camouflage, Monopole and Guyed Towers to be located in Institutional and Public Facilities (IPF) Zoning District and Multiple Use Planned Development (MUPD) with Institutional (INST) FLU designation. <ul style="list-style-type: none"> • MUPD with INST FLU designation is proposed to use the same approval process as MUPD with Commercial Low (CL) and CH FLU designation, where the towers are already allowed. Commercial Communication Towers are likely to be collocated with uses already permitted on institutional land. • IPF Zoning District was added to the ULDC through Ord. 2000-015 but was not recognized in the approval process table in Article 4.C for Commercial Communication Towers. The approval process assigned to the use is based on the same approval given to the towers located in Institutional (INST) FLU designation of MUPD.
5.	Delete Expedited DRO (DE) approval from Stealth Towers 100 feet in height or less to reflect a "D" in the consolidated Use Matrix and indicate the correct acronym related to DRO.
6.	The approval processes contained in table 4.C.3.I, Residential Districts, Tower Location, and Type of Review, limited approval of towers to Civic and Commercial pods of PUD as noted in the table footnote #1. The consolidated Use Matrix which includes all pods in PUD reflects that Residential pod and Agricultural/Preserve are not allowed to include any tower type.
7.	Amend Stealth and Camouflage Towers approval in Civic and Commercial pods of PUD to require Class A Conditional instead of DRO approval. In 2013, an amendment to the ULDC took place to allow Stealth and Camouflage Towers in Golf Courses located in Recreational pod of PUD subject to Class A Conditional Use. Zoning administration advised the BCC of the future change in the approval process for Civic and Commercial pods of PUD to protect adjacent residential uses. Standards under the provisions of these two tower types allow the towers to be DRO approval when the height of the tower is less or equal to 60 feet. This change is consistent with Monopole, Self Support/Lattice and Guyed towers existing DRO approval for towers less than 60 feet in height.
8.	Indicate the most restrictive approval process in the Use Matrix, in this case prohibited, for Stealth Towers in Recreation pod of PUD. A Supplementary Use Standard for Stealth Tower has been added to indicate Class A Conditional Use approval when the use is located in Golf Courses in Recreation pod of PUD. The standard reflects the approval and the only location allowed for this type of tower in Recreation pod of PUD as contained in footnote of table 4.C.3.I, Residential Districts, Tower Location, and Type of Review.
9.	Allow all tower types in MUPD with IND FLU designation consistent with the towers approved in other industrial zoning districts such as Industrial Light and Industrial General pods of Planned Industrial Park Development (PIPD) and industrial standard zoning districts. The approval process proposed for MUPD with IND FLU is the same as in Industrial General pod of PIPD since both Planned Development Districts (PDDs) have IND FLU designation.
10.	Ord. 2014-025 clarified Economic Development Center (EDC) FLU designation by creating consistency with the Plan FLU Element Section III.C.4-2 now Policy 2.2.24-c that indicates EDC "is intended to accommodate employment opportunities, research parks, and employment centers" and "shall be limited those (uses) that demonstrate Light Industrial characteristics." Such consistency is reflected by including the EDC FLU designation in the Use Matrix for MUPD and including approval processes for applicable uses through the different use classifications. EDC was not added to the approval process table for Commercial Communication Towers in Article 4.C.3.I, Non-Residential Districts, Tower Location and Type of Review. This amendment adds EDC to indicate the same approval process in towers types already permitted in Light Industrial pod of PIPD. Approval for Electrical Transmission Line R-O-W and the FDOT R-O-W has been added to the MUPD with EDC FLU equally consistent with Light Industrial pod of PIPD.
11.	Currently all Use Matrices through the Code differentiate the approval process for Industrial Light pod, Industrial General pod and Commercial pod in PIPD. Table 4.C.3.I, Non-Residential Districts, Tower Location and Type of Review indicate approval for PIPD but does not specify what particular pod the approval is for. The consolidated Use Matrix simply utilizes the same approval process contained in the referenced table and makes it applicable to all pods.
12.	Amend the Use Matrix to reflect Article 4.B.9.D.1.c.1)e) standard related to Electrical Transmission Line R-O-W. The standard limits the approval of combined transmission/communication structures in Electrical Transmission Line R-O-W to Class A Conditional Use when the R-O-W is in a PUD. As a result, the Use Matrix will be changed from DRO as currently shown to Class A Conditional Use in the Civic, Commercial and Recreation pods of PUD as they are pods where towers are currently allowed.
13.	Clarify in the Use Matrix the maximum height allowed for Stealth Tower is 200 feet for consistency with existing maximum tower height standards for this tower type, already contained in the Code.
14.	Clarify in the Use Matrix the maximum height allowed for Camouflage Tower is 150 feet for consistency with existing maximum tower height standards for this tower type, already contained in the Code.
15.	Approval of towers in the Traditional Neighborhood Development (TND) Zoning District indicated in table 4.C.3.I, Residential District Tower Location and Type of Review, does not specify the land use

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	zones where towers are permitted. The consolidated Use Matrix is not going to include approval of towers in Residential land use zone of TND for consistency with the prohibition of the use in Residential pod of PUD. The same situation applies to Open Space Recreation (OS Rec) in TND as when compared with PUD Recreation pod, TND does not include Golf Course which is the only case when some of the towers are allowed in the Recreation pod of PUD. Approval in TND will be applied to Neighborhood Center in the Urban/Suburban, Exurban and Rural Tiers only for those towers originally shown in table 4.C.3.I. The same concept is applied for the approval applicable to Electrical Transmission Line R-O-W and the FDOT R-O-W.
16.	Add Lattice to the name of Self Support Tower in the Use Matrix for consistency with the terminology used in Article 4.B.9.C.4 that has specific standards for this tower type.
17.	Antennas are regulated by specific requirements established by State Statutes 365.172 (13) which are indicated in Article 4.B.9.E, Share Use/Collocation. As a result, Antenna is removed from the Use Matrix.
18.	Indicate in the Use Matrix Electrical Transmission Line Right of Way (R-O-W) instead of FPL (Florida Power and Light) as the Commercial Communication Tower provisions are for any Electrical Transmission Line R-O-W regardless of what utility company is the utilizing it.
19.	Clarify in the Use Matrix that FDOT means Florida Department of Transportation and that the approval relates to the right-of-way for consistency with the standards in Article 4.B.9.D, Collocation in Right of Ways.
20.	Change approval process for Stealth Towers more than 125' to 200' in height as well as Self Support and Guyed Towers more than 150' to 250' in height in the Public Ownership (PO) Zoning District from Class B Conditional use to Class A Conditional Use. The change is requested by Facilities Department to allow the Board of County Commissioners (BCC) to review and approve towers in Public Ownership (PO) Zoning District.
21.	Include footnote in the Use Matrix to ensure the users of this Code review the Supplementary Use Standards that are applicable to each use Type to determine whether the use is allowed in a particular zoning district or identify the approval process. Since the Use Matrix is intended to show the most restrictive approval process, some uses may be indicated as prohibited or with a specific approval process that may be further clarified in the Supplementary Use Standards that allows the use to be subject to a lower level of approval when specific provisions are met.
22.	Relocate to consolidate reference for waivers applicable to government owned towers under the Waiver provisions contained in Article 4.B.9.G, Exemptions and Waivers.
23.	Clarify what types of towers are regulated by the provisions developed in this part of the Code.
	Note: Existing text under Section 4, Standards, shown below was relocated to be above current Section 3, Siting Requirements.
24.	The Code includes standards in Articles 4.B.9.C.1.g and 4.B.9.C.2.f, Associated Uses, applicable to Stealth and Camouflage Towers, that limit collocation of these two tower types to specific uses. This amendment clarifies that approval of Commercial Communication Towers on sites with other principal use may apply to some tower types only.
25.	Consolidate standard that requires all tower types to be subject to the minimum separation and setbacks from residential and non-residential zoning districts. The provisions were repeated under all tower type standards.
26.	Consolidate redundant standards repeated for each tower type and all zoning districts to improve ease of use of the tower separation and setbacks table by reducing the current five-page table to one page.
27.	Revise table title to better clarify that contents establish "Minimum" setbacks and separations.
28.	Correct scrivener's error made during the 2003 Code re-write and reflected in Ord. 2003-067. This amendment includes Multifamily Residential (RM) Zoning District in the separation and setbacks table of residential zoning districts applicable to 250 feet height Guyed Tower and Self Support/Lattice Tower. Ordinance 1998-1 clearly includes RM Zoning District in the separation and setbacks table for these towers.
29.	Clarify the maximum height of Stealth Tower is 200 feet for consistency with Supplementary Use Standards in Article 4.B.9.C.1.b.5), Stealth Tower.
30.	Indicate that the maximum height of Camouflage Tower is 150 feet for consistency with the Supplementary Use Standards in Article 4.B.9.C.2.b.2)c), Camouflage Tower. Includes a footnote clarification to indicate that Camouflage Tower height is subject to additional height requirements based on number of providers.
31.	Include a footnote to clarify that separation and setbacks for Monopole, Self Support/Lattice and Guyed Towers apply regardless of the height of the tower.
32.	Add minimum setback and separation standard for Monopole, Self Support/Lattice and Guyed Towers when adjacent to nonresidential use or public right-of-way. The provision has been missing in the Code and it is added for consistency with the existing standard under Stealth Tower more than 125' in height.
33.	Complete Distance Between Towers table to include zoning districts where towers are allowed per the Use Matrix. The changes include: 1) Commercial and Recreation pods in PUD, Urban Center and Urban Infill, MUPD Commercial FLU designation, MXPDP, Lifestyle Commercial Center (LCC), and Open Space Recreation area of Traditional Marketplace Development (TMD) were grouped with commercial and recreation zoning districts of high intensity; 2) TND neighborhood Center was added to the provisions applicable to low intensity commercial zoning districts and residential zoning

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	districts; and, 3) PUD Civic pod and MUPD with INST FLU designation were added to the same group of provisions applicable to IPF Zoning District as they have similar characteristics.
34.	Delete duplicated text related to Type 2 Waiver applicable to distance between towers. It is already covered in Article 4.B.9.G.4, Type 2 Waivers.
35.	Delete reference to the figure that relates to the distance between towers as the figure is immediately below the reference.
36.	Landscape buffer provisions for towers adjacent to residential originally requested a Type 3 buffer. In 1998, when the Commercial Communication Tower provisions were updated through Ord. 1998-1, the Type 3 Buffer requirements made the wall optional in accordance with the provisions in Ord. 1992-020. This amendment clarifies the original intent that towers adjacent to residential use or Future Land Use (FLU) designation are required to provide a buffer in compliance with the vegetative material and minimum buffer width only with not wall as it is in today's code for Type 3 Incompatibility Buffer.
37.	Delete requirement to provide high voltage signage as the Building Code requires those signs to be attached to equipment.
38.	Delete standard that requires identification tags to be posted on towers as it is requested by the Federal Communication Commission (FCC).
39.	Delete the term "panel" from the windload standards since the term has been used as something else other than an antenna when in fact panel is just one of many antenna types.
40.	Delete redundant Aircraft Hazard standard that requires towers to be in compliance with the Federal Aviation Administration (FAA) regulations as existing standards already cover this topic.
41.	Delete standard intended to clarify towers that were not considered utilities. This provision was in the Code to avoid Towers to be exempt from certain requirements applicable to utility uses. Commercial Communication Towers is its own use classification in Article 4 therefore there is no need for this standard to remain in the Code.
42.	Create a new table that consolidates provisions related to the minimum number of providers for all tower types as it fits better under the General Standards applicable to all towers. Existing Camouflage Tower provisions that require proof of collocation prior to building permit is relocated to the Provider by Tower Type table as a footnote. The relocation will make applicable the requirement of proof of collocation for all towers that are required to provide two or more providers.
43.	Create a reference for antenna regulations to clarify where to find the applicable standards in the Code. The provisions in this use classification only relates to antennas attached to towers. Standards for antennas attached to buildings or structures have been relocated to Article 5.B, Accessory and Temporary Uses.
44.	Delete standard referencing permitted districts since the approval process for Stealth Tower is consolidated in the Use Matrix.
45.	Delete duplicated separation and setbacks standards applicable to Stealth Tower as it is already contained and consolidated in tables 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, and 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts.
46.	Clarify that examples of Stealth Tower include structures where antennas are concealed as a typical industry practice to provide service in areas where conventional communication towers may not be feasible or visually appealing.
47.	For consistency with the requirements of DRO Agency Review in Art. 2.D.1.G.2.b, which allows limited amendments to existing approved plans, this amendment clarifies that Stealth Towers equal to or less than 100 feet may be subject to DRO Agency Review approval process when located in the AGR, AR/RSA, AR/USA; or, RE Zoning Districts and when an existing DRO approved site plan already exist. Existing regulation indicate that Stealth Towers shall be permitted only in association with specific uses, some of which may be subject to Building Permit approval. In those cases, there is no DRO site plan and as a result, the site shall be subject to the review of all DRO agencies instead of five as it is for Agency Review. The approval has always been identified as Expedited DRO (DE) application in the approval table of Article 4.C for the noted zoning districts. In the current Code, that process equates to DRO Agency Review process which is a five-agency review application. This standard has been relocated from a footnote in table 4.C.3.I, Residential District Tower Location and Type of Review and the Use Matrix has been updated to reflect the approval process "D" for DRO instead of DE.

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1.	The amendment relocates a footnote in table 4.C.3.I, Residential District Tower Location and Type of Review related to the approval process of Stealth Tower in Recreation pod of PUD to the use standards. While the Use Matrix shows that it is prohibited in the Recreation pod to reflect the most restrictive approval process, the standard indicates Class A Conditional Use approval since Stealth Towers are only permitted in Golf Courses.
2.	Relocate footnote in table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review related to minimum lot size of 5 acres needed to allow a Stealth Tower when located on MUPD with CL or CH FLU designation to be part of the standard of that tower type.
3.	Allow approval of Stealth Tower 60 feet in height or less in Civic and Commercial pods of PUD to be approved by the DRO for consistency with Monopole, Self Support/Lattice and Guyed towers height

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	approval. Approval of higher towers is subject to public hearing. The amendment is not applicable to recreation pod as it is limited to golf courses where the tower is subject to Class A Conditional Use. This approval process provides an opportunity for public participation as golf courses are areas typically visible from residential structures and may be reason for concern by residents.
4.	Delete Stealth Tower Supplementary Use Standard that lists Residential Transitional (RT), Single-family Residential (RS), RM, and Commercial, Recreation, and public or private Civic pods in PUD as the only residential zoning districts where the tower is allowed. The Use Matrix also allows Stealth Towers in AR and RE Zoning Districts. There is no need to repeat the standards under the specific provisions for this tower type since the approval by zoning district is already contained in the Use Matrix.
5.	The consolidated approval processes in the Use Matrix makes it unnecessary to repeat and constantly refer to approval in the use standards.
6.	Delete duplicated reference to the separation and setback standards as they are already consolidated in tables 4.B.9.B, Setbacks for Towers Located in and Adjacent to Residential Zoning Districts and 4.B.9.B, Setbacks for Towers Located in and Adjacent to Non-Residential Zoning Districts
7.	Delete duplicated standard for the tower setback from nonresidential zoning district or public street as the standard is already contained in table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts.
8.	The provisions contained in the "Associated Uses" standard further restricts the location of Stealth Towers by limiting it to be on sites where specific uses are already in operation. This amendment includes Electric Distribution Substation use within the list of associated uses. Standards for Electric Distribution Substation were part of Minor Utilities use which was pulled out to be a separate use during the review of Utilities Use Classification. As a result, Electric Distribution Substation is noted as a new use in this standard.
9.	Delete duplicated provision that allows Stealth Tower to apply for Type 2 Waivers. The provisions to waive separation, setback, distance between towers, height, and similar dimensional criteria are already contained in Article 4.B.9.G.3, Type 2 Waivers from Required Dimensional Criteria.
10.	Relocate standard on the number of providers applicable to Stealth Towers to table 4.B.8.B, Providers by Tower Type, and consolidate similar regulations for all tower types. The table includes a footnote that clarifies when Stealth Tower is exempt from the minimum number of providers as it is also stated in language relocated from the Supplementary Use Standards for Stealth Tower.

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Camouflage Tower

	Reason for amendments: [Zoning]
1.	Delete standard referencing permitted districts since the approval process for Camouflage Tower is consolidated in the Use Matrix.
2.	Delete duplicated separation and setbacks standards applicable to Camouflage Tower as they are already contained and consolidated in tables 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, and 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts.
3.	The amendment relocates a footnote in table 4.C.3.I, Residential District Tower Location and Type of Review related to the approval process of Camouflage Tower in a Recreation pod of a PUD to the use standards. While the Use Matrix shows it is prohibited in the Recreation pod to reflect the most restrictive approval process, the standard indicates Class A Conditional Use approval since Camouflage Towers are only permitted in Golf Courses.
4.	Relocate footnote in table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review related to minimum lot size of 5 acres needed to allow a Camouflage Tower when located on MUPD with CL or CH FLU designation to be part of the standard of that tower type.
5.	Allow approval of Camouflage Tower 60 feet in height or less in Civic and Commercial pods of PUD to be approved by the DRO for consistency with Monopole, Self Support/Lattice and Guyed towers height approval. Approval of higher towers is subject to public hearing. The amendment is not applicable to recreation pod as it is limited to golf courses where the tower is subject to Class A Conditional Use. This approval process provides an opportunity for public participation as golf courses are areas typically visible from residential structures and may be reason for concern by residents.
6.	Relocate standard on the number of providers applicable to Camouflage Towers to table 4.B.8.B, Providers by Tower Type, and consolidate similar regulations for all tower types. Existing Camouflage Tower provision that requires proof of collocation prior to building permit has been moved to the Provider by Tower Type table as a footnote. The relocation will make applicable the requirement of proof of collocation to all towers that are required to provide two or more providers which will include Stealth, Monopole, Self Support/Lattice and Guyed Towers.
7.	Delete Camouflage Tower Supplementary Use Standard that lists Residential Transitional (RT), Single-family Residential (RS), RM, and Commercial, Recreation, and public or private Civic pods in PUD as the only residential zoning districts where the tower is allowed. The Use Matrix also allows Camouflage Towers in AR and RE Zoning Districts. There is no need to repeat the standards under the specific provisions for this tower type since the approval by zoning district is already contained in the Use Matrix.
8.	The consolidated approval processes in the Use Matrix makes it unnecessary to repeat and

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	constantly refer to approval in the use standards.
9.	Delete duplicated reference to the separation and setback standards as they are already consolidated in tables 4.B.9.B, Setbacks for Towers Located in and Adjacent to Residential Zoning Districts and 4.B.9.B, Setbacks for Towers Located in and Adjacent to Non-Residential Zoning Districts.
10.	The provisions contained in the "Associated Uses" standard further restricts the location of Camouflage Towers by limiting it to be on sites where specific uses are already in operation. This amendment includes Electric Distribution Substation use within the list of associated uses where Camouflage Towers are allowed. Standards for Electric Distribution Substation were part of Minor Utilities use which was pulled out to be a separate use during the review of Utilities Use Classification. As a result, Electric Distribution Substation is noted as a new use in this standard.
11.	Delete duplicated provision that allows Camouflage Tower to apply for Type 2 Waivers. The provisions to waive separation, setback, distance between towers, height, and similar dimensional criteria are already contained in Article 4.B.9.G.3, Type 2 Waivers from Required Dimensional Criteria.

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Monopole Tower

Reason for amendments: [Zoning]	
1.	Delete standard referencing permitted districts since the approval process for Monopole Tower is consolidated in the Use Matrix.
2.	Delete duplicated separation and setbacks standards applicable to Monopole Tower as it is already contained and consolidated in tables 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, and 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts.
3.	Relocate footnote in table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review related to minimum lot size of 5 acres needed to allow a Monopole Tower when located on MUPD with CL or CH FLU designation to be part of the standard of that tower type.
4.	Existing footnote in the Non-Residential Districts, Tower Location and Type of Review table indicates approval of Stealth, Camouflage, Monopole and Guyed Towers may only be approved in an MUPD with a CH and CL FLU designation on sites over five acres. The footnote was relocated to be a Supplementary Use Standard in the mentioned towers.

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Self Support/Lattice Tower

1.	Delete standard referencing permitted districts since the approval process for Self Support/Lattice Tower is consolidated in the Use Matrix.
2.	Delete duplicated separation and setbacks standards applicable to Self Support/Lattice Tower as it is already contained and consolidated in tables 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, and 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts.

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Guyed Tower

Reason for amendments: [Zoning]	
1.	Delete standard referencing permitted districts since the approval process for Guyed Tower is consolidated in the Use Matrix.
2.	Delete duplicated separation and setbacks standards applicable to Guyed Tower as it is already contained and consolidated in tables 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, and 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts.
3.	Relocate footnote in table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review related to minimum lot size of 5 acres needed to allow a Guyed Tower when located on MUPD with CL or CH FLU designation to be part of the standard of that tower type.
4.	Existing footnote in the Non-Residential Districts, Tower Location and Type of Review table indicates approval of Stealth, Camouflage, Monopole and Guyed Towers may only be approved in an MUPD with a CH and CL FLU designation on sites over five acres. The footnote was relocated to be a Supplementary Use Standard in the mentioned towers.

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Collocation in Streets

Reason for amendments: [Zoning]	
1.	Delete the term "panel" from Transmission Poles standard since the term has been used as something else other than an antenna when in fact panel is just one of many antenna types.
2.	Update reference of the table number and title that contains the approval process of Commercial Communication Towers to reflect the changes in this exhibit.
3.	Delete standard that allows approval of combined transmission/communication structures in Electrical Transmission Line street located in PUD to Class A Conditional Use. The Use Matrix has been amended to reflect that approval.

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| 4. | Delete the term “panel” from the standards in the FDOT R-O-W since the term has been used as something else other than an antenna when in fact panel is just one of many antenna types. |
| 5. | Clarify what seems to be a typo for the setbacks applicable to towers installed in portions of the FDOT streets that are adjacent to residential. According to Table 4.C.3.I, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, setbacks for towers in FDOT when adjacent to Residential is 150 feet which differs the language in FDOT standards that indicates 50 feet and 75 feet when adjacent to non-residential. As most provisions look to protect residential, this amendment is reflecting 150’ setback from residential and keep 75 feet from non-residential. |

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Eligible Facilities Request for Modification

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| 1. | To provide definitions and procedure to implement Federal law requiring approval of certain requests for modification of existing towers or base stations. |
| 2. | Relocate to consolidate in a new table the provisions related to the minimum number of providers for every tower type. To reflect deletion of Stealth and Camouflage Towers reference in the text below, the Providers by Tower Type table includes the specific provisions applicable to Stealth and Camouflage Towers that were included under the Supplementary Use Standards of those towers. |
| 3. | Remove prior collocation standards and replacing with more recent Federal standards provided above. |

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Tower Removal, Replacement and Height Increases

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| 1. | Relocate tower hierarchy from Definitions in Article 1 to the towers regulations as it does not provide a meaning; instead, it describes the level of impact of communication towers which is more appropriately placed in the Communication Tower regulations, particularly related to replacement of conforming and nonconforming towers. |
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| Reason for amendments: [Zoning] | |
| 2. | Change the term “section” to specify the regulation or standard that it pertains to. |
| 3. | Update reference of the table number and title that contains the approval process of Commercial Communication Towers to reflect the changes in this exhibit. |

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Application Requirements for Towers

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| Reason for amendments: [Zoning] | |
| Create reference for compliance with the requirements in Article 2 of the ULDC that relates to application requirements. This standard is added to facilitate ease of Code. | |

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Communication Cell Site on Wheels (COWs)

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| Reason for amendments: [Zoning] | |
| Relocate Communication Cell Site on Wheels (COWs) standards contained in Section 8 of the Commercial Communication Towers to a new Temporary Use classification that consolidates all uses of non-permanent nature. | |

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Additional Reasons Related to Former Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts

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| Reason for amendments: [Zoning] | |
| 1. | Correct scrivener’s error made during the consolidation of Commercial Communication Tower standards in Ord. 2003-067 where the separation and setbacks requirements for Self Support/Lattice towers in the RT Zoning District were shifted between towers adjacent to residential existing and residential vacant, as originally contained in Ord. 1998-1. The amendment is made for consistency with the original intent of the Code to protect existing residential structures and the requirements in other zoning districts for the same tower type. The new table in Article 4.B.9.B.2.a, Towers Located in Residential Zoning District is reflecting the change. |
| 2. | Delete footnote #1 to include directly in the table under separation standards where applicable. |
| 3. | Delete footnote #2 as it is self explanatory. Setbacks are measured from the property line unless stated otherwise in the Code. |
| 4. | Delete note #3 which refers to applicability of towers setback and separation in MUPD with CH, CL, INST, and IND FLU designation. The Use Matrix dictates the zoning districts where towers are allowed and the FLU designations related to MUPD indicated in note #3 are already in the Use Matrix. |
| 5. | Delete note #4 which refers to towers setback and separation in MXPD with CH FLU designation. The note is redundant as the Use Matrix dictates the zoning districts where towers are allowed and the FLU designation associated to MXPD indicated in note #3 is already in the Use Matrix. |
| 6. | Foot note clarifies that use of percentage in setback or separation standards relates to a ratio of the tower height, therefore there is no need to repeat in the standards applicable to Camouflage Tower adjacent to non residential and Public R-O-W. |

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1 **Additional Reasons Related to Former Table 4.C.3.I, Residential District Tower Location and Type**
2 **of Review and Table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review**
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Reason for amendments: [Zoning]	
1.	Consolidate Commercial Communication Tower approval processes in residential and non residential zoning districts in one Use Matrix to facilitate ease of use and reduce possible glitches in the future.
2.	Delete Expedited DRO (DE) approval from Stealth Towers equal to or less than 100 feet to reflect a "D" in the consolidated Use Matrix as the correct acronym related to Development Review Officer (DRO). Stealth Tower Supplementary Use Standard is updated to reflect that in Agricultural Reserve (AGR), Agricultural Residential (AR) Rural Service Area (RSA), AR Urban Service Area (USA); and Residential Estate (RE) Zoning Districts, Stealth Tower equals to or less than 100 feet is reviewed by DRO Agency Review which is the process that equates to DE in today's Code. Footnote in the table is deleted also for consistency with the noted change.
3.	Delete "BP" for Building Permit Review as shown in the Residential and Non-Residential District Tower Location and Type of Review tables to reflect a "P" for Permitted by Right use in the consolidated Use Matrix.
4.	Delete footnote # 1 that relates to location of towers in public and private Civic pod, Commercial pod and Golf Courses in Recreation pod of Planned Unit Development (PUD). The consolidated Use Matrix reflects the approval process in the specific pods as described in the note.
5.	Delete footnote #2 in table 4.C.3.I, Non-Residential Districts, Tower Location and Type of Review which clarifies towers in Mixed Use Planned Development (MXPDP) are allowed only when located in Commercial High (CH) Future Land Use (FLU) designation. The consolidated Use Matrix identifies CH and Commercial High Office (CHO) FLU designations contained in MXPDP. As a result of the note, the approval will be reflected only in MXPDP with CH FLU designation for the same tower types that are currently shown in table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review.
6.	Delete table footnote #3 related to Self Support and Guyed Towers in MXPDP to be located only in Industrial (IND) FLU designation given the fact that MXPDP is not consistent with IND FLU designation.
7.	Change towers separation and setback table title to delete adjacency of the towers as it is already identified within the content of the table under Residential Existing, Residential Vacant and Non-residential.
8.	Delete > More Than, < Less than, Not Less Than (NLT), Not More Than (NMT), and Property Line (PL) from the foot note in the towers separation and setback table. The proposed consolidated table clarifies the concepts by utilizing the appropriate terminology applicable to every specific tower type.
9.	Delete footnote #1 related to the pods in Planned Unit Developments (PUDs) in which towers can be located. This table relates to separation and setbacks and the deleted note relates to approval which is already addressed in the Use Matrix.
10.	Delete footnotes #2 and #3 to consolidate in the separation and setback standards of all tower types by zoning district.
11.	Foot note clarifies that use of percentage in setback or separation standards relates to a ratio of the tower height, therefore there is no need to repeat in the standards applicable to Camouflage Tower adjacent to non residential and Public ROW.
12.	Delete specific ranges of height in Monopole, Self Support and Guyed Towers since the separation and setback requirements are established based on percentage of the tower height and the requirements do not differ between different tower heights.

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5 **EXCAVATION USES**
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Reason for amendments:	
1.	Consolidate all zoning district into one Use Matrix to improve ease of use and better delineate differences in approval processes for standards, Planned Development Districts (PDDs) or Traditional Development Districts (TDDs). Tables consolidated are as follows: Table 3.B.15.F, Infill Redevelopment Overlay (IRO) Permitted Use Schedule; Table 3.E.1.B, PDDs Use Matrix; Table 3.f.1.F, TDD Use Schedule; and, Table 4.A.3.A, Use Matrix.
2.	The changes shown here from previous version presented to LDRAB on June 24, 2015 are made to reflect amendments to the approval process done in Round 2015-02 through Ordinance 2016-016.
3.	Amend the Use Matrix to indicate DRO approval for Type 1B Excavation in the Agricultural Reserve (AGR), Agricultural Preservation (AP) and Residential standard zoning districts to reflect the most restrictive approval process as contained in the Supplementary Use Standards.
4.	Include footnote in the Use Matrix to ensure the users of this Code review the Supplementary Use Standards that are applicable to each use Type to determine whether the use is allowed in a particular zoning district or identify the approval process. Since the Use Matrix is intended to show the most restrictive approval process, some uses may be indicated as prohibited or with a specific approval process that may be further clarified in the Supplementary Use Standards that allows the use to be subject to a lower level of approval when specific provisions are met.

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Common Provisions and General Standards

Reason for amendments: [Zoning, Land Development and ERM]	
1.	Reorganize Excavation Use provisions contained in Article 4 for consistency with the formatting established for the Use Regulations Project. This format presents the general standards applicable to all excavation types first, followed by specific standards for each excavation type.
2.	Delete duplicated or redundant text already addressed by the section that contains it.
3.	Update Excavation type reference to reflect use of Arabic numbers instead of Roman numbers through the entire Excavation Uses chapter. The change is done for consistency with construction of the Code.
4.	Delete the reference that subjects Type 1A and 1B Excavations subject to the same requirements as Type 3 Excavation such as type of soil and operations plan. Type 1 Excavation types are applicable only to Single Family Home sites therefore the activities and impacts involved are not comparable with other types of excavation.
5.	Delete Vegetation Permit and Aerial standards applicable to excavation types 1B, 2, and 3. Vegetation permits, known now as vegetation approvals are regulated by Art. 14.C, Vegetation Preservation and Protection. Aerials are no longer necessary as they are now on-file.
6.	Type 2 Excavations are not subject to the same application requirements as Type 3 Excavations. This is due to the difference in the intensity of the use. Type 2 Excavation is being deleted from the "Additional Application Requests" title that contains the application requirements for Type 3 Excavation. Specific application requirements for Type 2 are listed in Art. 4.B.10.C.4.
7.	Consolidate sections of the Code that contain application requirements applicable to Type 3 Excavation.
8.	Relocate Radius of Impact definition to a section that currently contains the terminology instead of keeping it under an unrelated standard that is being proposed to be deleted.
9.	Land Development is no longer issuing haul permits for several reasons, including that only rights of way maintained by Palm Beach County are eligible by ordinance to receive a right-of-way permit. Many of the roads utilized for haul routes are under State or Municipal control and the permittees cannot be held accountable for road damage due to lack of proof.
10.	Land Development is no longer issuing haul permits for several reasons, including that only rights of way maintained by Palm Beach County are eligible by ordinance to receive a right-of-way permit. Many of the roads utilized for haul routes are under State or Municipal control and the permittees cannot be held accountable for road damage due to lack of proof.
11.	Land Development is no longer issuing haul permits for several reasons, including that only rights of way maintained by Palm Beach County are eligible by ordinance to receive a right-of-way permit. Many of the roads utilized for haul routes are under State or Municipal control and the permittees cannot be held accountable for road damage due to lack of proof.
12.	Land Development is no longer issuing haul permits due to inability to hold permittees accountable for road damage due to lack of proof. An Executed Agreement will be required on a case-by-case basis when in the opinion of the BCC or the County Engineer, the Agreement is in the best interest of the public to protect road conditions. Specifics for each Executed Agreement may vary in each case so standard Code language is unnecessary.
13.	Provide authority to the Director of Code Enforcement to ensure compliance with the excavation regulations when referred by the Director of the Environmental Resource Management.
14.	Delete reference to Florida Administrative Code (F.A.C.) 40E-20.302, Types of General Water Use Permits as it was repealed on July 14, 2014.
15.	Delete redundant appeals language to reference the specific sections of the Code that address appeals to decisions made by the Zoning Director, the County Engineer and the Director of ERM based on the authority granted in Article 1.B.1.A, Authority to interpret Excavation types

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Agricultural Excavation

Reason for amendments: [Zoning]	
1.	Insert the definitions for Agricultural Excavation, Type 1A Excavation, Type 1B Excavation, and Type 2 Excavation as they were inadvertently removed from the Code via Ordinance 2003-067.

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Type 2 Excavation

Reason for amendments: [Zoning]	
1.	Delete redundant language that was intended to clarify regulations applicable to Type 2 Excavation since all regulations contained in the Excavation Uses of Art. 4, Use Regulations, should be considered prior to the operation of any excavation activity.
2.	One of the objectives of the Use Regulations Project (URP) is to consolidate the Requested Use (Board of County Commissioners (BCC) approval process) with the Conditional Use approval process. Currently the Code indicates Requested Uses in the Planned Development District (PDD) and Traditional Development District (TDD) Use Matrices, while the standard zoning districts Use Matrix indicates Conditional Use. Due to this proposed consolidation, any references to Requested Uses will be replaced with Conditional Use approval.

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Type 3 Excavations

Reason for amendments: [Zoning/Land Development]
1. Introduce Type 3 Excavation definition to differentiate from other types of excavation by indicating it is generally intended for commercial purposes. This definition consolidates existing language from Type 3 Excavations A and B.

Reason for amendments: [Land Development]
2. Land Development is no longer issuing haul permits for several reasons, including that only rights of way maintained by Palm Beach County are eligible by ordinance to receive a right-of-way permit. Many of the roads utilized for haul routes are under State or Municipal control and the permittees cannot be held accountable for road damage due to lack of proof.

TEMPORARY USES

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: <ul style="list-style-type: none"> • 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.
3. Include footnote in the Use Matrix to ensure the Code user reviews the Supplementary Use Standards applicable to every individual use when determining the applicable approval process. Since the Use Matrix is intended to show the most restrictive approval process and some uses may be shown prohibited or with a specific approval process, the Supplementary Use Standards may contain additional provisions that allow the use to be subject to a lower level of approval when specific provisions are met.

General Standards and Application Requirements

Reason for amendments: [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.

Communication Cell Sites on Wheels (COWs)

Reason for amendments: [Zoning]
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.
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.

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

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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.

Day Camp

Reason for amendments: [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.

Reason for amendments to Day Camp in the Use Matrix: [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 (MXPD), 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.

Mobile Retail Sales

Reason for amendments: [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.
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.
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 elsewhere. 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.
8. Clarify how mobile vendors must operate, specifically defining the end of each day, midnight, as the time at which their operations and all related uses must vacate, further clarifying that the use must physically become mobilized, vacating the site and not just closing for business.

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

9. 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

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same site for long periods of time, therefore it is also allowed in industrial zoning districts.
10. 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.

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Real Estate Sales Model, Non-PDD

Reason for amendments: [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.

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Reason for amendments to Real Estate Sales Model, Non-PDD in the Use Matrix: [Zoning]
8. Real-Estate Sales Model, Non-PDD has been relocated from the Commercial Use Matrix, to clarify the required Standards for the Temporary Use and to distinguish the approval process from that of the permanent use.
9. Special Permit approvals have been added to the Use Matrix to clarify that this use may be allowed in all of the Standard Residential Zoning Districts pursuant to Special Permit approval, including Agriculture Residential (AR), Residential Estate (RE), Residential Transitional (RT), Residential Single Family (RS), and Residential Multifamily (RM).

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Recycling Drop-Off Bin

Reason for amendments: [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.
Reason for amendments to Recycling Drop-Off Bin in the Use Matrix: [Zoning]
5. No changes were made to the Use Matrix.

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Special Event

Reason for amendments: [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.
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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Reason for amendments to Special Event in the Use Matrix: [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

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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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Temporary Green Market

Reason for amendments: [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.
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.
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.

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Reason for amendments to Temporary Green Market in the Use Matrix: [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 MXPDP, 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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Temporary Retail Sales

Reason for amendments: [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.
6. Add references to Typical Uses in order to provide more examples for reference.
7. Reduce the amount of time allowed for site cleanup, from 48 hours to 24 hours after the expiration of the Special Permit, so that the site is not left for multiple days in disarray.
8. Delete Hours of Operation standard associated to sales of sparklers as it will be consolidated into Art. 5 with all other use classifications.
9. Add requirement for the PBC Fire Marshal to certify the proposed location of sparkler sales for safety purposes.
10. Delete and relocate language related to Mobile Sales, since Mobile Retail Sales has been created as a new Temporary Use with unique Standards.
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.
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.

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Reason for amendments to Temporary Retail Sales in the Use Matrix: [Zoning]
15. 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.
16. Allow the use in MUPD Zoning Districts with CL, CH, CLO, CHO, and CR FLU designations; MXPDP

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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.

Temporary Vehicle Sales

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.
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.

Reason for amendments to Temporary Vehicle Sales in the Use Matrix: [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.

EXHIBIT E – ARTICLE 5, SUPPLEMENTARY STANDARDS

Part 1. ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 8, 10, 13-15, 16 and 32 of 100), is hereby amended as follows:

Reason for Amendment: [Zoning]

1. To evaluate standards in Industrial Uses of Article 4, Use Regulation to relocate or amend in Article 5.B.1, Supplementary Regulations to:
 - Consolidate redundant standards in Art. 4.B, Supplementary Use Standards and relocate with similar supplementary regulations that already exist in Art. 5.B, Accessory and Temporary Uses; and,
 - The Code does not allow variance relief for provisions in Article 4, Use Regulations. This change provides additional flexibility by allowing for variance relief where standards are relocated to Article 5.B.1, Supplementary Regulations.

Accessory Uses and Structures

Reason for amendments: [Zoning]

1. Clarify that for any use to be accessory to another use, it should include some level of approval in the zoning district where the use is intended to be located as indicated in the use Matrix or clearly stated in the Supplementary Use Standards. The approval is indicated by Special Permit, DRO, Class A or B Conditional Use. When a blank is noted in the Use Matrix for a use in any given zoning districts, it means that the use is not allowed to be accessory in that zoning district unless the Supplementary Use Standards in that use indicate otherwise.
2. Delete the term “building” from Art. 5.B.1.A.b, Location related to Accessory Uses and Structures, since the provision already has the term “structure” which also means building.
3. Delete reference to off-site parking to be excluded from accessory uses and structures location requirement. Off-site parking is not a use, it is a site element part of the Parking provisions applicable to any site regardless the uses it contains.
4. Due to the nature of accessory uses to be incidental to a principal use, this amendment prohibits the construction and occupancy of an accessory use without the principal use being constructed or occupied on the site.
5. Above-ground utilities connected to a network, other than electric generation and transmission facilities, are typically located in open areas, mainly mechanical equipment necessary to provide services. This amendment clarifies that Minor Utilities are not subject to the 30 percent of square footage or business receipt limitation due to the nature of the use.
6. Indicate that the square footage dedicated for the administrative operation of a principal use shall be considered accessory office and it is Permitted by Right. Accessory office shall not be the same as Office, Business or Professional use which is clarified under the Supplementary Use Standards of

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	this use. Staff is also clarifying the parking provisions that apply to accessory office by using one parking space for every 200 square feet. These parking provisions are not entered in Art. 6, Parking, as the article addresses parking and loading standards for principal uses.
7.	Uses indicated blank in the Use Matrix are not allowed to be accessory to any other use unless specifically indicated in the Supplementary Use Standards, limited to 30 percent of the Gross Floor Area (GFA) in most cases. Same percentage is contained in the Flex Space provisions in Art. 5, where retail can be located in Industrial Future Land Use (FLU) designation for specific industrial uses. This amendment clarifies that sales of products incidental to a principal Commercial, Industrial or Institutional, Public and Civic use is Permitted by Right, limited to ten percent of the GFA. Additional provisions such as parking standards requiring for one space for every 200 feet of GFA, no outdoor display of products or signage are part of the limitations for incidental sales.
8.	Consolidate standards for Barbed Wire from uses in Art. 4.B, Supplementary Use Standards and Art. 4.C.4, Commercial Communication Towers with Art. 5.B.1.A.2.c standards of dangerous materials;
9.	Relocate to Article 5 to be consistent with the formatting of the recently adopted Electrified Fence – Exceptions and Regulations; and,
10.	Relocate parts of the introductory language to be in specific sub-topics for easy understanding of the Barbed Wire provisions.
11.	Clarify height exception on School fence height to be eight feet as established in the interlocal agreement between the School Board, Palm Beach County and Municipalities of Palm Beach County, Resolution 2015-1864.
12.	Include requirement for an agreement for Barbed Wire removal prior to building permit if the parcel changes the use to one not listed in this section of the Code.
13.	Relocate and consolidate standards for Outdoor Activities with Outdoor Storage and expand provisions to all uses with the exception of those that are clearly noted as being excluded either in the regulations contained in Art. 5, Supplementary Standards or in Art. 4, Use Regulations. This will be excluding industrial uses of an outdoor nature as specific provisions have been established for them.
14.	Delete 12 feet screening height provision that was applicable only to Outdoor Storage in industrial districts. The language was not limiting the height of the stored material but was limiting the height of the screening to 12 feet even when the stored material was higher. Proposed screening requirement applies to all sites except when the Outdoor Storage area is located in an Industrial Zoning District or FLU designation that has a common property line with an Industrial FLU designation or Zoning District parcel.
15.	Introduce height limitation of the storage material to be 15 feet for consistency with the PBC Fire Code provision 31.3.6.3.2.4 which is applicable to processed or unprocessed materials. Include provision that may require the pile height to be less than 15 feet as F.A.C 62-709.350, Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure or Blending Manure, indicates the maximum height of piles is 12 feet for facilities that store vegetative material.
16.	Avoid visibility of storage material by requesting equal screening and storage material height up to 15 feet.
17.	Exempt from the screening requirements any industrial site that has the Outdoor Storage or Outdoor Activity areas next to another site with Industrial FLU designation or Zoning District and not visible from any street.
18.	Include provision that to minimize the visual impacts caused by Outdoor Activities in industrial sites when adjacent to residential, civic, commercial, recreation, or conservation by requiring a 25 foot wide Type III incompatibility buffer.
19.	Allow chipping, crushing, grinding, manufacturing or processing to be outdoor only when an industrial use is located in intense industrial districts such as General Industrial and IND/G pod of PIPD. Less intense Industrial Zoning Districts looking to have such outdoor activities are requested to be permitted through public hearing through Class A Conditional Use. This amendment limits the location of intense uses in close proximity of low intense uses.
20.	Relocate the standards for antenna contained in Article 4.C, Commercial Communication Towers to Article 5.B, Accessory and Temporary uses. These provisions are for antennas attached to buildings or structures, therefore those standards are more appropriate in Article 5 than Article 4.
21.	Delete from the title the term “panel” as the regulations are for all antenna types attached to buildings or structures and not just for panel antennas. Panel antenna is just one of the different types of antennas.
22.	Use to be relocated to Art. 4.B.8.C.4, Seaplane Facility.

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1 **Part 2. New ULDC Art. 5.B.1.A, Accessory Uses and Structures, (page 32 of 100) is hereby**
2 **established as follows:**

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4 **Mobile Home**
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Reason for amendments: [Zoning]

1. This amendment consolidates general applicability of mobile home under Accessory Uses and Structures in Article 5 in a table to differentiate between a Mobile Home Dwelling unit and mobile home structure.

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Reason for amendments: [Zoning]

2. Relocate use from Article 4, Use Regulations and relocate standards under new Article 5.B.1.A.25, Air Curtain Incinerator, since the use shall only be allowed as accessory to a principal use.

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8 **Air Stripper**
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Reason for amendments: [Zoning]

Relocate standards under Article 5.B.1.A.22, Air Stripper. It is both an accessory use and structure which is permitted by right on a vacant lot. The DEP and the PBC Health Department regulates air strippers for onsite contaminants.

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11 **Kennels and Runs**
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Reason for amendments: [Zoning]

1. Kennel, Type 1 (Private) is proposed to be split into two locations in the ULDC: Art. 5, Accessory and Temporary Structures and Art. 4 Residential Use Classifications.

- Kennel, Type 1, is being partially relocated from the current Residential Classification to Article 5.B, Accessory and Temporary Uses, where standards for sheds and other similar accessory structures are located. Non-commercial kennels in residential zoning districts will still be allowed, subject to standards.
- A new Kennel Use, Limited Pet Boarding, is being established in Article 4.B.5, Residential Use Classification. 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.

2. Clarify setbacks are not applicable to shelters used to house active duty guard dogs since the dogs are not permanently stationed in the structure 24 hours.

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Part 3. ULDC Art. 5.B.1.B, Temporary Structures (page 32 of 100), is hereby amended as follows:

Reason for Amendment: [Zoning]

1. Article 4, Use Regulations includes a specific use classification of uses of Temporary nature. This amendment deletes any reference to temporary uses to avoid confusion with the new use classification. The provisions in this Section of the Code pertain to structures of temporary nature more than uses.

2. Relocate existing Mobile Home Dwelling standard in Article 4 related to temporary mobile home used during the construction of Single Family dwelling to consolidate with duplicated provisions in Article 5, Temporary Structures.

3. Clarify that temporary mobile home is permitted only when associated with the construction of Single Family that is located in the AR/RSA Zoning District.

4. Expand requirements for mobile home to be connected to potable water well as the structure will be temporarily used as residence. This is an existing requisite by the Health Department applicable to temporary habitable structures.

5. As a result of relocation of temporary mobile home language in Article 5.B.1.B, Temporary Structures, this amendment consolidates duplicated standards related to Removal Agreement and Time Limitations on Mobile Home Approval located in Article 4 and Article 5. It also clarifies that a removal agreement is needed at the time of building permit for the mobile home.

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Part 4. ULDC Art. 5.B.1.C, Flex Space (page 33 of 92), is hereby amended as follows:

Reason for amendments: [Zoning]

1. The consolidated Use Matrix no longer references Requested Uses. Requested Use was a Public Hearing process subject to approval by the Board of County Commissioners (BCC), and specifically applicable to the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs). The Class A Conditional Use is an identical process that was established just for the Standard Zoning Districts. The proposed amendment eliminates the Requested Use process and

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consolidates the approval process under the Conditional Use process, regardless of whether the application is in a PDD, TDD or a Standard District.
2. Relocate commercial and industrial uses that are allowed as Flex Space component currently listed in Article 4.B, Supplementary Use Standards to be consolidated in Article 5.B.1.C, where Flex Space regulations already exist.
3. Delete from the list of flex space uses Butcher Shop which was deleted from Art. 4, Use Regulations as it meets the definition of Wholesaling use and Printing and Copying Services that has been consolidated with Retail Sales.
4. Remove Catering Services, Data and Information Processing, Research and Development, and Medical or Dental Laboratory from the list of uses allowed to be flex space. Those uses shown in the Use Matrix to be allowed in zoning districts consistent with Commercial High (CH) FLU designation.
5. Clarify the approval process applicable to uses intended to be utilized as flex space in FLU designations where the use is not permitted as noted in the Use Matrix. Industrial Uses allowed to be in CH FLU designation as flex space can be up to 75% of the building area, reason why they are proposed to be subject to Class A Conditional Use approval. In IND FLU designation only Retail Sales is allowed to occupy a maximum of 30% of the building area, reason why the approval is DRO.

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Part 5. ULDC Art. 5.C.1.B.1, General, [Related to Architectural Guidelines] (page 37-38 of 100), is hereby amended:

Reason for amendments: [Zoning]
1. Provide link to relocated Use Matrices, due to relocation of Infill Redevelopment Overlay (IRO) Use Schedule to new consolidated Use Matrices in Article 4, Use Regulations, where all zoning district or specific Overlay use standards are grouped by classification.
2. Consolidate requirement of design and compatibility for Type 3 CLF with the list of uses subject to design standard in Article 5.C.1, Architectural Guidelines.

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Part 6. ULDC Art. 5.C.1.E, Architectural Guidelines (page 38 of 100), is hereby amended as follows:

Reason for Amendment: [Zoning]
1. The consolidated Use Matrix does no longer reference the Requested Uses. Requested Use was a Public Hearing process that is subject to the approval by the Board of County Commissioners (BCC), and is specifically applicable to the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs). Whereas the Class A Conditional Use is an identical process that was established just for the Standard Zoning Districts. The proposed is to eliminate the Requested Use process and consolidate the approval process under the Conditional Use process, regardless whether the application is in a PDD, TDD or a Standard District.

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Part 7. ULDC Art. 5.E.4.E.2.e.11), Nuisances (page 57 of 100), is hereby amended as follows:

Reason for Amendment: [Zoning]
1. Rename use for consistency with revisions to Art. 4, Use Regulations.

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Part 8. New ULDC Art. 5.E.5, Hours of Operation (page 57 of 100), is hereby established:

Reason for amendments: [Zoning]
1. Establish new subsection E under Performance Standards in Article 5 for Hours of Operation by consolidating all related provisions contained in Article 3 and some portions of Article 4 of the ULDC. Existing regulations are applicable to Commercial and Public and Civic uses and Commercial pod of PUD as well as Mixed Use Planned Development (MXPDP) where business operations are restricted to be between 6:00 a.m. to 11:00 a.m. In addition, the Glades Area Overlay (GAO) has hours of operation regulations for non-residential uses that will be consolidated too. This amendment clarifies hours of operation limitations by indicating applicability to every nonresidential use classification within 250' of Residential FLU designation or use. The distance from Residential is proposed to be 250' to minimize creation of nonconformities in existing Commercial Pod of PUD or MXPDP sites where currently the distance is 300'. Hours of operation are proposed as follows: <ul style="list-style-type: none"> • Industrial uses restricted to operate on Sundays from 7:00 a.m. to 7:00 p.m. or 10:00 p.m. pending if the use includes indoor or outdoor activities. The limitation in Industrial uses is more restrictive than other uses as industrial uses are expected to be more intense in traffic and stocking activities; • Commercial, and Institutional, Public and Civic uses continue limited to operate between 6:00 a.m. to 11:00 p.m. which is proposed to be applicable now to Recreation, Temporary and

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	<p>Transportation uses as that time period is typical industry practice to operate business.</p> <ul style="list-style-type: none"> • Utility uses and Commercial Communication Towers to be subject to the same hours of operation applicable to industrial uses with outdoor activities, 7:00 a.m. to 7:00 p.m. Monday through Saturday, as these uses are typically of outdoor nature. Specific exemptions are proposed to allow these uses to operate outside of the specific hours in case of emergency. • When particular hours of operation apply to any use outside of the consolidated table, such regulations are noted in other sections of the Code.
2.	<p>Clarify that Neighborhood General (NG), Neighborhood Commercial (NC) and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MXPD, LCC, and TMD Zoning Districts may be subject to specific provisions for the purpose of hours of operation:</p> <ul style="list-style-type: none"> • Sites are not to be considered residential zoning districts by adjacent nonresidential uses if existing residential uses are not on the site; • Sites in these zoning districts or subareas with an existing residential use shall be considered residential. Consequently, hours of operation applicable when located within 250' from residential shall apply until the residential dwelling is not longer in use. This amendment is done to continue protection of residential uses that remain in the mixed use development subareas or zoning districts noted above.
3.	<p>Clarify that variance applications for hours of operation applicable to excavations are not allowed. Hours of operation provisions reside in Art. 4 too and per Art. 2.A.1.D.1.b, Zoning Commission variances are not allowed for provisions in Art. 4.</p>

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Part 9. ULDC Art. 5.F.1.F, Maintenance and Use Documents (page 62 of 100), is hereby amended as follows:

Reason for amendments: [Zoning]
Delete reference to Requested Use as the process has been consolidated in Conditional Use only.

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Part 10. ULDC Art. 5.G.1.E, Workforce Housing Program (WHP) (page 77, 89 of 100), is hereby amended as follows:

Reason for amendments: [Zoning]
Delete reference to Requested Use as the process has been consolidated in Conditional Use only.

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Part 11. ULDC Art. 5.H.2.B, Applicability and Standards (page 91 of 100), is hereby amended as follows:

Reason for Amendment: [Zoning]
Rename uses for consistency with revisions to Art. 4, Use Regulations.

EXHIBIT F – ARTICLE 6, PARKING

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Part 1. ULDC Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - (page 4-11 of 39), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Update use name Accessory Dwelling for Accessory Quarters and Security and Caretakers Quarters for Caretaker Quarters as proposed in the Residential Use Classification.
2. Add Prison, Jail or Correctional Facility to the list of Institutional, Public and Civic parking and loading requirements as the use was split from Government Services. The parking provisions are the same as those under Government Service use.
3. Homeless Resource Center use and related references are deleted to be discussed at a later time.
4. Indicate Public and Charter schools parking provisions as contained in the 2014 State Requirements for Education Facilities pertaining to staff, faculty and students. This amendment clarifies parking requirements by avoiding cross reference with other documents. Number of parking spaces required for visitors is proposed to be consistent with Private School.
5. Update use name Arena, Auditorium or Stadium for Arena or Stadium or Amphitheater and Gun Club Enclose for Indoor Shooting Range as proposed in the Recreation Use Classification.
6. Delete Ferrier use from the parking provision to reflect deletion of the use under the Agricultural Use Classification.
7. Update use name Electric Power Facility for Electric Power Plant and Sanitary Landfill or Incinerator for Landfill or Incinerator as proposed in the Utility Use Classification.
8. Delete Asphalt or Concrete use from the parking provision to reflect deletion of the use under the Industrial Use Classification.
9. Update use name Industrial Research Laboratory for Research and Development and Motion

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	Picture Production Studio for Multi-Media Production as proposed in the Industrial Use Classification.
10.	Add Distribution Facility to the list of Industrial parking and loading requirements as the use was split from Transportation Facility. The parking provisions are the same as those under Transportation Facility use.
11.	Update use name Helipad for Heliport and as proposed in the Transportation Use Classification.
12.	Update use name Water or Treatment Plant for Water or Wastewater Treatment Plant as proposed in the Utility Use Classification.
13.	Revise Minimum Off-Street Parking and Loading table to remove uses that have been deleted in Article 4, related to Commercial Uses.
14.	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.
15.	Add loading provisions for Laundry Services as the use may include loading activities when serving the hospitality industry.
16.	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.
17.	Consolidate existing Supplementary Use Standards for Self Service Storage loading requirements with Art. 6, Parking and Loading Standards, for ease of use.
18.	Add parking provisions for 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.
19.	Establish parking and loading regulations for Unmanned Retail Structure as a sub-category of Retail Sales, ensuring clarity for staff and applicants that one of the spaces must be ADA compliant when the structure is freestanding.
20.	Amend Minimum Off-Street Parking and Loading Requirements table in Article 6, Parking, to reflect updated use names in Article 4, Use Regulations. The change also removed Communication Cell Site on Wheels (COWs) from the parking for the Towers table as this use is addressed under Temporary Uses.

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Part 2. Article 6.A.1.D.3, Use of Required Off-Street Parking (page 14 of 39), is hereby amended as follows:

Reason for amendments: [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.

EXHIBIT G – ARTICLE 7, LANDSCAPING

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Part 1. ULDC Art. 7, Landscaping (Pages 14 and 40 of 52), is hereby amended as follows:

Reason for amendments: [Zoning]	
1.	The Use Regulations Project (URP) is proposed to consolidate Use Matrices and by doing that, terminology used for Public Hearing process is also consolidated. This amendment deletes from the Code any reference to “Requested Use” and be replaced with “Conditional Use”. Requested Use is the terminology used to refer to Board of County Commissioners (BCC) approval of uses as indicated in the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) Use Matrices. Currently the Code reflects “Conditional Use” approval in the standard zoning districts Use Matrix only with clarification that Class A is for BCC approval while Class B for Zoning Commission approval. This amendment updates all the references in Art. 7 where the words “Requested Use” are utilized.
2.	Update the Civic Use Classification by adding “Institutional, Public and Civic” for consistency with changes done in Art. 4, Use Regulations.
3.	Delete footnote number one that defers to Article 7, Landscaping requirements for buffers for Minor Utilities. The use is for above-ground facilities associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area. This use no longer includes Electric Distribution Substation therefore the provisions for landscaping are not applicable due to the size of Minor Utilities.
4.	Require Unmanned Retail Structures to have foundation plantings consisting of ground cover,

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defined as “plants, other than turf grass...” by the ULDC, with one palm tree on either side of the Unmanned Retail Structure, identical to the Art. 7 Landscaping requirements for Freestanding ATM.

EXHIBIT H – ARTICLE 8, SIGNAGE

1 **Part 1. ULDC Art. 8, Signage (page 17, 22 and 30 of 42), is hereby amended as follows:**
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Reason for amendments: [Zoning]
1. The Use Regulations Project (URP) is proposed to consolidate Use Matrices and by doing that, terminology used for Public Hearing process is also consolidated. This amendment deletes from the Code any reference to “Requested Use” and be replaced with “Conditional Use”. Requested Use is the terminology used to refer to Board of County Commissioners (BCC) approval of uses as indicated in the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) Use Matrices. Currently the Code reflects “Conditional Use” approval in the standard zoning districts Use Matrix only with clarification that Class A is for BCC approval while Class B for Zoning Commission approval. This amendment updates all the references in Art. 8 where the words “Requested Use” are utilized.
2. Update use name Indoor Theater for Theater and Performance Venue as proposed in the Commercial Use Classification.
3. To clarify that: <ul style="list-style-type: none"> • Clarify that along with Freestanding ATM’s, Unmanned Retail Structures are not included in the method for calculating wall signs in projects that are not regulated by a Master Sign Plan; • Along with wall signs for Freestanding ATM’s, Unmanned Retail Structures are limited to only the signage permitted by the Maximum Sign Area calculations, and are not entitled to minimum amount of signage. • Corrections to endnotes, clarifying the proper reference numbers for 3 and 4.

EXHIBIT I – ARTICLE 9, ARCHAEOLOGICAL AND HISTORIC PRESERVATION

3 **Part 1. Art. 9.A, Archaeological Resources Protection, (Page 3, 4 and 5 of 17), is hereby**
4 **amended as follows:**
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Reason for amendments: [Zoning]
1. Update Excavation type reference to reflect use of Arabic numbers instead of Roman numbers for consistency with proposed changes in the Excavation Uses chapter of Art. 4, Use Regulations.
2. Update Excavation Uses reference to reflect updated article numbers resulting from the reorganized excavation language as part of the Use Regulations Project.

EXHIBIT J – ARTICLE 10, ENFORCEMENT

6 **Part 1. Art. 10, Enforcement, (page 6 and 11 of 12), is hereby amended as follows:**
7

Reason for Amendment: [Zoning]
Update Excavation Uses reference to reflect updated article numbers resulting from the reorganized excavation language as part of the Use Regulations Project.

EXHIBIT K – ARTICLE 11, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS

8 **Part 1. Art. 11, Subdivision, Platting and Required Improvements, (page 23 and 42 of 46), is**
9 **hereby amended as follows:**
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Reason for Amendment: [Zoning]
Update Excavation Uses reference to reflect updated article numbers resulting from the reorganized excavation language as part of the Use Regulations Project.

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EXHIBIT L – ARTICLE 12, TRAFFIC PERFORMANCE STANDARDS

1 **Part 1. ULDC Art. 12.P.4.J, Mitigation Strategies (page 51 of 59), is hereby amended as**
2 **follows:**
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Reason for Amendment: [Zoning]

The Use Regulations Project (URP) is proposed to consolidate Use Matrices and by doing that, terminology used for Public Hearing process is also consolidated. This amendment deletes from the Code any reference to “Requested Use” and be replaced with “Conditional Use”. Requested Use is the terminology used to refer to Board of County Commissioners (BCC) approval of uses as indicated in the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) Use Matrices. Currently the Code reflects “Conditional Use” approval in the standard zoning districts Use Matrix only with clarification that Class A is for BCC approval while Class B for Zoning Commission approval. This amendment updates all the references in Art. 12 where the words “Requested Use” are utilized.

ART. 15, HEALTH REGULATIONS

4 **Part 1. ULDC Art. 15.B.8.A, Design Criteria [Related to Construction and Design**
5 **Requirements] (page 12 - 13 of 24), is hereby amended as follows:**
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7

Reason for amendments: [Zoning]

Rename Water or Treatment Plant to Water or Wastewater Treatment Plant as proposed in the Utilities Use Classification.

8 **Part 2. ULDC Art 15.C.1.A, Purpose, (page 19 of 24), is hereby amended as follows:**
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Reason for amendments: [Zoning]

Update multiple use titles for consistency with changes to uses in different use classifications in Art. 4, Use Regulations.

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS:** CHAPTER B, INTERPRETATION OF CODE; CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS & ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER E, PRIOR APPROVALS; CHAPTER G, EMINENT DOMAIN; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD’s); **ARTICLE 4 – USE REGULATIONS:** CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER C, COMMERCIAL COMMUNICATION TOWER; CHAPTER D, EXCAVATION; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER H, MASS-TRANSIT STANDARDS; **ARTICLE 6 – PARKING:** CHAPTER A, PARKING; **ARTICLE 7 – LANDSCAPING:** CHAPTER A, GENERAL; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 8 – SIGNAGE:** CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES; **ARTICLE 9 – ARCHAEOLOGICAL AND HISTORICAL PRESERVATION:** CHAPTER A, ARCHAEOLOGICAL RESOURCES PROTECTION; **ARTICLE 10 – ENFORCEMENT:** CHAPTER C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD; CHAPTER E, REMEDIES; **ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS:** CHAPTER B, SUBDIVISION REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; **ARTICLE 12:** TRAFFIC PERFORMANCE STANDARDS: CHAPTER J, TRANSPORTATION CONCURRENCY MANAGEMENT AREAS (TCMA); CHAPTER L, TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION; CHAPTER Q, PROPORTIONATE FAIR-SHARE PROGRAM; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 PALM BEACH COUNTY, FLORIDA, as follows:

3 **Section 1. Adoption**

4 The amendments set forth in Exhibits listed below, attached hereto and made a part
5 hereof, are hereby adopted.

- 6 ▪ Ordinance Title
- 7 ▪ Exhibit A - Article 1, General Provisions
- 8 ▪ Exhibit B - Article 2, Development Review Process
- 9 ▪ Exhibit C - Article 3, Overlays and Zoning Districts
- 10 ▪ Exhibit D - Article 4, Use Regulations
- 11 ▪ Exhibit E - Article 5, Supplementary Standards
- 12 ▪ Exhibit F - Article 6, Parking
- 13 ▪ Exhibit G - Article 7, Landscaping
- 14 ▪ Exhibit H - Article 8, Signage
- 15 ▪ Exhibit I - Article 9, Archaeological and Historical Preservation
- 16 ▪ Exhibit J - Article 10, Enforcement
- 17 ▪ Exhibit K - Article 11, Subdivision, Platting, and Required Improvements
- 18 ▪ Exhibit L - Article 12, Traffic Performance Standards

19
20 **Section 2. Interpretation of Captions**

21 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
22 Ordinance are intended for the convenience of usage only and have no effect on interpretation.

23
24 **Section 3. Repeal of Laws in Conflict**

25 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
26 repealed to the extent of such conflict.

27
28 **Section 4. Severability**

29 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
30 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
31 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
32 Ordinance.

33
34 **Section 5. Savings Clause**

35 All development orders, permits, enforcement orders, ongoing enforcement actions, and
36 all other actions of the Board of County Commissioners, the Zoning Commission, the
37 Development Review Officer, Enforcement Boards, all other County decision-making and
38 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
39 pursuant to the regulations and procedures established prior to the effective date of this
40 Ordinance shall remain in full force and effect.

1 **Section 6. Inclusion in the Unified Land Development Code**

2 The provisions of this Ordinance shall be codified in the Unified Land Development Code
3 and may be reorganized, renumbered or re-lettered to effectuate the codification of this
4 Ordinance.

5

6 **Section 7. Providing for an Effective Date**

7 The provisions of this Ordinance shall become effective upon filing with the Department
8 of State.

9

10 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
11 County, Florida, on this the _____ day of _____, 20____.

12

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Paulette Burdick, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

13

14

15 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
16 _____, 20____.

EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

1 Part 1. ULDC Art. 1.B.1.A, Authority, (page 6 of 119), is hereby amended as follows:

2 CHAPTER B INTERPRETATION OF THE CODE

3 Section 1 Interpretations

4 A. Authority

5 Interpretations to this Code and the Official Zoning Map shall be made by the Executive Director
6 of PZB or designee with the following exceptions: [Ord. 2011-016]

7
8 3. The County Engineer shall have the authority to make all interpretations of Art. 4.B.10.B.7.a
9 10), Hauling Standards; Art. 4.B.10.B.7.b.2)c), Drainage; 4.B.10.C.5.g.5, Haul Agreement;
10 Art. 6.C, Driveways and Access; Art. 11, Subdivision, Platting, and Required Improvements;
11 and Art. 12, Traffic Performance Standards; [Ord. 2011-016]

12
13 5. The Director of ERM shall have the authority to make all interpretations of ART. Art. 14,
14 Environmental Standards and Article 4.D, EXCAVATION to interpret the following parts of
15 Art. 4.B.10, Excavation Uses in consultation with the Executive Director of PZB or designee
16 as appropriate: Art. 4.B.10.B.4.b.8), WCAA Canals, Art. 4.B.10.B.4.b.9); Mitigation Projects,
17 Art. 4.B.10.B.4.b.10), Wetlands; Art. 4.B.10.B.4.b.13), Canals of Conveyance; Art.
18 4.B.10.B.7.c.1)a)(2), Littoral Planting; Art. 4.B.10.B.7.c.3), Littoral Planting Reclamation
19 Standards; Art. 4.B.10.B.7.c.5), Area of Record; Art. 4.B.10.B.7.d.5)b), Excavated Area; Art.
20 4.B.10.B.7.d.5)c), Littoral Zones; Art. 4.B.10.B.7.d.6)b), Excavated Area and Litoral Zones;
21 Art. 4.B.10.B.7.d.7)a), Excavated Areas for Type 3 Excavation; Art. 4.B.10.B.7.e,
22 Maintenance and Monitoring; Art. 4.B.10.B.8.a, Administrative Waiver from Construction
23 Criteria for Agricultural, WCAA, Type 2 and Type 3 Excavations; Art. 4.B.10.B.8.b.1),
24 Violations; Art. 4.B.10.B.8.f, Use of Collected Monies; Notice of Intent to Construct in Art. Art.
25 4.B.10.B.6, Art. 4.B.10.C.1.h; Art. 4.B.10.C.1.i.6); and, Art. 4.B.10.C.5.g.6); Art. 4.B.10.C.1.c,
26 Maximum Depth, Art. 4.B.10.C.4.e, Depth, and, Art. 4.B.10.C.5.e, Depth, [Ord. 2011-016]

27
28 10. The Executive Director of PZB or designee shall have the authority to make interpretations of
29 the following provisions found in Art. 4.B.10, Excavation Uses in consultation with the Director
30 of ERM and the County Engineer as appropriate: Art. 4.B.10.B.4.a, Prohibitions; Art.
31 4.B.10.B.4.b.12), De Minimis Impact; Art. 4.B.10.B.4.b.14), Excavation by Public Agencies;
32 Art. 4.B.10.B.6.e, Written Approval, Art. 4.B.10.B.7.b.2), Slopes except for Art.
33 4.B.10.B.7.b.2)c), Drainage; Art. 4.B.10.B.7.d.1), General; Art. 4.B.10.B.7.d.2), Guarantees
34 Required; Art. 4.B.10.B.7.d.4), Form of Guarantee; Art. 4.B.10.B.7.d.6), Submittal and
35 Approval of Guarantee; Art. 4.B.10.B.7.d.7), Duration and Release; Art. 4.B.10.B.7.d.8), PBC
36 Use of Guarantee; and, Art. 4.B.10.B.8.c, Enforcement.

37
38
39 Part 2. ULDC Art. 1.C.1.A.2.x, Use Type [Related to Rules of Construction] (page 8 of 119), is
40 hereby amended as follows:

41 CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

42 Section 1 Rules of Construction

43 A. General

44 2. Interpretation and Application

45 The interpretation and application of any provision in this Code shall be the minimum required
46 to promote the public health, safety, comfort, convenience and general welfare. Where
47 interpretation and application of any provision in this Code imposes greater restrictions upon
48 the subject matter than a general provision imposed by the Plan or other provision in this
49 Code, the provision imposing the greater restriction shall control.

50 x. Use Type Use of the term "use type" shall refer to the general classification of uses
51 indicated in Table 4.A.3.A, Use Matrix, Table 3.E.1.B, PDD Use Matrix, and Table
52 3.F.1.F, Traditional Development Permitted Use Schedule. Uses listed in Table 4.A.3.A,
53 Use Matrix, and Table 3.E.1.B, PDD Use Matrix, shall be considered distinct and
54 separate uses from one another, unless otherwise stated.

55 [Renumber Accordingly]

56
57
58 Part 3. ULDC Art. 1.F.2,D, Nonconforming Lot (page 20 of 119), is hereby amended as follows:

59 CHAPTER F NONCONFORMITIES

60 Section 2 Nonconforming Lot

Notes:
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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

D. Accessory Dwelling Quarters

Accessory dwelling Quarters on non-conforming lots with a RR FLU designation that are equal to or less than 1.5 acres may utilize a 25-foot side or rear setback, subject to the following where the setback is less than the setback required for the SFD unit: [Ord. 2006-004] [Ord. 2010-005]

- 1. A minimum five-foot high continuous solid opaque visual screen consisting of a hedge, fence or wall, shall be installed and maintained along the property line adjacent to the length of the aAccessory dwelling Quarters. [Ord. 2006-004] [Ord. 2010-005]
- 2. Ingress/egress to the aAccessory dwelling Quarters shall not be oriented towards the adjoining property. [Ord. 2006-004] [Ord. 2010-005]

Part 4. ULDC Art. 1.F.4.D.2.a, Nonconforming Use (page 23 of 119), is hereby amended as follows:

CHAPTER F NONCONFORMITIES

Section 4 Nonconforming Use

D. Expansion

2. Minor Nonconforming Use

- a. The expansion shall not exceed ten percent of the approved floor area of the structure or ten percent of the improvement value of the structures on site, whichever is less; or any other form of measure of intensity/density for the specific use such as but not limited to: beds for congregate living facilities; decks for restaurants; number of children for daycares; number of fueling stations or gas pumps for convenience store with gas sales Retail Gas and Fuel Sales or other traffic intensity measures. [Ord. 2010-005]

Part 5. ULDC Art. 1.I, Definitions and Acronyms (page 31-35, 37-40, 42-44, 46-52, 54-59, 63-65, 69-70, 72, 74-77, 80-84, 93, 105, 107, 108, 109, 112, and, 114 of 119), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced in this Article shall have the following meanings:

~~12. Accessory Dwelling — an accessory dwelling unit located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.~~

~~25. Adult Entertainment Definitions — for the purposes of Art. 4.B.1.A.2. [Ord. 2009-040]~~

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

~~b. Adult Bookstore/Adult Video Store — An establishment which sells, offers for sale, or rents adult material for commercial gain and which meets either of the following two criteria: [Ord. 2005-051] [Ord. 2009-040]~~

~~1) More than 30 percent of the gross public floor area is devoted to adult material; or [Ord. 2005-051] [Ord. 2009-040]~~

~~2) More than 30 percent of the stock in trade consists of adult material. [Ord. 2005-051] [Ord. 2009-040]~~

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

~~d. Adult Dancing Establishment — an establishment selling, serving or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing. [Ord. 2009-040]~~

~~e. Adult Entertainment —~~

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

- 1 ~~1) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or~~
- 2 ~~adult dancing establishment; or any establishment or business operated for~~
- 3 ~~commercial gain where any employee, operator or owner exposes his/her specified~~
- 4 ~~anatomical area for viewing by patrons, including but not limited to: massage~~
- 5 ~~establishments whether or not licensed pursuant to F.S. Chapter 480, tanning salon,~~
- 6 ~~modeling studio, or lingerie studio. [Ord. 2009-040]~~
- 7 ~~2) Excluded from this definition are any educational institutions where the exposure of~~
- 8 ~~the specified anatomical area is associated with a curriculum or program. [Ord.~~
- 9 ~~2009-040]~~
- 10 ~~3) An establishment that possesses an adult entertainment license is presumed to be~~
- 11 ~~an adult entertainment establishment. [Ord. 2009-040]~~
- 12 ~~f. Adult Entertainment Establishment — any adult arcade, adult theater, adult~~
- 13 ~~bookstore/adult video store, adult motel, or adult dancing establishment; or any~~
- 14 ~~establishment or business operated for commercial gain where any employee, operator~~
- 15 ~~or owner exposes his/her specified anatomical area for viewing by patrons, including but~~
- 16 ~~not limited to: massage establishments whether or not licensed pursuant to F.S. §480,~~
- 17 ~~tanning salon, modeling studio, or lingerie studio. [Ord. 2009-040]~~
- 18 ~~g. Adult Material — any one or more of the following, regardless of whether it is new or~~
- 19 ~~used: [Ord. 2009-040]~~
- 20 ~~1) Books, magazines, periodicals or other printed matter; photographs, films, motion~~
- 21 ~~pictures, video cassettes, slides, or other visual representations; recordings, other~~
- 22 ~~audio matter; and novelties or devices; which have as their primary or dominant~~
- 23 ~~theme subject matter depicting, exhibiting, illustrating, describing or relating to~~
- 24 ~~specified sexual activities or specified anatomical areas; or; [Ord. 2009-040]~~
- 25 ~~2) Instruments, novelties, devices, or paraphernalia which are designed for use in~~
- 26 ~~connection with specified sexual activities. [Ord. 2009-040]~~
- 27 ~~h. Adult Motel — a hotel, motel or similar commercial establishment which offers~~
- 28 ~~accommodations to the public for any form of consideration; provides patrons with~~
- 29 ~~closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or~~
- 30 ~~other photographic reproductions which are characterized by the depiction or description~~
- 31 ~~of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from~~
- 32 ~~the public streets which advertises the availability of this adult type of photographic~~
- 33 ~~reproductions. [Ord. 2009-040]~~
- 34 ~~i. Adult Theater — an establishment operated for commercial gain which consists of an~~
- 35 ~~enclosed building, or a portion or part thereof or an open air area used for viewing of~~
- 36 ~~adult material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture~~
- 37 ~~theater" are included within the definition of "adult theater". An establishment which has~~
- 38 ~~"adult booths" is considered to be an "adult theater". [Ord. 2009-040]~~
- 39 ~~j. Commercial Gain — operated for pecuniary gain, which shall be presumed for any~~
- 40 ~~establishment which has received a business tax receipt. For the purpose of this Code,~~
- 41 ~~commercial or pecuniary gain shall not depend on actual profit or loss. [Ord. 2007-013]~~
- 42 ~~[Ord. 2009-040]~~
- 43 ~~k. Educational Institution — premises or site within a municipality or within the~~
- 44 ~~unincorporated area of PBC upon which there is a governmentally licensed child care~~
- 45 ~~facility for six or more children or elementary or secondary (K-12) school, attended in~~
- 46 ~~whole or in part by persons under 18 years of age. [Ord. 2009-040]~~
- 47 ~~l. Employee — Any person who works, performs, or exposes his/her specified anatomical~~
- 48 ~~areas in an establishment, irrespective of whether said person is paid a salary or wages~~
- 49 ~~by the owner or manager of the business, establishment, or premises. "Employee" shall~~
- 50 ~~include any person who pays any form of consideration to an owner or manager of an~~
- 51 ~~establishment, for the privilege to work performing or exposing his/her specified~~
- 52 ~~anatomical areas within the establishment. [Ord. 2009-040]~~
- 53 ~~m. Person — includes an individual(s), firm(s), association(s), joint ventures(s),~~
- 54 ~~partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies),~~
- 55 ~~corporation(s), and all other or any other similar entity. [Ord. 2009-040]~~
- 56 ~~n. Religious Activities — any daily, weekly, or periodic activity associated with or that~~
- 57 ~~occurs at a religious institution. [Ord. 2009-040]~~
- 58 ~~o. Religious Institution — a premises or site which is used primarily or exclusively for~~
- 59 ~~religious worship and related religious ecclesiastical or denominational organization or~~
- 60 ~~established place of worship, retreat, site, camp or similar facilities owned or operated by~~
- 61 ~~a bona fide religious group for religious activities shall be considered a religious~~
- 62 ~~institution. [Ord. 2009-040]~~
- 63 ~~p. Residential Zoning District — Includes the following zoning districts which have not been~~
- 64 ~~designated in the comprehensive plan as commercial or industrial: [Ord. 2009-040]~~
- 65 ~~1) RE Residential Estate. [Ord. 2009-040]~~
- 66 ~~2) RT Residential Transitional. [Ord. 2009-040]~~
- 67 ~~3) RS Single Family Residential. [Ord. 2009-040]~~

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

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- ~~4) RM Multiple Family Residential (Medium Density). [Ord. 2009-040]~~
- ~~5) TND Traditional Neighborhood Development. [Ord. 2009-040]~~
- ~~6) PUD Planned Unit Development. [Ord. 2009-040]~~
- ~~q. **Specified Anatomical Areas**— less than completely and opaquely covered: [Ord. 2009-040]~~
 - ~~1) Human genitals and pubic region; or [Ord. 2009-040]~~
 - ~~2) the opening between the human buttocks, i.e., the anal cleft; [Ord. 2009-040]~~
 - ~~3) that portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or [Ord. 2009-040]~~
 - ~~4) human male genitals in a discernibly turgid state, even if completely and opaquely covered. [Ord. 2009-040]~~
- ~~r. **Specified Sexual Activities**—~~
 - ~~1) Human genitals in a state of sexual stimulations, arousal, or tumescence; [Ord. 2009-040]~~
 - ~~2) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; [Ord. 2009-040]~~
 - ~~3) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or [Ord. 2009-040]~~
 - ~~4) excretory functions as part of or in connection with any of the activities set forth in subsections of Art. 4.B.1.A.2.b.17)–18), Specified Anatomical Areas and Specified Sexual Activities. [Ord. 2009-040]~~
- ~~....~~
- ~~40. **Agricultural Excavation**— approval process for agricultural excavation is administered by ERM and PZB. Agricultural excavation in the WCAA are administered by ERM. Application procedures and requirements are in Art. 4.D.5.A, Agricultural Excavations.~~
- ~~41. **Agriculture, Bona Fide**— any plot of land where the principal use consists of the growing, cultivating and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the production of animal products such as eggs, honey or dairy products; or the raising of plant material. [Ord. 2009-040] [Ord. 2013-021]~~
- ~~....~~
- ~~43. **Agriculture, Light Manufacturing** - an accessory agricultural use for the manufacturing of products related to agricultural operations, such as fencing, pallets, crates, or containers. Product components are predominantly assembled from previously prepared materials or finished parts. Manufacturing includes processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage and distribution, but excludes heavy industrial processing or manufacturing.~~
- ~~44. **Agriculture, Packing Plant** — A facility used for the packing of produce not necessarily grown on site. Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. [Ord. 2005-002] [Ord. 2012-027]~~
- ~~45. **Agriculture, Research and Development** - the use of land or buildings for agriculture research and the cultivation of new agricultural products.~~
- ~~46. **Agriculture, Sales and Service**— an establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, and farm supplies.~~
- ~~47. **Agriculture, Storage**— the storage of equipment or products accessory or incidental to a principal agriculture use.~~
- ~~48. **Agriculture, Transshipment** — a facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.~~
- ~~49. **Agriculture Marketplace** – A use that is accessory, incidental and subordinate, to a bona-fide agricultural use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the bona-fide agricultural use, adding economic viability to farming operations. [Ord. 2012-027]~~
- ~~50. **Air Curtain Incinerator**— a combustion device used to burn trees and brush.~~
- ~~....~~
- ~~59. **Airport, Landing Strip or Helipad**—any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft.~~
- ~~....~~

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~~68. **Ambulatory Surgical Center** - An establishment primarily providing elective surgical care, in which the patient is admitted to and discharged within the same working day and is not permitted to stay overnight; and which is not part of a hospital.~~

....

~~71. **Antenna** — a transmitting and/or receiving device used for AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communications. This excludes amateur radio antennas and satellite dishes. [Relocated to Art. 5.B.1.A.12, Communication Antennas]~~

....

~~89. **Arena, Auditorium or Stadium**— for the purposes of Art. 4, an open, partially or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, large conference centers, sports arenas, jai alai frontons, amphitheaters and racetracks.~~

....

~~95. **Asphalt or Concrete Plant** — an establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.~~

....

~~96. **Assembly, Nonprofit Institutional**— a site or facility open to the public, owned or operated by a not-for-profit organization for social, educational or recreational purposes. Typical uses include museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, and employment services.~~

~~97. **Assembly, Nonprofit Membership**— a site or facility owned or operated by a not-for-profit organization for social, education or recreational purposes where paid membership is required. Typical uses include fraternal or cultural organizations and union halls.~~

....

~~102. **Auction** — for the purposes of Art. 4, an establishment engaged in the sale of merchandise to the highest bidder in an enclosed building or outdoor [Ord. 2009-040]~~

~~a. **Auction, Enclosed** — an auction with all of the activity, display and sale of merchandise occurring within an enclosed building. [Ord. 2009-040]~~

~~b. **Auction, Outdoor** — an auction with all or a portion of the activity, display and sale of merchandise occurring outdoors. [Ord. 2009-040]~~

....

~~104. **Automated Teller Machines, Freestanding** — a freestanding structure containing ATMs operated by one or more financial institutions, remotely located from a fully staffed branch of the same financial institution. [Ord. 2013-021]~~

~~105. **Auto Paint and Body Shop** — an establishment engaged in the painting of motor vehicles or performance of major external repairs of a non-mechanical nature.~~

~~106. **Auto Service Station** — an establishment primarily engaged in the retail sale of gasoline or motor fuels, including accessory activities such as the sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the sale of convenience food items, or an accessory restaurant. [Ord. 2011-016]~~

....

~~108. **Aviculture** — the raising and care of birds in captivity.~~

....

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

....

~~14. **Bed and Breakfast** — an owner-occupied single family dwelling that offers lodging and breakfast only to paying guests.~~

....

~~43. **Bona Fide Agriculture** — see Agriculture, Bona Fide.~~

....

~~49. **Broadcast Studio** — an establishment primarily engaged in broadcasting visual or aural programs by radio or television to the public including cable and other television services. May also produce taped television or radio program materials. Included are commercial, religious, educational, and entertainment based television and radio stations.~~

....

~~67. **Building Supplies**—~~

~~a. **Retail**— an establishment engaged in the retail sale of building supplies and home improvement products.~~

~~b. **Wholesale**— an establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.~~

....

~~75. **Butcher Shop, Wholesale** — an establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.~~

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

~~1. **Camouflage Tower** – a tower or structure, which is incorporated into and is compatible with existing or proposed uses on site (i.e., antenna incorporated into site lighting at a park or incorporated into an electrical distribution center). [Relocated to Art. 4.B.9.C.2.a, Definition]~~

~~2. **Campground** – a parcel of land used for a temporary camping and recreational uses and not as permanent living quarters. May be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground, free of enclosed walls.~~

....
~~17. **Car Wash** – a permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.~~

....
~~20. **Catering Service** – an establishment where food and beverages are prepared and delivered for consumption off the premises. A catering service may also provide personnel, serving equipment, and decorations.~~

~~21. **Cemetery** – land used or intended to be used for human or animal interment. A cemetery may include an office, chapel, mausoleum, or columbarium. [Ord. 2013-001]~~

....
~~23. **Chapel** - For the purposes of Art. 4, Use Regulations, means a use other than a Place of Worship, for religious fellowship, prayer or worship as an accessory use to a non-religious institution or use, such as a College or University, Hospital, Prison, Funeral Home, Airport, and Cemetery.~~

[Renumber accordingly]

~~40. **College or University** – an institution of higher learning offering undergraduate or graduate degrees, and including the buildings required for educational or support services, such as classrooms, laboratories, dormitories and the like.~~

....
~~49. **Communication Tower, Commercial** – for the purposes of Art. 4.C, any tower whose principal use is to facilitate transmissions for AM/FM radio, television, microwave, cellular, digital, personal communication services, enhanced specialized radio, and related communication services. Towers located on school sites and utilized for educational purposes only, pursuant to F.S. Chapter 1013.18, shall not be considered commercial communication towers.~~

~~50. **Communication Tower, Monopole** – see Monopole tower.~~

....
~~52. **Community Vegetable Garden** – a plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.~~

....
~~62. **Composting Facility** – a facility designed and used for transforming food, yard waste and other organic material into soil or fertilizer through biological decomposition. This use does not include backyard composting bins serving individual families.~~

....
~~86. **Congregate Living Facility** – this term includes assisted living facilities; extended congregate care facilities; transitional living facilities; community residential homes; community transitional residences; rehabilitative home care services; boarding home, or home for the aged or any other residential structure, whether or not operated for profit, which undertakes for a period exceeding 24 hours: care, housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, this term shall include other residential uses such as dormitories, group homes with a central dining facility, and similar bed-based uses.~~

....
~~92. **Construction and Demolition Debris** – for the purposes of Article 4.B.5.C.10, Recycling Plant, Construction and Demolition Debris means discarded solid materials that are not water soluble and not hazardous, including, but not limited to: steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, lumber. It also includes rocks and soils from construction, renovation or demolition of a structure or a site; and, trees or vegetative material from land clearing.~~

[Renumber accordingly]

~~97. **Contractor Storage Yard** – a lot used for the storage of construction material, equipment, or three or more commercial vehicles used by building trades and services, other than construction sites.~~

....
~~101. **Convenience Store** – an establishment engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption. [Ord. 2011-016]~~

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~~102. Convenience Store with Gas Sales — an establishment engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption, and includes retail sales of motor fuels to the general public. [Ord. 2011-016]~~

~~....
113. Crematory — a facility used for the incineration of human or animal remains, excluding activities related to funeral homes. [Ord. 2013-004]~~

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

~~....
3. Data and Information Processing — the use of an establishment for business offices of an industrial nature, including corporate centers, mail processing and telemarketing centers. Such uses are not frequented by the general public.~~

~~4. Day Camp — an establishment which provides care, protection and programmed activities for children five years of age and older for a period of less than 24 hours per day. This use shall not operate as a day care as defined and regulated by the Department of Children and Family Services.~~

~~5. Day Care — An establishment that provides care, protection and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA), as specified below: [Ord. 2011-016]~~

~~a. General — A Day Care for 21 or more children or adults for a period of less than 24 hours per day on a regular basis. [Ord. 2011-016]~~

~~b. Limited — A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. Limited day care does not include nighttime or overnight care. [Ord. 2011-016]~~

~~c. Family Day Care Home — An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, shall be permitted by right in Residential Zoning districts, in accordance with F.S. § 125.0109, and exempt from any standards other than those applicable to residential uses. [Ord. 2011-016]~~

~~d. Large Family Child Care Home (LFCCH) — An occupied single family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two full time child care personnel on the premises during the hours of operation. One of the full time child care personnel must be the owner or occupant of the residence. [Ord. 2011-016]~~

~~6. Day Labor — an establishment engaged in providing temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades.~~

~~....
33. Development Permit - includes any building permits, zoning permits such as Rezoning, Conditional/Requested Uses, Development Order Amendments, DRO/Administrative approvals, Special Permits, Deviations, Waivers, Variances, Subdivisions or any other official action of PBC having the effect of permitting the development of land or the specific use of land. [Ord. 2010-022]~~

~~....
43. Dispatching Office — an establishment providing services off site to households and businesses using land-based communication. Typical uses include janitorial services, pest control services, taxi, limousine, and ambulance services.~~

~~....
50. Dog Daycare — an establishment which provides daytime care and training for domestic dogs.~~

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

~~....
12. Electric Power Facilities — Any electric generating facility that uses any process or fuel and includes any associated facility that directly supports the operation of the electrical power facility. [Ord. 2006-004] [2009-040] [Ord. 2010-005]~~

~~13. Electric Transmission Facility — Mechanical equipment associated with electric transmission networks, including transmission voltage facilities or switching substations, and electrical distribution substations that exceed the standards of Art 4.B.1.A.134.a.1), Residential Districts and 2) Non-residential Districts. [Ord. 2006-004]~~

~~....
24. Entertainment, Indoor — An establishment offering games of skill to the general public for a fee or charge and wholly enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades. An internet cafe shall not be considered an indoor entertainment use. [Ord. 2005-002] [Ord. 2012-007]~~

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
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~~25. **Entertainment, Outdoor**—An establishment offering entertainment or games of skill to the general public where any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses include archery ranges, athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing. [Ord. 2005-002]~~

....
~~32. **Equestrian Arena, Commercial**— an establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes.~~

33. **Equestrian Use** – use of land for boarding, breeding, training, riding, showing or raising horses, ponies, mules or donkeys.

34. **Equestrian Waste** – for the purposes of Equestrian Waste Management Facility, waste composed of the excreta of horses and residual organic materials that have been used for bedding, sanitary, or feeding purposes for horses.

....
~~36. **Estate Kitchen**—an accessory use which is physically integrated with the main residence.~~

....
38. **Excavate or Excavation** - For the purposes of Art. 4.B.10, the extraction of minerals from the earth necessary to (1) construct a ~~s~~Single ~~f~~Family dwelling; or (2) support bona-fide agricultural production operations; or (3) to implement a final site development plan; or (4) any act wherein the earth is cut into, dug, quarried, uncovered, removed, displaced, or deliberately disturbed to create a temporary or permanent body of water, including the conditions resulting there from. Excavation excludes agricultural plowing, site grading, dry retention/detention, demucking and canal dredging in preparation for construction.

39. **Excavation**— For the purposes of Art. 14.A, displacement of soil or sand by the processes not limited to digging, dredging, scooping, or hollowing out.

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

....
~~3. **Farm Residence**— a dwelling unit, other than a mobile home, located on a parcel of land used for a bona fide agricultural use and occupied by the owner or operator of the farm operation.~~

~~4. **Farm Workers Quarters**— one or more residential structures occupied by farm workers who provide labor in conjunction with agricultural operations.~~

~~5. **Farmers Market**— an establishment for the wholesale sale of farm produce.~~

~~6. **Farrier**— one that shoes horses. May be accessory to a blacksmith, farm, equestrian facility, or is mobile and shoes the horses on site.~~

....
~~15. **Film Production Studio**— the use of a lot or building for the production of films or videotapes for exhibition or sale.~~

....
~~17. **Financial Institution**— an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines and drive-thru only facilities. [Ord. 2013-021]~~

....
~~22. **Fitness Center**— an enclosed building or structure containing multi-use facilities for conducting recreational activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. This use also includes dance studios and karate schools. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting, food service, and the serving of alcoholic beverages consumed on the premises.~~

....
~~29. **Flea Market, Enclosed**— for the purposes of Art. 4.B, a retail sales within a building permanently enclosed by walls and roof in which floor space is rented to individual merchants to display and sell goods.~~

~~30. **Flea Market, Open**— for the purposes of Art. 4.B, an outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.~~

....
~~63. **Funeral Home**— an establishment which arranges and manages funerals and prepares human or animal remains for interment, excluding cremation. [Ord. 2013-001]~~

G. **Terms defined herein or referenced in this Article shall have the following meanings:**

....
~~2. **Garage Sale**— the sale of household articles by the occupants of a dwelling unit.~~

~~3. **Garden Trash**— waste consisting or accumulation of leaves, grass, shrubbery, vines and trees, or parts thereof.~~

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ARTICLE 1, GENERAL PROVISIONS
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- 1 ~~4. **Gas and Fuel, Retail** — an establishment engaged in the sale of motor fuels to the general~~
- 2 ~~public. [Ord. 2011-016]~~
- 3 ~~5. **Gas and Fuel, Wholesale** — the use of land for bulk storage and wholesale distribution of~~
- 4 ~~2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of~~
- 5 ~~flammable gas, excluding below ground storage which is clearly accessory to the principal~~
- 6 ~~use on the site.~~
- 7
- 8 ~~11. **Golf Course** — a facility providing a golf recreation area designed for executive or regulation~~
- 9 ~~play along with accessory support facilities, excluding miniature golf.~~
- 10
- 11 ~~13. **Government Services** — buildings or facilities owned or operated by a government entity and~~
- 12 ~~providing services for the public, excluding utility and recreational services. Typical uses~~
- 13 ~~include administrative offices for government agencies, public libraries, police, and fire~~
- 14 ~~stations, and homeless resource centers. [Ord. 2009-040] [Relocated to Typical Uses~~
- 15 ~~below]~~
- 16
- 17 ~~19. **Green Market** — a temporary gathering of vendors for the purpose of selling fresh~~
- 18 ~~unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and~~
- 19 ~~prepared food on a retail basis.~~
- 20
- 21 ~~35. **Guest Cottage** — accessory sleeping quarters provided for non-paying guests by the~~
- 22 ~~occupant of a single family or ZLL dwelling unit.~~
- 23 ~~36. **Gun Club, Enclosed** — an open or enclosed facility used for the discharge of firearms or~~
- 24 ~~projectiles at targets. [Ord. 2014-025]~~
- 25 ~~37. **Guyed Tower** — a structure that is supported either partially or completely by guy wires and~~
- 26 ~~ground anchors. [Relocated to Art. 4.B.9.C.5.a, Definition]~~
- 27
- 28 **H. Terms defined herein or referenced in this Article shall have the following meanings:**
- 29
- 30 ~~10. **Heavy Industry** — an establishment engaged in the basic processing and manufacturing of~~
- 31 ~~materials or products predominately from extracted or raw materials, or a use engaged in~~
- 32 ~~storage of, or manufacturing processes utilizing flammable, hazardous, or explosive~~
- 33 ~~materials, or processes which potentially involve hazardous or commonly recognized~~
- 34 ~~offensive conditions. Typical uses include manufacturing and warehousing of chemicals, dry~~
- 35 ~~ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials;~~
- 36 ~~fat rendering plants; slaughterhouses and tanneries; steel works; and petroleum refineries.~~
- 37
- 38 ~~23. **Home Occupation** — a business, profession, occupation, trade, artisan, or handcraft~~
- 39 ~~conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation~~
- 40 ~~shall not include those businesses which are required by State of Florida agencies to be open~~
- 41 ~~to the public. [Ord. 2009-040]~~
- 42
- 43 ~~25. **Homeless Resource Center** — A facility that provides multiple services for the homeless~~
- 44 ~~population. Typical services include: counseling, kitchen and dining facilities, medical and~~
- 45 ~~dental outpatient facilities, temporary housing, intake, social services, employment services,~~
- 46 ~~and administrative offices. [Ord. 2009-040]~~
- 47
- 48 ~~28. **Hospital or Medical Center** — a facility licensed by the State of Florida which maintains and~~
- 49 ~~operates organized facilities for medical or surgical diagnosis, overnight and outpatient care,~~
- 50 ~~and treatment of human illness. A hospital is distinguished from a medical center by the~~
- 51 ~~provision of overnight care.~~
- 52 ~~29. **Hotel or Motel** — an establishment requiring a license by the State of Florida used,~~
- 53 ~~maintained or advertised as a place where furnished sleeping accommodations are supplied~~
- 54 ~~for short term rent to guests or tenants. Typical uses include hotels, motels, single room~~
- 55 ~~occupancy (SROs) and rooming and boarding houses.~~
- 56
- 57 **K. Terms defined herein or referenced Article shall have the following meanings:**
- 58
- 59 ~~2. **Kenel, Commercial**— Type II: a commercial establishment, including any building or land,~~
- 60 ~~used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g.~~
- 61 ~~dogs and cats), not necessarily owned by the occupants of the premises, for profit. ; and,~~
- 62 ~~Type III: A commercial establishment operated entirely within an enclosed building used for~~
- 63 ~~the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by~~
- 64 ~~the occupants of the premises, for profit. [Ord. 2006-036]~~
- 65 ~~3. **Kenel, Type I (Private)** — any building or land used, designed or arranged to facilitate the~~
- 66 ~~non-commercial care of domestic animals, such as dogs and cats (excluding horses or~~
- 67 ~~livestock), owned by the occupants of the premises. [Ord. 2006-036] [Ord. 2013-001]~~

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EXHIBIT A

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~~4. **Kiosk** – a freestanding outdoor unmanned structure which offers products for sale.~~

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

~~2. **Laboratory, Industrial Research** – an establishment engaged in industrial, scientific or medical research, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.~~

....
~~17. **Landscape Service** – an establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.~~

....
~~23. **Laundry Service** – for the purposes of Art. 4, an establishment that provides washing, drying, dry-cleaning, or ironing machines for hire to be used by customers on the premises, or that is engaged in providing laundry and dry-cleaning services with customer drop-off and pick-up.~~

....
~~71. **Lounge, Cocktail** – for the purposes of Art. 4, a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, nightclubs, and similar uses other than restaurants or alcohol sales for off-premises consumption. A cocktail lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.~~

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

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

....
11. **Manufactured Building**

a. ~~A~~ closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured with or without other specified components, as a finished building or as part of a finished building, constructed in conformance with and certified pursuant to the requirements of Chapter 553, Florida Statutes, as may be amended, which shall include, but not be limited to, Residential Manufactured Buildings (aka Modular Homes), commercial, institutional, storage, and industrial structures. ~~is used as a dwelling unit or residence or office.~~ This definition does not apply to mobile homes. ~~Manufactured building may also mean, at the option of the manufacturer, any dwelling unit or residence of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.~~

b. For the purposes of Articles 3 and 4, a Residential Manufactured Building (aka Modular Home) may also be considered a Mobile Home, where required by F.S. 553.382, Placement of Certain Housing. **[Ord. 2012-027]**

....
~~14. **Manufacturing and Processing** - for the purposes of Art. 4.B, an establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing and food processing.~~

....
~~18. **Marine Facility** – a commercial facility related to boating. Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels. Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. **[Ord. 2009-040]**~~

....
~~32. **Medical or Dental Office** – an establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropedists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office. **[Ord. 2010-009]**~~

~~33. **Medical or Dental Laboratory** – a facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.~~

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-
- 46. **Mobile Home**
 - a. **Structure** - A detached, transportable ~~single family dwelling unit structure~~, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy ~~as a complete dwelling unit~~ and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.
 - ~~47b. Mobile Home Dwelling - for the purposes of Art. 3 or Art. 4, the use of a residential lot or a unit for one mobile home or manufactured home. [Ord. 2012-027]~~
 - ~~47. Mobile Home Dwelling - for the purposes of Art. 3 or Art. 4, the use of a lot or a unit for one mobile home or manufactured home. [Ord. 2012-027]~~
 - 48. **Mobile Home Subdivision -**
 - a. ~~For the purposes of Art. 4, a subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Art. 11, Subdivision, Platting and Required Improvements.~~
 - b. For the purposes of Art. 11, a subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Art. 11, Subdivision, Platting and Required Improvements.
- [Renumber Accordingly]
- ~~50. Monopole Tower - for the purposes of Art. 4, a structure that consists of a single pole supported by a permanent foundation. [Relocated to Art. 4.B.9.C.3.a, Definition]~~
- ~~51. Monument Sales, Retail - for the purposes of Art. 4, an establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, gargoyles and ledges, for placement on graves, including indoor or outdoor storage.~~
-
- ~~55. Multi-Family - the use of a structure designed for two or more dwelling units which are attached, or the use of a lot for two or more dwelling units excluding mobile homes. Typical uses include apartments and residential condominiums. Multi-family uses are also subject standards in Art. 3, Overlays and Zoning Districts.~~
-
- N. **Terms defined herein or referenced Article shall have the following meanings:**
-
- ~~47. Nursery, Retail - for the purposes of Art. 4, the cultivation and retail sale of horticultural specialties such as flowers, shrubs, sod, and trees intended for ornamental or landscaping purposes.~~
- ~~48. Nursery, Wholesale - for the purposes of Art. 4, the cultivation and wholesale of horticultural specialties such as flowers, shrubs, sod, and trees intended for ornamental or landscaping purposes.~~
- ~~49. Nursing or Convalescent Facility - for the purposes of Art. 4, an establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.~~
-
- O. **Terms defined herein or referenced Article shall have the following meanings:**
-
- ~~8. Office, Business or Professional - for the purposes of Art. 4, an establishment providing executive, management, administrative, or professional services, but not involving medical or dental services or the sale of merchandise, except as an incidental use. Typical uses include property and financial management firms, employment agencies (other than day labor), travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations.~~
-
- ~~23. Outdoor Activity - for the purposes of Art. 5, Supplemental Use Standards, any functional operation associated with a use listed in Art. 4, Use Regulations, that takes place outside of an enclosed building. The term excludes Outdoor Storage and the loading or unloading of trucks at loading bays or docks.~~
- [Renumber Accordingly]
- P. **Terms defined herein or referenced Article shall have the following meanings:**
-
- ~~10. Park, Neighborhood Infill - for the purposes of Art. 4, facilities usually less than two and one half acres located in the Revitalization and Redevelopment Overlay as designated by the BCC or in any residential neighborhood. Infill neighborhood parks include passive and active~~

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~~recreational facilities, are generally few in number due to size constraints and are developed according to the demands and character of the specific neighborhoods that they serve. Access is primarily pedestrian oriented with no support facilities such as parking lots or restrooms provided.~~

....
~~12. **Park, Passive**— for the purposes of Art. 4, a public or private outdoor recreation area relying on a natural or man-made resource base and developed with a low intensity of impact on the land. Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relate to the natural qualities of the area, and support facilities for such activities.~~

....
~~14. **Park, Public**— for the purposes of Art. 4, a publicly owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.~~

....
17. **Parking Garage/Structure**

- a. ~~for the purposes of Art. 4, a building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use; [Ord. 2010-022]~~
- b. a building or structure that provides parking for motor vehicles as an accessory use to a principal use. [Ord. 2010-022]

....
~~19. **Parking Lot, Commercial**— for the purposes of Art. 4, a lot used for temporary parking or storage for motor vehicles as a principal use for a fee.~~

....
~~29. **Pawnshop**— for the purposes of Art. 4, the location at which a pawnbroker, as defined in F.S. §539.001(2)(i), does business. Consignment activities are excluded from this definition.~~

....
~~41. **Personal Services**— for the purposes of Art. 4, an establishment engaged in the provision of frequently or recurrently services of a personal nature: or the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Typical uses include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons.~~

....
~~45. **Places of Assembly** - Includes Nonprofit Institutional Assembly, Nonprofit Membership Assembly, and Places of Worship. [Ord. 2006-004]~~

~~46. **Place of Worship** —A sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that may require additional approval, such as a day care, school, cemetery, or CLF. [Ord. 2006-004]~~

....
~~70. **Potting Soil Manufacturing**— for the purposes of Art. 4, an establishment engaged in producing potting soil, including the use of incineration.~~

....
~~84. **Printing and Copying Services**— for the purposes of Art. 4, an establishment engaged in retail photocopy, reproduction, or blueprinting services.~~

....
~~90. **Produce Stand**— for the purposes of Art. 4, an establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products, such as jelly, jam, honey and juice. The sale of grocery or convenience type foods or products shall not be permitted.~~

....
93. **Project Boundary** – For the purpose of Art. 4.B.1.A.106-2, Renewable Energy *Wind* Facility, *Wind* shall mean the limits of the approval for a *Wind*-Energy *Wind* Facility located on multiple parcels, whether owned by the Wind Energy Facility operator or by leases with individual property owners, where the limits of the approval may be used for purposes of determining setbacks in lieu of internal property lines. [Ord. 2011-016]

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

....
~~4. **Real Estate Sales Model, Non-PDD**— for the purposes of Art. 4, a single family residential unit used for real estate marketing, real estate sales, builder’s office, and other services directly associated with the sale of a residential unit and limited to the areas referenced below. In a real estate sales model, sales shall be limited to new units built by the company operating the sales model.~~

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- 1 ~~13. **Recycling Center** for the purposes Art. 4, a permanent facility designed and used for~~
- 2 ~~collecting, purchasing, storing, dropping-off and redistributing of pre-sorted, recyclable~~
- 3 ~~materials that are not intended for disposal. A recycling center shall be used for limited~~
- 4 ~~processing of recyclable materials, such as can and glass crushing and sorting. [Ord. 2013-~~
- 5 ~~001]~~
- 6 ~~14. **Recycling Drop-Off Bin** for the purposes of Art. 4, a totally enclosed mobile structure or~~
- 7 ~~container within which the following pre-sorted, recyclable materials are collected: glass,~~
- 8 ~~aluminum, steel and plastic containers no greater than six gallons in capacity, and paper.~~
- 9 ~~[Ord. 2013-001]~~
- 10 ~~15. **Recycling Plant** for the purposes of Art. 4, a permanent facility designed and used for~~
- 11 ~~receiving, separating, storing, converting, baling or processing of non-hazardous recyclable~~
- 12 ~~materials that are not intended for disposal. The use may include construction debris~~
- 13 ~~recycling or other intensive recycling processes such as chipping and mulching.~~
- 14 ~~....~~
- 15 ~~21. **Renewable Energy Facility, Solar** A facility that uses photovoltaic, thermal or other~~
- 16 ~~systems with a principal use of producing electrical or thermal power from the sun. [Ord.~~
- 17 ~~2009-040]~~
- 18 ~~22. **Renewable Energy Facility, Wind** A facility that uses one or more wind turbines,~~
- 19 ~~Meteorological Towers or other systems with a principal use of producing electrical or~~
- 20 ~~mechanical power from the wind. [Ord. 2010-005] [Ord. 2011-016]~~
- 21 ~~....~~
- 22 ~~25. **Repair and Maintenance, General** for the purposes of Art. 4, an establishment engaged in~~
- 23 ~~the repair and maintenance of motor vehicles or other heavy equipment or machinery,~~
- 24 ~~including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint~~
- 25 ~~and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops,~~
- 26 ~~quick-lube, and muffler shops.~~
- 27 ~~26. **Repair Services, Limited** for the purposes of Art. 4, an establishment engaged in the repair~~
- 28 ~~of personal apparel or household appliances, furniture, and similar items, excluding repair of~~
- 29 ~~motor vehicles. Typical uses include apparel repair and alterations, small appliance repair,~~
- 30 ~~small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and~~
- 31 ~~watch repair, and shoe repair shops.~~
- 32 ~~....~~
- 33 ~~36. **Restaurant, Type I** for the purposes of Art. 4, an establishment equipped to sell food and~~
- 34 ~~beverages in one of the following methods: drive through sales to patrons in automobiles for~~
- 35 ~~take out who place orders through a window or remote transmission device; or sales to~~
- 36 ~~patrons for take out or dining in, that includes three or more of the following: food or~~
- 37 ~~beverage choices are advertised on a menu board; countertop sales where payment is made~~
- 38 ~~prior to consumption; disposable containers and utensils; limited service dining facilities with~~
- 39 ~~no hostess or waiters; and self service or prepackaged condiments. [Ord. 2006-036]~~
- 40 ~~37. **Restaurant, Type II** for the purposes of Art. 4, an establishment with no drive through,~~
- 41 ~~equipped to sell food and beverages, served and consumed primarily on the premises, that~~
- 42 ~~includes three or more of the following: host or hostess assists patrons upon entry; food and~~
- 43 ~~beverage choices are offered from a printed menu provided by wait staff at a table; orders are~~
- 44 ~~taken at the table; food is served on dishes and metal utensils are provided; and, payment is~~
- 45 ~~made after meal consumption. [Ord. 2006-004]~~
- 46 ~~....~~
- 47 ~~39. **Retail Sales, Auto Accessories and Parts** for the purposes of Art. 4, an establishment~~
- 48 ~~providing retail sales of auto accessories and parts.~~
- 49 ~~40. **Retail Sales, General** for the purposes of Art. 4, an establishment providing general retail~~
- 50 ~~sales or rental of goods, but excluding those uses specifically classified as another use type.~~
- 51 ~~Uses include typical retail stores such as clothing stores, bookstores, business machine~~
- 52 ~~sales, food and grocery stores (excluding convenience stores), window tinting, and marine~~
- 53 ~~supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of~~
- 54 ~~bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts.~~
- 55 ~~Retail establishments may include limited repair services for their products. For impact fee~~
- 56 ~~purposes, general retail also includes services such as entertainment, eating and drinking~~
- 57 ~~establishments, and personal services. [Ord. 2011-016]~~
- 58 ~~41. **Retail Sales, Mobile, or Temporary** for the purposes of Art. 4, general retail sales without~~
- 59 ~~a fixed or permanent location.~~
- 60 ~~....~~
- 61 **S. Terms defined herein or referenced Article shall have the following meanings:**
- 62 ~~1. **Salvage or Junk Yard** for the purposes of Art. 4, a lot, land or structure, or part thereof,~~
- 63 ~~used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or~~
- 64 ~~discard material; or for the collecting, dismantling, storage and salvaging of machinery or~~
- 65 ~~vehicles not in running condition; or for the sale of parts thereof.~~
- 66 ~~....~~

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

- 1 ~~5. **Sanitary Landfill or Incinerator** – for the purposes of Art. 4, a facility employing an~~
- 2 ~~engineered method of disposing of solid waste in a manner which minimizes environmental~~
- 3 ~~hazards by spreading solid waste in layers, providing a sand clean fill or similar cover.~~
- 4 ~~....~~
- 5 ~~12. **School, Elementary or Secondary** – for the purposes of Art. 4, an institution of learning,~~
- 6 ~~whether public, private or charter, which conduct regular classes and courses of study~~
- 7 ~~required for accreditation as an elementary or secondary school approved by the Department~~
- 8 ~~of Education.~~
- 9 ~~13. **School, Public**– A use and attendant buildings operated by the PBC School District for~~
- 10 ~~educational or training purposes, as follows:~~
- 11 ~~a. An elementary school;~~
- 12 ~~b. A middle school;~~
- 13 ~~c. A high school;~~
- 14 ~~d. A vocation or technical school.~~
- 15 ~~....~~
- 16 ~~19. **Security or Caretaker Quarters** – for the purposes of Art. 4, an accessory residence used by~~
- 17 ~~a caretaker or security guard actively engaged in providing security, custodial or managerial~~
- 18 ~~services upon the premises.~~
- 19 ~~....~~
- 20 ~~23. **Self Support/Lattice Tower** – for the purposes of Art. 4, a structure that is constructed~~
- 21 ~~without guy wires or ground anchors.~~
- 22 ~~....~~
- 23 ~~37. **Shade House** – for the purposes of Art. 4, a temporary screen enclosure used to protect~~
- 24 ~~plants from insects, heat and exposure to the sun.~~
- 25 ~~....~~
- 26 ~~50. **Single Family**~~
- 27 ~~a. for the purposes of Art. 4.B, the use of a lot or a structure for one detached dwelling unit,~~
- 28 ~~excluding a mobile home but including a manufactured building.~~
- 29 ~~b. a for the purposes of Art. 5.B.1.A.21, Pot Bellied Pigs, single family shall include mobile~~
- 30 ~~home dwellings. [Ord. 2013-021]~~
- 31 ~~....~~
- 32 ~~64. **Solid Waste Transfer Station** – for the purposes of Art. 4, a facility where solid waste from~~
- 33 ~~smaller vehicles is transferred into larger vehicles before being shipped or transported to a~~
- 34 ~~solid waste processing or disposal facility. Solid waste may be sorted but not processed at a~~
- 35 ~~transfer station.~~
- 36 ~~....~~
- 37 ~~69. **Special Event** – for the purposes of Art. 4, A temporary activity which includes rides,~~
- 38 ~~amusements, food, games, crafts, performances, or services. Typical uses include carnivals,~~
- 39 ~~circuses, auctions, and revivals.~~
- 40 ~~....~~
- 41 ~~81. **Stable, Commercial** – for the purposes of Art. 4, an establishment for boarding, breeding,~~
- 42 ~~training or raising of horses not necessarily owned by the owners or operators of the~~
- 43 ~~establishment; rental of horses for riding or other equestrian activities, excluding uses~~
- 44 ~~classified as an equestrian arena. A commercial stable may be operated in conjunction with a~~
- 45 ~~residence and shall comply with the PBACD.~~
- 46 ~~82. **Stable, Private** – for the purposes of Art. 4, the breeding, boarding, training, or raising care~~
- 47 ~~of horses owned by the occupants or owners of the premises. A private stable shall comply~~
- 48 ~~with the PBACD.~~
- 49 ~~....~~
- 50 ~~85. **Stealth Facility** – for the purposes of Art. 4, a structure, which is not readily identifiable as a~~
- 51 ~~tower and is compatible with existing or proposed uses on site. The structure may or may not~~
- 52 ~~have a secondary function (i.e., bell tower, spire, flagpole, etc.). [Relocated to Art.~~
- 53 ~~4.B.9.C.1.a, Definition]~~
- 54 ~~....~~
- 55 ~~100. **Street** -~~
- 56 ~~a. a strip of land, owned privately or publicly, which affords legal access to abutting land and~~
- 57 ~~is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue,~~
- 58 ~~boulevard, expressway, lane, throughway, place, and square, or however otherwise~~
- 59 ~~designated. Streets are further classified according to the function they perform.~~
- 60 ~~b. For the purposes of Art. 4.B.9, Commercial Communication Towers, means Electric~~
- 61 ~~Transmission lines or Florida Department of Transportation I-95 and the Florida Turnpike~~
- 62 ~~corridors having 250 feet in width or more of right-of way (R-O-W) or easements.~~
- 63 ~~....~~
- 64 ~~130. **Sugar Mill or Refinery** – for the purposes of Art. 4, an establishment for the extraction and~~
- 65 ~~refining of sugar from agricultural products.~~
- 66 ~~....~~
- 67

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

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

....
19. Temporary

- a. For the purposes of Art. 4, Temporary means uses not intended to be permanently fixed or permanent in nature, and are typically approved for a defined period of time.
- b. ~~f~~For the purposes of Art. 8, Signage, a single period or an accumulation of periods not exceeding 90 days in any 365-day period unless further restricted.
- bc. For the purposes of Art. 15.A, as defined by Rule 64E-6, F.A.C.

....
~~22. Theater Drive In~~ for the purposes of Art. 4, an establishment for the outdoor viewing of motion pictures by patrons while in their vehicles.

....
~~24. Theater, Indoor~~ - for the purposes of Art. 4, an establishment for showing motion pictures or live performances in an enclosed building.

....
~~43. Tower Hierarchy~~ for the purposes of Art. 4, for the purpose of determining impact the following hierarchy has been established. **[Partially relocated to Art. 4.B.9.F.2, Replacement]**

- LEAST IMPACT**
- Stealth*
- Camouflage*
- Monopole*
- Self support/Lattice*
- Guyed*
- MOST IMPACT**

[Relocated to Art. 4.B.9.F.2, Replacement]

~~44. Towing Service and Storage~~ for the purposes of Art. 4, the use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot and subject to the following standards:

....
~~45. Townhouse~~ for the purposes of Art. 4, a dwelling unit located on an individual lot and attached by at least one but no more than two party wall(s) along 50 percent of the maximum depth of the unit, to one or more other dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots.

....
~~59. Transportation Facility~~ for the purposes of Art. 4, a facility for loading, unloading, and interchange of passengers, baggage, and freight or package express between modes of transportation. Typical uses include bus terminals, railroad stations and yards, and major mail-processing centers.

....
~~73. Truck Stop~~ for the purposes of Art. 4, a facility which provides fueling, parking, washing, repair and maintenance services, food service, overnight accommodations, and incidental retail sales for transient commercial vehicles.

[ReNUMBER Accordingly]

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

....
~~17. Urgent Care Center~~ - A walk-in, extended-hour establishment that provides immediate, but not emergent, medical care to patients. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays.

[ReNUMBER accordingly]

~~22. Utility, Minor~~ for the purposes of Art. 4, mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations, sewage lift stations, telephone exchange buildings, and communication substations. **[Ord. 2006-004]**

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

....
~~11. Vehicle Sales and Rental~~ for the purposes of Art. 4, an establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental.

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

....
16. ~~Veterinary Clinic~~ for the purposes of Art. 4.B, an establishment engaged in providing medical care, treatment and temporary boarding for animals.

....
21. ~~Vocational School~~ for the purposes of Art. 4, an establishment offering regularly scheduled instruction in technical, commercial, or trade skills such as business, real estate, building and construction trades, electronics, computer programming and technology, automotive or aircraft mechanics and technology, or other type of vocational instruction.

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

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

....
9. ~~Water or Wastewater Treatment Plant~~ for the purposes of Art. 4, a facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

- a. ~~Water or Wastewater Treatment Plant, Open Process~~ - These are also known as "conventional" water or wastewater treatment plant and use a series of unenclosed tanks without roof structures to treat raw water to drinking water standards. [Ord. 2007-013]
- b. ~~Water or Wastewater Treatment Plant, Closed Treatment~~ - These plants treat raw water to drinking water standards within the confines of one or more relatively small, fully enclosed buildings. [Ord. 2007-013]

....
29. ~~Wholesaling, General~~ for the purposes of Art. 4.B, an establishment engaged in the display, maintaining inventories of goods, storage, distribution and sale of goods to other firms for resale, or the supplying of goods to various trades such as landscapers, construction contractors, institutions, industries, or professional businesses. In addition to selling, wholesale establishments sort and grade goods in large lots, break bulk and redistribute in smaller lots, delivery and refrigeration storage, but excluding vehicle sales, wholesale greenhouses or nurseries, wholesale of gas and fuel, and wholesale building supplies.

....
32. ~~Work/Live Space~~ a space within a building that is used jointly for residential and any non-residential use permitted pursuant to the applicable Zoning District, where permitted by the Florida Building Code, and where the residential space is accessory to the primary use as a place of work. [Ord. 2004-040] [Ord. 2006-004] [Ord. 2010-005]

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

1. ~~Zero Lot Line Home~~ for the purposes of Art. 4, the use of a lot for one detached dwelling unit with at least one wall, but not more than two walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building. Subject to additional standards in Art. 3, Overlays and Zoning Districts.

....
4. ~~Zoo~~ for the purposes of Art. 4, means a place where animals are kept in captivity for the public to view or for educational or animal rehabilitative purposes.

Part 6. New ULDC Art. 1.1.3, Abbreviations and Acronyms, (Pages 115, 118 and 119 of 119) is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

-
ACLF Adult Congregate Living Facility
-
MH Mobile Home or Manufactured Home
-
OHV Off-highway Vehicle
-
RV Recreational Vehicle
- RVPD Recreational Vehicle Planned Development (RVPD)
-
SUV Sport Utility Vehicle
-

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS**

1 Part 1. ULDC Art. 2, Development Review Procedures (pages 12-18, 20, 25-29, 37, 39-42, 54-55,
2 58, 75-76, 84 and 87 of 87), is hereby amended as follows:
3

4 **CHAPTER A GENERAL**

5 **Section 1 General**

6
7 **D. Authority**

8 **1. Processes**

9 **a. Board of County Commissioners (BCC)**

10 The BCC, in accordance with the procedures, standards and limitations of this Article
11 shall consider the following types of development order applications:

12
13 7) Deviation(s) from Articles 5, 6, and 7 of the ULDC for development supporting
14 ~~g~~Government ~~f~~Facilities within the PO Zoning District, [Ord. 2007-013] [Ord. 2008-
15 003]

16
17 10) Deviations from separation requirements for Homeless Resource Centers in the PO
18 Zoning District, pursuant to Art. ~~4.B.1.A.70-4~~ 4.B.4.C.10, Homeless Resource Center.
19 [Ord. 2009-040]
20

21
22 **c. Development Review Officer (DRO)**

23
24 4) Uses indicated as "D" in ~~Table 4.A.3.A, Use Matrix~~ the use matrices in Art. 4, Use
25 Regulations; and [Ord. 2006-036] [Ord. 2012-027]

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

27
28 **3. Additional LCC, IRO and PRA Requirements**

29
30 **b. Conceptual Site Plan**
31
32

Table 2.A.1.E - Conceptual Master Plan Requirements for PAC

Conceptual Master Plan Requirements	IRO	LCC	PRAs
....			
Proposed or required mix of uses, including live/work-or residential units, identifying whether or not such is horizontally or vertically integrated.	✓	✓	✓
Location of any Conditional requested u Uses, and outdoor uses such as r Restaurant, or bank drive through facilities <u>Financial Institution with Drive Thru Facilities, Financial Institution Freestanding ATM</u> , gasoline pumps and related queuing areas, outdoor dining areas, and required outdoor daycare areas, among others. Where applicable, additional detail shall be required to demonstrate how such uses will be located behind buildings, or shielded from adjacent residential uses or perimeter streets.	✓	✓	✓
....			
[Ord. 2010-005] [Ord. 2010-022]			

33
34 **G. Application Procedures**

35
36 **3. Plan Requirements**

37
38 **e. Site Plan**

39 The site plan shall be the controlling plan for ~~e~~Conditional ~~u~~Uses, ~~requested uses~~ or
40 PDDs listed below. All development site elements including, but not limited to:
41 ingress/egress, density, and intensity in the proposed project shall be consistent with the
42 site plan. All plats shall be consistent with the site plan. In cases of conflict between
43 plans, the most recently approved BCC plan or DRO final site plan, as applicable, shall
44 prevail. [Ord. 2009-040]

45 **1) Preliminary Site Plan (PSP)**

46 The BCC shall approve a PSP for the following applications: CA Conditional Use,
47 ~~Requested Use~~, MXP, MUPD and equivalent previously approved planned
48 developments. The ZC shall approve a PSP for a CB Conditional Use request.
49 [Ord. 2009-040]

50
51 **3) Final Site Plan (FSP) for Administrative Approval**

52 The DRO shall approve a Final Site Plan for: [Ord. 2009-040]

Notes:

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS**

- 1 a) Any requests for uses that have a "D" in ~~Table 4.A.3.A, Use Matrix~~ the use
 2 matrices in Art. 4, Use Regulations; or, [Ord. 2009-040]
 3 b) Any requests subject to Table 4.A.3.A, ~~Development~~ Thresholds for Project
 4 Requiring DRO Approval. [Ord. 2009-040]

5 **f. Subdivision Plan**

6 The subdivision plan shall be the controlling plan for ~~e~~Conditional ~~u~~Uses, ~~requested-uses~~
 7 or PDDs that are subject to the subdivision process. All development site elements
 8 including, but not limited to: ingress/egress, density, and intensity in the proposed project
 9 shall be consistent with the subdivision plan. In cases of conflict between plans, the most
 10 recently approved BCC plan or DRO final subdivision plan, as applicable, shall prevail.
 11 All plans and plats shall be consistent. [Ord. 2009-040] [Ord. 2010-005]
 12

13 **g. Regulating Plans**

14
 15 **1) Preliminary Regulating Plan (PRP) for Public Hearing Approval**

16 The DRO shall review and certify a PRP for all requests that are subject to the Public
 17 Hearing approval process. The BCC shall approve a PRP for: Conditional Uses,
 18 ~~Requested Uses~~, rezoning to a PDD, the affected area of modifications to previously
 19 approved PDDs, and shall include, at a minimum, the following elements: [Ord.
 20 2009-040]
 21

22 **2) Final Regulating Plan (FRP) for Public Hearing Approval or Administrative**
 23 **Approval**

24
 25 b) The DRO shall review and approve a FRP for any requests for uses that have a
 26 "D" in any Use Matrix in Art. 3.B, Overlays, or ~~Table 4.A.3.A, Use Matrix~~ Art. 4,
 27 Use Regulations; or any requests subject to Table 4.A.3.A, ~~Development~~
 28 Thresholds for Project Requiring DRO Approval. [Ord. 2009-040] [Ord. 2011-
 29 016]
 30

31 **H. Consolidated Application**

32 **1. Small Scale Amendments**

33 If a land use amendment requires a rezoning, ~~e~~Conditional ~~u~~Use, ~~requested-use~~,
 34 development order amendment or abandonment application, the applications shall be
 35 reviewed and considered by the BCC concurrently. An application for a Type II variance may
 36 be submitted concurrently or separately. Applications that are contingent upon the approval
 37 of variances must be submitted separately. The applicant shall submit a master plan and/or
 38 site plan as part of the zoning application. The zoning application shall be submitted at a
 39 scheduled zoning application intake within 90 days of receipt of the land use amendment
 40 application. If a complete zoning application is not submitted, the land use amendment shall
 41 be administratively withdrawn. [Ord. 2006-036] [Ord. 2009-040]
 42

43 **I. Review and Certification**

44 **1. Review**

45 All Rezoning, Conditional Use, ~~Requested-Use~~, Waivers, Development Order Amendment
 46 and concurrent Type II Variance applications, shall be reviewed and certified by the DRO.
 47 [Ord. 2006-036] [Ord. 2011-016]
 48

49 **J. Notification**

50 **1. Applicability**

Table 2.A.1.J – Notification Applicability

Process	Newspaper Publication	Courtesy Notice	Signs
Other Public Hearing (Rezoning, CA, CB, Requested-Use , DOA, Unique Structure, Waiver)	Yes	Yes	Yes
[Ord. 2015-031]			
Notes:			
1. Applies to Administrative and Public Hearing Abandonments, excluding: Development Orders advertised and abandoned simultaneously as part of a subsequent Development Order; and, Development Orders advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.			
2. Reasonable notice shall be required in compliance with F.S. 286.011.			

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

Section 2 Conditional Uses, ~~Requested Uses~~ Development Order Amendments, Unique Structures and Type II Waivers

A. Purpose

Conditional Uses, ~~Requested Uses~~, Development Order Amendments, and Type II Waivers are generally compatible with the other uses or site design permitted in a district, but require individual review of their location, design, configuration, intensity or density and may require the imposition of conditions to ensure the appropriateness and compatibility of the use at a particular location. [Ord. 2007-001] [Ord. 2011-016]

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

When considering a Development Order application for a Conditional ~~or Requested~~ Use, the BCC and ZC shall consider Standards 1 - 8 indicated below. A Conditional ~~or Requested~~ Use, or Development Order Amendment which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2012-003]

....
D. Class A Conditional Use

1. Authorized Class A Conditional Uses

Only those uses that are authorized as Class A ~~C~~onditional ~~U~~ses in the use matrices in Art. 4, Use Regulations Table 4.A.3.A, Use Matrix, may be approved as Class A ~~C~~onditional ~~U~~ses. The designation of a use as a Class A ~~C~~onditional ~~U~~se in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

~~E. Requested Use~~

~~1. Authorized Requested Uses~~

~~Only those uses that are authorized as requested uses in Table 3.E.1.B, PDD Use Matrix, may be approved as requested uses. The designation of a use as a requested use in a planned development does not constitute an authorization of such use or an assurance that such use will be approved under this Code.~~

~~F~~E. Class B. Conditional Use

1. Authorized Class B Conditional Uses

Only those uses that are authorized as Class B ~~C~~onditional ~~U~~ses in the use matrices in Art. 4, Use Regulations Table 4.A.3.A, Use Matrix, may be approved as Class B ~~C~~onditional ~~U~~ses. The designation of a use as a Class B ~~C~~onditional ~~U~~se in a ~~standard~~ district does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

G. Type II Waivers

....
2. Applicability
....

Table 2.B.2.G - Summary of Type II Waivers

Type II Waiver Summary List
....
Commercial Communication Towers, Commercial
....
[Ord. 2012-027] [Ord. 2016-016] [Ord. 2016-020]

....
H. Development Order Amendment

1. General

A Development Order for a Class A Conditional Use, ~~Requested Use~~, Class B Conditional Use, or Type II Waiver may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this Section. Before any such Development Order is amended, extended, varied or altered, the applicant shall demonstrate and the ZC/BCC shall find that a change of circumstances or conditions has occurred which make it necessary to amend, extend, vary or alter the ~~C~~onditional/~~requested u~~se. [Ord. 2007-001] [Ord. 2011-016]

....
I. Conditions of Approval

1. Class A Conditional, ~~Requested Use~~, Type II Waiver, and Development Order Amendment

The DRO and ZC may recommend, and the BCC may impose, such conditions in a Development Order for a Class A Conditional Use, ~~Requested Use~~, Type II Waiver, or Development Order Amendment that are necessary to accomplish the purposes of the Plan and this Code; to prevent or minimize adverse effects upon the public, the environment and neighborhoods; and to ensure compatibility, including, but not limited to, limitations on function, size, bulk, location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

improvements, duration and hours of operation. Conditions shall be included if conventional standards are inadequate to protect the public interest and surrounding land uses or if additional improvements are needed to facilitate a transition between different uses. Conditions are not intended to restate Code provisions. Any Code provision which is expressly restated as a condition of approval, shall not be eligible for a variance unless otherwise specified in the condition. Fixed time periods may be set for compliance with conditions and shall be governed by Art. 2.E, Monitoring. [Ord. 2007-001] [Ord. 2011-016]

2. Class B Conditional Use

The DRO may recommend, and the ZC may impose, such conditions in a development order for a Class B conditional use as stated in Article 2.B.2.G.1, Class A Conditional/Requested Use, above.

J. Effect of Issuance of a Development Order

1. General

Issuance of a Development Order for a Conditional Use, Requested Use, Type II Waiver, or DOA shall be deemed to authorize only the particular site configuration, layout and level of impacts which were approved pursuant to this Code, unless the approval is abandoned. Permitted uses may occur in conjunction with or in place of a Conditional or Requested use. [Ord. 2011-016]

2. Site Plan Compliance/Initiation of Use

Development, benefit, or use of a Conditional Use, Requested Use or DOA shall not be permitted until the applicant has secured and complied with all other development orders and site improvements required by this Code.

The approval of a Development Order shall not ensure that subsequent approvals for other Development Permits will be granted unless the relevant and applicable portions of this Code are met.

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer (DRO)

A. Purpose

2. Administrative Process

Review and approval of applications for uses that have a "D" in ~~Table 4.A.3.A, Use Matrix the use matrices in Art. 4, Use Regulations~~ or Table 4.A.3.A, ~~Development~~ Thresholds ~~For Projects Requiring DRO Approvals~~. [Ord. 2009-040]

B. Application Types

1. The following types of development shall require approval of a master plan, site plan, subdivision plan, regulating plan and other types of plans listed in Art. 2.A.1.G.3, Plan Requirements by the DRO prior to the issuance of a building permit, commencement of any related land development activity, utilization of any use or approval granted by the BCC or ZC, or utilization of any use requiring approval by the DRO: [Ord. 2009-040]

a. Conditional Use/Requested Use;

e. "D" uses in ~~Table 4.A.3.A, Use Matrix the use matrices in to Art. 4, Use Regulations~~;

f. All new construction that creates, meets or exceeds the thresholds in Table 4.A.3.A, ~~Development~~ Threshold ~~for Project Requiring DRO Approval~~; [Ord. 2009-040]

G. Modifications to Prior Development Orders

1. Modifications to BCC/ZC Approvals

3) The limitations in Art. 2.D.1.G.1.a shall not apply to a Renewable Energy Wind Facility, ~~Wind~~-within the AP Zoning district. [Ord. 2011-016] [Ord. 2015-006]

1) For a Renewable Energy Wind Facility, ~~Wind~~-within the AP Zoning District, this shall apply to the Project Boundary, provided they meet separation or setback requirements from streets, and residential uses and districts. [Ord. 2011-016]

d. For a Renewable Energy Wind Facility, ~~Wind~~-within the AP Zoning District, an increase in no more than ten percent, up to a maximum of ten, of the number of wind turbines approved by the BCC. [Ord. 2011-016] [Ord. 2014-025]

2. Administrative Modifications

b. Agency Review

Agency Review is for applications that require amendment(s) to existing approved plan(s). This type of application requires review, comments, and conditions by a

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

maximum of five DRO Agencies. The DRO shall determine which Agencies are required to review the amendment based upon the request and compliance with County Ordinances. The Zoning Director shall maintain PPM Z0-0-29, Administrative Modifications to Approved Site Plans, outlining a list of minor amendments and establishing items that are exempt from the Administrative Modifications process. Amendments include the following, provided Art. 2.D.1.G.1, Modifications to BCC/ZC Approvals, requirements are not exceeded: [Ord. 2008-003] [Ord. 2011-001] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]

7) Modifications to approved Type ~~1~~B Excavation; [Ord. 2008-003] [Ord. 2011-001] [Ord. 2014-001]

11) Stealth Towers equal to or less than 100 feet in height located in the AGR, AR and RE Zoning Districts, provided the parcel has an existing DRO approved site plan.

Section 2 Special Permit

B. Authorized Special Permits

Only the uses identified in ~~Table 4.A.3.A, Use Matrix~~ the use matrices in Art. 4, Use Regulations, or Article 4.B, SUPPLEMENTARY USE STANDARDS, by an “S” shall require a special permit. This designation in ~~Table 4.A.3.A, Use Matrix~~ the use matrices, does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Each proposed special permit application shall be evaluated by the Zoning Director for compliance with the standards and conditions set forth in this Section, and the applicable district.

Section 3 Type 1A and Type 1B Administrative Variances

D. Type 1B Administrative Variances

1. Residential Lots of Three Units or Less

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

d. Relief from Excavation Standards ~~(Art. 4.D.5.B, Type 1A Excavation, and Article 4.D.5.C, Type 1B Excavation)~~ in Art. 4.B.10.C.2, Type 1A Excavation and Art. 4.B.10.C.3, Type 1B Excavation. [Ord. 2008-003]

CHAPTER E MONITORING

Section 2 Procedures

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

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

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

- 1) Grant a time extension:
 - a) To commence development, utilize a ~~e~~Conditional ~~or requested u~~Use, or record a plat for a period not to exceed 36 months. The term of the time extension shall commence upon the expiration of the date to complete the time certain activity, or the expiration of the last extension, whichever is applicable. A time extension shall only be granted if the development order is consistent with the Plan and the Code. Options, which may be used to cause the Development Order to be consistent, include revocation of Concurrency and the amendment of Conditions of Approval. [Ord. 2005-002] [Ord. 2008-003]
- 3) Adopt a resolution which will revoke or amend the approval for all or a portion of the ~~e~~Conditional ~~or requested u~~Use, special exception or development order amendment;

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS**

1

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

3

4 **B. Effect of Phasing on Time Frames for Receipt of a Required Permit or Commencement of a**
5 **Required Action**

6

7 **2. Conditional ~~and Requested~~ Uses, PDDs other than PUDs, TTDs and TMDs**

8 The Final site plan/Final Subdivision plan for ~~e~~Conditional ~~and requested u~~Uses, PDDs other
9 than PUDs, TTDs, or TMDs, may provide for phasing. Table 2.E.3.B, Time Limitation of
10 Development Order for Each Phase, provides the maximum number of phases permitted for
11 each type of development order. If there are multiple phases, the first phase shall contain a
12 minimum of 20 percent of the land area and the first and second phases shall contain a
13 combined minimum of 40 percent of the land area unless otherwise approved in the
14 development order approved by the BCC or ZC. A TMD in the U/S Tier shall include a
15 minimum of 25 percent residential/non-residential of the total project. Article 2.E.3.B.3.b,
16 Final Site Plan or Final Subdivision Plan, also provides time requirements for commencement
17 of development. **[Ord. 2006-004] [Ord. 2007-001]**

18 **3. Effect of Modification to a Development Order on the Time Requirements of this**
19 **Section**

20

21 **b. Final Site Plan or Final Subdivision Plan**

22

23

Table 2.E.3.B - Time Limitation of Development Order for Each Phase

TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
....					
Conditional Uses , Requested Uses (Including any associated variance(s))	2 (5)	Commence development or utilize Conditional Use or Requested Use if no construction is required (1)	Three years (2) (7)	Twenty-four months	Pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein: Class A - BCC review; Class B - Zoning Commission review
....					

[Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-01] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2014-025]

Notes:

-
2. From resolution adoption date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases. The maximum time to commence development for each phase of a Type ~~III~~ **3** Excavation shall be established by a condition of approval.
-
5. The maximum number of phases and duration of each phase for a Type ~~III~~ **3** Excavation shall be established by a condition of approval.
-

....

24 **CHAPTER G DECISION MAKING BODIES**

25

26 **Section 1 Board of County Commissioners**

27

27 **A. Powers and Duties**

28

28 15. to review, hear, consider, and approve, approve with conditions, or deny requests for
29 deviations from: Article ~~4.B.1.A.70-1,a.1) 4.B.4.C.10.d,~~ Homeless Resource Center, Location
30 and Separation Requirements, and Articles 5, 6, and 7 for development supporting

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

1 government facilities within the PO Zoning District; [Ord. 2007-013] [Ord. 2009-040] [Ord.
2 2011-016]

3

4 Section 3 APPOINTED BODIES

5

6 F. Groundwater and Natural Resources Protection Board

7

8 2. Powers and Duties

9 The GNRPB shall have the following powers and duties:

- 10 a. to hold hearings as necessary to enforce Article 14, Environmental Standards. ERM may
- 11 refer alleged violations of Art. 14 Environmental Standards, and applicable Art. ~~4-D~~
- 12 4.B.10, Excavation Uses, Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021,
- 13 Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and
- 14 Prevention, Natural Areas, Ord. 1994-014 and Ord. 1993-003, Water and Irrigation
- 15 Conservation as amended to the GNRPB, if there has been a failure to correct a violation
- 16 within the time specified by the Code Inspector, if the violation has been repeated, or is of
- 17 such a nature that it cannot be corrected; [Ord. 2006-004] [Ord. 2010-022]

18

19 Section 4 STAFF OFFICIALS

20

21 G. Development Review Officer (DRO)

22

23 2. Powers and Duties

24

- 25 b. to hear, consider, and determine the sufficiency of applications for and recommendations
- 26 to the /BCC to approve, approve with conditions, or deny applications for development
- 27 permits for eConditional ~~and requested u~~Uses.

28

29 3. Comments and Recommendations

- 30 a. The DRO may seek comments and recommendations from the following PBC
- 31 departments and divisions, as well as other local government and state government
- 32 agencies, as deemed appropriate by the DRO: [Ord. 2008-037]

33

- 34 15) Department of Environmental Protection (DEP) for Type ~~III~~ 3 Excavation. [Ord.
- 35 2008-037]

36

37 H. Director of ERM

38

39 2. Jurisdiction, Authority and Duties

40 In addition to the jurisdiction, authority and duties which may be conferred upon the Director

41 of ERM by other provisions of PBC Code and PBC Charter, the Director of ERM shall have

42 the following jurisdictions, authority and duties under this Code:

- 43 a. to review, consider and render interpretations to Article 14, Environmental Standards;
- 44 b. to review and approve, approve with conditions or deny applications for development or
- 45 permits for sea turtle protection and sand preservation, wetlands protection, wellfield
- 46 protection, upland vegetation preservation and protection, Agricultural Eexcavation in the
- 47 WCAA, water and irrigation conservation, stormwater pollution prevention, and other
- 48 ordinances as may be assigned by the BCC;

49

50 N. Zoning Director

51

52 2. Jurisdiction, Authority and Duties

53

- 54 d. to accept applications for, review and prepare staff reports recommending approval,
- 55 approval with conditions, or denial of applications for re-zonings, Class A and Class B
- 56 eConditional uUses, ~~requested-uses~~, waivers, site plans, subdivisions, special permits,
- 57 DRIs and variances;

58

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EXHIBIT C

**ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS**

1 Part 1. ULDC Art. 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard
2 Zoning Districts (pages 16 – 18 of 134), is hereby amended, as follows:

3 **CHAPTER A GENERAL**

4 **Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)**

5 **B. Standard Districts**

6 Any application for a rezoning to a Standard Zoning District shall correspond to a FLU
7 designation indicated in the table below.
8

**Table 3.A.3.B - Future Land Use (FLU) Designation and Corresponding
Standard Zoning Districts (1)**

FLU Designation		Zoning District				
....						
Institutional/ Public and Civic						
INST	IPF					
PARK	IPF					
U/T	PO	IPF (4)				
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2014-025] [Ord. 2016-042]						
Notes:						
....						

9
10 **1. Standard District Exceptions and Limitations**

11 The following list of exceptions shall be permitted:

- 12
- 13 m. The IPF District shall only be consistent with the U/T FLU Designation for the purposes of
14 accommodating privately owned or operated utility uses, including those considered
15 publically held utilities that are not owned or operated by the State of Florida or local PBC
16 governmental entity.
- 17 n. The AP District is consistent with the Special Agriculture (SA) FLU designation where
18 necessary to accommodate an Equestrian Waste Management Facility.

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1 Part 2. ULDC Table.3.B.2.B, Airport Use Regulations (Continued) (page 21-23 of 234), is
2 hereby amended as follows:
3

Table 3.B.2.B - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Residential Uses					
Security or Caretaker Quarter	S	S	CG or IG	119	All
Commercial Uses					
Auction, Enclosed Indoor		D	CG	16-2	All
Auction, Outdoor		A	CG	16-2	All
Broadcast Studio {Consolidated with Multimedia Production – Industrial Use}		D	CG or IL	21	All
Building Supplies [Concept consolidated with Retail Sales (Commercial Use) and Wholesaling (Industrial Use)]		D	CG or IL	22	All
Car Wash		D	CG or IL	25-4	All
Catering Service	P	D	CG or IL	26-5	All
Contractor Storage Yard [Relocated to Industrial Uses]		D	IG	35	All
Cocktail Lounge [Relocated from Lounge Cocktail, below]	<i>P</i>	<i>A</i>	<i>CG</i>	79-6	All
Convenience Store		D	CG	36-7	All
Convenience Store with Gas Sales		<i>A</i>	<i>CG</i>	37	All
Dispatching Office Service	P	D	CG	42-8	All
Dog Daycare	P	D	CG	43-9	All
Financial Institution	P	D <i>P</i>	CG	55-10	All
Financial Institution with Drive Thru Facilities	<i>P</i>	<i>D</i>	<i>CG</i>	11	All
Financial Institution Freestanding ATM	<i>P</i>	<i>D</i>	<i>CG</i>	12	All
Gas and Fuel Sales, Retail		A	CG	1815	All
Hotel, or Motel, SRO, Rooming and Boarding	P	D	CG	72-17	All
Kenel, Type 2 (Commercial) [Relocated from Agricultural Uses]	<i>P</i>	<i>D</i>	<i>CG or IG</i>	74-1-18	All
Kenel, Type 3 (Commercial Enclosed) [Relocated from Agricultural Uses]	<i>P</i>	<i>D</i>	<i>CG or IG</i>	74-2-19	All
Landscape Service		D	CG or IL	77-20	All
Laundry Service		D	CG or IL	78-21	All
Lounge, Cocktail [Relocated above as Cocktail Lounge]	<i>P</i>	<i>A</i>	<i>CG</i>	79	All
Medical or Dental Office	P	D	CG	83-23	All
Office, Business or Professional	P	D	CG	91-25	All
Parking Garage, Commercial	<i>P</i>	<i>D</i>	<i>CG or IL</i>	95	All
Parking Lot, Commercial	P	D	CG or IL	96-26	All
Pawnshop		A	CG	97-27	All
Personal Services	P	D	CG	98-28	All
Printing and Copying Service [Use consolidated with Retail Sales]	<i>P</i>	<i>D</i>	<i>CG or IL</i>	100	All
Repair and Maintenance, Heavy General	P	A	CG or IG	107-29	All
Repair and Maintenance, Light	<i>P</i>	<i>D</i>	<i>CG or IG</i>	30	All
Repair Services, Limited	P	D	CG or IG	108-31	All
Restaurant, Type #1	P	A	CG	109-32	All
Restaurant, Type #2	P	D	CG	110-33	All
Retail Sales, General	P	D	CG	114-34	All
Retail Sales, Mobile or Temporary		S	CG or IG	115-3	All
Self-Service Storage, Limited Access		D	CG or IG	120-36	All
Self-Service Storage, Multi Access		D	CG or IG	36	All
Single Room Occupancy (SRO)	<i>P</i>	<i>A</i>	<i>CG</i>	72-37	All
Vehicle Equipment Sales and Rental, Heavy		<i>A</i>	<i>CG or IL</i>	39	All
Vehicle Sales and Rental, Light	P	B	CG or IL	135-40	All
Veterinary Clinic	P	D	CG or IL	136-41	All
Vocational School Institution	P	D	CG or IG	137-42	All
[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016]					

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1

Table 3.B.2.B - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Institutional, Public and Civic Uses					
Airport [Relocated to Transportation Uses]	<i>P</i>		<i>PO</i>	<i>10</i>	<i>All</i>
Nonprofit Assembly ; Nonprofit Institutional	D	D	CG	<i>14-10</i>	All
Nonprofit Assembly ; Nonprofit Membership	D	D	CG or IL	<i>15-11</i>	All
Place of Worship		D	CG	<i>29-13</i>	All
Government Services	P	P	CG or IL	<i>63-7</i>	All
Helipad [Relocated to Transportation Uses]	<i>P</i>	<i>A</i>	<i>CG or IL</i>	<i>10</i>	<i>All</i>
Hospital or Medical Center		A	CG	<i>71-9</i>	All
Landing Strip [Relocated to Transportation Uses]	<i>P</i>		<i>CRE or IG</i>	<i>10</i>	<i>All</i>
Entertainment, Indoor	P	D	CG or IL	<i>45-3</i>	All
Entertainment, Outdoor	P		PO	<i>46-4</i>	All
Fitness Center	P	D	CG or IL	<i>56-5</i>	All
Golf Course		D	CG or IL	<i>62-6</i>	All
Park Public		P	CG or IG	<i>94-9</i>	All
Park, Neighborhood		P	CG or IG	<i>92-7</i>	All
Prison, Jail or Correctional Facilities	<i>P</i>	<i>A</i>	<i>CG or IL</i>	<i>14</i>	<i>All</i>
Special Event [Relocated to Temporary Uses]	<i>P</i>	<i>S</i>	<i>CG or IL</i>	<i>124</i>	<i>All</i>
Recreation Uses					
Arena ; Auditorium or Stadium or Amphitheater	P	A	CG	<i>12-1</i>	PBIA
Park, Passive	P	P	CG or IL	<i>93-8</i>	All
Agricultural Uses					
Agriculture, Bona Fide		P	IL	<i>3-1</i>	2
Agriculture, Light Manufacturing		P	IL	<i>4-2</i>	2
Agriculture, Packing Plant		P	IL	<i>5-3</i>	2
Agriculture, Research/Development		P	IL	<i>3-1-4</i>	2
Agriculture, Sales and Service		P	IL	<i>6-6</i>	2
Agriculture, Storage		P	IL	<i>7-7</i>	2
Community Vegetable Garden		P	CG or IL	<i>32-10</i>	2
Kennel, Commercial-Type II [Relocated to Commercial Uses]	<i>P</i>	<i>D</i>	<i>CG or IG</i>	<i>74-1</i>	<i>All</i>
Kennel, Commercial-Type III [Relocated to Commercial Uses]	<i>P</i>	<i>D</i>	<i>CG or IG</i>	<i>74-2</i>	<i>All</i>
Nursery, Retail		D	CG	<i>88-13</i>	All
Shadehouse		P	IL	<i>121-17</i>	2
Utilities & / Excavation Uses / Commercial Communication Towers					
Air Curtain Incinerator		D	CG or IG	<i>9</i>	All
Chipping and Mulching		D	IG	<i>28-1</i>	All
Communication Cell Sites on Wheels (COW) Tower ; Mobile [Relocated to Temporary Uses]	<i>P</i>	<i>P</i>	<i>CG or IG</i>	<i>31</i>	<i>All</i>
Communication Panels, or Antennas, Commercial [Standards relocated to Art. 5]	<i>P</i>	<i>P</i>	<i>CG or IG</i>	<i>31</i>	<i>All</i>
Commercial Communication Towers, Commercial	P	D	CG or IG	<i>31</i>	All
Composting Facility		D	IG	<i>33-2</i>	All
Excavation, Type #2	P	P	CG or IG	<i>49-4</i>	All
Recycling Center	D	D	CG or IG	<i>103-11</i>	All
Recycling Drop-Off Bin [Relocated to Temporary Uses]	<i>D</i>	<i>D</i>	<i>CG or IG</i>	<i>104</i>	<i>All</i>
Recycling Plant [Relocated to Industrial Uses]	<i>P</i>	<i>D</i>	<i>IG</i>	<i>105</i>	<i>All</i>
Minor Utility ; Minor	P	D	CG or IG	<i>134-7</i>	All
Transportation Uses					
Airport [Relocated from Public and Civic Uses]	<i>P</i>		<i>PO</i>	<i>10-1</i>	<i>All</i>
Helipad [FKA Helipad]	<i>P</i>	<i>A</i>	<i>CG or IL</i>	<i>10-2</i>	<i>All</i>
Transportation Facility [Relocated from Industrial Uses]	<i>B</i>	<i>B</i>	<i>CG or IG</i>	<i>133-5</i>	<i>All</i>
[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2013-001]					

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1

Table 3.B.2.B - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
<u>Temporary Uses</u>					
<i>Communication Cell Sites on Wheels (COW) Tower, Mobile</i> [Relocated from Utility Uses]	<i>P</i>	<i>P</i>	<i>CG or IG</i>	<i>31 7 1</i>	<i>All</i>
<i>Recycling Drop-Off Bin</i> [Relocated from Utility Uses]	<i>D</i>	<i>D</i>	<i>CG or IG</i>	<i>104 5</i>	<i>All</i>
<i>Special Event</i> [Relocated from Public and Civic Uses]	<i>P</i>	<i>S</i>	<i>CG or IL</i>	<i>124 6</i>	<i>All</i>
<u>Industrial Uses</u>					
Asphalt or Concrete Plant	P	D	IG	13	All
<i>Contractor Storage Yard</i> [Relocated from Commercial Uses]		<i>D</i>	<i>IG</i>	<i>35-1</i>	<i>All</i>
Data and Information Processing	P	D	CG or IG	<i>38-2</i>	All
<i>Distribution Facility</i>	<i>B</i>	<i>B</i>	<i>CG or IG</i>	<i>133-3</i>	<i>All</i>
<i>Film Multi-Media Production Studio</i>		D	CG or IG	<i>54-10</i>	All
Gas and Fuel, wholesale	P	D	IG	<i>61-5</i>	All
<i>Laboratory, Industrial Research and Development</i>		D	IG	<i>76-13</i>	All
Manufacturing and Processing	P	D	IG	<i>81-8</i>	All
Medical or Dental Laboratory		D	CG or IL	<i>84-9</i>	All
<i>Recycling Plant</i> [Relocated from Utility Uses]	<i>P</i>	<i>D</i>	<i>IG</i>	<i>105-12</i>	<i>All</i>
<i>Transportation Facility</i> [Relocated to Transportation Uses]	<i>B</i>	<i>B</i>	<i>CG or IG</i>	<i>133</i>	<i>All</i>
Warehouse	P	D	IG	<i>138-17</i>	All
Wholesaling, General	P	D	IG	<i>140-18</i>	All
[Ord. 2006-036] [Ord. 2010-022]					
Notes:					
.....					
(2) Reference Art.4, <u>Use Regulations B, Supplementary Use Standards</u> for additional <u>requirements, Supplementary Use Standards.</u>					
Key:					
.....					

2

3

4

5

Part 3. ULDC Art. 3, Overlays and Zoning Districts [Related to Hours of Operation] (pages 27, 140, 141, 164 and 179 of 234), is hereby amended as follows:

6

CHAPTER B OVERLAYS

7

....

8

Section 4 GAO, Glades Area Overlay

9

....
F. Planned Industrial Park Development (PIPD)

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1. Development Standard Exceptions

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....
g. ~~Hours of Operation~~

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Any non-residential use located within 250 feet of a residential FLU designation or zoning district as measured by drawing a straight line from the closest point on the perimeter of the exterior wall, structure or bay or the limits of any outdoor storage to the residential property line, shall be subject to the following hours of operation: ~~[Ord. 2014-025]~~

13

1) ~~Industrial Uses 7:00 a.m. to 7:00 p.m.; [Ord. 2014-025]~~

14

2) ~~Industrial Uses without Outdoor Activities 6:00 a.m. to 11:00 p.m.; and, [Ord. 2014-025]~~

15

3) ~~Commercial Uses and all Loading Activities 6:00 a.m. to 11:00 p.m. [Ord. 2014-025]~~

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Notes:

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1 Part 4. ULDC Art. 3.B.6, LOSTO, Lake Okeechobee Scenic Trail Overlay (page 30 of 234), is
2 hereby amended as follows:

3 CHAPTER B OVERLAYS

4 Section 6 LOSTO, Lake Okeechobee Scenic Trail Overlay

5

6 C. Use Regulations

7 Uses ~~permitted as of right~~ Permitted by Right in the underlying district are ~~permitted as of right~~
8 Permitted by Right in the LOSTO. In addition, the following uses shall be permitted subject to
9 Article 4.B, Supplementary Use Standards:

- 10 1. Bed ~~& and b~~ Breakfast;
- 11 2. Camping ~~e~~ Cabin;
- 12 3. Catering ~~s~~ Service;
- 13 4. Offices, ~~b~~ Business or ~~p~~ Professional;
14 *Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the*
15 *sole purpose of arranging nature or heritage based activities, such as bicycle tours and bus*
16 *tours to natural, agricultural, or historic points of interest of the area, shall be allowed subject to*
17 *approval of a Special Permit. [Partially relocated from LOSTO, under Art.4.B.1.A.91,*
18 **Business or Professional, Office]**
- 19 5. Restaurant, ~~s~~ Specialty;
- 20 6. Retail ~~s~~ Sales, ~~general~~;
21 *Additional standards for Retail Sales shall be limited to specialty shops selling merchandise*
22 *such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic*
23 *beverages for consumption off the premises, hiking supplies such as backpacks and walking*
24 *sticks, and outfitters renting equipment for recreational use including bicycles, skates,*
25 *canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to*
26 *approval of a Special Permit. [Partially relocated from Art. 4.B.1.A.114.d, LOSTO, under*
27 **Retail Sales, General]**
- 28 7. Stable, ~~e~~ Commercial.

31 Part 5. ULDC Art. 3.B.9.D.5.a, Permitted Uses [Related to PBI A], (pages 35, of 234), is hereby
32 amended as follows:

33 CHAPTER B OVERLAYS

34 Section 9 PBI A O, Palm Beach International Airport Overlay

35 D. Uses

36 5. Nonconforming Uses

37 ~~a. Permitted Uses~~

38 ~~All applications for a permitted use in the PBI A O shall be reviewed in accordance with~~
39 ~~Table 4.A.3.A, Use Matri, and Article 16, AIRPORT REGULATIONS. [Ord. 2004-051]~~
40 **[Re-number accordingly.]**

41 E. Review Procedures

42 1. Industrial Rezoning in Residential FLUA Designations

43 b. Rezoning Criteria

- 44 3) Lands within the PBI A O that are
- 45 c) The following uses shall be prohibited: salvage junk yards, machine or welding
- 46 shops, hazardous waste facilities, solid waste facilities, bulk storage facilities,
- 47 transportation and multi-modal facilities, large-scale repair and heavy equipment
- 48 repair and service facilities, petroleum and coal-derivations-manufacturing and
- 49 storage facilities, heliports, helipads, airstrips, hangers and accessory facilities,
- 50 and Type ~~III~~ 3 E excavation. **[Ord. 2004-051]**

51

54 Part 6. ULDC Art. 3.B.10.C.1, Prohibited Noise Sensitive Uses [Related to RTO, Research and
55 Technology Overlay] (page 38 of 234), is hereby amended as follow

56 CHAPTER B OVERLAYS

57 Section 10 RTO, Research and Technology Overlay

58 C. Use Regulations

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1. Prohibited Noise Sensitive Uses:

- d. Hospitals, medical centers.

Part 7. ULDC Art. 3.B.11.C, Use Regulations [Related to CGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay] (page 38-39 of 234), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 11 SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay

C. Use Regulations

The following uses shall may be permitted in the SCGCFO, subject to Article 4, Use Regulations, and the following: 4.A, USE CLASSIFICATION: [Ord. 2004-040]

Table with 2 columns: Permitted Uses Permitted by Right, DRO Uses, Class A Conditional Uses, Special Permit. Includes entries like Minor Utility, Minor Vocational school Institution, Water or Wastewater Treatment Plant, Electric Power Facility Plant, Security/caretaker's quarters.

Part 8. ULDC Art. 3.B.13, TAPO Turnpike Aquifer Protection Overlay (pages 39-40 of 234), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 13 TAPO, Turnpike Aquifer Protection Overlay

C. Exemption

All development and uses which existed within the revised TAPO boundaries, as described in Article 3.B.13.D, Boundaries around Water or Wastewater Treatment Plant (WTP).

D. Boundaries

The TAPO boundaries shall generally be described as two areas around Water or Wastewater Treatment Plant (WTP) 3 and 8.

- 2. The specific boundaries are depicted on maps and legal descriptions incorporated herein and made a part of this Code. See Appendix 1, Legal Description Water or Wastewater Treatment Plant No. 3, and Appendix 2, Legal Description Water or Wastewater Treatment Plant No. 8.

Part 9. ULDC Art. 3.B.14, WCRAO, Westgate Community Redevelopment Area Overlay (pages 41-53 of 234), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1

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	4.B.2.C.1
Convenience Store	X	X	X	X	-	-	-	4.B.2.C.7
Convenience Store with Gas Sales	X	X	X	-	-	-	-	37
Employment Agencies (5) Day Labor Employment Service	X	X	X	X	X	X	X	41 4.B.2.C.25
Gas and Fuel Sales, Retail	X	X	X	X	-	-		18 4.B.2.C.15
Repair and Maintenance, General	X	X	X	-	-	-	-	107
Repair and Maintenance, Heavy	X	X	X	X	-	-	-	4.B.2.C.29
Repair and Maintenance, Light	X	X	X	X	-	-	-	4.B.2.C.30
Self-Service Storage	X	X	X	X	-	-	-	120 4.B.2.C.36
Vehicle Sales and Rental	X	X	X	-	-	-	-	135
Vehicle Sales and Rental, Light	X	X	X	X	-	-	-	4.B.2.C.38 40
Vehicle or Equipment Sales and Rental, Heavy	X	X	X	X	-	-	-	4.B.2.C.39
Office Warehouse	X	X	X	X	A (1)	A (1)	A (1)	138 4.B.5.C.17
Work/Live Space or Live/Work Unit	X	P (4)	P (4)	P (4)	P (4)	P (4)	P (4)	141, 141-2 4.B.2.C.43
Industrial Uses								
Contractor Storage Yard	-	-	-	-	A	-	A	4.B.5.C.1
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007]								
Notes:								
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. Employment Agencies as contained in Art. 4 under Office, Business or Professional.								
Key:								
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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Reason for Amendment:
1. [Zoning] Rename uses for consistency with revisions to Art. 4, Use Regulations.

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F. Property Development Regulations (PDRs)

1. Sub-area PDRs

.... Single-family dwellings shall only be required to comply with the Minimum Lot Depth and Accessory [Dwelling Quarters](#) requirements of Sub-area PDRs. [Ord. 2006-004] [Ord. 2008-003]

....

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1

Table 3.B.14.F - WCRAO Sub-area PDRs

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
.....							
Maximum Height (7)							
.....							
Accessory Dwelling Quarters Max. Height/Stories	2 stories and 25'			-	-	-	-
Other							
.....							
[Ord.2006-004] [Ord. 2010-022] [Ord. 2015-031]							
Key							
.....							
Notes:							
.....							

2

Table 3.B.14.G - WCRAO Supplementary Standards by Sub-Area

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Minimum Enclosed Living Area							
.....							
Accessory Dwelling Quarters	300 s.f	300 s.f	300 s.f	-	-	-	-
.....							
Location of Accessory Dwelling Quarters and Garages:							
.....							
.....							
[Ord. 2006-004] [Ord. 2009-040] [Ord. 2015-031]							
Notes:							
.....							

3

G. Supplementary Standards

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1. Accessory and Prohibited Uses

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b. Accessory **Dwelling Quarters** and Garages

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Accessory **dwelling Quarters** and garages shall meet the requirements of Table 3.B.14.G, WCRAO Supplementary Standards by Sub-Area and Figure 3.F.3.E, TND Garages.

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[Ord. 2006-004]

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Part 10. ULDC Art. 3.B.15, Infill Redevelopment Overlay (IRO) (pages 78-88, of 234), is hereby amended as follows:

14

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CHAPTER B OVERLAYS

16

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

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F. Design and Development Standards

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7. Use Standards

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The standards of the IRO allow only those uses that have been indicated on a DRO approved FSP or FSBP to be eligible to apply for building permits or a business tax receipt (BTR). Where permitted, uses may also be further restricted by TZ, building type and number or floor location. [Ord. 2010-005]

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a. Permitted Uses

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~~See Article 4, Use Regulations, Table 3.B.16.F, IRO Permitted Use Schedule identifies the permitted and requested uses allowed for an IRO project. [Ord. 2010-005]~~

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1

~~Table 3.B.15.F – IRO Permitted Use Schedule~~

Use Type	Land Use				N O T E	Use Type	Land Use				N O T E
	C L	C H	C L O	C H O			C L	C H	C L O	C H O	
Residential Uses						Commercial Uses (continued)					
Townhouse	D	D	D	D	132	Green Market	D	D	L	L	64
Multi-family	D	D	D	D	87	Hotel, Motel, SRO, Rooming And Boarding	A	D			72
Accessory Dwelling	D	D	D	D	1	Kennel, Type III (Enclosed)	D	D			74-2
CLF, Type I	D	D	D	D	34	Kiosk	D	D	D	D	75
CLF, Type II	D	D	D	D	34	Laundry Services	D	D			78
CLF, Type III	A	D	A	D	34	Lounge, Cocktail	A	A			79
Garage Sale	D	D	D	D	60	Office, Medical or Dental	D	D	D	D	83
Guest Cottage	D	D	D	D	66	Office, Business or Professional	D	D	D	D	91
Home Occupation	D	D	D	D	70	Parking Garage, Commercial	D	D			95
Nursing Facility	D	D	D	D	90	Parking Lot, Commercial	D	D			96
Security or caretakers Quarters	D	D	D	D	119	Pawnshop	A	D			97
Commercial Uses						Personal Services	D	D			98
Auction, Enclosed		D			16	Printing and Copying	D	D	D	D	100
Auto Paint or Body Shop		A			17	Repair and Maintenance, General	A	A			107
Broadcast Studio	D	D	D	D	21	Repair Services, Limited	D	D			108
Building Supplies	D	D			22	Restaurant, Type I	A	A			109
Car Wash	A	A			25	Restaurant, Type II	D	D			111
Catering Service	D	D			26	Retail Sales, Auto Accessories and Parts	D	D			113
Convenience Store	D	D			36	Retail Sales, General	D	D			114
Convenience Store with Gas Sales	A	A			37	Retail Sales, Mobile or Temporary	D	D			115
Day Labor and Employment Service		A			41	Self Service Storage	D	D			120
Dispatching Office		D			42	Theater, Indoor	D	D			128
Dog Daycare	D	D	L	L	43	Vehicle Sales and Rental	A	A			135
Financial Institution	A	A	A	D	55	Veterinary Clinic	D	D			136
Flea Market, Enclosed		D			57	Vocational School	D	D	D	D	137
Funeral Home or Crematory		A			59	Work/Live Space	D	D	D	D	141-1
Gas and Fuel, Retail	A	A			18	Live/Work Unit	D	D			141-2
[Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016]											
Key:											
P Permitted by right.											
D Permitted subject to DRO approval.											
L Permitted only where accessory to a permitted use.											
S Permitted subject to Special Permit approval.											
A Permitted subject to Board of County Commission Approval.											

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1

Table 3.B.15.F – IRO Permitted Use Schedule (continued)

Use-Type	Land-Use				N O T E	Use-Type	Land-Use				N O T E
	C L	C H	C L O	C H O			C L	C H	C L O	C H O	
Public and Civic Uses						Utilities and Excavation					
College or University	D	D			30	Air Stripper, Remedial	D	D	D	D	11
Day-Camp	D	D			39	Communication Cell Sites on Wheels (COW) Tower, Mobile	S	S	S	S	34
Day-Care, General	A	A			40	Communication Panels or Antennas, Commercial	D	D	D	D	31
School, Elementary or Secondary	D	D	D	D	118	Communication Tower, Commercial	A	A	A	A	31
Day-Care, Limited	A	D			40	Electric Transmission Facility	A	A	A	A	44-2
Government Services	D	D	D	D	63	Excavation, Type II	A	A	A	A	49
Helipad	A	A	A	A	10	Recycling Drop-Off Bin	D	D			105
Hospital or Medical Center	D	D		D	71	Utility, Minor	D	D	D	D	134
Recreation Uses						Industrial Uses					
Entertainment, Indoor	D	D			45	Data Information Processing	D	D	D	D	38
Fitness Center	D	D			56	Film Production Studio		D		D	54
Gun Club, Enclosed		D			67-1	Laboratory, Industrial Research	A	D	A	D	76
Marine Facility	D	D			82	Medical or Dental Laboratory		D		D	84
Park, Passive	D	D	D	D	93						
Park, Public	D	D	D	D	94						
Park, Neighborhood	D	D	D	D	92						
Special Event	S	S	S	S	124						
Agricultural Uses											
Agriculture, Sales/Service	D	D			6						
Farmers Market	D	D			52						

[Ord. 2010-005] [Ord. 2012-007] [Ord. 2013-001] [Ord. 2014-025] [Ord. 2016-016]

Key:

- P Permitted by right.
- D Permitted subject to DRO approval.
- L Permitted by right, subject to accessory use limitations.
- S Permitted subject to Special Permit approval.
- A Permitted subject to Board of County Commission Approval.

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Table 3.B.15.F. - Townhouse Lot and Building Configuration PDRs

....
[Ord. 2010-005]
Notes:
....
3. Townhouse, including wings, garages or Accessory Dwelling Quarters shall comply with
....

5
6
7

Table 3.B.15.G - Type I Waivers

Requirements	Maximum Waiver	Minimum Justification Criteria of Review
Internal Street Standards		
....		
Interconnectivity Standards		
Art. 3.B.15.F.4, Interconnectivity Standards	No interconnectivity requirement.	Document prohibition by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as Water or Wastewater Treatment Plant, jails, or other similar facilities.
....		

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1 Part 11. ULDC Art. 3.B.16.E, PRA Use Matrix (pages 85 and 90 of 229), is hereby amended as
2 follows:

3 CHAPTER B OVERLAYS

4 Section 16 Urban Redevelopment Area Overlay (URAO)

5 E. **Additional PRA Use Regulations Matrix**

6 The list of uses permitted within the URAO shall be in accordance with Art. 4, Use Regulations,
7 and with the following. [Ord. 2011-016]

8 ~~1. Standard Districts, PDD's, TDDs or Other Overlays~~

9 ~~Uses permitted in standard Zoning districts, PDDs or other Zoning Overlays shall be in~~
10 ~~accordance with Table 4.A.3.A, Use Matrix, Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F,~~
11 ~~TDD Permitted Use Schedule, or any applicable Art. 3.B, Overlays use matrices or similar~~
12 ~~provisions. [Ord. 2011-016]~~

13 ~~12. Right to Continue or Change Uses UC or UI Districts~~

14 ~~The list of permitted land uses for parcels with UC or UI Zoning shall be in accordance with~~
15 ~~Table 3.B.16.E, PRA Permitted Use Schedule, and the following: [Ord. 2011-016]~~

16 ~~a. Right To Continue or Change Uses~~

17 Those uses that were legally established prior to the adoption of

18 ~~a.1) Listed in Table 3.B.16.E, PRA Use Matrix the use matrices contained in Article 4, Use~~
19 ~~Regulations; [Ord. 2011-016]~~

20 ~~b.2)....~~

21 ~~c.3)....~~

22 ~~d.4)....~~

23 ~~b. New Uses in Compliance PRA Requirements~~

24 ~~New Uses for Development Orders for new construction of buildings, structures or~~
25 ~~outdoor uses that complies with all PRA requirements, including any approved Waivers,~~
26 ~~shall be permitted in accordance with Table 3.B.16.E, PRA Use Matrix for the applicable~~
27 ~~Zoning District and Transect Zone. Variances or Waivers from the requirements of Table~~
28 ~~3.B.16.E, PRA Use Matrix shall be prohibited. [Ord. 2011-016]~~

29 ~~23. Residential Uses~~

30 Residential uses may be ~~permitted~~ allowed on any floor, with exception to the following:
31 [Ord. 2011-016]

32

33 b. Single Family ~~Dwelling Units~~ and Type 1 CLF shall not ~~be permitted to~~ front on Slip Street
34 or Primary Street Frontages. [Ord. 2011-016]

35 ~~34. Outdoor Uses~~

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1

Table 3.B.16.E – PRA Use Matrix (1)(2)(3)

Use Type	Transect Sub-Zones					Note
	UC 1	UC 2	UC 3	UI 1	UI 2	
Residential Uses						
Single Family	P	P	P	P	P	122
Zero-Lot Line	D	D	D	D	D	142
Townhouse	D	D	D	D	D	132
Multi-family	D	D	D	D	D	82
Accessory Dwelling	D	D	D	D	D	1
Congregate Living Facility, Type 1	D	D	D	D	D	34
Congregate Living Facility, Type 2	D	D	D	D	D	34
Congregate Living Facility, Type 3	D	D	D	D	D	34
Estate Kitchen	D	D	D	D	D	48
Garage Sale	P	P	P	P	P	60
Guest Cottage	D	D	D	D	D	66
Home Occupation	P	P	P	P	P	70
Kennel, Type I (Private)	D	D	D	D	D	73
Nursing Convalescent Facility	D	D	D	D	D	90
Security or Caretaker Quarters	D	D	D	D	D	119
Commercial Uses						
Adult Entertainment	S	S		S		2
Auction, Enclosed (4)	D	D	D	D	D	16
Auto Paint or Body Shop	A	A	A	A	A	17
Gas and Fuel Retail	A	A	A	A	A	18
Bed and Breakfast	D	D	D	D	D	20
Broadcast Studio	D	D	D	D	D	21
Car Wash	D	D	D	D	D	25
Catering Services	D	D	D	D	D	26
Convenience Store	D	D	D	D	D	36
Convenience Store with Gas Sales	D	D	D	D	D	37
Crematory	A	A	A	A	A	59-2
Day Labor Employment Service	A	A	A	A	A	41
Dispatching Office	D	D	D	D	D	42
Dog Daycare	D	D	D	D	D	43
Financial Institution	D	D	D	D	D	55
Flea Market, Open	A	A	A	A	A	58
Flea Market, Enclosed	D	D	D	D	D	57
Funeral Home	D	D	D	D	D	59-1
Green Market	D	D	D	D	D	64
Hotel, Motel, SRO, Rooming and Boarding	D	D	D	D	D	72
Kennel, Type III (Commercial Enclosed)	D	D	D	D	D	74-2
Kennel, Type IV (Animal Shelter)	A	A	A	A	A	74-3
Kiosk	D	D	D	D	D	75
Laundry Services (4)	D	D	D	D	D	78
Lounge, Cocktail	D	D	A	D	A	79
Medical or Dental Office (4)	D	D	D	D	D	83
Monument Sales, Retail	D	D	D	D	D	86
[Ord. 2011-016] [Ord. 2013-001]						
Note:						
1. Deviations from this table shall be prohibited.						
2. Any outdoor uses shall comply with Art. 3.B.16.E.4.a, Residential Setbacks						
3. Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. Change in use permitted subject to limitations of Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
4. The change in use for a previously approved non-residential structure shall be permitted by right, if in compliance with Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
Key:						
P Permitted by Right						
S Permitted subject to Special Permit approval.						
D Permitted subject to DRO approval.						
B Permitted subject to Zoning Commission Approval.						
A Permitted subject to Board of County Commission Approval.						

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

Table 3.B.16.E – PRA Use Matrix (1)(2)(3)

Use Type	Transect Sub-Zones					Note
	UC-1	UC-2	UC-3	UI-1	UI-2	
Commercial Uses						
Office, Business or Professional (4)	D	D	D	D	D	94
Parking Garage, Commercial	D	D	D	D	D	95
Parking Lot, Commercial	A	A	A	A	A	96
Pawnshop	A	A	A	A	A	97
Personal Services (4)	D	D	D	D	D	98
Printing and Copying Services (4)	D	D	D	D	D	100
Real Estate Sales Model						102
Repair and Maintenance, General	D	D	D	D	D	107
Repair Services, Limited (4)	D	D	D	D	D	108
Restaurant, Type I	D	D	D	D	D	109
Restaurant, Type II	D	D	D	D	D	111
Retail Sales, Auto Accessories and Parts (4)	D	D	D	D	D	113
Retail Sales, General (4)	D	D	D	D	D	114
Retail Sales, Mobile or Temporary	S	S	S	S	S	115
Self-Service Storage	D	D	D	D	D	120
Theater, Indoor	D	D	A	D	A	129
Vehicle Sales and Rental	D	D	D	D	D	135
Veterinary Clinic	D	D	D	D	D	136
Vocational School (4)	D	D	D	D	D	137
Work/Live Space	D	D	D	D	D	141-1
Live/Work	D	D	D	D	D	141-2
Public and Civic Uses						
Assembly, Nonprofit Institutional	D	D	D	D	D	14
Assembly, Nonprofit Membership	D	D	D	D	D	15
College or University ²	D	D	D	D	D	30
Day Camp	D	D	D	D	D	39
Day Care, General	D	D	D	D	D	40
Day Care, Limited	D	D	D	D	D	40
Government Services	D	D	D	D	D	63
Helipad	A	A		A		10
Hospital or Medical Center	D	D	D	D	D	71
Homeless Resource Center	A	A	A	A	A	70-1
Place of Worship	D	D	D	D	D	29
School, Elementary or Secondary	D	D	D	D	D	118
Recreational Uses						
Entertainment, Indoor	D	D	D	D	D	45
Entertainment, Outdoor	A	A	A	A	A	46
Fitness Center	D	D	D	D	D	56
Gun Club, Enclosed	A	A	A	A	A	67
Park, Passive	D	D	D	D	D	93
Park, Public	D	D	D	D	D	94
Park, Neighborhood	D	D	D	D	D	92
Special Event	S	S	S	S	S	124
[Ord. 2011-016] [Ord. 2012-007]						
Note:						
1. Deviations from this table shall be prohibited.						
2. Any outdoor uses shall comply with Art. 3.B.16.E.4.a, Residential Setbacks						
3. Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. Change in use permitted subject to limitations of Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
4. The change in use for a previously approved non-residential structure shall be permitted by right, if in compliance with Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
Key:						
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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1

Table 3.B.16.E – PRA Use Matrix (1)(2)(3)

Use Type	Transect Sub-Zones					Note
	UC 1	UC 2	UC 3	UI 1	UI 2	
Agricultural Uses						
Community Vegetable Garden (4)	D	D	D	D	D	32
Farmers Market (4)	D	D	D	D	D	52
Nursery, Retail	D	D	D	D	D	88
Produce Stand	S	S	S	S	S	101
Utilities and Excavation						
Air Stripper, Remedial	A	A	A	A	A	11
Communication Cell Sites on Wheels (COWS)	S	S	S	S	S	31
Communication Panels, or Antennas, Commercial	A	A	A	A	A	31
Communication Tower, Commercial	A	A	A	A	A	31
Electrical Transmission Facility	A	A	A	A	A	44-2
Recycling Drop-Off Bin	D	D	D	D	D	104
Utility, Minor	D	D	D	D	D	134
Water or Treatment Plant	A	A	A	A	A	139
Industrial Uses						
Data Information Processing	D	D	D	D	D	38
Film Production Studio	D	D	D	D	D	54
Laboratory, Industrial Research	D	D	A	D	A	76
Medical or Dental Laboratory (4)	D	D	D	D	D	84
Transportation Facility	A			A		133
[Ord. 2011-016] [Ord. 2013-001]						
Note:						
1. Deviations from this table shall be prohibited.						
2. Any outdoor uses shall comply with Art. 3.B.16.E.4.a, Residential Setbacks						
3. Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. Change in use permitted subject to limitations of Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
4. The change in use for a previously approved non-residential structure shall be permitted by right, if in compliance with Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
Key:						
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Table 3.B.16.F - PRA Townhouse Lot and Building Configuration PDRs

....
[Ord. 2010-022] [Ord. 2011-016]
Notes:
5. Townhouse, including wings, garages or accessory dwelling , <u>Accessory Quarters</u> shall comply with minimum common wall requirements unless set back from the side PL a minimum of five feet; and, shall comply with Art. 3.D.2.C.8, Prohibited Openings and Attachments except for any first floor that is set back a minimum of ten feet from the PL. [Ord. 2010-022] [Ord. 2011-016]

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Table 3.B.16.G - Type I and II URAO Waivers (1)

Art./Table Reference and Title	Type I Waivers Limitations/Criteria	Type II Waiver Limitations/Criteria
....		
Interconnectivity Standards		
Art. 3.B.16.F.5, Interconnectivity Standards	No interconnectivity required for the following: > Document prohibition by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as Water or <u>Wastewater</u> Treatment Plant, jails or other similar uses.	No Waiver
....		

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

Part 12. ULDC Table 3.D.1.A, Property Development Regulations [Related to PDRs for Standard Zoning Districts] (page 127 of 234), is hereby amended as follows:

Table 3.D.1.A - Property Development Regulations

Zoning District	Min Lot Dimensions			Density (6)		Max FAR (7)	Max Building Coverage	Min Setbacks (12)			
	Size	Width and Frontage	Depth	Min	Max			Front	Side	Side Street	Rear
Agriculture/Conservation											
....
AP	10 ac.	300	300	-	(1)		10% (14)	100	50	80	100
....
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027]											
Notes:											
14. <u>Maximum Building Coverage in the AP district with a SA FLU designation may be increased to 15 percent.</u>											

Part 13. ULDC Art. 3.D.3.A District Specific Regulations (pages 136-137, 140-141 of 234), is hereby amended as follows:

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 3 District Specific Regulations

A. District Specific Regulations

~~1. RM District~~

~~a. RM Zoning with MR5 FLU~~

~~Multifamily units shall be permitted in the RM zoning district with an MR5 FLU designation subject to the following: [Relocated to Art. 4.B.1.C.4.b, Zoning District - RM]~~

~~1) Planning Determination~~

~~A written determination from the Planning Director that the property meets the criteria for a Non-Planned Development District Density Exemption in the Plan; and [Partially relocated to Art. 4.B.1.C.4.b.1), Planning Determination]~~

~~2) Existing RM Zoning~~

~~The property was zoned RM prior to the 1989 adoption of the Plan (rezoning property with MR5 land use to the RM district shall be prohibited). [Partially relocated to Art. 4.B.1.C.4.b.2), Existing RM Zoning District (Related to Multifamily use)]~~

~~3) Approval Process~~

~~The approval process shall be as follows:~~

~~Table 3.D.3.A – Approval Process~~

Units	Process
0-4	Building Permit Only
5-8	DRO Site Plan Approval
9-24	Class B Conditional Use
Over 24	Class A Conditional Use

~~[Relocated to Art. 4.B.1.C.4.b.3, Approval Process]~~

~~4) Multifamily Units~~

~~Legally permitted multifamily units in the RM zoning district with MR5 FLU may be redeveloped, reconstructed, or expanded in accordance with the RM zoning district PDRs. [Partially relocated to Art. 4.B.1.C.4.b.3), Development Order]~~

~~5) Limestone Creek~~

~~Multifamily units in the RM zoning district shall be prohibited in the area bounded on the north by 184 Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street). [Relocated to Art. Art. 4.B.1.C.4.b.4), Limestone Creek]~~

~~b. Buildings Over 100 Feet in Height~~

~~In the RM district, multifamily buildings over 100 feet in height shall require approval of a Class B conditional use.~~

~~21. All Commercial, Public and Civic Uses~~

~~a. Hours of Operation~~

Notes:

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

~~Commercial, Public and Civic uses located within 250 feet of a residential district shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor continue business activities later than 11:00 PM daily. Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the non-residential use. [Ord. 2009-040] [Partially relocated in new Art. 5.E.5, Hours of Operation]~~

~~1) Existing Uses~~

~~Uses existing prior to this amendment may comply with the requirements existing at the time the use was established, unless modified by a subsequent development order. [Ord. 2009-040] [Relocated in new Art. 5.E.5, Hours of Operation]~~

~~2) Exemptions~~

~~Uses owned or operated by a governmental entity that provide essential services for the public, as determined by the Zoning Director, shall be exempt from these standards. [Ord. 2009-040] [Relocated in new Art. 5.E.5, Hours of Operation]~~

[Renumber Accordingly]

3. CN District

a. Enclosed Uses

All uses shall be operated entirely within enclosed buildings, with the following exceptions: [Ord. 2005 – 002]

- 1) Air Curtain incinerator, temporary [Ord. 2005 – 002]
- 2) ~~Commercial~~ Communication ~~t~~Tower, ~~commercial~~ [Ord. 2005 - 002]
- 3) Electric Power ~~Facility Plant~~ [Ord. 2005 - 002]
- 4) ~~Passive~~ Park, ~~passive~~ [Ord. 2005 - 002]
- 5) Recycling Drop-Off Bin [Ord. 2005 - 002] [Ord. 2013-001]
- 6) ~~Minor~~ Utility, ~~Minor~~ [Ord. 2005 - 002]
- 7) Water or ~~Wastewater~~ Treatment Plant. [Ord. 2005 – 002]

~~b. Hours of Operation~~

~~Commercial uses shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor continue business activities later than 11:00 PM daily.~~

4. CLO District

a. Enclosed Uses

All uses shall be operated entirely within enclosed buildings, with the following exceptions:

- 1) Air curtain incinerator, temporary;
- 2) ~~Commercial~~ Communication ~~t~~Tower, ~~commercial~~;
- 3) Electric Power ~~Facility Plant~~;
- 4) ~~Passive~~ Park, ~~passive~~;
- 5) Recreation facility, accessory;
- 6) Recycling Drop-Off Bin; [Ord. 2013-001]
- 7) Solid ~~w~~Waste ~~t~~Transfer ~~s~~Station;
- 8) ~~Minor~~ Utility, ~~Minor~~; and,
- 9) Water or ~~w~~Wastewater ~~Treatment p~~Plant.

5. CC District

~~a. Hours of Operation~~

~~Commercial uses requiring outdoor activity shall not commence business activities, including delivery and stocking operations, prior to 6:00 AM nor continue outdoor activities later than 11:00 PM daily.~~

~~6. IL and IG Districts~~

~~a. Outdoor Activities~~

~~All outdoor activities, including outdoor storage and outdoor operations, shall be completely screened from view from all property lines to a height of six feet.~~

6. IPF, Institutional and Public Facilities District with UT FLU Designation

Use of the IPF District with a UT FLU Designation, shall only be permitted for privately operated utility uses and related collocated or accessory uses.

a. Accessory Uses

Heavy Equipment Repair and Maintenance and Light Repair and Maintenance may be allowed as an accessory use to a privately operated utility use, subject to the approval process for the applicable Utility use.

b. Collocated Uses

Data and Information Processing or Warehouse uses may be allowed as a collocated use, subject to the approval process for the applicable Utility use. Additional uses to allow for emergency management staging or operations may be permitted subject to Class A Conditional Use approval.

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1 Part 14. ULDC Art. 3.E, Planned Development Districts (PDDs) (pages 141-195 of 234), are
2 hereby amended as follows:

3 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

4 Section 1 General

5
6 B. FAR, Density, and Use Standards

7 3. Uses Allowed

8 Uses allowed in a PDD shall be pursuant to ~~Table 3.E.1.B-22, PDD Use Matrix~~ Article 4, Use
9 Regulations. Previously approved planned developments shall be governed by the FLU
10 designation in the Plan or pod designation on the most recent approved master plan for
11 purpose of determining the uses allowed and applicability of this Code. Previously approved
12 additional requested uses shall be considered conforming uses, and any expansion,
13 relocation or increase in intensity shall be subject to BCC approval. [Ord. 2005-041]

14 4. Use Regulations

15
16 a. Requested Uses - Location

17 Requested uses shall be shown on the master plan or site plan approved by the BCC
18 and shall remain in the location shown.

19 a. Use Designations

20 Uses permitted in a PDD are classified as: permitted, special, DRO, or requested, as
21 indicated in ~~Table 3.E.1.B-22, PDD Use~~.

22 1) Permitted Uses (P)

23 These uses are allowed by right and are identified by a P in the matrix.

24 2) Special Uses (S)

25 These uses require approval of a special permit and are identified by a S in the
26 matrix.

27 3) DRO Uses (D)

28 These uses require approval by the Development Review Officer (DRO) and are
29 identified by a D in the matrix.

30 4) Requested Uses (R)

31 These uses require approval by the BCC in accordance with the standards and
32 procedures in Article 2.B, PUBLIC HEARING PROCEDURES, and are identified by a
33 R in the matrix.

34 a) Location

35 Requested uses shall be shown on the master plan or site plan approved by the
36 BCC and shall remain in the location shown.

37 b. Supplementary Use Standards

38 A number in the "Note" column of ~~Table 3.E.1.B, PDD Use Matrix~~, refers to
39 supplementary land use standards in ~~Article 4.B, SUPPLEMENTARY USE~~
40 ~~STANDARDS~~, which are applicable to the use.

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1

Table 3.E.1.B – PDD Use Matrix

Use Type	PUD					MUPD					MXPD		PIPD			LCC		N O T E							
	Pods					FLU					FLU		Use-Zone			FLU									
	R E S	C O M	R E C	C I V	A G V / P	C L	C H	C L	C H	C O	I R	E N D	I N D C S T	C H	C H	O	I N D		C M	I D	M H P D	R V P D	C L	C H	
Residential Uses																									
Single Family	P																								122
Zero-Lot-Line Home	P													P	P										142
Townhouse	P													P	P							P	P		132
Multi-Family	P													P	P							P	P		87
Mobile Home Dwelling					S															P					85
Accessory Dwelling	S				S																				4
Congregate Living Facility, Type 1	P																								34
Congregate Living Facility, Type 2	R			S																			D	D	34
Congregate Living Facility, Type 3	R	R		R		R	R	R	R					R	R	R							R	R	34
Estate Kitchen	P																								48
Farm Residence																									50
Farm Worker Quarters					P																				51
Garage Sale	P				P									P	P	P				P					60
Guest Cottage	P																								66
Home Occupation	P				P									P	P					P		P	P		70
Kennel Type I (Private)	P																								73
Nursing Or Convalescent Facility		R		R		R	R							D	R										90
Security Or Caretaker Quarters		S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				119
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2014-025]																									
Notes:																									
P	Permitted by right																								
D	Permitted subject to approval by the DRO																								
S	Permitted in the district only if approved by Special Permit																								
R	Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																								

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

Table 3.E.1.B – PDD Use Matrix Continued

Use-Type	PUD					MUPD					MXPD		PIPD			LCC			N O T E						
	Pods					FLU					FLU		Use Zone			FLU									
	R E S	C O M	R E C V	C I V I L	A G R I C U L T U R A L	C L O S E D	C O M M E R C I A L	C O M M E R C I A L	C O M M E R C I A L	C O M M E R C I A L	C O M M E R C I A L	I N D U S T R I A L	E D U C A T I O N A L	I N D U S T R I A L	C O M M E R C I A L	C O M M E R C I A L	I N D U S T R I A L	C O M M E R C I A L		C O M M E R C I A L	C O M M E R C I A L				
Commercial Uses																									
Adult Entertainment																S	S				2				
Auction, Enclosed		R					P			P	D						P			P	P	16			
Auction, Outdoor							R			R	R					P	P	P				16			
Auto Paint Or Body Shop		R					R				R					P	P	P				17			
Bed And Breakfast	D	D					S	S	S	S	S				S	S		S				20			
Broadcast Studio		R					R	P	R	P	P	P	P		R	R	P	P			R	R	21		
Building Supplies		R					R								R		P				R	R	22		
Butcher Shop, Wholesale							R				P				R		P	P	P				23		
Car Wash		R					R				P				R		P	P	P			R	R	25	
Catering Service																D							26		
Contractor Storage Yard											P	D				P		P					35		
Convenience Store		P					P	P							P	P		P		P	P	P	36		
Convenience Store With Gas Sales							R	R			R				R		R	P				R	37		
Crematory							R	R			R		R	R			R						59-2		
Day Labor Employment Service		R					R				R						P						41		
Dispatching Office							R								R		P	P	P				42		
Dog Day Care							R								R		P	R				R	R	43	
Financial Institution		R					R	P	R	P					P	P		P				R	R	55	
Flea Market, Enclosed		P						R							R		P						R	57	
Flea Market, Open								R									R							58	
Funeral Home		P					R	R			D		R	R			P						59-1		
Gas and Fuel, Retail		R					R	R							R		P	R	P			R	R	18	
Green Market																						D	D	64	
Hotel, Motel, SRO, Rooming And Boarding								R		R	R				R	R		P					R	72	
Kennel, Type II (Commercial)		R						R							R									74-1	
Kennel, Type III (Commercial - Enclosed)		R						R	R						R								R	R	74-2
Kiosk								P	P	P	P	P				P	P	P	P	P			P	P	75
Landscape Service		R						R				P	D		R		P	P	P					77	
Laundry Services		R						P	P		P					P	P	P	P			P	P	P	78
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]																									
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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

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Table 3.E.1.B – PDD Use Matrix Continued

Use-Type	PUD					MUPD					MXPD		PIPD			LCC		NOTE			
	Pods					FLU					FLU		Use-Zone			FLU					
	R E S	C O M	R E C V	C I V I P	A G E P	C L	C H	C L O	C H O	C R O	I N D C T	E D C S T	C H O	C H O	I N D M L	C O N D G	I N D P D		M H V D	R V P D	C L H
Commercial Uses																					
Lounge, Cocktail	R					R	R		R	R			R	R	R				R	R	79
Medical Or Dental Office	P					P	P	P	P				P	P	P				P	P	83
Monument Sales, Retail						P	P						P		P						86
Office, Business Or Professional	P					P	P	P	P				P	P	P				P	P	91
Parking Garage, Commercial	P						R		R	R					P						95
Parking Lot, Commercial	R						R		R	P											96
Pawnshop							R														97
Personal Services	P					P	P		P				P	P	P		P		P	P	98
Printing And Copying Services	P					P	P	P	P				P	P	P				P	P	100
Repair And Maintenance, General	R						R			P	D				P	P	P				107
Repair Services, Limited	P					P	P		P	P			P	P	P				P	P	108
Restaurant, Type I	R					R	R		R				R	R	R				R	R	109
Restaurant, Type II	R					R	D		R	R			D	R	R				D	D	111
Retail Sales, Auto Accessories and Parts	P					P	P						P	P	P				P	P	113
Retail Sales, General	P					P	P						P	P	P				P	P	114
Retail Sales, Mobile Or Temporary	S												S		S						115
Self-Service Storage						R	R			P	D				P	R	P				120
Theater, Drive-In							R		R						R						128
Theater, Indoor	R						R		P				R							R	129
Towing Service And Storage										P					P						130
Vehicle Sales And Rental	R					R	R						R		R				R	R	135
Veterinary Clinic	R					R	P	R	P				R	R	P				R	R	136
Vocational School	R					R	P		P	P	R	D	R	R	R	P	R		R	P	137
Work/Live Space	P					P	P	P	P				P	P	P				P	P	141-1
Live/Work													D	D					D	D	141-2
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2014-025]																					
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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

Table 3.E.1.B – PDD Use Matrix Continued

Use-Type	PUD					MUPD					MXPD		PIPD			LCC		N O T E					
	Pods					FLU					FLU		Use Zone			FLU							
	R	C	R	C	A	C	C	C	C	C	I	E	I	C	C	I	C		I	M	R	C	C
	E	O	E	I	G	L	H	L	H	R	N	D	N	H	H	N	O		N	H	V	L	H
S	M	C	V	R			O	O				D	S	O	D	M	D	P	P				
				/											/	/		D	D				
				P											L	G							
Public and Civic Uses																							
Airport, Helipad & Landing Strip	-									R	R	R				R	R					10	
Assembly, Nonprofit Institutional	-	R		R		R	R			R			R	R	R		R				R	R	14
Assembly, Nonprofit Membership	-			R		R	R	R	R	R			R	R	R		R				R	R	15
Cemetery	-			R																			27
Place Of Worship	-	R		R		R	R	R	R	R			R	R	R		R		R		R	R	29
College Or University	-			R		R	R	R	R	R			R	R			R				R	R	30
Day Camp	-		P	P			R			P			P	R							R	R	39
Day Care, General	-	R		R		R	R	R	R	R			R	R	R		R	R	R	R	R	R	40
Day Care, Limited	-	D		D		D	D	D	D	D			D	D	D		D	D	D	D	D	D	40
Government Services	-	P		P		P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	63
Homeless Resource Center							R		R				R				R	R					70-1
Hospital Or Medical Center	-	R				R	R		R				R	R	R		R				R	R	71
Kennel, Type IV (Animal Shelter)						R	R						R	R									74-3
School, Elementary Or Secondary	-			R		R	R	R	R				D	R	R		R				R		118
Recreation Uses																							
Arena, Auditorium Or Stadium	-	R					R			R				R									12
Campground	-									P										P			24
Entertainment, Indoor	-	R				R	R			P				R			P				R	R	45
Entertainment, Outdoor	-	R				R	R			P	D			R			P						46
Fitness Center	-	R	P	R		R	R			R	P			P	P		R	P			R	P	56
Golf Course	-		R			R	R	R	R	R	R			R	R		P		P	P	R		62
Gun Club, Enclosed	-						R			R	R						P	R	P				67-1
Marine Facility	-	R	R				R		R	R				R	R		P						82
Park, Passive	P	P	P	P	R	P	P	P	P	P			P	P	P		P	P	P	P	P	P	93
Park, Public	-		P	P		R	P			P	P			P	P		P		R	R	P	P	94
Shooting Range, Outdoor										R													67-2
Special Event	-	S	S	S		S	S			S	S	S	S	S			S	S			S	S	124
Zoo	-						R			R													143
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2012-027] [Ord. 2014-025]																							
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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1

Table 3.E.1.B—PDD Use Matrix Continued

Use-Type	PUD					MUPD							MXPD		PIPD			LCC			N O T E				
	Pods					FLU							FLU		Use-Zone			FLU							
	R E S	C O M	R C C	C E V	A I G / P	C L	C H	C L	C H	C O	I R	E N D	I N S T	C H	C H	O	I N	C O	I M	C M		C D	C P	C P	C H
Agricultural Uses																									
Agriculture, Bona Fide					P																				3
Agriculture, Light Manufacturing																									4
Agriculture, Packing Plant					R																				5
Agriculture, Research/Development						P	P	P	P	P	P	P				P	P								3.1
Agriculture, Sales And Service						P										P									6
Agriculture, Storage																									7
Agriculture, Transshipment											P	P				P	P								8
Aviculture, Hobby Breeder					P																				19
Community Vegetable Garden		D																							32
Equestrian Arena, Commercial					R					P															47
Farmers Market						P				P				P		P	P	P							52
Farrier																									53
Groom's Quarters	P				P																				65
Nursery, Retail		P			P	P								P		P									88
Nursery, Wholesale					P											P	P								89
Potting Soil Manufacturing																									99
Produce Stand																									101
Shadehouse					P																				124
Stable, Commercial					P					P															125
Stable, Private	P				P																				126
Sugar Mill Or Refinery																			P						127
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031]																									
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ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
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Use-Type	PUD					MUPD							MXPD		PIPD			LCC		N O T E						
	Pods					FLU							FLU		Use-Zone			FLU								
	R E S	C O M	R E C	C I V	A G / P	C L	C H	C L	C H	C O	I R	E N D	I N T	C H	C H	I N	C O	I M	C O		C O	M D	R P	C L	C H	
Utilities and Excavation Uses																										
Air-Curtain Incinerator																										9
Air-Stripper, Remedial																										11
Chipping and Mulching												P						P	P							28
Communication Cell Sites On Wheels (COW) Tower, Mobile	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	31
Communication Panels, Or Antennas, Commercial	B	D	D	D		D	D	D	D	D	P	P	D	D	D	P	P	P					D	D		31
Communication Tower, Commercial							R				R	R	R	R			R	R	R					R		31
Composting Facility												P					P	P								33
Electric Power Facility		R					R		R	R	R						R	R	R							44-1
Electric Transmission Facility		R					R		R	R	R	R					R	R	R							44-2
Excavation, Agricultural					R																					49
Excavation, Type I																										49
Excavation, Type II	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	49
Excavation, Type III A																								R		49
Excavation, Type III B																								R		49
Recycling Center							A				P	D					P	A	P							103
Recycling Drop-Off Bin		D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	D	D					D	D	104
Recycling Plant												P					P	P								105
Renewable Energy Facility, Solar		D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	D	D	B	B					106-1
Renewable Energy Facility, Wind						R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R				106-2
Sanitary Landfill Or Incinerator																										117
Solid Waste Transfer Station							R		R	R	R	R					P	R	P							123
Utility, Minor	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	134
Water Or Treatment				R		R		R	R	R				R	R	P		P	R	R						139
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2013-001] [Ord. 2014-025] [Ord. 2016-016]																										
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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

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Table 3.E.1.B – PDD Use Matrix Continued

Use-Type	PUD					MUPD					MXPD		PIPD			LCC		N O T E					
	Pods					FLU					FLU		Use-Zone			FLU							
	R E S	C M	R C	C V	A I G / P	C L	C H	C L	C H	C R	I N D	E D C S T	I C H	C H	O	I N D M D L	C N D M D G		I M H D	R V P D	C L H	C H	
Industrial Uses																							
Asphalt Or Concrete Plant											R						P				13		
Data Information Processing						P	P		P		P	P		P	P	P				P	P	38	
Film Production Studio							P		P	R	P	P				P	P	P			P	54	
Gas And Fuel, Wholesale											R						P					61	
Heavy Industry											R					R	P					69	
Laboratory, Research						R	R	R	R	R	P	P	R	R		P	R	P			R	R	76
Machine Or Welding Shop											P					P	P					80	
Manufacturing And Processing						R	R	R	R	R	P	R				P	P					81	
Medical Or Dental Laboratory		P				P	P	P	P			P				P						84	
Salvage Or Junk Yard											R						R					116	
Transportation Facility												P				P	P					133	
Truck Stop											R					R	R					131	
Warehouse						R					P	P				P	P					138	
Wholesaling, General											P	P				P	P					140	
[Ord. 2005-002] [Ord. 2004-040] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2014-025]																							
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....
D. Application Requirements

2. Master Plan, Site Plan, or Subdivision Plan

b. Pods
 All land within the boundaries of a ~~Master Plan master plan~~ shall be designated as one of the use Pod types indicated for the applicable PDD, or the FLU designation, whichever is applicable in Table 3.E.1.B, PDD Use Matrix. [Ord. 2009-040]

I. Unified Control
4. Architectural Guidelines
 All buildings and signage shall maintain architectural consistency between all building, signage and project identification. Consistency shall include, a minimum, on overall unified image and character created by the use of common elements such as building and roofing materials, rooflines, muted colors, fenestration, architectural features, and architectural elements. Infrastructure, such as ~~Minor u~~Utility, ~~minor, w~~Water and ~~w~~Wastewater ~~t~~reatment ~~p~~Plants which are approved for construction in a PDD prior to the approval of other buildings will not be used to set the architectural standards for a PDD. [Ord. 2007-013]
Section 2 Planned Unit Development (PUD)

E. Pods

2. Commercial Pod
 A commercial pod is intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD. A commercial pod shall be designated on the master plan as follows:

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

a. ~~Use Regulations~~

~~Uses shall be permitted in accordance with Table 3.E.1.B – PDD Use Matrix, Art. 4: Use Regulations; and, Art. 3.E.5.F, SCO PIPD.~~

[Renumber accordingly]

f. ~~Hours of Operation~~

~~Commercial uses within 300 feet of a residential unit shall not commence business activities, including delivery and stocking operations, prior to 6:00 a.m. nor continue activities later than 11:00 p.m. daily. Commercial lots greater than 300 feet from residential use may be exempt from this requirement, unless required by a BCC condition.~~

[Renumber Accordingly]

F. AGR PUD

....
3. Preservation Area

....
b. Uses

Uses allowed in a Preservation Area are indicated in the use matrices contained in Article 4, Use Regulations, Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, Traditional Development District Permitted Use Schedule, or where stated within Art. 4, Use Regulations, and where specified by the Preserve Management Plan as approved by ERM. [Ord. 2006-004] [Ord. 2012-027] [Ord. 2015-047]

....
4. Development Area

The Development Area shall contain the development related pods, residential commercial, civic and recreational as described in Table 3.E.2.D, PUD Property Development Regulations, allowed in a Development Area are based on the pod designation indicated in Table 3.E.1.B, PDD Use Matrix the use matrices contained in Article 4, Use Regulations.

G. RR PUD

1. Rural Residential

....
d. Option 1 – Rural Cluster

....
3) Development Area

a) Exception

Mitigation projects, excavation with jurisdictional wetlands, and excavation by public agencies, as defined as exempt in Article 4.D, EXCAVATION 4.B.10, Excavation Uses, and regional water management facilities certified by the SFWMD, shall be permitted in open space areas.

....
2. Pods

....
d. Recreation Pod

Active recreation uses, such as golf courses and common outdoor recreation areas shall be limited to the development area only. Equestrian uses shall be allowed in accordance with the AGR/P pod provisions in Table 3.E.1.B, PDD Use Matrix the use matrices contained in Article 4, Use Regulations.

....
Section 3 Multiple Use Planned Development (MUPD)

....
B. Objectives and Standards

....
2. Performance Standards

....
a. Freestanding Buildings

The maximum number of freestanding buildings in a MUPD with continuous vehicular circulation on all four sides is indicated in Table 3.E.3.B, Freestanding Buildings.

- 1) For the purpose of this Section, circulation shall mean any portion of a driveway, drive aisle, or other means of vehicular access located within 50 feet of a building, excluding one-way drive through lanes, dedicated bypass lanes, and one primary building.
- 2) For the purpose of this Section, circulation shall not include vehicular access ways for uses including but not limited to Self Service Storage Facility, Data and Information Processing, Manufacturing and Processing, or Warehouses, when limited to access

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

to individual storage units or warehouse bays, or facilities not open to the public and under the control of one business. This exception shall not apply to other vehicular circulation, or access ways providing ingress/egress to other uses or tenants within a Development.

....
C. Thresholds

1. Underlying Land Use

A MUPD with an underlying nonresidential FLU designation may utilize either land use, or a combination of land uses, to satisfy the requirements of Table 3.E.3.D, MUPD Property Development Regulations. ~~Uses allowed shall correspond to the FLU designation in Table 3.E.1.B, PDD Use Matrix.~~

D. Property Development Regulations

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, MXPDP, commercial pod of a PUD, commercial and industrial pods of a PIPD, or a TMD as follows: [Ord. 2004-040]~~

~~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
[Ord. 2004-040] [Ord. 2014-025]						
Notes:						
(1) Limited to commercial pods in a PIPD only. [Ord. 2014-025]						
(2) Maximum number of spaces.						

~~Table 3.E.3.D – Work/Live Space TMD~~

TIER	U/S	AGR/GLADES	RURAL/EXURBAN
DRO	100	100	75
[Ord. 2004-040]			

Section 4 Mixed Use Planned Development (MXPDP)

....
E. Use Regulations

....
2. Commercial Uses

a. ~~Hours of Operation~~

~~Non-residential uses shall not commence business activities, including delivery and stocking operations prior to 6:00 a.m. nor continue activities later than 11:00 p.m. within 300 feet of a dwelling unit.~~

~~[ReNUMBER Accordingly]~~

Section 5 Planned Industrial Park Development (PIPD)

....
E. Pods

1. Industrial Pods

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

- 1 **a. Use Regulations**
- 2 ~~Uses shall be permitted in accordance with Table 3.E.1.B, PDD Use Matrix, and Art. 4,~~
- 3 ~~Use Regulation. [Ord. 2004-040] [Ord. 2008-003]~~
- 4 **[Renumber accordingly]**
- 5
- 6 **2. Commercial Pod**
- 7
- 8 **a. Use Regulations**
- 9 ~~Uses shall be permitted in accordance with Table 3.E.1.B, PDD Use Matrix, and Art. 4,~~
- 10 ~~Use Regulations. [2004-040] [Ord. 2008-003]~~
- 11 **[Renumber accordingly]**
- 12
- 13 **3. Residential Pod**
- 14
- 15 **a. Use Regulations**
- 16 Uses shall be permitted in accordance with the provisions for a PUD Residential Pod,
- 17 ~~indicated under Table 3.E.1.B, PDD Use Matrix, except for a SR-7 EDO, and Article~~
- 18 ~~4.B.1.A, Supplementary Standards. [Ord. 2004-040] [Ord. 2008-003] [Ord. 2010-022]~~
- 19
- 20 **4. Recreation Pod**
- 21
- 22 **a. Use Regulations**
- 23 Uses shall be permitted in accordance with the provisions for a PUD Recreation Pod,
- 24 ~~indicated under Table 3.E.1.B, PDD Use Matrix, Art. 4, Use Regulations. [Ord. 2004-~~
- 25 ~~040] [Ord. 2008-003]~~
- 26
- 27 **5. Civic Pod**
- 28
- 29 **a. Use Regulations**
- 30 Uses shall be permitted in accordance with the provisions for a PUD Civic Pod, ~~indicated~~
- 31 ~~under Table 3.E.1.B, PDD Use Matrix, Art. 4, Use Regulations. [Ord. 2004-040] [Ord.~~
- 32 ~~2008-003]~~
- 33
- 34 **Section 7 Recreational Vehicle Planned Development District (RVPD)**
- 35
- 36 **B. Thresholds**
- 37
- 38 **2. Sites**
- 39 ~~The multiplier for RV sites is 12/acre. The multiplier for camp sites is 40/acre. Camp sites~~
- 40 ~~may be allowed in addition to RV sites. The number of RV and campsites allowed shall be as~~
- 41 ~~specified in Table 4.B.3.C – Campground Intensity.~~
- 42
- 43 **D. Time Limitations**
- 44 ~~RV sites, campsites, and camping cabins shall comply with standards in Article 4.B.3.C.2.f,~~
- 45 ~~Duration of Stay.~~
- 46 **1. Residence**
- 47 ~~No person, other than the caretakers, shall reside or be permitted to reside in a RVPD for~~
- 48 ~~more than 180 days per calendar year. [Relocated to Article 4.B.3.C.2.f.2)a]~~
- 49 **2. Record Keeping**
- 50 ~~The RVPD owner or operator shall keep the following records: [Relocated to Article~~
- 51 ~~4.B.3.C.2.f.2)b)]~~
- 52 ~~a. the make, model, and year of each RV; [Relocated to Article 4.B.3.C.2.f.2)b)(1)]~~
- 53 ~~b. the lot on which each RV is/was located; [Relocated to Article 4.B.3.C.2.f.2)b)(2)]~~
- 54 ~~c. the dates of occupancy for each RV; and [Relocated to Article 4.B.3.C.2.f.2)b)(3)]~~
- 55 ~~d. the name and permanent address of each RV owner. [Relocated to Article~~
- 56 ~~4.B.3.C.2.f.2)b)(4)]~~
- 57 **3. Mobility**
- 58 ~~The mobility of each recreational vehicle shall be maintained at all times. All recreational~~
- 59 ~~vehicles shall be currently licensed by the State of Florida. The license plate shall be visible~~
- 60 ~~at all times. [Relocated to Article 4.B.3.C.2.f.2)c)]~~
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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1 Part 15. ULDC Table 3.F.1.F, Traditional Development Permitted Use Schedule (pages 195-233,
2 of 234), is hereby amended as follows:
3

4 CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

5 Section 1 General Provisions for TDDs

6 F. Use Regulations

7 Uses permitted in a TDD shall be according to the land use zone designation on the Master Plan
8 ~~master plan~~ approved by the DRO, or the land use designation of the TDD, whichever is
9 applicable, and Article 4, Use Regulations. Uses may be further limited by the Development
10 ~~Order development order~~, concurrency reservation, or other applicable requirement. ~~[Ord. 2005~~
11 ~~- 002]~~.

12 1. Conditional Uses

13 *The location, or alternative locations for each requested use must be approved by the BCC,*
14 *and the requested use must be located in only one of the locations approved the BCC. [Ord.*
15 *2005 - 002] [Ord. 2005-041] [Relocated from below]*

16 1. Use Designations

17 ~~Uses permitted in a TDD are classified as: permitted, special, DRO, or requested, as~~
18 ~~indicated in Table 3.F.1.F, TDD Use Matrix. [Ord. 2005 - 002]~~

19 ~~a. Permitted Uses (P)~~

20 ~~These uses are allowed by right and are identified by a P in the matrix. [Ord. 2005 -~~
21 ~~002]~~

22 ~~b. Special Uses (S)~~

23 ~~These uses require approval of a special permit and are identified by a S in the matrix.~~
24 ~~[Ord. 2005 - 002]~~

25 ~~c. DRO Uses (D)~~

26 ~~These uses require approval by the Development Review Officer (DRO) and are~~
27 ~~identified by a D in the matrix. [Ord. 2005 - 002]~~

28 ~~d. Requested Uses (R)~~

29 ~~These uses require approval by the BCC in accordance with the standards and~~
30 ~~procedures in Art. 2.B, Public Hearing Procedures, and are identified by an R in the~~
31 ~~matrix. Requested uses shall be shown on the master plan or site plan approved by the~~
32 ~~BCC. The location, or alternative locations for each requested use must be approved by~~
33 ~~the BCC, and the requested use must be located in only one of the locations approved~~
34 ~~the BCC. [Ord. 2005 - 002] [Ord. 2005-041] [Partially relocated above]~~

35 ~~1) Supplementary Use Standards~~

36 ~~A number in the 'Note' column of Table 3.F.1.F, Traditional Development Permitted~~
37 ~~Use Schedule, refers to supplementary land use standards in Art. 4.B,~~
38 ~~Supplementary Use Standards, which are applicable to the use. [Ord. 2005-002]~~
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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

Table 3.F.1.F--Traditional Development Permitted Use Schedule

District Tier Land-Use-Pod	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	NC	Open Space/Rec			Dev.	Preserve	
Residential Uses											
Single-family	P	-	-	P	-	-	-	-	-	-	122
Zero-lot-line	P	-	-	R	-	-	-	-	-	-	142
Town-house	P	-	-	R	-	-	P	P	P	-	132
Multi-family	P	P	-	P	P	-	P	P	P	-	87
Accessory dwelling	P	-	-	P	-	-	-	-	-	-	4
Congregate living facility, Type 1	P	-	-	P	-	-	P	P	P	-	34
Congregate living facility, Type 2	P	D	-	R	-	-	P	R	R	-	34
Congregate living facility, Type 3	R	R	-	R	R	-	R	-	-	-	34
Farm residence	-	-	-	-	-	-	-	-	-	-	50
Farm workers quarters										P	51
Home occupation	P	P	-	P	P	-	P	P	P	-	70
Kennel, Type I (Private)	P			P							73
Security or caretaker quarters		S	-		S	-	S	S	S		119
Agricultural Uses											
Agriculture, bona fide	-	-	-	-	-	-	-	-	-	P	3
Agriculture sales and service	-	-	-	-	-	-	-	-	P	-	6
Community vegetable garden	-	-	P	-	-	P	-	-	-	P	32
Grooms Quarters										S	65
Nursery, retail	-	P	-	-	P	-	P	P	P	-	88
Nursery, wholesale	-	-	-	-	-	-	-	-	-	S	89
Produce stand		P			P		S	S	S	S	101
Stable, commercial										D	125
Stable, private	P	-	-	P	-	-	-	-	-	P	126
Public and Civic Uses											
Assembly, nonprofit institutional		R			R		R	R	R		14
Assembly, nonprofit membership		R			R		R	R	R		15
Place of worship		R			R		R	R	R		29
Day care center, general		R			R		R	R	R		40
Day care center, limited		D			D		D	D	D		40
Government services		P			P		P	P	P	P	63
Homeless Resource Center											70-1
Hospital or medical center							R	R			71
Kennel, Type IV (Animal Shelter)							R	R	R		74-3
School, elementary or secondary		R			R		R	R	R	R	118
Recreation Uses											
Amusements, temporary or special event		S			S		S	S	S		12
Entertainment, indoor		R			R		R	R	R		45
Fitness center		P			P		P	P	P		56
Park, passive			P			P	P	P	P	P	93
Park, public			P			P	P	P	P	P	94
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2012-007] [Ord. 2012-027]											
Notes:											
P Permitted by right.											
D Permitted subject to approval by the DRO.											
S Permitted in the district only if approved by Special Permit.											
R Requested Use.											

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Notes:

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1

Table 3.F.1.F--Traditional Development Permitted Use Schedule (Continued)

District Tier Land Use Pod	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	N/C	Open Space/Rec			Dev	Preserve	
Commercial Uses											
Auction, enclosed							P				16
Automotive service station							R	R	R		18
Bed and breakfast	S			S			S	S	S		20
Convenience store		P			P		P	D	D		36
Convenience store with gas sales							R	R	R		37
Dog Daycare		R			R		R	R	R		43
Financial institution		R			R		R	R	R		55
Flea market, enclosed							R	R	R		57
Green market		P			P		P	P	P		64
Hotel							R				72
Kennel, Type III (Commercial-Enclosed)							R	R	R		74-2
Kiosk		P			P		P	P	P		75
Laundry services		P			P		P	P	P		78
Live/Work		D			D		D	D	D		141-2
Lounge, cocktail							R	R			79
Medical or dental office or clinic		P			P		P	P	P		83
Medical or dental laboratory							P	P	P		84
Office, business or professional		P			P		P	P	P		91
Personal services		P			P		P	P	P		98
Printing and copying services		P					P	P	P		100
Repair services, limited		P			P		P	P	P		108
Restaurant, Type I							R	R	R		109
Restaurant, Type II		R			R		D	D	D		110
Retail sales, general		P			P		P	P	P		114
Retail sales, mobile or temporary		S			S		S	S	S		115
Theater, indoor							P	P	P		129
Veterinary clinic		P			P		P	P	P		136
Work/live space		P			R		P	R	P		141-1
Utilities and Excavation											
Communication panel, antennas, commercial	S						D	D	D		31
Communication tower, commercial							D	D	D		31
Communication cell sites on wheels (COW)							S				31
Recycling Drop-Off Bin		D			D		D	D	D		104
Renewable Energy Facility, Solar											106-1
Renewable Energy Facility, Wind											106-2
Utility, minor	P	P	P	P	P	P	P	P	P		134
Type II Excavation	R	R	R	R	R	R	R	R	R		49
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-031] [Ord. 2016-016]											
Notes:											
P Permitted by right.											
D Permitted subject to approval by the DRO.											
S Permitted in the district only if approved by Special Permit.											
R Requested Use.											

2
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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

1 Section 3 Traditional Neighborhood Development (TND)

2
3 ~~B. Uses~~
4 ~~Uses allowed in a TND district are listed in Table 3.F.1.F, Traditional Development Permitted Use~~
5 ~~Schedule.~~

6 [Renumber accordingly]

7
8 ~~D.E. Land Use Zones~~

9
10 5. Residential Uses

11
12 d. Accessory Buildings
13 Accessory buildings shall not exceed 25 feet in height and may be used as a garage or
14 ~~accessory dwelling Accessory Quarters.~~

15 1) Calculation of Density
16 Accessory ~~dwelling Quarters~~ are not considered "dwelling units" for the purposes of
17 calculating the maximum allowable density in a TND.

18 2) Maximum Number
19 Up to one ~~accessory dwelling Accessory Quarters~~ unit per principal dwelling unit is
20 permitted.

21 3) Required Parking
22 One additional parking space per ~~accessory dwelling Accessory Quarters~~ is required.
23

24

24 Section 4 Traditional Marketplace Development (TMD)

25
26 ~~C. Uses Allowed~~
27 ~~Uses allowed in a TMD district are listed in Table 3.F.1.F, Traditional Development Permitted Use~~
28 ~~Schedule. [Ord. 2005 – 002]~~

29 [Renumber accordingly]

30
31 ~~D.E. Standards Applicable to AGR Tier~~
32 8. Preserve Area and Open Space Requirements

33
34 c. Preserve Areas
35 An AGR preserve area shall comply with the requirements of Art. 3.E.2.F.3, Preservation
36 Area; ~~Table 3.F.1.F, Traditional Development Permitted Use Schedule; Article 4.B.,~~
37 ~~Supplementary Use Standards and Article 4, Use Regulations;~~ all other development
38 regulations that are applicable to the AGR Tier and proposed use(s); and policies under
39 Objective 1.5 of the FLUE of the Plan. Nothing herein shall be misconstrued as requiring
40 a Preserve Area to conform to Article 3.F.4.D, Development Standards for all TMDs.
41 [Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-013]
42

43

43 Section 5 Traditional Town Development (TTD)

44 ~~C. Uses~~
45 ~~Uses allowed in a TTD district are listed in Table 3.F.1.F, Traditional Development Permitted Use~~
46 ~~Schedule, of this Article.~~

47 [Renumber accordingly]

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EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1 **Part. 1 Art. 4, Use Regulations is hereby deleted in its entirety and replaced with new Art. 4,**
2 **Use Regulations, as follows:**

3 **ARTICLE 4, USE REGULATIONS**

4 **CHAPTER A USER GUIDE AND GENERAL PROVISIONS**

5 **Section 1 Overview**

6 In order to ensure that all development in unincorporated PBC is consistent with the Comprehensive
7 Plan, it is necessary to define Uses and identify where such Uses are allowed. This Chapter establishes
8 the general provisions that address regrouping of uses by classification, approval process and any
9 requirements specific to a use. It also serves as a guide to assist users in determining the Uses that are
10 allowed in the various zoning districts. Specific procedures are outlined in Appendix A - Art. 4 User
11 Guide, and available on-line at PBC PZB Web Page at (place holder for web page address).

12 **Section 2 Variance Relief Prohibited**

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

15 **Section 3 Zoning and Future Land Use Consistency**

16 Before utilizing this Article to confirm if a use is allowed, it must be determined that the zoning district
17 designation of the subject site is consistent with its Future Land Use (FLU) designation. This can be
18 accomplished by referencing the site's FLU designation from the PBC Future Land Use Atlas (FLUA), and
19 check Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). If the zoning district
20 is inconsistent with the FLU designation, a rezoning may be required to allow for a proposed use subject
21 to the requirements specific to the Use and other applicable Project Development Regulations.

22 Depending on the size and location of the site, there may be multiple options for rezoning, which may
23 include Standard zoning districts, PDDs or TDDs. Once consistency has been confirmed or if it's
24 determined that rezoning may be required, the appropriate zoning district or zoning districts can then be
25 referenced to determine potential Uses and applicable approval process.

26 A. If the zoning district is consistent with the FLU designation, then a rezoning is not required. The
27 Applicant shall reference Use Matrices to see whether the proposed Use is allowed in that zoning
28 district and subject to what type of approval process.

29 B. If the zoning district is not consistent with FLU, then a rezoning is required. The Applicant shall
30 select the most appropriate zoning district, and reference Use Matrices to identify whether the
31 proposed Use is allowed in the proposed zoning district and subject to what type of approval
32 process.

33 **Section 4 Overlays**

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

38 **Section 5 Airport Zones**

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

41 **Section 6 Specific Regulations for Standard Zoning Districts**

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

44 **Section 7 Determining Approval Process**

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

48 **A. Organization**

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

54 **B. Use Classification**

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

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

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

C. Use Matrix

There are five processes to obtain a zoning approval for a use, as follows: Permitted by Right, Special Permit, DRO, Class B Conditional Use, or Class A Conditional Use. Each Use Matrix identifies all zoning districts, uses, and approval process. The Use Matrix consolidates use approvals in standard Zoning Districts, URAO, IRO, PDDs and TDDs. A number in the "Supplementary Use Standard" column of the Use Matrix refers to the Definition and Supplementary Use Standards applicable to the use.

1. Permitted by Right

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

2. Development Review Officer (DRO)

Uses identified with a "D" or exceeding the thresholds of Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, are allowed subject to approval by the DRO in accordance with Article 2.D, Administrative Process. [Ord. 2005-002]
[Renumber accordingly.]

3. Special Permit

Uses identified with an "S" are allowed in the zoning district only if approved by the Zoning Director in accordance with Article 2.D.2, Special Permit. Most of the Uses subject to Special Permit are under the Temporary Use Classification.

4. Class B Conditional Use

Uses identified with a "B" are allowed in the zoning districts only if approved by the ZC in accordance with Article 2.B, Public Hearing Process.

5. Class A Conditional Use

Uses identified with an "A" are allowed in the zoning districts with a recommendation by the Zoning Commission, and approved by the BCC in accordance with Article 2.B, Public Hearing Process.

6. Prohibited Uses

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

D. General Standards

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

E. Definitions and Supplementary Use Standards for Specific Uses

The definition for each Use permitted is listed. Where applicable, additional Supplementary Use Standards may apply. In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated. [Ord. 2010-022]

Section 8 Use Functions

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

A. Principal

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

B. Collocated

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

C. Accessory

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

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1 D. Flex Space

2 This option allows for limited office or retail opportunities where otherwise prohibited in industrial
3 Zoning Districts, or inversely allows for a limited type of industrial Uses in the commercial zoning
4 districts that are consistent with the CH FLU designation. Flex space is only permitted when
5 approved in accordance with Art. 5.B.1.C, Flex Space.

6 Section 9 Development Thresholds

7 A. Development Review Officer

8 Any amendment to an existing development, or new construction of projects that meets or
9 exceeds either the maximum square footage or number of units, shall require DRO site plan
10 approval.
11

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

Zoning District	Number of Units or Square Feet
RM	16 du
CN	3,000 square feet
CLO	3,000 square feet
CC	8,000 square feet
CHO	8,000 square feet
CG	10,000 square feet
CRE	15,000 square feet
IL	20,000 square feet
IG	20,000 square feet
IPF	20,000 square feet 16 du
IR	Any project utilizing the Infill Redevelopment Overlay
[Ord. 2010-005] [Ord. 2010-022]	
Notes:	
1. Approval of a subdivision plan is required for all subdivision of land for which a plat or plat waiver has not been granted pursuant to Article 11, Subdivision, Platting and Required Improvements or which exceeds the threshold above.	
2. Projects exceeding the thresholds above shall comply with Article 5.C, Design Standards.	

12
13 B. Public Hearing Approval

14 Any amendment to an existing development, or new construction of residential, commercial or
15 industrial projects that meets or exceeds either the maximum square footage or units, or
16 maximum acreage of Table 4.A.9.A, Thresholds for Projects Requiring Board of County
17 Commission Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art.
18 2.B.1, Official Zoning Map Amendment (Rezoning). Projects that meet or exceed the thresholds
19 of this table that do not meet the access and dimension requirements of a PDD or TDD; are not
20 allowed to be a PDD or TDD by the Plan; or for non-residential projects, consist of only one use,
21 shall be approved as a Class A Conditional Use. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-
22 005]

23 1. Exemptions

24 The following projects shall be exempt from this requirement: [Ord. 2010-005]
25 a. Projects located in the PO Zoning District or that propose to rezone to the PO Zoning
26 District, that support existing or proposed government facilities; and, [Ord. 2010-005]
27 b. Infill Redevelopment Overlay projects approved by the DRO. [Ord. 2010-005]
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EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1

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

FLU Designation (3)	Number of Square Footage or Units (4)	Acreage
Residential (Excluding RR FLU)	200 du	50 acres
AGR (Residential Only) (2)	-	250 acres
CLO	30,000	-
CHO	50,000	-
CL	30,000	-
CH	50,000	-
IND	100,000	-
INST	50,000	-
CR	100,000	-
MLU	50,000	-
EDC	100,000	-
Notes:		
1. Land area devoted to retention pursuant to the requirements of the C-51 drainage basin, or land area devoted to vegetation preservation pursuant to the Environmentally Sensitive Lands Ordinance, excluding AGR or Sector Plan preserve areas, shall not be counted toward the maximum acreage threshold. [Ord. 2006-004]		
2. PDDs or TDDs in the AGR Tier are limited to the 80/20 PUD, 60/40 PUD or AGR TMD (FLUE Policy 1.5.1-a).		
3. There are no thresholds for the UC or UI FLU designations. [Ord. 2011-016]		
4. Dwelling units shall include any density awarded as part of a density bonus program. [Ord. 2006-004] [Ord. 2011-016]		

2

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

5 **CHAPTER B USE CLASSIFICATION**

6 **Section 1 Residential Uses**

7 **A. Residential Use Matrix**

8 1. Residential related accessory uses are identified in Table 4.B.1.D – Corresponding
9 Accessory Use to a Principal Use.

10

11

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EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1 **B. General Residential Standards**

2 **1. Accessory Affordable Housing**

3 Multifamily, Single Family, Townhouse or Zero Lot Line Home may be allowed in the IPF
4 Zoning District as Affordable Housing in the same development of Institutional, Public and
5 Civic uses such as Place of Worship. The dwelling units shall not be for sale and shall be
6 subject to DRO approval. As part of the submittal requirement, the applicant shall
7 demonstrate that residential development will be under the direct supervision of a sponsoring
8 non-profit organization or community-based group.

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

10 **1. Congregate Living Facility (CLF)**

11 **a. Definition**

12 A facility which provides long-term care, housing, food service, and one or more assistive
13 care services for persons not related to the owner or administrator by blood or marriage.

14 **b. Licensing**

15 Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in State
16 Statute 419.001.

17 **c. Approval Process - RS Zoning District**

18 A Type 3 CLF may be allowed in the RS Zoning District with an HR-8 FLU designation
19 subject to a Class A Conditional Use approval.

20 **d. Maximum Occupancy**

21 **1) Type 1 CLF**

22 Six persons, excluding staff.

23 **2) Type 2 CLF**

24 14 persons, excluding staff.

25 **3) Type 3 CLF**

26 The maximum occupancy shall be determined by FLUE Table III.C.1 of the Plan and
27 multiplying the maximum allowable density by 2.39. A dwelling unit is equivalent to
28 2.39 beds. [Ord. 2005-002] [Ord. 2012-003]

29 **4) PDD Occupancy Bonus**

30 The gross area of a pod supporting a CLF in a planned development shall be
31 deducted from the gross area of the planned development for the purpose of
32 calculating the maximum density allowed in the PDD.

33 **e. Separation**

34 The separation requirements in this Section shall be measured from the nearest point of
35 the existing CLF structure to the nearest point of the proposed CLF structure.

36 **1) Type 1 CLF**

37 A Type 1 CLF, shall not be located within a radius of 1,000 feet of another Type 1
38 CLF regulated by F.S. §419.001 and within a radius of 1,200 feet of a Type 2
39 CLF. [Ord. 2013-001]

40 **2) Type 2 CLF - RM Zoning District**

41 A Type 2 CLF located in the RM Zoning District shall not be located within a radius of
42 1,200 feet of another CLF. [Ord. 2008-003] [Ord. 2013-001]

43 **f. Location**

44 A Type 3 CLF shall have frontage and access from a Collector or an Arterial Street,
45 except for the following:

46 1) A Type 3 CLF having 25 residents or less may have frontage and access from a local
47 street. [Ord. 2005-002] [Ord. 2013-001]

48 2) A Type 3 CLF having 250 or fewer residents may be located in a multi-family,
49 commercial, or civic pod with access to a local street or a parking tract in a PDD.
50 [Ord. 2005 - 002]

51 **g. Lot Size**

52 1) The minimum lot dimension for a Type 2 or Type 3 CLF shall be 8,000 square feet or
53 the zoning district minimum lot requirement, whichever is greater. [Ord. 2009-040]

54 2) The required minimum acreage for a PDD may be reduced by 50 percent if it consists
55 exclusively of a CLF.

56 **h. Type 2 or Type 3 CLFs - Fire Rescue Station**

57 A Type 2 or Type 3 CLFs shall be located within five miles of a full service fire-rescue
58 station. [Ord. 2013-001]

59 **i. Drop-off Area, for Type 2 and Type 3, CLFs**

60 A drop-off area shall be provided for group transportation, such as vans or similar
61 vehicles.

62 **j. Accessory Commercial Uses**

63 A limited amount of commercial uses may be Permitted by Right as accessory uses in a
64 Type 3 CLF. Such uses shall be limited to Retail Sales and Personal Services uses
65 designed exclusively to serve the residents of the facility, such as a barber or beauty
66 shop, convenience retail sales, and banking services. No more than ten percent of the
67 GFA of the facility shall be used for accessory commercial uses. There shall be no
68 exterior signage or other indication of the existence of these uses in the facility that may
69 attract nonresidents.

70 **k. Signage**

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ARTICLE 4, USE REGULATIONS
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Signage for a Type 1 or Type 2 CLF shall be limited to one freestanding sign no more than four square feet in sign face area and six feet in height.

I. Congregate Living, Assistive Care Services

Assistance with activities of daily living and limited nursing services.

m. Emergency Generators

A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, and shall meet the standards of Article 5.B.1.A.18, Permanent Generators. [Ord. 2006-004]

n. Cooking Facilities

A CLF shall provide and continuously maintain a central dining facility. Food preparation shall be prohibited in sleeping areas or in individual quarters in Types 1 and 2 CLFs. Individual kitchen facilities may be provided in the living quarters of a Type 3 CLF.

2. Mobile Home Dwelling

a. Definition

The use of a residential lot or unit for one mobile home.

b. Principal Use

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

c. Accessory Use – Bona Fide Agriculture

One mobile home structure may be allowed accessory to a principal Bona Fide Agriculture use.

1) Lot Size

a) AR (USA) and AGR Districts

A minimum of five acres. [Ord. 2008-037]

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

A minimum of ten acres. [Ord. 2008-037]

c) RR-20 FLU Designation

A minimum of 20 acres.

2) Setbacks

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

3) Mobile Home Removal Agreement

A removal agreement shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the Bona Fide Agriculture operation ceases to exist.

3. Multifamily

a. Definition

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

b. Typical Uses

Typical uses include apartments and residential condominiums.

c. Overlay – WCRAO

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

d. Zoning District

1) TMD District

AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC. [Ord. 2010-022]

2) RM District

Multifamily units may be allowed in the RM Zoning District with an MR5 FLU designation subject to the following:

a) Planning Determination

A written determination from the Planning Director that the property meets the criteria for an Infill Density Exemption in the Plan; and,

b) Existing RM Zoning

The property was zoned RM prior to the 1989 adoption of the Plan.

c) Approval Process

The approval process shall be as follows:

Table 4.B.1.C - Approval Process

Process	Units
Class A Conditional Use	Over 24
Class B Conditional Use	9-24
DRO	5-8
Permitted by Right	1-4

d) Development Order

Prior approvals for Multifamily units in the RM Zoning District with MR5 FLU designation shall be considered legal conforming uses.

e) Limestone Creek

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**ARTICLE 4, USE REGULATIONS
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Multifamily units in the RM Zoning District shall be prohibited in the area bounded on the north by 184 Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street).

4. Single Family

a. Definition

The use of a lot or a structure for one detached dwelling unit.

5. Townhouse

a. Definition

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

b. Approval Process - RS Zoning District

Townhouses shall only be allowed in the RS Zoning District on parcels with LR-2 or higher FLU designation. Townhouses on parcels with an HR-8, HR-12 or HR-18 FLU designation, may be allowed subject to DRO approval. **[Ord. 2005 – 002] [2016-042]**

6. Zero Lot Line Home (ZLL)

a. Definition

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

b. Approval Process - RS Zoning District

A ZLL Home shall only be allowed in the RS Zoning District with LR-2 or higher FLU designation. ZLL Homes on parcels with an HR-8, HR-12 or HR-18 FLU designation, may be allowed subject to DRO approval. **[Ord. 2005 – 002] [2016-042]**

D. General Standards for Accessory Uses

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

1. Corresponding Accessory Use to a Principal Use

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

- a) Permitted by Right unless stated otherwise; and,
- b) Allowed to the corresponding principal use in the table.

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

Accessory Use	Principal Use													
	Mobile Home Dwelling	Multifamily	Single Family	Townhouse	Zero Lot Line	Bona Fide Agriculture	Stable Commercial / Stable Private	Agricultural Uses	Commercial Uses	Industrial Uses	Institutional, Public and Civic Uses	Recreation Uses	Utilities and Excavation Uses	Transportation Uses
Accessory Quarters	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Caretaker Quarters (3)	-	-	-	-	-	S	S	S	S	S	S	S	S	S
Estate Kitchen	-	-	P	-	P	-	-	-	-	-	-	-	-	-
Family Day Care Home	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Farm Residence (2)	-	-	-	-	-	P (1)	-	-	-	-	-	-	-	-
Farm Workers Quarters	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Garage Sale	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Grooms Quarters	-	-	-	-	-	-	A	-	-	-	-	-	-	-
Guest Cottage	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Home Occupation	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Kennel, Type 1	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Limited Pet Boarding	-	-	A (4)	-	-	-	-	-	-	-	-	-	-	-
Notes														
-	Accessory use not allowed													
P	Permitted by Right													
A	Accessory use subject to Class A Conditional Use unless stated otherwise – See principal use and accessory use supplementary standards.													
S	Special Permit													
(1)	Farm Residence may only be accessory to Bona Fide Agriculture in the AGR and AP Zoning District.													
(2)	Accessory uses to Single Family are Permitted by Right to a Farm Residence.													
(3)	Special Permit is only applicable when a Mobile Home structure is utilized for Caretaker Quarters.													
(4)	Limited Pet Boarding shall be allowed in the AGR and AR/RSA and AR/USA Zoning Districts only.													

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ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

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- 2. **Property Development Regulations (PDRs)**
Accessory residential uses shall be subject to the PDRs of the zoning district in which the use is located unless stated otherwise.
 - 3. **Ownership**
Accessory residential uses shall remain under the same ownership of the principal use and shall not be subdivided or sold as condominium.
 - 4. **Duplicate Use**
Provided all other applicable standards in the Code are met, a principal use shall be allowed to have no more than one of each of the accessory uses listed in Table 4.B.1.D – Corresponding Accessory Use to a Principal Use, unless stated otherwise.
 - 5. **Discontinuation of Use**
An accessory use shall continue only as long as the principal use that it serves remains active.
- E. **Accessory Residential Use Standards**
- 1. **Accessory Quarters**
 - a. **Definition**
A complete, separate living facility equipped with a kitchen and provisions for sanitation and sleeping, located on the same lot as the owner occupied principal dwelling.
 - b. **Building Area**
The use shall be subject to the following:
 - 1) On less than one acre: a maximum of 800 square feet.
 - 2) On one acre or more: a maximum of 1,000 square feet.
 - 3) The floor area calculation shall include only the living area of the accessory quarter under a solid roof. [Ord. 2005-041]
 - 4) Additional floor area under a solid roof that is utilized as a porch, patio, porte cochere, carport, or garage shall not exceed 500 square feet.
 - c. **Compatibility**
The Accessory Quarter shall be architecturally compatible in character and materials with the principal dwelling.
 - d. **Kitchen Facilities Removal**
An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit.
The agreement shall require the kitchen to be removed if the principal dwelling is no longer owner occupied.
 - e. **No Separate Utility Service**
There shall be no separate meters for any utilities. Both, the principal dwelling and the accessory dwelling shall be connected to the same utilities. [Ord. 2005-041]
 - f. **Design and Development Standards- Townhouse or Zero Lot Line**
A detached Accessory Quarters associated with a Townhouse or a Zero Lot Line shall be located in the rear of the lot with access from a street or alley.
 - 2. **Caretaker Quarters**
 - a. **Definition**
An accessory residence used by a caretaker engaged in providing security, custodial or managerial services upon the premises.
 - b. **Building Area**
The use shall be subject to the following:
 - 1) On less than one acre: a maximum of 800 square feet. [Ord. 2007-001]
 - 2) On one acre or more: a maximum of 1,000 square feet. [Ord. 2007-001]
 - c. **Occupancy**
A Caretaker Quarters shall be for the exclusive use of the site on which it is located and shall be occupied only by the custodian or caretaker and their family.
 - d. **Temporary Use**
Unless stated otherwise, a Caretaker Quarters use shall not be allowed in association with a temporary use.
 - e. **Mobile Home**
A mobile home may be used for a Caretaker Quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. A mobile home used in the AGR, AP, or AR districts, shall be subject to the minimum acreage requirement pursuant to Article 4.B.1.C.2.c, Accessory Use - Bona Fide Agriculture. If a mobile home is used, the Special Permit shall be renewed annually. [Ord. 2008-037]
 - f. **Mobile Home Removal Agreement**
A removal agreement shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of the building permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the principal use ceases to exist.
 - 3. **Estate Kitchen**
 - a. **Definition**

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- 1 A second kitchen located within a principal Single Family, Zero Lot Line, or Farm
2 Residence.
- 3 **b. Conversion to Duplex Prohibited**
4 A secondary kitchen may be added provided there shall not be the presence of a second
5 complete and separate living environment associated with the secondary kitchen.
- 6 **4. Family Day Care Home**
7 **a. Definition**
8 An occupied residence in which custodial care is rendered to one to six children,
9 inclusive, and for which the owner or operator receives a payment, fee, or grant for any of
10 the children receiving care, whether or not operating for profit, consistent with F.S.
11 125.0109 as amended. **[Ord. 2011-016]**
- 12 **b. Signage**
13 Signs shall not be permitted.
- 14 **5. Farm Residence**
15 **a. Definition**
16 A dwelling unit, other than a mobile home, located on a parcel of land used for a Bona
17 Fide Agriculture use and occupied by the owner or operator of the farm operation. **[Ord.**
18 **2005-002]**
- 19 **b. Principal Dwelling**
20 One principal dwelling shall be permitted for each bona fide farm operation.
- 21 **6. Farm Workers Quarters**
22 **a. Definition**
23 One or more residential structures providing a complete living environment, occupied by
24 farm workers who provide labor in conjunction with a Bona Fide Agriculture operations.
- 25 **b. Building Area**
26 One Farm Workers Quarter may be allowed for each 25 acres subject to the following:
27 **[Ord. 2006-004]**
28 1) Limited to a maximum of four beds; and,
29 2) The structure shall not exceed 1,000 sq. ft. GFA under a solid roof.
- 30 **c. AGR Tier**
31 AGR/PUD or TMD Preserve shall be allowed one dwelling unit per acre provided such
32 units are clustered onto a single compact area of the preserve and are restricted to
33 occupancy by farm workers. Farm Workers Quarters shall not be located on property in
34 the AGR Tier to which no residential density is assigned by the FLU designation. **[Ord.**
35 **2006-004]**
- 36 **d. Mobile Home Removal Agreement**
37 A mobile home may be used for a Farm Workers Quarters. A removal agreement shall
38 be executed and notarized between the Building Division and property owner and
39 recorded on the property in the official records of the PBC Clerk prior to issuance of the
40 building permit. The agreement shall be recorded against the property stating that the
41 mobile home shall be removed within 30 days in the event the property is sold or the
42 Bona Fide Agriculture operation ceases to exist.
- 43 **7. Garage Sale**
44 **a. Definition**
45 Temporary sale of household articles, in the front yard or garage of a dwelling unit, by the
46 occupant.
- 47 **b. Duration**
48 A maximum of 72 hours.
- 49 **c. Number of Sales**
50 A maximum of two per year per dwelling unit.
- 51 **8. Groom's Quarters**
52 **a. Definition**
53 On-site living quarters for persons responsible for grooming and caring for horses
54 boarded at a Stable.
- 55 **b. Zoning Districts - AGR PUD or AGR TMD**
56 1) Twenty Groom's Quarters may be allowed on the preservation area of an AGR PUD
57 or AGR TMD.
58 2) For more than 20 groom's quarters, the allowable density shall be decreased by one
59 unit for each groom's quarter and shall not exceed a maximum reduction of one-half
60 of the number of dwelling units associated with the Preservation Area. **[Ord. 2006-**
61 **004]**
- 62 **c. Number of Groom's Quarters**
63 1) **20 Acres or Less**
64 One Groom's Quarters may be allowed for every four horse stalls.
65 2) **More Than 20 Acres**
66 One Groom's Quarters may be allowed for every three horse stalls.
- 67 **d. Building Area**
68 1) **Each Unit**
69 Each Groom's Quarters shall not exceed 500 square feet of GFA per unit.
70 2) **20 Acres or Less**
71 The total GFA for all Groom's Quarters shall not exceed 5,000 square feet per lot.

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4) **Occupancy**

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

d. **Approval Process**

Table 4.B.6.C - Groom's Quarters

Process	Number of Groom's Quarters Permitted
Class A Conditional Use	101 or more
Class B Conditional Use	21 through 100
DRO	Five through 20
Permitted by Right	Maximum of four
[Ord. 2007-001]	

e. **Kitchen Facilities Removal**

Groom's Quarters may contain individual cooking facilities and/or one common dining facility. An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of building permit of the groom's quarter. The agreement shall require the kitchen to be removed within 90 days of the unit ceasing to operate as a groom's quarters.

9. **Guest Cottage**

a. **Definition**

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

b. **Building Area**

The use shall be subject to the following:

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

c. **Kitchen or Cooking Facilities**

There shall be no kitchen or cooking facilities in a Guest Cottage.

d. **Compatibility**

A Guest Cottage shall be architecturally compatible in character and materials with the principal dwelling unit.

e. **No Separate Utility Service**

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

10. **Home Occupation**

a. **Definition**

A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A Home Occupation shall not include those businesses that are open to the public including those required by State of Florida agencies. [Ord. 2009-040]

b. **Incidental Nature**

Shall be clearly incidental and subordinate to the residential use of the dwelling property.

c. **Location**

With the exception of outdoor instructional services, a Home Occupation shall be conducted within the principal dwelling or off-site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.

d. **No Change to Character of Dwelling**

The residential character of the dwelling in terms of exterior appearance and interior space shall not be altered or changed to accommodate a home occupation.

e. **Employees**

Shall be conducted by members of the immediate family residing in the dwelling unit only. A maximum of one person who is not a member of the immediate family may assist in the operation of the home occupations at the residence.

f. **Advertising**

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

g. **Cottage Foods**

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No food preparation shall be allowed, except as allowed in accordance with Section F.S. Section 500.80 cottage food operations, as amended.

h. On-Premise Sale of Goods and Services

A Home Occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services- or incidental retail sales where the Home Occupation is a mail order or internet business.

i. Instructional Services

Instructional services shall meet the following additional regulations:

1) Home Instruction, Inside

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

2) Home Instruction, Outside

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

3) Hours of Operation

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

4) Number of Students

A maximum of three students at a time may be allowed to receive instruction during a lesson.

5) Parking

No more than two vehicles associated with the lessons may be allowed to be parked at the instructor's home at any time.

6) Resident

The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor may be allowed to provide instruction. [Ord. 2007-013]

j. Outside Storage

No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling, including driveways.

k. Nuisances

No Home Occupation shall involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building. There shall be no storage of hazardous or noxious materials on the site of the home occupation. There shall be no noise of an objectionable nature from the Home Occupation audible at adjoining property lines.

l. Violations or Hazard

If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the business tax receipt may be revoked. [Ord. 2007-013]

m. Vehicles

One business related vehicle per dwelling unit not over one ton rated capacity may be parked at the home, provided the vehicle is registered to a resident of the dwelling, commercial vehicles are prohibited.

11. Kennel, Type 1

a. Definition

A residential lot with a Single Family dwelling designed or arranged to facilitate the non-commercial care of domestic dogs and cats, owned by the occupants of the premises. [Ord. 2006-036] [Ord. 2008-036] [Ord. 2013-001]

b. Private Non-Profit

A Kennel Type 1 may include a private non-profit animal organization that is not open to the public. A PBCACC Excess Animal Habitat permit shall be prohibited. [Ord. 2006-036] [Ord. 2008-037] [Ord. 2013-001]

c. Hobby Breeder

A person who breeds up to two litters of dogs or cats or 19 dogs or cats per one-year period, on their property. A Hobby Breeder is further defined and regulated by the PBCACC pursuant to Ord. 98-022, as amended. [Ord. 2006-036]

12. Limited Pet Boarding

a. Definition

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

b. Approval Process

The use shall be subject to Class A Conditional Use approval process in the AGR and AR/RSA and AR/USA Zoning Districts pursuant to 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

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- 1 Shall not be located within a radius of 1,000 feet of another Limited Pet Boarding use.
2 The separation distance shall be measured from property line to property line.
- 3 **e. Maximum Number**
4 No more than a total of seven cats or dogs shall be boarded at any given time. The total
5 number of cats and dogs boarded and owned by the resident of the Single Family
6 Dwelling shall not exceed the maximum limits for dogs and cats established by Animal
7 Care and Control pursuant to Palm Beach County Ordinance section 4-22.
- 8 **f. Boarding**
9 Cats or dogs shall be boarded within the Single Family structure except when outdoor
10 activities take place. Boarding operations not conducted within the Single Family
11 dwelling, but in an accessory structure, must be a legally conforming use as of October 1,
12 2016.
- 13 **g. Hours**
14 1) Outdoor activities shall be limited to 7:00 a.m. and 9:00 p.m. unless under the
15 restraint or control of a person by means of a leash.
16 2) Business hours including drop-off and pickup shall be between 6:00 a.m. to 7 p.m.
- 17 **h. Outdoor Areas**
18 1) Cats and dogs shall be personally supervised during the outdoor activity; and,
19 2) Shall be setback a minimum of 25 feet from all property lines.
- 20 **i. Signage**
21 No signage shall be allowed to advertise the Limited Pet Boarding use.
- 22 **j. ACC Permit**
23 The operator of the use shall obtain Zoning Approval prior to application for an
24 Operational Permit by the ACC.

25 **Section 2 Commercial Uses**

26 **A. Commercial Use Matrix**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

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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 a residential FLU designation, except as follows: [Ord. 2005 – 002] [Ord. 2014 – 025]

- a. When separated by an Arterial or Collector Street a minimum of 80 feet in width.
- b. When separated by a Local Commercial Street, provided the R-O-W buffer is upgraded to include a minimum six foot high hedge.
- c. When separated by a parcel with a non-residential use such as utilities, canal R-O-W, easements, FDOT or County drainage, a minimum of 80 feet in width, subject to the provision of a Type 3 Incompatibility Buffer with a continuous two foot high berm. The required wall shall be placed on the top of the berm. Canopy Trees shall be one and one half times the required tree quantity.
- d. Requests for Type 2 Variance from Bay Doors regulations may be allowed in accordance with Art. 2, Development Review Procedures.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Adult Entertainment

a. Establishment

Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. §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]

b. Definitions

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

1) Adult Arcade

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

2) Adult Bookstore/Adult Video Store

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

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

3) Adult Booth

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

4) Adult Dancing Establishment

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

5) Adult Entertainment

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

6) Adult Material

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

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- 1 a) Books, magazines, periodicals or other printed matter; photographs, films, motion
2 pictures, video cassettes, slides, or other visual representations; recordings,
3 other audio matter; and novelties or devices; which have as their primary or
4 dominant theme subject matter depicting, exhibiting, illustrating, describing or
5 relating to specified sexual activities or specified anatomical areas; or, [Ord.
6 2004-051] [Ord. 2009-040]
- 7 b) Instruments, novelties, devices, or paraphernalia which are designed for use in
8 connection with specified sexual activities. [Ord. 2004-051] [Ord. 2009-040]
- 9 **7) Adult Motel**
- 10 A hotel, motel or similar commercial establishment which offers accommodations to
11 the public for any form of consideration; provides patrons with closed-circuit television
12 transmissions, films, motion pictures, video cassettes, slides, or other photographic
13 reproductions which are characterized by the depiction or description of "specified
14 sexual activities" or "specified anatomical areas;" and has a sign visible from the
15 public streets which advertises the availability of this adult type of photographic
16 reproductions. [Ord. 2004-051] [Ord. 2009-040]
- 17 **8) Adult Theater**
- 18 An establishment operated for commercial gain which consists of an enclosed
19 building, or a portion or part thereof or an open-air area used for viewing of adult
20 material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture
21 theater" are included within the definition of "adult theater". An establishment which
22 has "adult booths" is considered to be an "adult theater". [Ord. 2004-051] [Ord.
23 2009-040]
- 24 **9) Adult Video Store**
- 25 See Adult Bookstore. [Ord. 2004-051] [Ord. 2009-040]
- 26 **10) Commercial Gain**
- 27 Operated for pecuniary gain, which shall be presumed for any establishment which
28 has received a business tax receipt. For the purpose of this Code, commercial or
29 pecuniary gain shall not depend on actual profit or loss. [Ord. 2004-051] [Ord. 2007-
30 013] [Ord. 2009-040]
- 31 **11) Educational Institution**
- 32 Premises or site within a municipality or within the unincorporated area of PBC upon
33 which there is a governmentally licensed child care facility for six or more children or
34 elementary or secondary (K-12) school, attended in whole or in part by persons
35 under 18 years of age. [Ord. 2004-051] [Ord. 2009-040]
- 36 **12) Employee**
- 37 Any person who works, performs, or exposes his/her specified anatomical areas in
38 an establishment, irrespective of whether said person is paid a salary or wages by
39 the owner or manager of the business, establishment, or premises. "Employee" shall
40 include any person who pays any form of consideration to an owner or manager of an
41 establishment, for the privilege to work performing or exposing his/her specified
42 anatomical areas within the establishment. [Ord. 2004-051] [Ord. 2009-040]
- 43 **13) Person**
- 44 Includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s),
45 estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and
46 all other or any other similar entity. [Ord. 2004-051] [Ord. 2009-040]
- 47 **14) Religious Activities**
- 48 Any daily, weekly, or periodic activity associated with or that occurs at a religious
49 institution. [Ord. 2004-051] [Ord. 2009-040]
- 50 **15) Religious Institution**
- 51 A premises or site which is used primarily or exclusively for religious worship and
52 related religious ecclesiastical or denominational organization or established place of
53 worship, retreat, site, camp or similar facilities owned or operated by a bona fide
54 religious group for religious activities shall be considered a religious institution. [Ord.
55 2004-051] [Ord. 2009-040]
- 56 **16) Specified Anatomical Areas**
- 57 Less than completely and opaquely covered: [Ord. 2009-040]
- 58 a) Human genitals and pubic region or; [Ord. 2004-051] [Ord. 2009-040]
- 59 b) the opening between the human buttocks, i.e., the anal cleft or; [Ord. 2004-051]
60 [Ord. 2009-040]
- 61 c) that portion of the human female breast encompassed within an area falling
62 below the horizontal line one would have to draw to intersect a point immediately
63 above the top of the areola (the colored ring around the nipple); this definition
64 shall include the entire lower portion of the female breast, but shall not include
65 any portion of the cleavage of the human female breast exhibited by a dress,
66 blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola
67 is not so exposed or; [Ord. 2004-051] [Ord. 2009-040]
- 68 d) human male genitals in a discernibly turgid state, even if completely and
69 opaquely covered. [Ord. 2004-051] [Ord. 2009-040]
- 70 **17) Specified Sexual Activities**

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- a) Human genitals in a state of sexual stimulations, arousal, or tumescence; **[Ord. 2004-051] [Ord. 2009-040]**
- b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or **[Ord. 2004-051] [Ord. 2009-040]**
- c) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; **[Ord. 2004-051] [Ord. 2009-040]** or
- d) excretory functions as part of or in connection with any of the activities set forth in subsections of Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities. **[Ord. 2004-051] [Ord. 2009-040]**

c. Exclusions

Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program. **[Ord. 2004-051] [Ord. 2009-040]**

d. License per Palm Beach County Adult Entertainment Code

- 1) An establishment that possesses an Adult Entertainment license as indicated in Art. 4.B.2.C.1.n.1).c), is presumed to be an Adult Entertainment establishment.
- 2) An Adult Entertainment use approved by the DRO, after this Ordinance is effective, shall hold a valid Adult Entertainment License pursuant to the "Adult Entertainment Code", Chapter 17, Article V of the Palm Beach County Code, as may be amended, prior to issuance of a Business Tax Receipt.

e. Review and Approval Process

- 1) Applications for new Adult Entertainment establishment or legal nonconforming establishments exceeding the thresholds in Art. 1.F, Nonconformities, shall be subject to DRO approval.
- 2) An Adult Entertainment establishment shall be exempt from the requirements under Development Thresholds in Art. 4, Use Regulations.
- 3) The Zoning Director shall determine what DRO agencies shall review the application, including but not limited to the Building Division, Fire Department and Zoning Division. DRO shall approve, approve with conditions, or deny the application within 21 days of a determination of application sufficiency as contained in Art. 2.A.1.G.4, Sufficiency Review.

f. Conditions

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

g. Relief from a Decision

A Person seeking a DRO approval or a Person holding a previously approved Special Permit or an Adult Entertainment Establishment License, has the right to immediately seek relief from a denial of application sufficiency for a DRO, denial of a DRO application, or revocation or suspension of a Special Permit or DRO approval, as applicable, to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida. **[Ord. 2004 - 051] [Ord. 2009-040] [Ord. 2011-016]**

h. Purpose and Intent

The following standards are intended to provide for the proper location of Adult Entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks, and other commercial uses. Proper separation of Adult Entertainment uses prevents the creation of "skid-row" areas in unincorporated PBC that results from the concentration of these uses and their patrons. It is also the intent of these standards to limit the secondary effects of Adult Entertainment uses and to ensure that residential districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of Adult Entertainment uses. The location of residential districts, religious uses, educational uses, parks and other commercial uses within viable, unlighted and desirable areas support the preservation of property values and promotes the health, safety and welfare of the public. **[Ord. 2004-051] [Ord. 2009-040]**

i. Findings of Fact

Based on the evidence and testimony presented at the October 5, 2004 preliminary reading and the October 19, 2004 and November 16, 2004 Public Hearings before the BCC, and the August 27, 2009 preliminary reading and the September 24, 2009 and October 22, 2009 Public Hearings before the BCC, and on the findings incorporated in: the "Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard", October 1991; "Adult Entertainment Businesses in Indianapolis: An Analysis" conducted by the Department of Metropolitan Development, Division of Planning, February, 1984; the "Study of the Effects of Concentration of Adult Entertainment Establishments in the City of Los Angeles" conducted by the Los Angeles City Planning Department for the Los Angeles City Council, June 1977; the study conducted by the City of Austin Texas; the "Presentation to the Orange County Commission" by the Metropolitan Bureau of Investigation (MBI) for the Ninth Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach

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County by Eric Damian Kelly, Ph.D, FAICP, dated September 24, 2004; letter from Dale N. Tarvis, M.D.; "Analysis of Availability of Sites for Adult Entertainment in Palm Beach County" prepared for Palm Beach County by Duncan Associates, November 2003; the "Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the County Attorney, Palm Beach County, Florida" prepared by Valerie Jenness, Ph.D., Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D, August 15, 2007; the "Survey of Florida Appraisers – Effects of Land Uses on Surrounding Property Values" prepared for Palm Beach County by Duncan Associates, December 2007 (Report 2008); and information from Tampa, Florida detailing the effects of Adult Entertainment establishments in the Tampa area; the BCC hereby finds the following: [Ord. 2004-051] [Ord. 2009-040]

- 1) Commercial uses exist or may exist within unincorporated PBC where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and/or other devices that depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold. [Ord. 2004-051] [Ord. 2009-040]
- 2) Commercial uses exist or may exist within unincorporated PBC: [Ord. 2009-040]
 - a) Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded, and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas; [Ord. 2004-041] [Ord. 2009-040]
 - b) Where dancers, entertainers, performers, or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical area; or [Ord. 2004-051] [2009-040]
 - c) Where lap dancing occurs. [Ord. 2004-051] [Ord. 2009-040]
- 3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce, and the community environment in PBC. [Ord. 2004-051] [Ord. 2009-040]
 - a) When the activities described in Art. 4.B.2.C.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, are presented in commercial uses, other activities that are illegal, immoral, or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution, and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and land. [Ord. 2004-051] [Ord. 2009-040]
 - b) When the activities described in Art. 4.B.2.C.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, are present in commercial uses within PBC, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, promote crime, and ultimately lead residents and businesses to move to other locations. [Ord. 2004-051] [Ord. 2009-040]
 - c) There is a direct relationship between the display and depiction of specified anatomical areas as described in Art. 4.B.2.C.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community, and the occurrence of these activities are hazardous to the health and safety of those persons in attendance and tend to depreciate the value of adjoining land and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, the tone of commerce and the community environment in PBC. [Ord. 2004-051] [Ord. 2009-040]
- 4) Based upon these findings, the BCC finds that there are a sufficient number of available locations for new Adult Entertainment uses within unincorporated Palm Beach County. [Ord. 2004-051] [Ord. 2009-040]
- 5) Based upon these findings, it is in the interest of the health, safety, morals, and general welfare of the citizens of PBC that Adult Entertainment uses are regulated pursuant to the following standards. [Ord. 2009-040]

j. Separation

There shall be no variance to the location standards contained herein.

1) General

An Adult Entertainment use shall be located outside of the minimum distances indicated below including properties within a municipality or within the unincorporated area of PBC: [Ord. 2004-051] [Ord. 2009-040]

- a) Other Adult Entertainment
2,000 feet. [Ord. 2004-051] [Ord. 2009-040]
- b) A 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]

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- 1 e) **A Residential Zoning District**
- 2 Which is Designated as Residential by any Local Comprehensive Plan,
- 3 500 feet. [Ord. 2004-051] [Ord. 2009-040]
- 4 f) **A Cocktail Lounge**
- 5 750 feet. [Ord. 2004-051] [Ord. 2009-040]
- 6
- 7 **2) Measurement of Distance**
- 8 The distance set forth above shall be measured by drawing a straight line between
- 9 the nearest point on the perimeter of the exterior wall or bay housing the proposed
- 10 Adult Entertainment establishment to the nearest point on the property line of the
- 11 relevant Place of Worship, Educational Institution, Public Park, or residential zoning
- 12 district. For the purpose of measuring the distance, also see Article 1.C, Rules of
- 13 Construction and Measurement, between Adult Entertainment uses, the distance
- 14 shall be measured by drawing a straight line between the nearest point on the
- 15 perimeter of the exterior wall or bay of the proposed or existing Adult Entertainment
- 16 establishment and the nearest point on the exterior wall or bay of another Adult
- 17 Entertainment establishment. Measurement shall be made in a straight line, without
- 18 regard to intervening structures or objects. [Ord. 2004-051] [Ord. 2009-040]
- 19
- 20 **3) WCRA Overlay**
- 21 Adult Entertainment is prohibited within the boundaries of the WCRAO, as per Article
- 22 3.B.14.E. WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Ord. 2009-040]
- 23
- 24 **k. Subsequent Development within Location Standards**
- 25 The subsequent approval of a development order for a Place of Worship, Educational
- 26 Institution, Public Park, or residential district within the distances outlined above shall not
- 27 change the status of the Adult Entertainment use to that of a nonconforming use. [Ord.
- 28 **2004-051] [Ord. 2009-040]**
- 29
- 30 **l. Landscaping**
- 31 A Type 2 incompatibility buffer, pursuant to Article 7.F, Perimeter Buffer Landscape
- 32 Requirements with canopy trees spaced a minimum of 20 feet on center and a wall a
- 33 minimum of six feet in height shall be installed along any property line that abuts a
- 34 residential district. [Ord. 2004-051] [Ord. 2009-040]
- 35
- 36 **m. Lighting**
- 37 Outdoor low-intensity lighting shall be provided that illuminates the entire parking and
- 38 vehicular use area. The lighting shall be installed on structures that do not exceed 16
- 39 feet in height from finished grade. [Ord. 2004-051] [Ord. 2009-040]
- 40
- 41 **n. Nonconformity**
- 42 **1) Establishment of Nonconformity**
- 43 An Adult Entertainment use shall be deemed a nonconforming use, provided the
- 44 establishment: [Ord. 2004-051] [Ord. 2009-040]
- 45 a) Was in operation as an Adult Entertainment use, generally known and held out in
- 46 the neighborhood and community as an Adult Entertainment establishment, and
- 47 was open to the public as an Adult Entertainment establishment use on
- 48 November 28, 1988; and, [Ord. 2004-051] [Ord. 2009-040]
- 49 b) Possessed a valid and current business tax receipt authorizing the general type
- 50 of use, which would correspond to the Adult Entertainment use being claimed as
- 51 nonconforming on November 28, 1988; and, [Ord. 2004-051] [Ord. 2007-013]
- 52 [Ord. 2009-040]
- 53 c) Submitted an application for an Adult Entertainment license pursuant to the PBC
- 54 Adult Entertainment Code, Chapter 17, Article V of the PBC Code, as may be
- 55 amended, with appropriate filing fees by August 15, 1992. [Ord. 2004-051] [Ord.
- 56 **2009-040]**
- 57 d) Any Special Permit submitted between August 16, 1992 and the effective date of
- 58 this Ordinance.
- 59 **2) Standards for Nonconformance**
- 60 A nonconforming Adult Entertainment use as determined in Article 4.B.2.C.2.n,
- 61 Nonconformity, above shall be subject to the following Supplementary Use
- 62 Standards, in addition to Article 1.F, Nonconformities. [Ord. 2004-051] [Ord. 2009-
- 63 **040]**
- 64 **a) Landscape Buffer**
- 65 The Adult Entertainment shall construct and install a Type 2 incompatibility
- 66 buffer, as defined in Article 7.F, Perimeter Buffer Landscape Requirements, with
- 67 canopy trees spaced a maximum of 20 feet on center along any property line that
- 68 abuts a residential district, within 90 days of the date of issuance of the Adult
- 69 Entertainment license by the occupational licensing department. [Ord. 2004-
- 70 **051] [Ord. 2009-040]**
- 71 **b) Building Permit**
- 72 If a building permit for exterior structural renovation or remodeling or a paving or
- 73 parking permit is issued for the Adult Entertainment use, the requirements of
- 74 Article 7, Landscaping, shall apply to the entire site of the Adult Entertainment
- 75 use. [Ord. 2004-051] [Ord. 2009-040]
- 76
- 77 **3) Modification or Improvement to Site Elements**

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1 When an Adult Entertainment establishment has been determined to be a non-
2 conforming use, or is located within a nonconforming structure, modifications or
3 improvements to conforming or nonconforming site elements or exterior architecture
4 shall be permitted. The total cost associated with these improvements will not be
5 used in determining the allowable improvements to the interior of the structure,
6 pursuant to Art. 1.F.1. [Ord. 2015-006]

7 **o. Accessory Food Service in Industrial Districts**

8 In the IL and IG Zoning Districts, food service may be allowed as an accessory use to
9 Adult Entertainment, only in conjunction with and during the hours of operation for an
10 adult theater or an adult dancing establishment. [Ord. 2015-006]

11 **p. Collocated Cocktail Lounge**

12 A Cocktail Lounge may be Permitted by Right as a collocated use only when operated in
13 conjunction with and during the hours of operation for an Adult Entertainment
14 establishment. [Ord. 2015-006]

15 **2. Auction**

16 **a. Definition**

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

19 **b. Use Types**

20 **1) Indoor**

21 All activities, display and sale of merchandise shall occur within an enclosed building,
22 unless stated otherwise. An Indoor Auction may include an outdoor display area
23 subject to the following: [Ord. 2009-040]

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

32 **2) Outdoor**

33 An auction with all or a portion of the activity, display and sale of merchandise
34 occurring outdoor on-site. [Ord. 2007-001] [Ord. 2009-040]

35 **c. Zoning District – AGR District**

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

37 **3. Bed and Breakfast**

38 **a. Definition**

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

41 **b. Signage**

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

44 **c. Dwelling Modifications**

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

50 **g. Events**

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

53 **4. Car Wash**

54 **a. Definition**

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

59 **b. Typical Uses**

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

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

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

65 **d. Accessory Use – CL FLU Designation**

66 An Automatic Car Wash may be allowed as an accessory use to a Retail Gas and Fuel
67 Sales subject to DRO Approval when it is located on the same lot. Auto detailing or other
68 extended services shall be prohibited. [Ord. 2006-004]

69 **e. LCC District**

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

4 **5. Catering Service**

5 **a. Definition**

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

8 **b. Zoning District – CN District**

9 The use shall be limited to 3,000 square feet of GFA.

10 **c. Accessory Use**

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

13 **d. Accessory Services**

14 A Catering Service may also provide personnel, serving equipment, and decorations.

15 **e. Delivery Vehicles**

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

19 **6. Cocktail Lounge**

20 **a. Definition**

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

23 **b. Approval Process – CG and TDD or PDD with CH FLU**

24 A Cocktail Lounge located in the CG Zoning District, or in a TDD or PDD with a CH FLU
25 designation, may be Permitted by Right when in compliance with the separation distance
26 below.

27 **c. Typical Uses**

28 A Cocktail Lounge may include but is not limited to taverns, bars, nightclubs, and similar
29 uses.

30 **d. Zoning District – CN District**

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

32 **e. Accessory Use**

33 An accessory Cocktail Lounge to an office, Hotel, or Motel shall not exceed ten percent of
34 the GFA. [Ord. 2006-004]

35 **f. Separation Requirements**

36 A Cocktail Lounge, which includes outdoor areas, shall not be located within 250 feet of a
37 parcel of land with a residential FLU designation or use and shall be separated a
38 minimum of 750 feet from another Cocktail Lounge. The Zoning Director may ask for a
39 signed/sealed survey certifying that another lounge does not exist within 750 feet off the
40 subject lounge, a residential district is more than 250 feet from the subject lounge, or the
41 subject lounge is more than 500 feet from a school as required by the State of Florida,
42 F.S. 562.45, as amended. Measurement shall be taken from the rear of the structure to
43 property line of a residential use or FLU designation.

44 **g. Restaurant**

45 A Cocktail Lounge is distinct from a restaurant that sells alcohol when the establishment
46 cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant
47 to the State Beverage Law.

48 **7. Convenience Store**

49 **a. Definition**

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

53 **b. Floor Area**

54 A maximum of 7,000 square feet of GFA.

55 **c. Overlay – WCRAO**

56 Convenience Store is prohibited in the NR, NRM, NG, and NC Sub-areas per Table
57 3.B.14.E, WCRAO Sub-area Use Regulations.

58 **d. Zoning Districts - CN and CC**

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

60 **e. Collocated Use**

61 A Convenience Store that is collocated with a Retail Gas and Fuel Sales shall be
62 reviewed and approved concurrently.

63 **8. Dispatching Service**

64 **a. Definition**

65 An establishment for receiving and transmitting messages associated with the tracking of
66 vehicles and equipment, or coordinating mobile or transportation operations, which may
67 include storage of dispatched vehicles or equipment.

68 **b. Typical Uses**

69 A Dispatching Service may include but is not limited to janitorial, pest control or
70 emergency services; and, taxi, limousine or courier operations.

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- c. Approval Process**
- 1) CH FLU Designation and Commercial Pod of PIPD**
A Dispatching Service may be allowed subject to DRO approval in the following situations:
 - a) Limited to three service or delivery vehicles; or,
 - b) All dispatched vehicles are stored indoor; or,
 - c) Outdoor storage of vehicles is separated a minimum of 250 feet from a parcel of land with a residential FLU designation or use.
 - 2) A dispatching service without vehicles on-site and limited to office only may be Permitted by Right in the zoning districts where the use is allowed.
- 9. Dog Daycare**
- a. Definition**
An establishment which provides daytime care and training for domestic dogs. Overnight care of domestic dogs is prohibited.
 - b. ACC Permit**
The owner or operator shall obtain Zoning approval prior to application for an ACC Operational Permit. All Dog Daycare uses shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.
 - c. Waste Disposal**
A Dog Daycare shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.
 - d. Runs and Drop-Off**
Facilities shall be subject to the following standards:
 - 1) Outdoor runs, outdoor play areas, and yards shall be prohibited;
 - 2) Adequate drop-off areas shall be provided; and
 - 3) Three drop off spaces measuring 12 feet in width by 20 feet in length shall be provided for every 50 dogs.
 - e. Outdoor Areas**
Outdoor activities shall be prohibited except as follows:
 - 1) Shall be personally supervised and under the restraint or control of a person by means of a leash;
 - 2) Shall only be allowed within areas designated for such activities on the Final Site Plan, unless Dog Daycare is sole use of property; and,
 - 3) Waste shall be picked up immediately and disposed of properly within the establishment.
- 10. Financial Institution**
- a. Definition**
An establishment engaged in deposit banking.
 - b. Typical Uses**
A Financial Institution may include but is not limited to commercial banks, savings institutions, and credit unions. [Ord. 2013-021]
 - 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.
 - d. Zoning Districts – CN and CLO Districts, and Neighborhood Center of TND**
A Financial Institution in the CN and CLO Zoning Districts, and Neighborhood Center of a TND, shall be limited to a maximum of 5,000 square feet.
- 11. Financial Institution with Drive Thru Facilities**
- a. Definition**
A Financial Institution which includes drive thru teller facilities.
 - b. Approval Process**
 - 1) CC District, Commercial Pod of PUD, CLO PDD, CL LCC and TMD**
A Financial Institution 5,000 square feet or less, and with three drive thru lanes or less, may be allowed subject to DRO Approval, in the following zoning districts:
 - a) CC;
 - b) PDD or LCC with CLO future land use designation; and,
 - c) TMD in the Rural, Exurban and AGR Tiers.
 - 2) Single Drive Thru ATM Exception**
A maximum of one drive thru ATM lane shall not be considered a drive thru lane for purposes of determining the threshold above.
 - c. Zoning Districts - TDD 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]
- 12. Financial Institution – Freestanding ATM**
- a. Definition**
An entirely automated unstaffed Financial Institution, either located in a stand-alone kiosk or the façade of a building where the owner or tenants have no managerial authority over the operation of the ATM.
 - b. Zoning Districts - TDD and LCC Districts**

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1 A Freestanding ATM with a drive thru ATM lane shall be located in the rear of a building
2 with access from an alley, interior parking area, or a street not designated as a main
3 street. [Ord. 2010-005]

4 **c. Thresholds**

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

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

17 **13. Flea Market, Indoor**

18 **a. Definition**

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

21 **14. Flea Market, Outdoor**

22 **a. Definition**

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

25 **15. Gas and Fuel Sales, Retail**

26 **a. Definition**

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

29 **b. Nonconformities**

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

31 A prior approval for an Automotive Service Station or Convenience Store with Gas
32 Sales, shall correspond to Retail Gas and Fuel Sale, and any other collocated uses
33 such as Convenience Store, or Light or Heavy Repair and Maintenance. [Ord. 2011-
34 016]

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

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

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

41 Retail Gas and Fuel located on a parcel with a CH FLU designation within the Core
42 Transect Zone may be allowed subject to DRO approval. [Ord. 2010-005] [Ord. 2011-
43 016]

44 **d. Additional Standards for Approval**

45 In addition to the Standards of Art. 2.B.2.B, Standards for Conditional Uses and
46 Development Order Amendments, or Art.2.B.2.G.3, Standards (Type 2 Waiver), when
47 considering a Development Order application for a Conditional Use, DOA or Type 2
48 Waiver, the BCC shall consider whether or not: [Ord. 2011-016]

- 49 1) Adequate ingress and egress have been provided. [Ord. 2006-004]
- 50 2) Adequate buffering and setbacks from residential areas have been provided. [Ord.
51 2006-004]
- 52 3) Sufficient vehicle stacking, circulation, access, and area for turning movements have
53 been provided. [Ord. 2006-004]
- 54 4) The number of fueling positions proposed is excessive. [Ord. 2006-004]
- 55 5) There are an excessive number of similar stations in the vicinity. [Ord. 2006-004]

56 **e. Zoning Districts – TMD and LCC**

57 Retail Gas and Fuel Sales shall only be allowed on sites that are within 500 feet of the
58 perimeter of the development. Gasoline pumps shall be located at the side or rear of a
59 building with access from an alley, interior parking area, or a street not designated as a
60 main street. [Ord. 2010-005] [Ord. 2011-016]

61 **f. Location Criteria**

62 **1) Intersection Criteria**

63 A maximum of two Retail Gas and Fuel Sales establishments may be allowed at an
64 intersection pursuant to Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004] [Ord.
65 2011-016]

66 **2) Separation Criteria**

67 A Retail Gas and Fuel Sales establishment shall be separated from any other Retail
68 Gas and Fuel Sales establishment pursuant to Art. 5.E.2.C.1. [Related to Separation
69 Criteria]. [Ord. 2006-004] [Ord. 2011-016]

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

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

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

Retail Gas and Fuel Sales shall be located within 1,000 feet of the intersection of one Collector and Arterial Street, or two Arterial Streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table. [Ord. 2006-004] [Ord. 2011-016]

5) **WCRA Overlay**

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

6) **Exceptions**

a) **I-95 Interchanges**

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

b) **MUPD**

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

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

g. **Accessory Use**

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

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

16. **Green Market**

a. **Definition**

Gathering of vendors for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on a retail basis. [Ord. 2012-027]

b. **Lot Size**

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

c. **Location**

Vehicular access shall be from Arterial, Collector or Local Commercial Streets.

d. **Accessory Uses - Green Market**

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.
- 5) A Community Vegetable Garden that complies with the above accessory use standards for Green Market, may be considered a Public and Civic Use for the purposes of determining compliance with 7.F, Perimeter Buffer Landscape Requirements.

e. **Duration**

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

f. **Vendor Stands**

The stand shall remain transportable and shall be removed from the site at the close of the market each week. Motor vehicles such as vans or small trucks may be allowed subject to the preceding removal requirements. [Ord. 2012-027]

17. **Hotel or Motel**

a. **Definition**

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1 An establishment typically licensed by the State of Florida, used, maintained or
2 advertised as a place where furnished sleeping accommodations are supplied to the
3 guest for a short period of time. [Ord. 2006-004]

4 **b. Approval Process**

5 **1) CRE District**

6 May only be located in a RR FLU designation subject to a Class A Conditional Use.

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

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

9 **c. Zoning District - PO District**

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

12 **2) Collocated Hotel**

13 **a) Approval Process - PARK FLU**

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

16 **b) Park Resource Base**

17 The Regional Park shall include a resource base which promotes heritage
18 tourism, eco-tourism, or is otherwise planned to attract patrons from a
19 Countywide or greater population for historical, cultural, scientific, educational or
20 other similar purposes. Such resource base shall be operational prior to
21 approval of a hotel, or approved and permitted concurrently with a hotel. [Ord.
22 2015-006]

23 **c) Conceptual Master Plan**

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

26 **d) Frontage and Access**

27 The Regional Park in which a hotel is located shall have frontage on an Arterial
28 or Collector Street(s). Vehicular access to a hotel shall be prohibited from any
29 residential street abutting the park, unless approved by the BCC as part of the
30 Conditional Use approval for the Hotel. [Ord. 2015-006]

31 **e) Site Plan – Affected Area**

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

35 **d. Accessory Services**

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

38 **18. Kennel, Type 2 (Commercial)**

39 **a. Definition**

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

43 **b. ACC Permit**

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

47 **c. Lot Size**

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

49 **d. Frontage**

50 A minimum of 100 feet fronting on and access from a Collector or Arterial Street. [Ord.
51 2006-036]

52 **e. Outdoor Runs**

53 **1) Setbacks**

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

58 **2) Fencing and Screening**

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

63 **3) Waste Disposal**

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

67 **f. Accessory Residential Use - AGR District**

68 A Single Family dwelling unit may be Permitted by Right as an accessory use to a Type 2
69 Commercial Kennel in the AGR Zoning District. [Ord. 2006-036] [Ord. 2009-040]

70 **19. Kennel, Type 3 (Commercial)**

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- 1 **a. Definition**
- 2 A commercial establishment operated entirely within an enclosed building used for the
- 3 boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by
- 4 the occupants of the premises, for profit. **[Ord. 2006-036]**
- 5 **b. ACC Permit**
- 6 The owner or operator shall obtain Zoning approval prior to application for an ACC
- 7 Operational Permit. A Type 3 Commercial Kennel shall be licensed and regulated in
- 8 accordance with ACC Ord. 98-022, as amended.
- 9 **c. Maximum Square Footage**
- 10 Shall not exceed 3,000 square feet in the CC and TMD districts, or 7,500 square feet in
- 11 any other zoning district the use is allowed. **[Ord. 2006-036]**
- 12 **d. Standards**
- 13 All use areas shall be within an enclosed building constructed, maintained and operated
- 14 so that no noise or odor nuisances related to the kennel operations can be detected
- 15 outside the building. With exception to designated drop off areas, no outdoor runs,
- 16 playgrounds, walking areas, yards or similar uses shall be permitted. **[Ord. 2006-036]**
- 17 **e. Waste Disposal**
- 18 A Type 3 Commercial Kennel shall meet the PBCHD ECR I and ECR II standards and
- 19 shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.
- 20 **[Ord. 2006-036]**
- 21 **20. Landscape Service**
- 22 **a. Definition**
- 23 An establishment engaged in installation or maintenance of landscaping.
- 24 **b. Typical Uses**
- 25 Landscape Service may include but is not limited to lawn mowing, trimming of trees,
- 26 shrubs or hedges, fertilizer application, leaf blowing, and landscape design or installation.
- 27 **c. Accessory Use – AR and AGR Districts**
- 28 May be allowed as an accessory use to a Retail or Wholesale Nursery, subject to the
- 29 following:
- 30 **1) Owner or Operator**
- 31 Shall be under the same ownership as the owner or operator of the Nursery.
- 32 **2) Frontage and Access**
- 33 Shall be located on a parcel with frontage on an Arterial or Collector Street. Access
- 34 from a Residential Street shall be prohibited.
- 35 **3) Minimum Acreage**
- 36 Minimum acreage shall be as follows:
- 37 a) AR District in the RSA, and AGR District: Three acres;
- 38 b) AR District in the USA: Five acres.
- 39 **d. Storage – Yard Waste**
- 40 The storage of vegetative debris shall be prohibited, except as follows: **[Ord. 2011-001]**
- 41 **1) Accessory Use**
- 42 The storage of yard waste shall be limited to vegetative debris generated by
- 43 landscape maintenance performed by the owner or operator of the Landscape
- 44 Service. The storage of yard waste from other sources shall be prohibited, unless
- 45 permitted otherwise by this Code.
- 46 **2) Access**
- 47 Access from a Residential Street shall be prohibited.
- 48 **3) Setbacks**
- 49 Loading and service areas shall be located a minimum of 50 feet from all property
- 50 lines and 100 feet from a parcel of land with a residential FLU designation or use.
- 51 **[Ord. 2011-001]**
- 52 **4) Standards**
- 53 a) Only one yard waste storage area may be allowed on-site; **[Ord. 2011-001]**
- 54 b) Shall not exceed 30 by 40 feet; **[Ord. 2011-001]**
- 55 c) Yard waste shall be screened on three sides by a wall with a maximum height of
- 56 12 feet. The open end of the wall shall not face parcel of land with a residential
- 57 FLU designation or use; **[Ord. 2011-001]**
- 58 d) Yard waste piles shall not exceed the height of the wall; and, **[Ord. 2011-001]**
- 59 e) Surface of the storage area shall be paved with concrete and have positive
- 60 drainage. **[Ord. 2011-001]**
- 61 **e. Home Occupation**
- 62 A Landscape Service use, not including yard waste, landscape installation services, or
- 63 other similar uses requiring heavy equipment, may be allowed as a Home Occupation,
- 64 subject to the requirements of Art. 4.B.1.E.10, Home Occupation, and the following:
- 65 **[Ord. 2007-013] [Ord. 2011-001]**
- 66 **1) Buffers**
- 67 The use shall be exempt from incompatibility buffer requirements. **[Ord. 2007-013]**
- 68 **2) AR District in RSA**

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A landscape service may be allowed subject to Special Permit approval and the limitations of Art. 4.B.1.E.10, Home Occupation, except that parcels three acres or more in size may also be eligible for the following: [Ord. 2007-013]

a) **Additional Employees**

A maximum of three persons living outside of the home may be employed under the home occupation, provided employee vehicles shall not be parked on unimproved surfaces nor in the front or side yard unless within the business owners driveway or enclosed storage area. [Ord. 2007-013]

b) **Outdoor Storage**

1) The use shall also be exempt from the outside storage limitations of Art. 4.B.1.E.10.j, Outside Storage, provided that outside storage is limited to equipment such as lawnmowers, edgers, weed eaters, and small trailers. Storage shall not include heavy equipment, such as bobcats, loaders, dump trucks, or heavy equipment trailers; and [Ord. 2007-013]

2) Storage areas shall be screened from view from any R-O-W or parcel of land with a residential FLU designation or use through the use of opaque fences, walls or existing or newly planted native vegetation, prior to issuance of the Business Tax Receipt. No additional vegetation shall be required where equipment is screened from view behind permitted fences or other structures. [Ord. 2007-013]

c) **Ownership**

Any additional permitted equipment shall be owned or leased by the Home Occupation license holder.

21. **Laundry Service**

a. **Definition**

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

b. **Typical Uses**

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

c. **Approval Process**

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

- a) Permitted by Right if less than 3,000 square feet of GFA.
- b) Allowed subject to DRO Approval if less than 5,000 square feet of GFA.

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

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

d. **Zoning District - CN**

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

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

- 1) The use shall be limited to facilities serving the hospitality industry and commercial cleaner centers; and,
- 2) Shall not include customer drop-off or pick-up on-site, or utilize customer-operated machinery.

f. **Business Vehicles**

Shall not be parked or stored in required parking spaces.

g. **Environmental Approval**

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

22. **Marina**

a. **Definition**

A commercial establishment related to boating, located on a navigable waterway. [Ord. 2009-040]

b. **Typical Uses or Activities**

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

c. **Setbacks**

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

d. **Boatel Units**

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

e. **Boat Facility Siting Plan**

Any 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]

23. **Medical or Dental Office**

a. **Definition**

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

7 **b. Typical Uses**

8 A Medical or Dental Office may include, but is not limited to, an Ambulatory Surgical
9 Center or urgent care center.

10 **c. INST FLU Designation**

11 A Medical or Dental Office may be allowed subject to DRO approval, within the
12 boundaries of the following five site specific FLUA amendments: [Ord. 2011-001] [Ord.
13 2012-027]

- 14 1) SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005; [Ord. 2012-027]
- 15 2) SCA 2008-015, Jog/Joe DeLong Institutional, Ord. 2008-005; [Ord. 2012-027]
- 16 3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008; [Ord. 2012-027]
- 17 4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord.
18 2010-031; and, [Ord. 2012-027]
- 19 5) LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. [Ord. 2012-
20 027]

21 **d. Zoning Districts – CN, CLO and CHO**

22 May be Permitted by Right when not exceeding 3,000 square feet of GFA.

23 **e. Ambulatory Surgical Center**

24 Ambulatory Surgical Centers licensed by the Florida Agency for Health Care
25 Administration (AHCA), under the authority of F.S. Chapter 395, Part 1, and FAC Chapter
26 59A-5, limited to the provision of elective same day surgical care, where patients are
27 ambulatory. [Ord. 2005-041]

28 **1) Building Area**

- 29 a) An Ambulatory Surgical Center up to 10,000 square feet of GFA may be allowed
30 subject to the approval process for a Medical or Dental Office. [Ord. 2005-041]
- 31 b) An Ambulatory Surgical Center greater than 10,000 square feet of GFA may only
32 be allowed in developments with a CH FLU designation, subject to Class A
33 Conditional Use approval. [Ord. 2005-041]

34 **2) Elective Surgical Care**

35 Ambulatory Surgical Centers must not be designed to accept patients requiring
36 emergency care, including the provision of ambulance drop off areas; however,
37 Ambulatory Surgical Centers may be allowed to incorporate ambulance loading
38 zones and related emergency facilities necessary to address any complications that
39 may arise during normal procedures, as required by AHCA or Florida Statute. [Ord.
40 2005-041]

41 **24. Microbrewery**

42 **a. Definition**

43 An indoor establishment engaged in the production and packaging of alcohol for
44 distribution, wholesale or retail on or off premise.

45 **b. Approval Process**

- 46 1) A Microbrewery limited to 5,000 square feet of GFA, where allowed in Commercial
47 and Mixed Use Zoning Districts, may be Permitted by Right; or,
- 48 2) A Microbrewery located in the CG Zoning District or in a TDD or PDD with a CH FLU
49 designation, may be Permitted by Right when in compliance with the separation
50 distance below.

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

52 Where permitted, Microbreweries shall be subject to the following:

53 **1) Commercial Districts**

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

57 **2) Industrial Districts**

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

60 **d. Accessory Uses - Taproom**

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

- 63 1) A taproom shall be limited to the purchasing or consumption of alcoholic beverages
64 produced on-site;
- 65 2) Guest taps, consisting of alcohol not produced on-site, may be allowed in conjunction
66 with a tap room not to exceed 30 percent of the number of taps or on-site production;
- 67 3) Food service may be permitted; and,
- 68 4) Hours of operation shall be limited from 5:00 p.m. to 10:00 p.m. weekdays and 11:00
69 a.m. to 10:00 p.m. weekends.

70 **e. Separation Distance**

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- 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.

25. Office, Business or Professional

a. Definition

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

b. Typical Uses

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

c.-Approval Process

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

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

d. Employment Agencies

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

1) Westgate Overlay

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

2) Outdoor Activities

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

e. Accessory Office

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

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

26. Parking, Commercial

a. Definition

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

b. Proximity to Residential

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

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

c. Access

Access from a Residential Street shall be prohibited.

27. Pawnshop

a. Definition

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

b. Separation Distance

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

c. Setbacks

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

d. Hours of Operation

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

28. Personal Services

a. Definition

An establishment engaged in the provision of recurrent services of a personal nature, or, the provision of informational, instructional, personal improvement or similar professional services. **[Ord. 2011-016]**

b. Typical Uses

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

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 1 **c. Approval Process – CN District**
- 2 The use may be Permitted by Right in the CN Zoning District, when limited to 3,000
- 3 square feet of GFA.
- 4 **d. Accessory Use**
- 5 Personal Service may be Permitted by Right as accessory to Business or Professional
- 6 Office; or, Medical or Dental Office in CLO and CHO Zoning Districts and PDDs with CLO
- 7 and CHO FLU designation.
- 8 **e. Sale or Dispensing of Controlled Substances**
- 9 The limited accessory retail sale of products does not include the sale or dispensing of
- 10 controlled substances, unless in compliance with the requirements for Medical or Dental
- 11 Office, or General Retail Sales. **[Ord. 2011-016]**
- 12 **29. Repair and Maintenance, Heavy**
- 13 **a. Definition**
- 14 An establishment engaged in the repair and maintenance of automobiles, recreational
- 15 vehicles, boats, motorcycles, personal watercraft; or the repair and maintenance of heavy
- 16 equipment or machinery, commercial vehicles or trailers, marine vessels, or similar; or,
- 17 media blasting, paint stripping, and paint or body work.
- 18 **b. Typical Uses**
- 19 Heavy Repair and Maintenance may include but is not limited to:
- 20 1) Machine shops, welding services, engine and transmission shops, radiator shops;
- 21 2) Paint or body shops, collision damage repairs and frame straightening, fiberglass
- 22 repair, media blasting or paint stripping, powder coating, and steam cleaning;
- 23 3) Garages for general engine type repair including rebuilding, repairing or removing
- 24 engines, transmissions, starters, alternators, radiators, air conditioners, compressors,
- 25 brake systems, hydraulics, fuel systems, cooling systems, exhaust, electrical or
- 26 electronic systems, propulsion systems, drive train, and steering systems; or,
- 27 4) Any Light Repair and Maintenance Use, which involves any of the above or requires
- 28 outdoor storage or activities.
- 29 **c. Overlays – Westgate Community Redevelopment Area Overlay (WCRAO)**
- 30 Heavy Repair and Maintenance uses are prohibited in the NR, NRM, NG and NC Sub-
- 31 areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. **[Ord. 2006-**
- 32 **004]**
- 33 **d. Setbacks**
- 34 No repair or maintenance building, structure or activity shall be allowed within 100 feet of
- 35 a parcel of land with a residential FLU designation or use.
- 36 **e. Nuisances**
- 37 1) **Enclosed Repair Activities**
- 38 All repair and maintenance activities shall be conducted within an enclosed structure,
- 39 except in the IL and IG districts, and PDDs with an IND FLU designation, where in
- 40 compliance with Art. 5.B.1.A.3, Outdoor Storage and Activities. **[Ord. 2005 – 002]**
- 41 2) **Vehicle or Equipment Testing on Residential Streets**
- 42 Testing of vehicles or equipment shall be prohibited on residential streets. **[Ord.**
- 43 **2005 – 002]**
- 44 **g. Outdoor Parking or Storage**
- 45 1) The outdoor storage of disassembled vehicles, equipment or parts shall be
- 46 prohibited, except in the IL and IG districts, and PDDs with an IND FLU designation.
- 47 **[Ord. 2005 – 002]**
- 48 2) All vehicles or equipment shall be parked in designated storage areas, except for the
- 49 following:
- 50 a) Automobiles dropped off by customers may be temporarily parked in designated
- 51 parking spaces, not to exceed a maximum of one 24-hour period; and,
- 52 b) Automobiles placed for customer pickup may be temporarily parked in
- 53 designated parking spaces, not to exceed a maximum of one 24-hour period.
- 54 **30. Repair and Maintenance, Light**
- 55 **a. Definition**
- 56 An indoor establishment engaged in the minor repair or maintenance of automobiles, light
- 57 duty commercial vehicles rated one ton capacity or less, boats, motorcycles, personal
- 58 watercraft, golf carts, mopeds, lawn mowers, major household appliances, or household
- 59 furniture.
- 60 **b. Typical Uses**
- 61 Light Repair and Maintenance establishments may include but are not limited to tune-up
- 62 stations, glass shops, quick-lube stations, muffler shops, upholstery shops, tire
- 63 installation and service, alignment shops, replacement of brake linings, and lawn mower
- 64 repair and maintenance.
- 65 **c. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)**
- 66 Light Repair Maintenance uses are prohibited in the NR, NRM, NG and NC Sub-areas,
- 67 as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**
- 68 **d. Zoning Districts – CN and CC District and Commercial Pod of PUD**
- 69 Shall be limited to a maximum of 5,000 square feet of GFA. **[Ord. 2005 – 002]**
- 70 **e. Accessory Use**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 1 Light Repair and Maintenance may be Permitted by Right as an accessory use to Heavy
2 Repair and Maintenance.
- 3 **f. Setbacks**
4 No repair or maintenance building, structure or activity shall be allowed within 100 feet of
5 any parcel of land with a residential FLU designation or use.
- 6 **g. Nuisances**
7 **1) Enclosed Repair Activities**
8 All repair and maintenance activities shall be conducted within an enclosed structure.
9 **[Ord. 2005 – 002]**
- 10 **2) Vehicle or Equipment Testing on Residential Streets**
11 Testing of vehicles, equipment or other similar shall be prohibited on residential
12 streets.
- 13 **h. Outdoor Parking or Storage**
14 **1) The outdoor storage of disassembled vehicles, equipment or parts shall be**
15 **prohibited. [Ord. 2005 – 002]**
16 **2) All vehicles or equipment shall be stored in designated storage areas, except for the**
17 **following:**
18 **a) Automobiles dropped off by customers may be temporarily parked in designated**
19 **parking spaces, not to exceed a maximum of one 24-hour period; and,**
20 **b) Automobiles placed for customer pickup may be temporarily parked in**
21 **designated parking spaces, not to exceed a maximum of one 24-hour period.**
- 22 **31. Repair Services, Limited**
23 **a. Definition**
24 An establishment engaged in the minor repair of personal apparel or household
25 appliances, and similar items.
26 **b. Typical Uses**
27 Limited Repair Services may include but are not limited to apparel repair and alterations,
28 small appliance repair (excluding major appliances such as washers and dryers,
29 refrigerators, stoves and dishwashers), bicycle repair, clock and watch repair, and shoe
30 repair shops.
31 **c. Zoning Districts - CN District, Commercial Pod of PUD, and TND Neighborhood**
32 **Center**
33 Shall be limited to a maximum of 3,000 square feet of GFA.
34 **d. Enclosed Repair Activities**
35 All repair activities shall be conducted within an enclosed structure. **[Ord. 2005 – 002]**
36 **e. Storage**
37 Outdoor storage shall be prohibited.
- 38 **32. Restaurant, Type 1**
39 **a. Definition**
40 An establishment equipped to sell food and beverages in one of the following methods:
41 drive-thru sales to patrons in automobiles for takeout who place orders through a window
42 or remote transmission device; or sales to patrons for takeout or dining in, that includes
43 three or more of the following: food or beverage choices are advertised on a menu
44 board; countertop sales where payment is made prior to consumption; disposable
45 containers and utensils; limited service dining facilities with no hostess or waiters; and
46 self service or prepackaged condiments. **[Ord. 2006-004] [Ord. 2012-027]**
- 47 **b. Approval Process**
48 **1) DRO Approval**
49 A Type 1 Restaurant without a drive-through where the use is allowed provided the
50 GFA including outdoor dining areas does not exceed 5,000 square feet. **[Ord. 2006-**
51 **004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2011-016]**
52 **2) Permitted by Right**
53 A Type 1 Restaurant without a drive-through or located in an out parcel, may be
54 Permitted by Right in any PDD or TDD with a commercial or institutional FLU
55 designation, or Pod; the commercial or recreational pod of a PUD, MHPD or RVPD;
56 and all commercial zoning districts, provided the GFA including outdoor dining areas
57 does not exceed 1,500 square feet. **[Ord. 2006-004] [Ord. 2011-016]**
- 58 **c. Tier Specific - Exurban and Rural**
59 A Type 1 Restaurant shall comply with the following: **[Ord. 2009-040]**
60 **1) Shall not be the sole use on the property; [Ord. 2009-040]**
61 **2) Shall be located in a MUPD or TDD; [Ord. 2009-040]**
62 **3) Shall not have direct ingress/egress to an adjacent Arterial or Collector Street.**
63 **Ingress/egress shall be from the interior of the overall vehicular circulation system for**
64 **the development or interior streets, whichever is applicable; and, [Ord. 2009-040]**
65 **4) Shall comply with the design requirements outlined under Article 4.B.2.C.32.f.3),**
66 **Exception. [Ord. 2009-040]**
- 67 **d. Zoning Districts – TMD and LCC**
68 A Type 1 Restaurant shall be limited to: **[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-**
69 **040] [Ord. 2010-005]**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 1) 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001]
- 2) Located in an outparcel or freestanding building; or [Ord. 2005-002] [Ord. 2007-001]
- 3) A drive-thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. [Ord. 2005-002] [Ord. 2006-004]

e. Accessory Alcohol Sales

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

f. Location Criteria

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

1) Intersection Criteria

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

2) Separation Criteria

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

3) Exceptions

a) Design Criteria

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

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

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

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

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

(a) 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]

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

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

b) MUPD

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:

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

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

g. Major Intersection Criteria for CL FLU

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

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 1 h. **Outdoor Dining**
- 2 Shall comply with the principal structure setbacks.
- 3 **33. Restaurant, Type 2**
- 4 **a. Definition**
- 5 An establishment with no drive-thru, equipped to sell food and beverages, served and
- 6 consumed primarily on the premises, that includes three or more of the following: host or
- 7 hostess assists patrons upon entry; food and beverage choices are offered from a printed
- 8 menu provided by wait staff at a table; orders are taken at the table; food is served on
- 9 dishes and metal utensils are provided; and, payment is made after meal consumption.
- 10 **[Ord. 2006-004] [Ord. 2007-001]**
- 11 **b. Approval Process – DRO Approval**
- 12 **1) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC**
- 13 A Type 2 Restaurant less than 3,000 square feet of GFA per establishment including
- 14 outdoor dining areas, may be approved by the DRO, provided the total of all Type 2
- 15 Restaurants do not exceed 30 percent of the GFA of the development. **[Ord. 2006-**
- 16 **036] [Ord. 2007-013]**
- 17 **2) CHO District; and PDDs with a CHO FLU**
- 18 If contained in an office, hotel or motel structure that does not exceed 30 percent of
- 19 the GFA of the structure, or 5,000 square feet, whichever is less, may be approved
- 20 by the DRO. **[Ord. 2006-036] [Ord. 2007-013]**
- 21 **3) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD**
- 22 **Commercial Use Zone**
- 23 A Type 2 Restaurant less than 5,000 square feet of GFA per establishment, including
- 24 outdoor dining areas, may be approved by the DRO. **[Ord. 2006-036] [Ord. 2007-**
- 25 **013]**
- 26 **c. Zoning Districts - TND, TMD, and LCC**
- 27 Take out windows designed for vehicular use are prohibited unless located in the rear of
- 28 a building, with access from an alley or the interior of a parking area, and covered by a
- 29 canopy or the second story of a building. **[Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-**
- 30 **001] [Ord. 2010-005]**
- 31 **d. Accessory Alcohol Sales**
- 32 A Type 2 Restaurant may include the on-premise sale, service and consumption of
- 33 alcoholic beverages as an accessory use. **[Ord. 2006-004]**
- 34 **e. Accessory Take Out Service**
- 35 Take out service may be allowed as an accessory use provided there are no vehicle take
- 36 out windows that include exterior menu boards, queuing lanes or order services. **[Ord.**
- 37 **2006-004] [Ord. 2006-036]**
- 38 **f. Outdoor Dining**
- 39 Shall comply with the principal structure setbacks.
- 40 **34. Retail Sales**
- 41 **a. Definition**
- 42 An establishment providing general retail sales or rental of goods, but excluding those
- 43 uses specifically classified as another use type. **[Ord. 2011-016]**
- 44 **b. Typical Uses**
- 45 Retail Sales may include but are not limited to clothing stores, bookstores, business
- 46 machine sales, food and grocery stores, window tinting, marine supply sales (excluding
- 47 boat sales), auto accessories and parts, building supplies and home improvement
- 48 products, monument sales, printing and copying, and pharmacies. Uses shall also
- 49 include the sale of bulky goods such as household goods, lawn mowers, mopeds.
- 50 **c. Zoning Districts**
- 51 **1) TND District**
- 52 In a Neighborhood Center, Retail Sales shall not exceed 5,000 square feet of GFA
- 53 per establishment.
- 54 a) A Maximum of 40,000 square feet of GFA for a food store or 20,000 square feet
- 55 of GFA for a food store when the TND is developed as part of a TTD.
- 56 b) In a Multifamily building with more than 50 units, a “corner store” may be allowed,
- 57 provided it does not exceed 1,000 square feet of GFA and is integrated into the
- 58 building and at a corner location.
- 59 **2) TMD District**
- 60 a) In a TMD, a single establishment shall not exceed the following:
- 61 (1) 100,000 square feet of GFA in the U/S tier;
- 62 (2) 50,000 square feet of GFA in the Exurban and Rural tiers; and,
- 63 (3) 65,000 square feet of GFA in the AGR.
- 64 b) A drive-thru facility for a drug store is allowed subject to the following:
- 65 (1) If located in the rear of a building;
- 66 (2) Access shall be from an alley, an interior parking area, or a street not
- 67 designated as a Main Street; and,
- 68 (3) The drive-thru facility shall be covered by a canopy or the second story of a
- 69 building. **[Ord. 2005 – 002]**
- 70 **3) CN District**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

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

2 **d. Outdoor Display Areas – Monument Sales**

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

7 **e. Fireworks**

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

10 **1) Exception**

11 Temporary sale of sparklers, subject to a Special Permit.

12 **f. Sale or Dispensing of Controlled Substances - Pharmacy**

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

14 1) No more than 15 percent of the total number of prescriptions filled within a thirty (30)
15 day period can be derived from the sale of controlled substances that are identified in
16 Schedule II in accordance with F.S. § 893.03, and as further amended by F.S. §
17 893.035, 893.0355, or 893.0356, as determined by audits or information provided
18 through the Florida Department of Health or any other government agency having the
19 legal right to view such records. **[Ord. 2011-016]**

20 **g. Unmanned Retail Structure**

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

23 **1) Definition and Typical Uses**

24 **a) Freestanding**

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

27 **b) In-Line**

28 Includes Unmanned Retail Structures that are adjacent to, attached to, or located
29 within 15 feet of a principal structure, and not separated by vehicular access
30 drives.

31 **2) Accessory Use - Industrial Zoning Districts**

32 May be allowed as an accessory use to Data and Information Processing, Research
33 and Development, Government Services, or Wholesaling.

34 **3) Size**

35 Shall not exceed 150 square feet, excluding canopies provided for decorative
36 aesthetics or protection from weather.

37 **4) Number**

38 Shall not exceed one per development.

39 **5) Design Standards**

40 Shall not encroach any required site design elements, including but not limited to:
41 drive aisles, easements, landscaping, parking spaces, and ADA paths.

42 **a) Freestanding**

43 (1) Shall achieve architectural compatibility with the other structures in the
44 development, including texture, paint and similar building materials.

45 (2) Shall be limited to one story, not to exceed 15 feet in height.

46 **b) In-Line**

47 (1) Shall not exceed eight feet in height, or nine feet if including a weather
48 protection canopy.

49 (2) Shall not obstruct more than 20 percent of the windows.

50 **6) Signage**

51 **a) Freestanding**

52 Wall signs may be allowed for buildings that meet the requirements for Art.
53 5.C.1.H, Guidelines for Nonresidential Design Elements.

54 **b) In-Line**

55 Shall be limited to a maximum of 20 percent of each side's facade of the
56 structure, or a maximum of four square feet, per side, whichever is less.

57 **35. Rooming and Boarding House**

58 **a. Definition**

59 A Single Family dwelling with lodging for a maximum of up to five persons, where meals
60 may or may not be regularly prepared and served, and facilities such as kitchen and
61 bathrooms may be shared with other residents.

62 **b. Zoning District**

63 A Rooming and Boarding House shall only be allowed in the RM Zoning District with an
64 HR FLU designation.

65 **c. Dwelling Modifications**

66 Only exterior alterations necessary to assure safety of the structure or enhance the
67 compatibility with the surrounding neighborhood. A Single Family dwelling may require
68 structural or other modifications to ensure compliance with the applicable Building Code
69 and Fire Rescue regulations.

70 **36. Self-Service Storage**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 1 a. **Definition**
- 2 A facility consisting of individual, self-contained units that are leased for the storage of
- 3 business, household or other personal goods.
- 4 1) **Types Permitted**
- 5 Self Service Storage facilities may include but are not limited to Limited or Multi
- 6 Access storage units, with or without Outdoor Storage areas, limited to the storage of
- 7 personal or household goods, automobiles, recreational vehicles, boats, or personal
- 8 watercraft, only, subject to the following:
- 9 a) **Limited Access**
- 10 Limited Access is a Self Service Storage facility with limited access points from
- 11 the exterior of the building to interior halls that serve individual storage units.
- 12 b) **Multi-Access**
- 13 Multi-Access is a one story Self Service Storage facility with multi-access points
- 14 from the exterior of the building to individual storage units.
- 15 b. **Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)**
- 16 Self-Service Storage is prohibited in the NR, NRM, NG and NC Sub-areas, as outlined in
- 17 Table 3.B.14.E, WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**
- 18 c. **Zoning Districts – Commercial Pod of PUD or Neighborhood Center of TND**
- 19 Self Service Storage in Commercial Pods of a PUD or Neighborhood Center of a TND,
- 20 shall be limited as follows:
- 21 1) Maximum of 50 percent of the overall GFA; and,
- 22 2) Multi-Access shall be prohibited; and,
- 23 3) Outdoor Storage shall be limited to a maximum of 30 percent of overall Self Service
- 24 Storage building square footage.
- 25 d. **Accessory Uses – Industrial Districts**
- 26 Where permitted in Industrial districts, a Self Service Storage use may include accessory
- 27 retail use, limited to the rental and sale of retail items used for moving and storage, such
- 28 as hand trucks, cartons, tape and packing materials. **[Ord. 2005-002]**
- 29 e. **Architecture**
- 30 1) **Storage Unit Door Orientation**
- 31 a) **First Floor Door Orientation**
- 32 Storage unit doors shall not face a residential use or vacant parcel with a
- 33 residential FLU designation, or public street.
- 34 b) **Door Orientation on the Second Story or Above**
- 35 Limited Access storage unit doors and access points located on the second story
- 36 or above shall be oriented toward the interior of the site where fenestration is
- 37 used to allow visibility into interior corridors.
- 38 2) **Storage Access or Storage Unit Door Screening**
- 39 Access points and storage doors shall be screened from all public streets, residential
- 40 uses or vacant parcels with a residential FLU designation, through the use of
- 41 buildings, walls, opaque vehicular gates which primarily remain closed, or other
- 42 similar barriers.
- 43 3) **Fenestration**
- 44 The use of fenestration purposely designed in conjunction with interior signage,
- 45 logos, lighting, or paint schemes intended to expand permitted exterior signage shall
- 46 be prohibited.
- 47 f. **Landscaping – Incompatibility Buffer Screening Requirements**
- 48 Where an incompatibility buffer is required, the minimum six foot screening requirement
- 49 may be waived, subject to the following:
- 50 1) **Facades**
- 51 The exterior facades of storage structures present an unbroken, wall-like appearance
- 52 when seen from adjacent lots and streets.
- 53 2) **Wall**
- 54 Separate storage structures are connected by a solid opaque wall to give the
- 55 appearance of structural continuity. This option may be permitted where Fire Rescue
- 56 may require access for emergency purposes upon demonstration that any required
- 57 gates are designed and constructed to provide the same visual barrier as the
- 58 required wall.
- 59 3) **Access Isles**
- 60 No aisle-ways or other vehicle access ways are located in the area between the
- 61 building and the adjacent property line.
- 62 g. **Storage**
- 63 1) **Hazardous Materials Prohibited**
- 64 The storage of flammable, hazardous or explosive materials, goods or products shall
- 65 be prohibited.
- 66 2) **Outdoor Storage Standards**
- 67 Outdoor storage shall be subject to the following:
- 68 a) **Permitted Vehicles**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 1 Shall be limited to the storage of vehicles of the type customarily maintained by
- 2 households for personal use such as recreational vehicles or pleasure boats, or a
- 3 Home Occupation Vehicle.
- 4 **b) Location**
- 5 The storage shall occur only within a designated area.
- 6 **c) Storage Area**
- 7 The storage area shall not exceed 50 percent of the lot area.
- 8 **d) Screening**
- 9 The storage area shall be completely screened from view from adjacent
- 10 properties and public streets by landscaping, fences, walls or buildings.
- 11 **e) Mobility**
- 12 All vehicles and trailers shall be licensed for use on public streets. Other
- 13 vehicles, including recreational vehicles, boats and personal watercraft, shall be
- 14 stored on wheeled trailers.
- 15 **f) Repair Prohibited**
- 16 Vehicle repair shall be prohibited.
- 17 **h. Supplemental Circulation Standards for Multi- Access Facilities**
- 18 **1) Interior**
- 19 The minimum width of aisle ways between storage structures shall be 20 feet for one-
- 20 way traffic, and 30 feet if two-way traffic.
- 21 **2) Flow**
- 22 Traffic flow patterns in aisle ways shall be clearly marked. Markings shall consist at a
- 23 minimum of standard directional signage and painted lane markings with arrows.
- 24 **i. Business Uses Prohibited**
- 25 Businesses shall be prohibited from operating within any Self Service Storage facility or
- 26 storage unit or outdoor storage area, except as follows:
- 27 **1) Storage of Business Goods**
- 28 A storage unit shall not be used to store inventory, equipment or material required on
- 29 a daily or recurring basis necessary for a business trade or occupation.
- 30 **2) Home Occupation Vehicles**
- 31 A maximum of one business related vehicle per storage customer a maximum of
- 32 8,000 pounds curb weight may be stored in a Multi-Access storage unit or outdoor
- 33 storage area.
- 34 **37. Single Room Occupancy (SRO)**
- 35 **a. Definition**
- 36 An establishment with lodging for five or more persons housed in individual rooms, where
- 37 meals may or may not be regularly prepared and served, and facilities such as kitchen
- 38 and bathrooms may be shared with other residents.
- 39 **b. Zoning District - CRE**
- 40 SRO may only be allowed in the RR FLU designation.
- 41 **38. Theater and Performance Venue**
- 42 **a. Definition**
- 43 An establishment that hosts live performances, viewings, seminars or exhibitions.
- 44 **b. Typical Uses**
- 45 Typical uses may include but are not limited to movie theaters, theaters, conference
- 46 centers and exhibition halls.
- 47 **c. Approval Process**
- 48 1) In the CRE Zoning District, the use shall not be allowed in RR FLU designation.
- 49 2) May be Permitted by Right if it is indoor and less than 15,000 square feet of GFA,
- 50 and located in the zoning districts where the use is allowed, unless stated otherwise.
- 51 **[Ord. 2010-005]**
- 52 **d. Building Area - CN Zoning District**
- 53 Shall be limited to 3,000 square feet of GFA.
- 54 **39. Vehicle or Equipment Sales and Rental, Heavy**
- 55 **a. Definition**
- 56 An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used
- 57 mobile homes or commercial vehicles, as may be defined by the Florida Department of
- 58 Motor Vehicles, or equipment, including but not limited to the following: heavy trucks,
- 59 truck tractors, road tractors, straight trucks, special mobile equipment, buses, school
- 60 buses, farm tractors, farm implements, heavy equipment including construction and earth
- 61 moving equipment, trailers, and semitrailers.
- 62 **b. Typical Uses**
- 63 Typical uses include independent dealers, franchise dealers, wholesale dealers, or
- 64 mobile home dealers or brokers, or, moving truck or trailer rental, construction or farm
- 65 equipment sales or rental yards, and large implement sales or rental.
- 66 **c. Approval Process**
- 67 **1) Moving Truck and Trailer Rental**
- 68 Moving Truck and Trailer Rental, limited to a maximum of five vehicles per lot, may
- 69 be permitted as an accessory use to Retail Gas and Fuel Sales or a Large Scale
- 70 Commercial Development, subject to DRO approval.

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 1 2) **IL District, MUPD with IND FLU Designation and Light Industrial Pod of a PIPD -**
- 2 **Rental Equipment**
- 3 The rental of construction equipment, moving trucks or trailers, farm equipment, and
- 4 farm implement and machinery sales and rental uses may be allowed subject to DRO
- 5 approval.
- 6 3) **Rural Tier Farm Equipment - MUPD with CL FLU Designation**
- 7 Heavy Vehicle or Equipment Sales and Rental limited to farm equipment that
- 8 supports the residents of the Rural Tier may be allowed in an MUPD with a CL FLU
- 9 designation, subject to Class A Conditional Use approval.
- 10 d. **Overlay – Westgate Community Redevelopment Area (WCRA) Overlay**
- 11 Heavy Vehicle or Equipment Sales and Rental is prohibited in the NR, NRM, NG and NC
- 12 Sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. **[Ord. 2006-**
- 13 **004]**
- 14 e. **Lot Size**
- 15 1) **Commercial Districts**
- 16 A minimum of three acres.
- 17 2) **IL District**
- 18 A minimum of one acre.
- 19 f. **Accessory Uses - Industrial Districts**
- 20 Retail sale of parts may be provided as an accessory use. Where permitted in Industrial
- 21 districts, limited Light Vehicle Sales and Rental, may be permitted as an accessory use to
- 22 Heavy Repair and Maintenance facilities, subject to DRO approval, and the following:
- 23 a) Limited to vehicle sales of a maximum of five vehicles per lot.
- 24 b) All storage spaces shall be located indoors, or setback a minimum of 100 feet from
- 25 the front and side street property lines, or in a location which is screened from view
- 26 from any public street by a combination of buildings or walls, or opaque fences or
- 27 landscaping.
- 28 c) Vehicles on display shall be located within 100 feet of a repair bay.
- 29 g. **Nuisances – Test Drives**
- 30 Test drives of motor vehicles shall be prohibited on Residential Streets.
- 31 h. **Storage or Display**
- 32 Outdoor storage or display of vehicles or equipment shall only be permitted in areas
- 33 designated for storage or display on an approved Development Order, subject to the
- 34 following requirements:
- 35 1) **General**
- 36 a) **Vehicle Operating Conditions**
- 37 (1) The storage or display of inoperable vehicles or equipment shall be
- 38 prohibited, with exception to designated storage areas permitted under an
- 39 approved Accessory or Collocated use.
- 40 (2) No vehicles or equipment shall be stored or displayed on-site except those
- 41 intended for sale, rental or lease. An exception shall be permitted for new
- 42 motor vehicle or equipment inventory owned by another dealership, provided
- 43 that such vehicles or equipment is of the same type approved for the subject
- 44 site.
- 45 b) **Loading Spaces**
- 46 Loading spaces shall be setback a minimum of 100 feet from an existing
- 47 residential use or vacant parcel with a residential FLU designation.
- 48 c) **Required Parking**
- 49 Parking for vehicle storage, sales or display may not be counted toward meeting
- 50 the number of off-street parking spaces required for customers and employees.
- 51 2) **Standards for Bull Pen Storage**
- 52 a) **Location or Design**
- 53 Bull Pen Storage areas shall be located towards the side or rear of the property
- 54 and designed in a manner that clearly distinguishes the storage area from vehicle
- 55 showroom or Outdoor Display areas, by placement behind buildings, or through
- 56 use of opaque fences, walls or landscape barriers a minimum of six feet high.
- 57 b) **Outdoor Storage**
- 58 Bull Pen Storage areas shall comply with the Outdoor Storage area requirements
- 59 of Art. 5, Supplementary Standards. This shall not preclude the ability to seek
- 60 Variance relief.
- 61 3) **Standards for Display Areas**
- 62 a) **General**
- 63 No vehicle shall be parked, stored or displayed with its hood or trunk open.
- 64 Motor vehicles on display shall not be elevated in full or in part.
- 65 b) **Barrier**
- 66 A barrier shall be provided between display areas, and customer parking, related
- 67 driveway access or drive isles. This barrier may be in the form of a landscape
- 68 strip, curbing, removable bollards, or other suitable barrier approved by the DRO.
- 69 c) **Design Standards**
- 70 Display areas shall conform to Article 6, Parking, except for space striping.

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

4) **Standards for Moving Truck and Trailer Rental**

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

40. **Vehicle Sales and Rental, Light**

a. **Definition**

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

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

b. **Typical Uses**

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

c. **Approval Process**

1) **Indoor Vehicle Showroom**

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

a) **Floor Area**

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

b) **Test Drives**

Test drives shall not be permitted from the indoor vehicle showroom or on-site.

c) **Vehicle Operations**

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

d) **Parking**

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

e) **Stand Alone Exception**

Stand Alone with lot frontage on an Arterial Street or Planned Collector Street, may be exempt from the limitations of a) through c) above, provided that all vehicle display, storage, detailing, or other Collocated uses or activities occur indoors. [Ord. 2015-031]

2) **Neighborhood Vehicle Rental Facility**

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

a) **Vehicle Limitations**

A maximum of six vehicles stored on-site, limited to cars, SUVs, standard pick-up trucks, and minivans. [Ord. 2009-040]

b) **Minimum Lot Size**

The lot size shall comply with the minimum required for the applicable zoning district. Legal nonconforming 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]

c) **Parking**

The rental vehicles shall be parked in specifically designated spaces or located in bull pen storage. [Ord. 2009-040]

d) **Outdoor Activities**

Maintenance, repair, detailing, washing, cleaning or related activities shall not be conducted on-site. [Ord. 2009-040]

d. **Overlay – Westgate Community Redevelopment Area (WCRA) Overlay**

Light Vehicle Sales and Rental is prohibited in the NR, NRM, NG and NC Sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004]

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.

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 1 **4) IL District - Automobile Rental**
- 2 Automobile rental may be permitted in the IL district when located on an Arterial
- 3 Street, subject Class A Conditional Use approval.
- 4 **f. Lot Size**
- 5 A minimum of three acres, excluding the following:
- 6 a) Indoor Vehicle Showrooms,
- 7 b) Motorcycle or OHV sales and rental,
- 8 c. Boat or watercraft sales and rental when collocated with a Marina Facility; or
- 9 d) Where otherwise stated within this Sub-section.
- 10 **g. Accessory Uses – Marinas**
- 11 Vehicle Sales and Rental limited to boats and personal watercraft may be permitted as
- 12 an Accessory Use to Marina Facilities in the CRE district or an MUPD with CR FLU
- 13 designation, and shall be exempt from the minimum three acre lot size requirement.
- 14 **h. Nuisances – Test Drives**
- 15 Test drives of motor vehicles shall be prohibited on Residential Streets.
- 16 **i. Storage or Display**
- 17 Outdoor storage or display of vehicles shall only be permitted in areas designated for
- 18 storage or display on an approved Development Order, subject to the following
- 19 requirements:
- 20 **1) General**
- 21 **a) Vehicle Operating Conditions**
- 22 (1) The storage or display of inoperable vehicles or equipment shall be
- 23 prohibited, with exception to designated storage areas permitted under an
- 24 approved Accessory or Collocated use.
- 25 (2) No vehicles or equipment shall be stored or displayed on-site except those
- 26 intended for sale, rental or lease. An exception shall be permitted for new
- 27 motor vehicle or equipment inventory owned by another dealership, provided
- 28 that such vehicles or equipment is of the same type approved for the subject
- 29 site.
- 30 **b) Loading Spaces**
- 31 Loadings spaces shall be setback a minimum of 100 feet from an existing
- 32 residential use or vacant parcel with a residential FLU designation.
- 33 **c) Required Parking**
- 34 Parking for vehicle storage, sales or display may not be counted toward meeting
- 35 the number of off-street parking spaces required for customers and employees.
- 36 **2) Standards for Bull Pen Storage**
- 37 **a) Location or Design**
- 38 Bull Pen Storage areas shall be located towards the side or rear of the property
- 39 and designed in a manner that clearly distinguishes the storage area from vehicle
- 40 showroom or Outdoor Display areas, by placement behind buildings, or through
- 41 use of opaque fences, walls or landscape barriers a minimum of six feet high.
- 42 **b) Outdoor Storage**
- 43 Bull Pen Storage areas shall comply with the Outdoor Storage area requirements
- 44 of Art. 5, Supplementary Standards. This shall not preclude the ability to seek
- 45 Variance relief.
- 46 **3) Standards for Display Areas**
- 47 **a) General**
- 48 No vehicle shall be parked, stored or displayed with its hood or trunk open.
- 49 Motor vehicles on display shall not be elevated in full or in part.
- 50 **b) Barrier**
- 51 A barrier shall be provided between display areas, and customer parking, related
- 52 driveway access or drive isles. This barrier may be in the form of a landscape
- 53 strip, curbing, removable bollards, or other suitable barrier approved by the DRO.
- 54 **c) Design Standards**
- 55 Display areas shall conform to Article 6, Parking, except for space striping.
- 56 **41. Veterinary Clinic**
- 57 **a. Definition**
- 58 An establishment engaged in providing medical care, treatment and temporary boarding
- 59 for animals.
- 60 **b. Approval Process – AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU**
- 61 **Designation**
- 62 A Veterinary Clinic may be Permitted by Right in AGR, AR, CLO Zoning Districts and
- 63 MUPD with CL, CLO FLU designation, subject to the following limitations: **[Ord. 2010-**
- 64 **055]**
- 65 1) GFA shall not exceed 5,000 square feet; and, **[Ord. 2010-055]**
- 66 2) Shall not include outdoor runs. **[Ord. 2010-055]**
- 67 **c. Lot Size – AR and AGR Districts**
- 68 Shall be located on a minimum of five acres. **[Ord. 2010-055]**
- 69 **d. Zoning District**
- 70 A Veterinary Clinic shall not have outdoor runs and limited to the following:

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 1 1) **CC and CN Zoning Districts**
- 2 Shall not occupy more than 3,000 square feet of GFA. [Ord. 2010-055]
- 3 2) **MUPD with CL FLU Designation, LCC and TDD Districts**
- 4 Shall not occupy more than 5,000 square feet of GFA. [Ord. 2010-005] [Ord. 2010-
- 5 055]
- 6 3) **Infill Redevelopment Overlay**
- 7 Boarding facilities shall comply with the standards for a Type 3 Commercial Kennel.
- 8 [Ord. 2010-005] [Ord. 2010-055]
- 9 e. **Outdoor Runs**
- 10 A Veterinary Clinic with outdoor runs shall comply with the following standards: [Ord.
- 11 2010-055]
- 12 1) **Lot Size**
- 13 A minimum of one acre.
- 14 2) **Setbacks**
- 15 Outdoor runs shall not be located within 50 feet of any property line adjacent to a
- 16 parcel of land with a residential FLU designation or use; or 25 feet from any property
- 17 line adjacent to a non-residential zoning district, use, or FLU. [Ord. 2010-055]
- 18 3) **WCRAO**
- 19 Outdoor runs shall not be located within 25 feet of any property line.
- 20 4) **Standards**
- 21 A six foot high fence shall be required around the runs. If the fence is not opaque or
- 22 screened from view of adjacent properties or R-O-W, a continuous opaque hedge, a
- 23 minimum of four feet at installation, shall be provided around the run. [Ord. 2010-
- 24 055] [Ord. 2015-031]
- 25 5) **Waste Disposal**
- 26 A Veterinary Clinic shall meet the ECR I and ECR II standards and shall be subject to
- 27 all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2015-031]
- 28 f. **Facility without Outdoor Runs**
- 29 A Veterinary Clinic without outdoor runs shall be required to make accommodations to
- 30 ensure animal waste is properly disposed of within the facility. [Ord. 2010-055]
- 31 42. **Vocational Institution**
- 32 a. **Definition**
- 33 An establishment, that is not an elementary or secondary school, offering regularly
- 34 scheduled instruction and training in industrial, mechanical, construction, technical,
- 35 commercial, clerical, managerial or artistic skills.
- 36 b. **Typical Uses**
- 37 A Vocational Institution may include but is not limited to business, real estate, building
- 38 and construction trades; machinery operation and repair; electronics, computer
- 39 programming and technology; automotive or aircraft mechanics and technology; beauty
- 40 or art school or instruction leading to a high school diploma.
- 41 c. **Zoning District - CN and CC**
- 42 Shall be limited to 3,000 square feet of GFA.
- 43 d. **FLU Designation - Industrial**
- 44 A Vocational Institution that requires the use of heavy machinery, mechanical,
- 45 construction or industrial equipment such as auto repair, masonry, automotive operation
- 46 or repair, metal fabrication, welding, mechanical or electrical repair shall be limited to
- 47 sites with Industrial FLU designation excluding Commercial pod of a PIPD. [Ord. 2012-
- 48 027]
- 49 e. **Nuisances**
- 50 The use shall be conducted within an enclosed building in a non-industrial zoning district
- 51 where the use is allowed unless separated 250 feet from a parcel of land with a
- 52 Residential FLU designation or use.
- 53 43. **Work/Live Space**
- 54 a. **Definition**
- 55 A space within a building that is used jointly for residential and any non-residential use
- 56 permitted in the zoning district, where permitted by the FBC, where the residential space
- 57 is accessory to the primary use as a place of work. [Ord. 2004-040] [Ord. 2006-004]
- 58 [Ord. 2007-013] [Ord. 2010-005]
- 59 b. **Non-residential Designation**
- 60 Both residential and non-residential square footage shall be counted towards the
- 61 maximum FAR allowed for the district. [Ord. 2010-005]
- 62 c. **Floor Area**
- 63 Shall not exceed 1,000 square feet of living area. [Ord. 2004-040]
- 64 d. **Office Space**
- 65 A minimum of ten percent of the living area shall be designated as office space. [Ord.
- 66 2004-040]
- 67 e. **WCRAO**
- 68 Work/ Live is prohibited in the NR Sub-area per Table 3.B.14.E, WCRAO Sub-area Use
- 69 Regulations. [Ord. 2007-013]

EXHIBIT D

**ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS**

1 **Section 3 Recreation Uses**

2 **A. Recreation Use Matrix**

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EXHIBIT D

**ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS**

- 1 **B. General Recreation Standards**
- 2 **1. Tier Specific**
- 3 Pari-mutuel betting or gaming is prohibited in the Agricultural Reserve (AGR) Tier.
- 4 **C. Definitions and Supplementary Use Standards for Specific Uses**
- 5 **1. Arena or Stadium or Amphitheater**
- 6 **a. Definition**
- 7 An establishment open, partially or fully enclosed primarily used or intended for
- 8 commercial spectator sports, or performance.
- 9 **b. Typical uses**
- 10 Typical Uses include sports arenas, jai alai frontons, racetracks, and concert halls.
- 11 **c. Location**
- 12 A minimum of 200 feet of frontage on a Collector or Arterial Street from which primary
- 13 point of vehicular access shall be provided.
- 14 **2. Campground**
- 15 **a. Definition**
- 16 A parcel of land used for temporary camping and recreational vehicle (RV) uses, and not
- 17 as permanent living quarters. **[Ord. 2005-002]**
- 18 **b. Lot Size**
- 19 A minimum of five acres or the minimum required by the district, whichever is greater.
- 20 **c. Use**
- 21 **1. Campsite**
- 22 Campsites are predominantly intended for use by patrons occupying tents, pop-up
- 23 style campers, or Camping Cabins.
- 24 **2. RV Site**
- 25 RV sites are primarily intended to accommodate RVs, and shall be improved with a
- 26 paved parking pad for the RV and one passenger vehicle.
- 27 **d. Intensity**
- 28 Campgrounds may be developed at the following intensities:
- 29

Table 4.B.3.C – Campground Intensity

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

- 30
- 31 **e. Setback for RV or Camp Sites**
- 32 All sites shall be set back a minimum of 50 feet from any property line.
- 33 **f. Duration of Stay**
- 34 **1) Campsites and Camping Cabins**
- 35 A maximum of 30 consecutive days in a six month period.
- 36 **2) RV Sites**
- 37 a) No person shall reside or be permitted to reside in a RV site for more than 180
- 38 days per calendar year.
- 39 **b) Record Keeping**
- 40 The Campground owner or operator shall keep the following records:
- 41 (1) the make, model, and year of each RV;
- 42 (2) the lot on which each RV is/was located;
- 43 (3) the dates of occupancy for each RV owner; and,
- 44 (4) the name and permanent address of each RV owner.
- 45 **c) Mobility**
- 46 The mobility of each recreational vehicle shall be maintained at all times. All
- 47 recreational vehicles shall be currently licensed by the State of Florida, or the
- 48 state of residency of the RV owner. The license plate shall be visible at all times.
- 49 **g. Accessory Use**
- 50 **1) Camping Cabin**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

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- a) **Definition**
A rental cabin used for temporary occupancy.
 - b) **Use**
A camping cabin may be allowed as an accessory use to a campground.
 - c) **Number**
A maximum of 30 percent of the total approved campsites may be used for camping cabins.
 - d) **Floor Area**
A camping cabin shall not exceed 800 square feet of GFA.
 - e) **Additional Floor Area**
Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed 500 square feet.
 - f) **Amenities**
A camping cabin may contain electrical outlets (excluding 220 volt), heating, lighting, air conditioning, cooking facilities and plumbing.
- 2) **Retail Sales, General**
A camp store selling goods intended for consumption and use by the patrons of a campground shall be allowed pursuant to the following:
 - a) **Size**
Shall not exceed 2,500 square feet of GFA, including storage.
 - b) **Location**
Shall be located to the interior of the campground, and shall not be accessible from any external roads abutting the campground property.
 - c) **Parking**
Shall provide one parking space per 500 square feet of GFA, plus one space per employee on duty.
 - d) **Signage**
Signage shall be limited to a maximum of 25 square feet of wall signage located on the front façade of the building, and shall not be visible from the exterior of the campground. Freestanding signs shall be prohibited.
- h. **LOSTO**
A Campground or Camping Cabins may be located on parcels within the LOSTO where the use is not allowed by the Use Matrix, subject to the following:
 - 1) **Campground**
A campground without RV sites may be allowed in the LOSTO subject to DRO approval.
 - 2) **Camping Cabins**
A camping cabin may be allowed as a principal use, or as an accessory use to a Single Family dwelling, subject to approval as a Special Permit and the following:
 - a) **Density**
A maximum of ten camping cabins per acre when developed as principal use.
 - b) **Setback**
A minimum of 25 feet from all property lines,
 - c) **Occupants**
Only users of the LOSTO Trail, such as hikers, bikers and tourists, shall be allowed to occupy the cabins.
- 3. **Entertainment, Indoor**
 - a. **Definition**
An establishment offering recreational opportunities or games of skill to the general public for a fee in a wholly enclosed building. [Ord. 2005-002] [Ord. 2012-007]
 - b. **Typical Uses**
Indoor Entertainment may include, but not be limited to: bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades.
 - c. **Building Area - CC, CG, MUPD, MXPD and PIPD Districts**
An Indoor Entertainment use encompassing less than 3,000 square feet of floor area may be Permitted by Right.
- 4. **Entertainment, Outdoor**
 - a. **Definition**
An establishment offering recreational opportunities or games of skill to the general public where any portion of the activity takes place in the open for a fee, excluding golf courses and public parks. [Ord. 2005-002]
 - b. **Typical Uses**
Typical uses include athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing. [Ord. 2005-002]
 - c. **Location**
Access to an Outdoor Entertainment use shall be from a Collector or Arterial Street.
 - d. **Setbacks**
No building, structure, trailer, vehicle, mechanical device, or outdoor area shall be located closer to the property line than as follows:

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1

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

Adjacent Use	Minimum Setback
Non-residential and streets	50 feet
Residential District or Use	100 feet

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5. **Fitness Center**

a. **Definition**

An establishment containing multi-use facilities for conducting recreational sport activities.

6

b. **Typical Activities**

Typical sport activities may include but is not limited to aerobic exercises, weight lifting, running, swimming, racquetball, handball, squash, dance studios and martial arts studios.

7

c. **Approval Process – CC Zoning District**

1) A Fitness Center that has less than 8,000 square feet of GFA shall be Permitted by Right. [Ord. 2010-005]

8

2) A Fitness Center with more than 8,000 square feet but less than 15,000 square feet shall be subject to DRO approval.

9

d. **Zoning District - CN Zoning District**

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

10

e. **Existing Approvals – IL Zoning District and Industrial Light pod of PIPD**

A Fitness Center legally established in the IL Zoning District or Industrial Light pod of a PIPD prior to the effective date of this ordinance shall be considered legal conforming.

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6. **Golf Course**

a. **Definition**

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

22

b. **Accessory Use**

1) **Clubhouse**

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

23

2) **Fencing**

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

24

a) **Maximum Height Adjacent To**

(1) **Residential Use**

15 feet.

25

(2) **Street or Easement**

30 feet.

26

(3) **Non-Residential Use**

30 feet.

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b) **Variance Relief**

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

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7. **Park, Neighborhood Infill**

a. **Definition**

A Public Park facility operated by PBC located in the Revitalization and Redevelopment Overlay as designated by the BCC. [Ord. 2006-004]

56

b. **Lot Size**

A maximum of five acres.

57

c. **Minimum Setbacks**

1) **Playground Surface Areas**

Ten feet.

58

2) **Structures, Park Furniture and Playground Equipment**

15 feet.

59

3) **Active Recreation Facilities**

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

60

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

61

d. **Restrictions**

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

62

e. **Recreational Amenities**

63

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

3 **8. Park, Passive**

4 **a. Definition**

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

7 **b. Typical Uses**

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

11 **c. Zoning District - PC**

12 A Passive Park use shall generally include but not be limited to nature and foot trails;
13 canoe trails; wildlife management performed by official game, fish and wildlife
14 commissions; public hunting and fishing camps; the use of boats, airboats and wheeled
15 and tracked vehicles under policies and regulations prescribed by the appropriate
16 government agencies; hunting and fishing camps on private property under policies
17 prescribed by official game, fish and wildlife commissions; exploration, observation and
18 archeological studies supervised by recognized authorities or persons granted
19 permission to proceed by the State of Florida; preserves and passive recreation areas,
20 and residences for preservation management officers or substantially similar recreational
21 conservation accessory uses. **[Ord. 2006-004]**

22 **9. Park, Public**

23 **a. Definition**

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

26 **b. Type of Parks**

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

28 **c. Collocated Uses**

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

- 31 1) Outdoor Shooting Range limited to non-mechanical equipment archery;
- 32 2) Arena or Stadium or Amphitheater separated at least 1,500 feet from parcels of land
33 with a Conservation and Residential FLU designation or use.
- 34 4) Commercial Equestrian Arena;
- 35 5) Marina limited to docks, wet slips or boat ramps; and,
- 36 6) Security or Caretakers Quarters.

37 **10. Shooting Range, Indoor**

38 **a. Definition**

39 An indoor establishment used for the discharge of firearms or projectiles at targets for
40 sport or training, excluding private gun ranges where preempted by state law. **[Ord.**
41 **2014-025]**

42 **b. Approval Process**

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

45 **c. Nuisances**

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

49 **d. Separation Distance**

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

52 **e. Site Design**

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

59 **11. Shooting Range, Outdoor**

60 **a. Definition**

61 An outdoor establishment used for the discharge of firearms or projectiles at targets for
62 sport or training, excluding private gun ranges where preempted by State law. **[Ord.**
63 **2014-025]**

64 **b. Separation Distance**

65 An Outdoor Shooting Range shall not be located within 1,320 feet of a property line with
66 a civic or residential use, zoning district, or FLU designation, unless the adjacent
67 properties are owned by a government agency and utilized for other than civic or
68 residential purposes. **[Ord. 2014-025]**

69 **c. Site Design**

70 Except where preempted by State law, during Zoning or Building Permit review,
71 whichever occurs first, the applicant shall provide documentation demonstrating

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1 acceptable industry design, configuration and operational standards, based on type of
2 shooting activity, to address potential adverse safety and nuisance concerns. Range
3 design shall include, but not be limited to: backstops, sideberms, sidewalls, sound and
4 visual baffles and target placement. **[Ord. 2014-025]**

5 **d. Archery Range**

6 **1. DRO Approval Process**

7 An Outdoor Shooting Range allowed subject to a Class A Conditional Use may be
8 approved by the DRO when limited to non-mechanical archery equipment. **[Ord.**
9 **2014-025]**

10 **2. Separation Distance**

11 Shall not be subject to the 1,320 foot separation distance when limited to non-
12 mechanical archery equipment. An alternative separation distance may be required if
13 warranted based on the site design requirements contained above. **[Ord. 2014-025]**

14 **12. Zoo**

15 **a. Definition**

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

18 **b. Accessory Uses**

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

21 **c. Setbacks**

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

23 **Section 4 Institutional, Public and Civic Uses**

24 **A. Institutional, Public and Civic Use Matrix**

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- 1 **B. General Institutional, Public and Civic Standards**
- 2 **1. Agricultural Reserve (AGR) Tier**
- 3 In the AGR Tier, Institutional, Public and Civic uses are prohibited west of State Road 7.
- 4 **C. Definitions and Supplementary Use Standards for Specific Uses**
- 5 **1. Animal Shelter**
- 6 **a. Definition**
- 7 A nonprofit establishment used for the protection of unwanted or abandoned
- 8 domesticated animals. [Ord. 2008-037]
- 9 **b. Typical Services**
- 10 Typical services provided by an Animal Shelter may include, but are not limited to:
- 11 sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral
- 12 rehabilitation, or other accessory uses as may be permitted by ACC that are not
- 13 regulated elsewhere by this Code. [Ord. 2008-037]
- 14 **c. Approval Process - ACC Permit**
- 15 All Animal Shelters shall be licensed and regulated in accordance with ACC Ord. 98-022,
- 16 as amended. The owner or operator shall obtain Zoning Approval prior to application for
- 17 an ACC Operational Permit.
- 18 **d. Frontage**
- 19 Facilities that are open to the public shall have a minimum of 100 feet of frontage on and
- 20 access from a Collector or Arterial Street. [Ord. 2008-037]
- 21 **e. Landscaping**
- 22 Any outdoor animal use area located within 300 feet of a residential use or property with
- 23 a residential FLU designation, shall upgrade the incompatibility buffer with either of the
- 24 following: [Ord. 2008-037]
- 25 (1) A six foot high fence, and double the required buffer width and planting requirements;
- 26 or, [Ord. 2008-037]
- 27 (2) A six foot high CBS or concrete panel wall. [Ord. 2008-037]
- 28 **f. Waste Disposal**
- 29 An Animal Shelter shall meet the PBCHD ECR I and ECR II standards and shall be
- 30 subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord.
- 31 2008-037]
- 32 **g. Accessory Residential Use**
- 33 A Single Family dwelling unit may be permitted as an accessory use to an Animal Shelter
- 34 provided the property has an underlying residential FLU designation. [Ord. 2008-037]
- 35 **2. Assembly Institutional Nonprofit**
- 36 **a. Definition**
- 37 An establishment open to the public, owned or operated by a nonprofit organization for
- 38 social, educational or recreational purposes.
- 39 **b. Typical Uses**
- 40 An Assembly Institutional Nonprofit use may include, but is not limited to: museums,
- 41 cultural centers, recreational facilities, botanical gardens and community services such as
- 42 after school care or tutorial services, medical services, and employment services.
- 43 **c. Zoning District - TND District**
- 44 Assembly Institutional Nonprofit shall be limited to a maximum of 10,000 square feet of
- 45 GFA. [Ord. 2006-013]
- 46 **d. Frontage and Access**
- 47 The use shall have frontage on and access from a Collector, Arterial or Local Commercial
- 48 Street, unless stated otherwise herein. An Assembly Institutional Nonprofit with
- 49 collocated uses, or more than 15,000 square feet of GFA or 350 seats, including
- 50 accessory uses, shall have frontage on and access from a Collector or Arterial Street.
- 51 **Ord. 2006-013]**
- 52 **e. Redevelopment, Revitalization and Infill Overlay (RRIO)**
- 53 An Assembly Institutional Nonprofit use owned or operated by a neighborhood group,
- 54 working with the Office of Community Revitalization (OCR) within a Countywide
- 55 Community Revitalization Team (CCRT) designated area, may be allowed subject to the
- 56 following:
- 57 1) DRO approval in the zoning districts where the use is subject to a Class A
- 58 Conditional Use;
- 59 2) Located on a Local Residential Street provided the building square footage is limited
- 60 to a maximum of 5,000 square feet. An Assembly Institutional Nonprofit greater than
- 61 5,000 square feet, including accessory uses, shall be located on local commercial,
- 62 Arterial or Collector Street.
- 63 3) No outdoor activities after 10:00 pm; and,
- 64 4) The following accessory uses shall be Permitted by Right: Limited Day Care, Day
- 65 Camp, and, Government Services limited to Community Police Substation.
- 66 **3. Assembly Membership Nonprofit**
- 67 **a. Definition**
- 68 An establishment owned or operated by a nonprofit organization for social, education or
- 69 recreational purposes where paid membership is required.
- 70 **b. Typical Uses**

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

c. Zoning Districts

1) AR/RSA District

May be allowed in the AR/RSA with a SA FLU, subject to a Class A Conditional Use approval. [Ord. 2005-002]

2) TND District

Nonprofit Membership Assembly shall be limited to a maximum of 10,000 square feet of GFA. [Ord. 2006-013]

d. Frontage and Access

The use shall have frontage on and access from a Collector, Arterial or Local Commercial Street. An Assembly Membership Nonprofit with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a Collector or Arterial Street. [Ord. 2006-013]

4. Cemetery

a. Definition

Land used or intended to be used for human interment. [Ord. 2013-001]

b. Zoning District - MUPD

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

c. Frontage

Where permitted in a residential zoning district, a Cemetery shall have frontage on and access from an Arterial or a Collector Street.

d. Lot Size

1) A Cemetery shall be located on a site with a minimum contiguous area of 30 acres. Exceptions to the minimum acreage requirement may be permitted, as follows: [Ord. 2013-001] [Ord. 2015-006]

a) Cemeteries owned and operated by a Place of Worship located within Palm Beach County, whether collocated or remotely located, on sites less than 5 acres, and equal to or greater than 2 acres, which provides only single-level ground burial. [Ord. 2015-006]

b) County and municipal cemeteries. [Ord. 2015-006]

c) Community and nonprofit association cemeteries, which provide only single-level ground burial and do not sell burial spaces or burial merchandise. [Ord. 2015-006]

d) Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23, 1976. [Ord. 2015-006]

e) A columbarium consisting of less than one-half acre which is collocated with a Place of Worship. [Ord. 2015-006]

f) A mausoleum consisting of two acres or less which is collocated with a Place of Worship. [Ord. 2015-006]

g) A columbarium consisting of five acres or less which is located on the main campus of a state university as defined in F.S. §1000.21(6). [Ord. 2015-006]

2) An existing Cemetery having less acreage shall not be considered a non-conforming use if the acreage shown is consistent with a prior approval. [Ord. 2015-006]

e. Pet Cemetery

1) May be allowed only in the IPF Zoning District subject to Class A Conditional Use approval. [Ord. 2013-001]

2) May be allowed as an accessory use to a Cemetery, provided the area dedicated for pet cemetery is in addition to the minimum lot size required for the Cemetery.

5. College or University

a. Definition

An institution of higher learning offering undergraduate or graduate degrees.

b. Approval Process

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

1) The property is separated from parcels of land with a residential FLU designation or use by a minimum of 150 feet;

2) A maximum of 30,000 square feet of GFA; and,

3) The use has frontage on and access from an Arterial, Collector or Local Commercial Street.

c. Accessory Use - Dormitories

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

6. Crematory

a. Definition

A facility used for the incineration of human or animal remains. [Ord. 2013-001]

b. Equipment Location

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

c. Services Prohibited

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

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- d. **Collocated Use**
In the RM Zoning District, a Crematory may be collocated with a Cemetery subject to Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery. [Ord. 2013-001]
 - 7. **Day Care**
 - a. **Definition**
An establishment that provides care, protection and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA). [Ord. 2011-016]
 - b. **Types**
 - 1) **Day Care Limited**
A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis.
 - a) **Collocated Use - AGR Zoning District**
A Limited Day Care may be allowed as a collocated use to a Non-profit Assembly Institutional subject to DRO approval.
 - b) **Use Limitations**
Limited Day Care use does not include nighttime or overnight care. [Ord. 2011-016]
 - 2) **Day Care General**
A Day Care for 21 or more children or adults for a period of less than 24 hours per day on a regular basis. [Ord. 2011-016]
 - 3) **Large Family Child Care Home (LFCCH)**
An occupied single family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two full-time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. The use shall be subject to the following: [Ord. 2011-016]
 - a) **Applicability**
The applicant or owner shall provide documentation that the establishment has operated as a licensed Family Day Care Home for at least two years and meet other licenses and regulations established by the PBC Health Department including the maximum number of children permitted. [Ord. 2011-016]
 - b) **Approval Process**
The use shall be Permitted by Right when located on lots 20,000 square feet or greater. [Ord. 2011-016]
 - c) **Site Requirements**
In addition to the Property Development Regulations applicable to Single Family Residential, the following shall apply: [Ord. 2011-016]
 - (1) **Outdoor Activity Area**
All outdoor activity area provisions applicable to a Day Care shall apply. [Ord. 2011-016]
 - (2) **Drop Off**
Shall comply with all drop-off access standards applicable to Day Care. [Ord. 2011-016]
 - (3) **Parking**
Shall provide at least four parking spaces including those required for a Single Family residential unit. Parking dimensions shall comply with Art. 6, Parking. [Ord. 2011-016]
 - (4) **Site Egress**
Shall not allow backward egress from a driveway or parking area into a street. [Ord. 2011-016]
 - (5) **Signage**
Shall not be permitted. [Ord. 2011-016]
 - 4) **Family Day Care Home**
See Supplementary Use Standards under Residential Use Classification, Accessory Residential Use Standards.
 - c. **Lot Size**
A minimum of 6,000 square feet, or the minimum required by the zoning district in which the Limited or General Day Care is located, whichever is greater.
 - d. **Airport Zoning Overlay**
The establishment of new Limited or General Day Care facilities shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. [Ord. 2011-016]
 - e. **Zoning District - CRE District**
A General Day Care shall not be located in a CRE Zoning District with an RR FLU designation.
 - f. **Floor Area**
 - 1) **Child Care**

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- 1 a) For a Day Care with 40 children or less, the minimum floor area, exclusive of any
2 area devoted to a kitchen, office, storage and toilet facilities, shall be 1,500
3 square feet.
- 4 b) An additional 35 square feet of floor area or the amount required by the PBCHD
5 shall be provided for each child over 40 children.
- 6 **2) Adult Care**
- 7 For an Adult Day Care, the total amount of net floor space available for all
8 participants shall be in accordance with F.A.C. Chapter 58A-6.013, as may be
9 amended, and as determined by the AHCA. [Ord. 2013-021]
- 10 **g. Outdoor Activity Area for Child Care**
- 11 **1) General**
- 12 An outdoor activity area shall be provided on the same lot as the Day Care. The area
13 shall not be located in the required front setback or adjacent to any outdoor storage
14 area of any existing use.
- 15 **2) Square Footage**
- 16 Shall be in compliance with the Palm Beach County Rules and Regulations
17 Governing Child Care Facilities contained in Section D of Article X of Chapter 1 of
18 Appendix D to the Palm Beach County Code, as may be amended. [Ord. 2011-016]
- 19 **3) Location of Outdoor Play Equipment**
- 20 Stationary outdoor play equipment permanently anchored to the ground shall be
21 setback a minimum of 25 feet from any residentially zoned or used property line, and
22 ten feet from any other property line. Outdoor play equipment shall not be located in
23 any required landscape area or easement.
- 24 **4) Shade Trees**
- 25 A minimum of one 12 foot tall native canopy tree shall be provided or preserved
26 within the interior of the outdoor activity area per 1,500 square feet of area provided.
- 27 **5) Fence/Wall**
- 28 A minimum four foot high fence or wall shall surround the outdoor activity area.
- 29 **h. Drop-off Access**
- 30 **1) Drop-Off**
- 31 One designated drop off space shall be provided for every 20 children or adults.
32 Drop-off spaces shall be a minimum of 12 feet in width. [Ord. 2005 – 002]
- 33 **2) Sidewalk Access**
- 34 A minimum four-foot wide sidewalk running in front of, or adjacent to the drop-off
35 spaces and connecting to the Day Care entrance shall be provided.
- 36 **8. Funeral Home**
- 37 **a. Definition**
- 38 An establishment which arranges and manages funerals and prepares human or animal
39 remains for interment. [Ord. 2013-001]
- 40 **b. Zoning Districts - IL, IG, or MUPD with IND FLU**
- 41 A Funeral Home shall be limited to preparation for interment. No public observances,
42 sermons or funerals shall be permitted. [Ord. 2013-001]
- 43 **c. Collocated Use**
- 44 In the RM Zoning District, a Funeral Home may be collocated with a Cemetery subject to
45 Class A Conditional Use approval, provided the use is restricted to those being buried
46 within that Cemetery. [Ord. 2013-001]
- 47 **9. Government Services**
- 48 **a. Definition**
- 49 Buildings or facilities owned or operated by a government entity and providing services
50 for the public, excluding utility and recreational services, and Prisons, Jails or
51 Correctional Facilities.
- 52 **b. Typical Uses**
- 53 A Government Service use may include but is not limited to: Administrative offices for
54 government agencies, public libraries, and police and fire stations.
- 55 **c. ACC Animal Control Facilities**
- 56 An ACC operated Animal Control Facility shall be considered a Government Services use
57 in the PO and IPF Zoning Districts. [Ord. 2008-037]
- 58 **10. Homeless Resource Center**
- 59 **a. Definition**
- 60 A public or private establishment that provides multiple services for the homeless
61 population.
- 62 **b. Typical Services**
- 63 Typical services provided by a Homeless Resource Center may include but are not
64 limited to: Counseling, kitchen and dining facilities, medical and dental outpatient
65 facilities, temporary housing, intake, social services, employment services, and
66 administrative offices.
- 67 **c. Approval Process**
- 68 A Homeless Resource Center owned or operated by a governmental entity may be
69 allowed where Government Services uses are allowed by Table 4.B.4.A., Institutional,
70 Public and Civic Use Matrix, subject to Class A Conditional Use Approval; or, may be
71 Permitted by Right where Government Services uses are allowed in non-residential

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districts, provided that prior to development, or any modification to a previously approved development, program or operation, an eligible government entity complies with the following:

- 1) Schedule and make a presentation to the BCC at a duly noticed Public Meeting(s);
- 2) Prepare a report documenting compliance with Palm Beach County Facilities, Development and Operations, FDO PPM-071, Public Outreach and Community Involvement for Homeless Resource Centers;
- 3) Provide notice of intent to the Zoning Director a minimum of 30 days prior to requesting placement on a BCC Public Meeting agenda, to include the aforementioned report;
- 4) The BCC shall make a finding that the governmental entity has complied with FDO PPM-071, which may include Conditions of Approval; and,
- 5) A BCC finding of compliance, or compliance subject to conditions, may remain valid for three years, or as otherwise provided by Condition of Approval.

d. Location and Separation Requirements

For the purpose of required separations, measurements shall be made from facade to facade, except where the separation required is between a structure and a zoning district boundary. [Ord. 2009-040]

- 1) A minimum 250 foot separation shall be required from the property line of residentially zoned parcels. Type II variance relief, in accordance with Article 2.B, Public Hearing Process, may be requested if this standard cannot be met. [Ord. 2009-040]
- 2) A Homeless Resource Center shall not be located within a 1,200 foot radius of another Homeless Resource Center. [Ord. 2009-040]
- 3) Facilities owned or operated by a governmental entity and located in the PO Zoning District may request a PO Deviation from Location and Separation Requirements, subject to BCC approval, utilizing the standards in Art. 5.A.3, Deviations for the PO Zoning District.

e. Facility Use

A minimum of twenty-five percent of the GFA shall be reserved for accessory service delivery other than temporary housing. [Ord. 2009-040]

f. Nonconformities

The subsequent approval of a development order for a residential zoning district shall not change the status of the HRC to a nonconforming use. [Ord. 2009-040]

g. Existing Approvals

A prior approval for a government owned or operated Homeless Resource Center shall be considered a legal conforming use for sites approved between October 28, 2009, (Ordinance 2009-040), and the effective date of this ordinance.

11. Hospital

a. Definition

An establishment that maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. [Ord. 2005-002]

b. Licensing

A Hospital shall be required to be licensed by the State of Florida.

c. Lot Size

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

d. Frontage

A minimum of 200 feet of frontage or the minimum required in the zoning district, whichever is greater.

e. Incinerator

Biohazardous waste incinerators with an allowable operating capacity equal to or less than 1,000 pounds per hour and biohazardous waste autoclaves are allowed as an accessory use, subject to the following standard:

1) Setbacks

A minimum of 500 feet from any property line abutting a residential zoning district or use. Expansion of existing facilities may be allowed with lesser setbacks, provided the expansion is approved by the DRO.

12. Nursing Home or Convalescent Facility

a. Definition

An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a Hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.

b. Licensing

A Nursing Home or Convalescent Facility shall be required to be licensed by the State of Florida.

c. Lot Size

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

3 **d. Frontage**

4 A minimum of 100 feet of frontage or the minimum requirement of the zoning district.
5 **[Ord. 2005 – 002]**

6 **e. Access**

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

9 **f. Maximum Number of Patient Beds**

- 10 1) All FLU designations except RR: One bed per 1,000 square feet of lot area.
11 2) RR FLU designation: 0.25 bed per 1,000 square feet of lot area.

12 **13. Place of Worship**

13 **a. Definition**

14 An establishment which may include a retreat, convent or other similar use, owned or
15 operated by a tax-exempt religious group that is used periodically, primarily or exclusively
16 for religious worship, activities or related services. **[Ord. 2005-041] [Ord. 2006-013]**

17 **b. Existing Approvals**

18 Applicants may seek abandonment of the existing Place of Worship approval and apply
19 for DRO Approval at any time. Prior approvals may be continued to be utilized subject to
20 the limitations in Art. 2.D.1.G, Modifications to Prior Development Orders. A
21 Development Order exceeding the thresholds in Art. 2.D.1.G shall be subject to a
22 Development Order Abandonment (ABN) and a concurrent request for a DRO Approval.

23 **c. Location**

24 A Place of Worship shall be prohibited unless in compliance with one of the following:

- 25 1) A Place of Worship greater than or equal to 15,000 square feet, including accessory
26 uses, shall have frontage on and access from an Arterial or Collector Street.
27 2) A Place of Worship greater than or equal to 5,000 square feet and less than 15,000
28 square feet, including accessory uses, shall have frontage on and access from an
29 Arterial, Collector or Local Commercial Street.
30 3) A Place of Worship less than 5,000 square feet, including accessory uses, may have
31 frontage on and access from a Local Residential Street.

32 **d. Development Thresholds**

33 A Place of Worship shall be exempt from the requirements under Development
34 Thresholds in Art. 4, Use Regulations.

35 **e. Limited Temporary Sales**

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

39 **14. Prison, Jail or Correctional Facility**

40 **a. Definition**

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

43 **b. Approval Exemption**

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

46 **15. School - Elementary or Secondary**

47 **a. Definition**

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

51 **b. General**

52 **1) Setbacks**

53 All Schools shall comply with the zoning district setbacks unless stated otherwise
54 herein. No setback shall be less than 25 feet regardless of the zoning district. **[Ord.**
55 **2012-027]**

56 **2) South Florida Water Management District (SFWMD)**

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

59 **a) Preservation**

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

63 **b) Wetlands Permits**

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

67 **c) Construction Documents**

68 Prior to site plan approval by the DRO review, construction documents for
69 wetland restoration, landscaping, and vegetation restoration shall be reviewed
70 and approved by ERM.

71 **3) Overlay - Airport Zoning Overlay (AZO)**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
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1 New schools shall not be located within five miles of either end of a runway, pursuant
2 to Article 16, Airport Regulations, and State Statutes.

3 **c. Private School**

4 The following standards shall apply to all Private Schools: [Ord. 2012-027]

5 **1) Pedestrian Access/Bike Path**

6 Pedestrian access, bike paths and crosswalks showing access to the school site from
7 surrounding neighborhoods shall be shown on the site plan.

8 **2) Vehicular Circulation**

9 Designated bus and parental drop off/pick up areas, shall be provided. Pathways,
10 which cross vehicular use areas, shall be defined by special paving, brick, striping, or
11 other methods acceptable to the DRO. [Ord. 2012-027]

12 **3) Approval Process**

13 This use shall be subject to the applicable approval process pursuant to the use
14 matrices of Article 3 and Article 4. [Ord. 2012-027]

15 **d. Charter Schools**

16 Charter schools are considered public schools pursuant to F.S. Chapter 1002.33 and
17 shall be subject to the standards and procedures applicable to Public Schools. If
18 constructed by the PBC School Board or otherwise considered a public school facility
19 pursuant to F.S. Chapter 1013, the use shall be treated as public schools for the
20 purposes of this Code. Charter schools with 200 or fewer students in a commercial,
21 industrial, or nonresidential planned development district shall be subject to DRO
22 approval. [Ord. 2012-027]

23 **e. Public Schools**

24 **1) Applicability**

25 Public Schools are subject to site requirements contained in Section 423 of the
26 Florida Building Code per F.S. 1013.37. Public Schools are not subject to the
27 approval process contained in the Use Matrices of this Code unless specified herein.
28 Other types of School Board developments, such as administrative offices,
29 warehouse buildings, etc., shall comply with the regulations of the applicable zoning
30 district. [Ord. 2012-027]

31 **2) Previous Approvals and Future Amendments**

32 Public Schools approved prior to June 16, 1992 shall be considered conforming
33 uses. [Ord. 2012-027]

34 **3) Review by Zoning**

35 **a. School Site Acquisition**

36 Comply with the procedures established by the Intergovernmental Agreement R-
37 93-1600D adopted on 12-7-93, as amended from time to time. [Ord. 2012-027]

38 **b. Development Review Officer (DRO) Administrative Review**

39 Application shall comply with the DRO Administrative Review process as stated
40 in Article 2.D, Administrative Process. [Ord. 2012-027]

41 **4) Accessory Uses**

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

44 **a) Accessory Radio Towers**

45 **(1) Height**

46 Towers shall have a maximum height of 100 feet or less measured from the
47 finished grade at the base of the tower. Towers over 100 feet in height and
48 Commercial Communication Towers shall comply with Art. 4.B.9. [Ord. 2005
49 - 002]

50 **(2) Setbacks**

51 (a) Towers shall meet a minimum setback equal to 50 percent of the height
52 of the tower from all property lines. [Ord. 2005 - 002]

53 (b) Commercial Communication Towers shall comply with Art. 4.B.9. ITV
54 antennas shall not be subject to these requirements. [Ord. 2005 - 002]

55 **(3) Anchors**

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

59 **(4) Fencing**

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

62 **(5) Sign-Off**

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

67 **(6) Removal**

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

70 **5) Setbacks**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

Setbacks for Public Schools shall be a minimum of 25 feet. [Ord. 2005-002] [Ord. 2012-027]

6) Supplemental Design Standards

a) All fences height shall be in compliance with Art. 5, Supplementary Standards and Art. 7, Landscaping. [Ord. 2012-027]

b) Landscape shall comply with State Statutes 1013.64(5)(a). [Ord. 2012-027]

c) R-O-W Dedication

Within six months of a request by the County Engineer, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, as required by Article 11, Subdivision, Platting and Required Improvements, or as warranted by the School District's Traffic Study, as well as additional right of way for turn lanes and corner clips, as determined by the County Engineer and warranted by the School District's Traffic Study for any affected road. The conveyance shall include documentation acceptable to the County Engineer that the land is free of all encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney. Time extension for R-O-W dedication may be granted if approved by the County Engineer and the School District. [Ord. 2012-027]

d) Road Improvements

Prior to School occupancy, the School Board shall fund and construct all road improvements directly associated with the school such as paving-drainage, turn lanes, traffic circulation, sidewalks, and driveway connections as determined by the County Engineer and warranted by the School District's Traffic Study. [Ord. 2005 - 002] [Ord. 2012-027]

Section 5 Industrial Uses

A. Industrial Use Matrix

This space intentionally left blank.

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1 **B. General Industrial Standards**

2 Reserved for future use.

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

4 **1. Contractor Storage Yard**

5 **a. Definition**

6 The storage of construction material, mechanical equipment used in construction activity,
7 or commercial vehicles used by building trades and services, other than construction
8 sites. [Ord. 2005-002]

9 **b. Overlay - WCRAO**

10 **1) Approval Process**

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

13 **2) Accessory Office**

14 The use shall include a structure required to comply with the provisions of Table
15 3.B.14.F – WCRAO Sub-area PDR's.

16 **3) Nonconformities**

17 Uses approved prior to the effective date of this ordinance shall be considered legal
18 conforming uses.

19 **c. Home Occupation – AR/RSA**

20 A limited Contractor Storage Yard use, may be allowed as a Home Occupation subject to
21 Special Permit approval, when located in the Agriculture Residential (AR) Zoning District
22 within the Rural Service Area (RSA) on lots a minimum of five acres in size, subject to the
23 requirements of Art. 4.B.1.E.10, Home Occupation, and the following:

24 **1) General**

25 **a) Buffers**

26 The use shall be exempt from incompatibility buffer requirements.

27 **b) Hours of Operation**

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

31 **c) Additional Employees**

32 A maximum of three persons living outside of the home may be employed under
33 the Home Occupation, provided employee vehicles shall not be parked on
34 unimproved surfaces nor in the front or side yard unless within the business
35 owners driveway or enclosed storage area.

36 **d) Outdoor Storage**

37 1) Where additional vehicles or equipment are allowed below, the use may be
38 exempt from the outside storage limitations of Art. 4.B.1.E.10.j, provided that
39 outside storage areas shall be screened from view from any R-O-W or parcel
40 of land with a residential FLU designation or use, through use of opaque
41 fences, walls or existing or newly planted native vegetation, prior to issuance
42 of the Business Tax Receipt;

43 (2) No additional vegetation shall be required where equipment is screened from
44 view behind permitted fences or other structures;

45 (3) Outdoor storage shall be prohibited within the front yard, and shall be a
46 minimum of 15 feet, or 25 feet for vehicles or equipment greater than eight
47 feet in height, from any abutting parcel with a residential FLU or use; and,

48 (4) Additional vehicles or equipment shall only be permitted where parked or
49 stored on improved surfaces such as asphalt, pavement or shell rock.

50 **e) Ownership**

51 Any additional permitted vehicles or equipment shall be owned or leased by the
52 Home Occupation license holder, except for semi-trucks operated by the license
53 holder, that are stored not more than two days per week at the home.

54 **2) Trucks and Equipment**

55 The following additional vehicles or equipment owned by the business owner, may be
56 permitted, in accordance with the outdoor storage provisions above:

57 a) Semi truck with or without trailer; or,

58 b) One dump truck; and

59 c) One trailer and one item of heavy equipment, such as a bobcat or loader, but
60 excluding large equipment such as cranes.

61 **3) Additional Vehicles or Equipment**

62 One additional vehicle, trailer or piece of equipment permitted under Trucks and
63 Equipment above may be allowed for each additional 10 acres.

64 **2. Data and Information Processing**

65 **a. Definition**

66 An establishment for business offices of an industrial nature, including corporate centers,
67 associated with uses such as: manufacturing and processing plants or similar industrial
68 complexes; mass/bulk mail processing; and telemarketing centers. The use is often
69 integrated into a campus style development, and not frequented by the general public.
70 This term does not include such uses as: Business or Professional Offices; computer-

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 1 related Retail Sales establishments; and Personal Services and Medical or Dental
2 Offices.
- 3 **3. Distribution Facility**
- 4 **a. Definition**
- 5 An establishment for the loading, unloading, and interchange of freight or package
6 express between modes of transportation.
- 7 **b. Typical Uses**
- 8 Typical uses include truck terminals, railroad depots and yards (including temporary
9 storage), and major mail-processing centers.
- 10 **4. Equestrian Waste Management Facility**
- 11 **a. Definition**
- 12 An establishment used for the recovery, recycling, or transfer of equestrian waste,
13 provided used bedding is limited to organic materials, such as wood shavings, chips or
14 sawdust, straw or hay, peat moss, or paper limited to newspapers, but excluding plastics,
15 textiles or sand. Recovery may include collection, separation or sorting, or limited
16 processing necessary to reduce volume, render materials safe for transport, storage or
17 disposal, or the cleaning and packaging of materials for reuse. The facility may include
18 manufacturing of products utilizing the equestrian waste including, but not limited to,
19 bedding, fertilizer, pellets, and logs. Transfer may include the transfer of equestrian
20 manure or bedding from smaller vehicles used for collection to larger vehicles for
21 shipment to another destination.
- 22 **b. Approval Process - AP Zoning District with SA FLU Designation**
- 23 An Equestrian Waste Management Facility may be allowed in the AP Zoning District with
24 an SA FLU designation, subject to BCC approval as a Class A Conditional Use.
- 25 **c. Location**
- 26 Shall have frontage and access from an Arterial or Collector Street. Access from
27 residential streets shall be prohibited.
- 28 **d. Landscaping Adjacent to Residential**
- 29 The landscape buffer for any Equestrian Waste Management Facility located within 250
30 feet of a parcel with a residential use or FLU designation, shall be upgraded to a
31 minimum of 30 feet in width, a two foot berm, and double the number of required trees,
32 planted in two staggered rows. Where outdoor activities are permitted within this
33 distance but an Incompatibility Buffer is not required, the buffer shall also be upgraded to
34 include a minimum six foot hedge, fence or wall.
- 35 **e. Accessory Use**
- 36 Manufacturing and Processing shall be limited to a maximum of 30 percent new material
37 for supplementing recycling horse bedding, or for the production of other useful products
38 comprised of Equestrian Waste.
- 39 **f. Storage or Waste Processing Areas**
- 40 **1) Best Management Practices**
- 41 All storage areas, including the temporary or overnight parking of loaded trucks or
42 trailers, and any outdoor waste processing areas, shall comply with Art. 5.J.3.A,
43 Storage [Related to Storage or Spreading of Livestock Waste].
- 44 **2) U/S Tier**
- 45 Outdoor storage shall be prohibited in the U/S Tier.
- 46 **3) Outdoor Storage**
- 47 Where permitted, the pile height of equestrian waste shall not exceed 12 feet, and
48 bollards shall be provided to delineate pile locations and height, tied to a finished
49 grade location designated on site.
- 50 **g. Application Requirements – Operation Functions**
- 51 An application for an Equestrian Waste Management Facility shall include a Justification
52 Statement and supporting documentation demonstrating acceptable industry design,
53 configuration and operational standards, including but not limited to:
- 54 **1) Site Plan**
- 55 The Plan shall illustrate how the operation functions, including circulation routes, and
56 the location and size of loading and processing areas, and storage piles.
- 57 **2) Waste Volume**
- 58 An explanation of the quantity of waste to be received, expressed in cubic yards per
59 day or tons per day.
- 60 **3) Dust Control Program**
- 61 A program to address how dust generated from traffic, storage and processing areas
62 will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.
- 63 **4) Odor and Pest Control Program**
- 64 A program to address how odors and pests resulting from any vehicles transporting
65 waste, or storage and processing areas will be managed pursuant to Art. 5.E.4.D.4,
66 Objectionable Odors.
- 67 **5. Gas and Fuel, Wholesale**
- 68 **a. Definition**
- 69 An establishment engaged in the storage of gas and fuels for wholesale distribution, to
70 businesses.
- 71 **b. Overlay – Airport Zoning Overlay (AZO)**

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ARTICLE 4, USE REGULATIONS
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- 1 Wholesale of gas and fuel shall be allowed in the AZO Overlay as an airport-related use
- 2 only when associated with sales of aviation fuel.
- 3 **c. Location**
- 4 This use shall not be located within any Prohibited Land Use Area/Five Mile Runway
- 5 Buffer Zone.
- 6 **d. Separation Distance**
- 7 A separation distance shall be established between this use and any adjacent uses. The
- 8 separation distance shall be that prescribed by PBC Fire Rescue Department based
- 9 upon recognized standards and guidelines,
- 10 **6. Heavy Industry**
- 11 **a. Definition**
- 12 An establishment engaged in the basic processing and manufacturing of materials or
- 13 products predominately from extracted or raw materials, or a use engaged in storage of,
- 14 or manufacturing processes utilizing flammable, hazardous, or explosive materials, or
- 15 processes which potentially involve hazardous or commonly recognized offensive
- 16 conditions.
- 17 **b. Typical Uses**
- 18 Typical uses include asphalt or concrete plant; manufacturing and warehousing of
- 19 chemicals, dry ice, fertilizers, fireworks and explosives; pulp and paper products;
- 20 radioactive materials; fat rendering plants; slaughterhouses and tanneries; and, steel
- 21 works.
- 22 **c. FLU Designation - EDC**
- 23 Heavy Industry shall be prohibited in the EDC FLU designation.
- 24 **d. Fireworks**
- 25 The retail sale of fireworks from a permanent fireworks storage facility or establishment
- 26 shall be limited to an accessory use.
- 27 **7. Machine or Welding Shop**
- 28 **a. Definition**
- 29 A workshop where machines, machine parts, or other metal products are fabricated.
- 30 Typical uses include machine shops, welding shops, tool and die fabrication, and sheet
- 31 metal shops.
- 32 **8. Manufacturing and Processing**
- 33 **a. Definition**
- 34 An establishment engaged in the manufacture, predominantly from previously prepared
- 35 materials, of finished products or parts, including processing, fabrication, assembly,
- 36 treatment and packaging of such products. This use also includes incidental storage,
- 37 sales and distribution of such products, but excludes heavy industrial processing.
- 38 **b. Typical Uses**
- 39 Typical uses include factories, large-scale production, wholesale distribution, publishing,
- 40 and food processing.
- 41 **9. Medical or Dental Laboratory**
- 42 **a. Definition**
- 43 An establishment for the construction or repair of medical equipment, such as dental,
- 44 optical, orthopedic, or prosthetic devices; or medical testing laboratories primarily
- 45 engaged in providing analytic or diagnostic services exclusively on the written work order
- 46 of a licensed member of the medical profession and not for the public.
- 47 **10. Multi-Media Production**
- 48 **a. Definition**
- 49 The use of a lot or building for the production of films or videos such as digital, audio and
- 50 motion pictures; production or broadcasting of television, radio or internet programs; or
- 51 recording of music.
- 52 **b. Typical Uses**
- 53 Typical uses include but are not limited to: film laboratories, stock footage film libraries,
- 54 mass video publication, broadcasting studios, or soundstages.
- 55 **c. Approval Process**
- 56 Indoor Multi-Media Production establishments shall be Permitted by Right in the zoning
- 57 districts where the use is allowed.
- 58 **d. Zoning District – LCC**
- 59 Film production studios shall not be located on a main street. [Ord. 2010-005]
- 60 **e. Transmission Facilities**
- 61 Communication towers, antennas and satellite dishes shall be subject to the applicable
- 62 approval and Supplementary Standards contained in this Code.
- 63 **f. Film Permit in Public Properties**
- 64 Films in public properties such as parks, beaches, Rights of way or public buildings are
- 65 not subject to these standards. Permits are issued by the Film and Television
- 66 Commission.
- 67 **11. Recycling Center**
- 68 **a. Definition**
- 69 A permanent facility designed and used for collecting, purchasing, storing, dropping-off
- 70 and redistributing of pre-sorted, recovered materials that are not intended for disposal.
- 71 [Ord. 2013-001]

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

b. **Approval Process – DRO**

A Recycling Center that is subject to a Class A Conditional Use approval may be approved by the DRO, provided that the use complies with one of the following: [Ord. 2013-001]

- 1) Located completely within enclosed buildings; or, [Ord. 2013-001]
- 2) The use shall be located a minimum of 500 feet from a parcel with a residential, civic, institutional, recreation or conservation FLU designation, zoning district or use. [Ord. 2013-001]

c. **Access**

Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. [Ord. 2013-001]

d. **Operation Functions**

The Zoning application shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials stored. The supporting documentation shall include but not limited to the following:

1) **Site Plan**

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

2) **Dust Control**

A plan to address how dust generated from traffic and storage areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

3) **SWA Permit**

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

12. **Recycling Plant**

a. **Definition**

An establishment used for the recovery of non-hazardous recyclable materials that are not intended for disposal to be collected, separated and sorted, or processed, for reuse. Recyclable materials include Construction and Demolition Debris, plastic, glass, metal, all grades of paper, textiles or rubber.

b. **Approval Process**

A Recycling Plant requiring Class A Conditional Use approval may be approved by the DRO subject to the following:

- 1) When surrounded by parcels having an IND FLU designation that are vacant or developed with industrial uses providing a 500 foot separation between the use and any parcels having a residential, civic, recreation or conservation FLU designation or use; or,
- 2) When all recycling activities are located within enclosed structures that have no openings oriented or visible from surrounding parcels having a residential, civic, recreation or conservation FLU designation or use.

c. **Access**

Access from a Residential Street shall be prohibited. Entrances shall be gated to prevent access from unauthorized persons.

d. **Setbacks**

No part of a recycling plant and its accessory ramps, on site circulation system, or storage areas shall be located within 50 feet of any property line, unless adjacent to another property with an IND FLU designation that is vacant or has an existing industrial use.

e. **Lot Size**

The minimum lot size shall be five acres for any Recycling Plant with outdoor activities.

f. **Drainage**

Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas.

g. **Storage Areas**

All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material. Run-off shall be handled in a manner that is in conformance with local, state and Federal regulations.

h. **SWA Permit**

Verification that the applicant has obtained a permit from and posted a bond with the SWA prior to Final Site Plan approval or Building Permit, whichever occurs first.

13. **Research and Development**

a. **Definition**

An establishment engaged in industrial, scientific or medical research, testing, and analysis.

b. **Typical Uses**

Typical uses include natural science/manufacturing research facilities, bioscience research/biotechnology and product testing/quality control facilities.

c. **Overlay –Bioscience Research Protection Overlay (BRPO)**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1 A Research and Development establishment located in the BRPO shall not be subject to
2 the limitations of Table 4.A.3.A, Thresholds for Projects Requiring Board of County
3 Commissioner Approval.

4 **d. Outdoor Activities**

5 Outdoor manufacturing, processing or testing shall be limited to industrial zoning districts
6 only.

7 **14. Salvage or Junk Yard**

8 **a. Definition**

9 An establishment used primarily for the collecting, storage and sale of scrap metal or
10 discard material; or for the collecting, dismantling, storage and salvaging of machinery or
11 vehicles not in running condition; or for the sale of parts thereof. Salvage may also
12 include architectural salvage which consists of building materials and fixtures recovered
13 prior to the demolition of buildings or structures.

14 **b. Approval Process**

15 Architectural salvage may be allowed subject to DRO approval in the following zoning
16 districts:

- 17 1) IL or IG;
- 18 2) MUPD with an IND FLU designation; or,
- 19 3) IND/L or IND/G Pod of a PIPD.

20 **15. Towing Service and Storage**

21 **a. Definition**

22 The use of a portion of an establishment for the temporary storage of operable or
23 inoperable vehicles in conjunction with a commercial towing service. This shall not
24 include retail sales, repair, or salvage of towed vehicles occurring within the storage area.

25 **16. Truck Stop**

26 **a. Definition**

27 An establishment which provides services primarily for transient commercial vehicle
28 operators, such as fueling, day and overnight parking. A Truck Stop may also serve
29 other travelers.

30 **b. Location**

31 Truck Stops shall have a minimum of 200 linear feet of frontage on an Arterial Street.

32 **c. Lot Size**

33 Shall be a minimum of five acres.

34 **d. Setbacks**

35 Parking areas, parking spaces, maneuvering areas, and drive aisles, shall be setback a
36 minimum of 200 feet from any existing residential use, zoning district or FLU designation.

37 **e. Landscaping**

38 Incompatibility landscape buffers shall be required adjacent to an existing residential use,
39 zoning district or FLU designation. The buffer shall include a six foot high berm with a six
40 foot high opaque wall or fence installed at the plateau of the berm. Variances may be
41 requested from these requirements.

42 **f. Collocated Uses**

43 For purposes of this section, collocated uses shall mean a use that is mainly oriented to
44 serving transient commercial vehicle operators. The following collocated uses shall be
45 allowed in conjunction with a Truck Stop subject to DRO Approval:

- 46 1) Type 1 Restaurant;
- 47 2) Type 2 Restaurant;
- 48 4) Car wash;
- 49 5) Hotel or Motel;
- 50 6) Personal Services;
- 51 7) Financial Institution;
- 52 8) Financial Institution with Drive Thru;
- 53 9) Financial Institution – Freestanding ATM;
- 54 10) Gas and Fuel Retail;
- 55 11) Laundry Service; and,
- 56 12) Retail Sales.

57 **g. Site Design:**

58 The site shall be designed to ensure the provision of adequate vehicular circulation and
59 parking patterns. Collocated uses listed above shall be designed and located to mainly
60 serve transient commercial vehicle operators.

61 **17. Warehouse**

62 **a. Definition**

63 An establishment used for the storage of raw materials, equipment, or products.

64 **b. Typical Uses**

65 Typical uses include moving companies, cold storage, and dead storage facilities, but
66 excludes self-service storage facilities.

67 **c. Overlay – WCRAO**

68 Office/warehouse uses shall be allowed as specified in Table 3.B.14.E, WCRAO Sub-
69 area Use Regulations. The office/warehouse development shall have a minimum of 25
70 percent of office space per gross floor area for each bay. **[Ord. 2006-004]**

71 **d. Accessory Office**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
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1 Unless approved as a Class A Conditional Use, or as specified in the Overlay – WCRAO
2 standard, office space in each warehouse bay shall be a maximum of 30 percent of the
3 GFA of that bay.

4 **e. Sales**

5 General Retail Sales shall be prohibited, except where allowed in conjunction with Flex
6 Space.

7 **f. Freestanding Structures**

8 Freestanding structures for Warehouse developments located in an MUPD with an IND
9 FLU designation shall not be subject to the provisions of Table 3.E.3.B, Freestanding
10 Buildings. [Ord. 2010-022]

11 **18. Wholesaling**

12 **a. Definition**

13 An establishment engaged in: the maintenance and display of inventories of goods for
14 distribution and sale of goods to other firms for resale; or, the supplying of goods to
15 various trades such as landscapers, construction contractors, wholesale building
16 supplies, institutions, industries, or professional businesses. These establishments also
17 sort and grade goods from large to small lots, and engage in delivery. This use excludes
18 vehicle sales, and the wholesaling of nurserie-supplies, and gas and fuel.

19 **Section 6 Agricultural Uses**

20 **A. Agricultural Use Matrix**

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EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1 **B. General Agricultural Standards**

2 Reserved for Future Use

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

4 **1. Agriculture, Bona Fide**

5 **a. Definition**

6 Any plot of land where the principal use consists of the growing, cultivating and
7 harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses
8 and livestock; the production of animal products such as eggs, honey or dairy products;
9 or the raising of plant material. The following standards shall apply to a Bona-Fide
10 Agriculture use, except where pre-empted by State law. [Ord. 2009-040] [Ord. 2013-021]

11 **b. Agricultural Uses in the U/S Tier**

12 **1) Applicability**

13 Uses legally established prior to the effective date of this code in the U/S Tier shall be
14 considered conforming. Any expansion of existing agricultural uses shall be
15 consistent with all applicable requirements and subject to the review procedure
16 identified in this Code.

17 **2) Uses Not Listed**

18 Agricultural uses not listed in Table 4.B.6.A, Agricultural Use Matrix, as permitted in
19 the U/S Tier shall only be permitted as an interim use, subject to Class A Conditional
20 Use approval.

21 **3) AR Zoning District**

22 The AR Zoning District shall be considered consistent with all FLU designations in
23 the U/S Tier for the purposes of permitting interim agricultural uses only.

24 **4) Temporary Agricultural Uses**

25 Property which has an existing development order may also receive an additional
26 development order for a temporary agricultural use in the U/S Tier in accordance with
27 the standards for the specific agricultural use, however, the agricultural use shall not
28 be eligible for an agricultural tax exemption.

29 **c. Groves and Row Crop**

30 The cultivation of fruits and vegetables as groves and row crops shall be subject to the
31 following additional standards in all zoning districts:

32 **1) Lot Size**

33 A minimum of five acres.

34 **2) Setback**

35 Structures and accessory activities shall be setback a minimum of 50 feet.

36 **3) Hours of Operation**

37 Operation of commercial vehicles over one ton rated capacity or gross vehicle weight
38 of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

39 **4) Loading**

40 All loading and unloading of trucks shall be restricted to the site and shall not be
41 permitted in any setbacks.

42 **5) Spraying**

43 No aerial application of any pesticides, fungicides, fertilizers, or any other chemical
44 shall be allowed.

45 **d. Dipping Vats**

46 Dipping vats shall not be allowed in the AR Zoning District, unless approved as a Class B
47 Conditional Use.

48 **e. Pens and Cages**

49 In the AR and AGR Zoning Districts, pens, cages or structures shall meet the district
50 setbacks for a principal use, or be setback a minimum of 50 feet from any property line,
51 whichever is greater.

52 **f. Game and Exotic Animals**

53 The Florida Fish and Wildlife Conservation Commission (FWC) regulates game farms or
54 game animal care for private or commercial purposes. [Ord. 2012-003]

55 **1) Exotic Animals**

56 Care for exotic animals (imported or non-native animal species) for private or
57 commercial breeding purposes shall have a minimum lot size of five acres.

58 **2) Dangerous or Class I and II Animals**

59 Ownership, care, or keeping of dangerous or Class I and II animals, as defined by the
60 FG&FWFC, shall require Class A Conditional Use approval and shall have a
61 minimum lot size of five acres.

62 **g. Livestock Raising**

63 The breeding, raising and caring for domestic animals including horses.

64 **1) Urban Service Area (USA)**

65 In the Urban Service Area, livestock raising shall comply with the following standards:

66 **a) Lot Size**

67 A minimum of five acres.

68 **b) Setback**

69 All accessory uses and structure, such as troughs, feed mechanisms and
70 storage, shall be setback a minimum of 100 feet.

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ARTICLE 4, USE REGULATIONS
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- c) **Large Animals**
The maximum number of large animals permitted for each acre shall not exceed five. Large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure with one stall for each large animal is required when the total number of large animals exceeds three per acre. In addition, the following limitation on the number of specific large animals per acre shall apply: horses: five; swine: one; cattle: two; goats: two; sheep: two.
 - d) **Small Animals**
The maximum number of small animals permitted for each acre shall not exceed 100. Small animals shall include rabbits and fowl, excluding peafowl. Small animals shall be permitted in addition to large animals.
 - e) **Palm Beach County Animal Control Department (PBCACD)**
The property owner shall notify PBCACD as to the type of livestock and details of animal care to be provided.
 - f) **Processing and Slaughtering**
Processing and slaughtering shall be prohibited.
 - g) **Loading**
All loading and unloading of trucks shall be restricted to the site and shall not encroach any setback.
 - h) **Waste**
A plan outlining a method of waste removal shall be submitted to and approved by PBC Health Department.
 - i) **Compatibility**
The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.
- h. **Accessory Agricultural Uses**
These uses include "U-Pick-Em" operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing, cutting, and packing of farm products, and canning, dehydration, and basic preparation of raw food products prior to shipment, and outdoor storage of equipment. **[Ord. 2005 – 002]**
 - i. **Agriculture Marketplace**
A use that is accessory, incidental and subordinate, to a Bona-Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona-Fide Agriculture use, adding economic viability to farming operations. **[Ord. 2012-027]**
 - 1) **Approval Process**
Class A Conditional Use. **[Ord. 2012- 027]**
 - 2) **Location Criteria**
 - a) **Tier and Zoning District**
AGR Tier and Zoning District only. **[Ord. 2012-027]**
 - b) **Location**
The Agriculture Marketplace shall be located adjacent to an arterial road designated on the PBC Functional Classification of Roads Map. **[Ord. 2012-027]**
 - c) **Proximity to Residential Uses**
The parcel or area designated on the Final Site Plan for an Agriculture Marketplace shall be located at least 500 feet measured from the property line, if adjacent to existing residential uses, or approvals for PUD or TMD development areas with residential uses. **[Ord. 2012-027]**
 - 3) **Minimum Acreage and Production**
May be allowed if the land area has a minimum of 75 contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use. **[Ord. 2012-027]**
 - a) **Agriculture Preserve Parcels**
The minimum acreage requirements may include parcels under an agricultural conservation easement, identified as an AGR PUD Preserve or AGR TMD Preserve, or other similar protections, provided that the Agriculture Marketplace is not located on those parcels. **[Ord. 2012-027]**
 - b) **Agriculture Production**
A minimum of 70 percent of the overall land area must meet the requirements for Bona-Fide Agriculture. **[Ord. 2012-027]**
 - 4) **Use Limitations and Sale of Products**
The area designated as an Agriculture Marketplace shall be limited to the retail sales of agricultural products such as fruits, vegetables, flowers, containerized house plants and other agricultural food products such as jelly, jam, honey and juice. This shall not preclude any structures from being used for the coordination of activities for permitted collocated uses, or other accessory, educational or recreational uses permitted on the Bona-Fide Agriculture operation. The sale of grocery or

EXHIBIT D

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1 convenience-type foods or products shall not be permitted nor shall vending
2 machines or other similar equipment be permitted, unless stated otherwise herein.
3 **[Ord. 2012-027]**

4 **a) Floor Area**

5 A maximum of 24,000 square feet of GFA, including outdoor display areas. The
6 floor area shall not include any FAR transferred from the portions of the site that
7 is dedicated to Bona-Fide Agriculture production or otherwise encumbered with a
8 conservation easement, preserve area or other similar protection. **[Ord. 2012-
9 027]**

10 **b) Outdoor Open Space Area**

11 Areas set aside as outdoor open space for collocated uses and outdoor
12 permanent activities shall be limited to a maximum of 12,000 square feet.
13 Permanent shelters, such as Seminole chickee huts shall be limited to a
14 maximum of 2,000 square feet. **[Ord. 2012-027]**

15 **c) Collocated Uses**

16 Additional uses may be permitted subject to compliance with the Supplemental
17 Use Standards for each use and the following: **[Ord. 2012-027]**

18 **(1) General Retail Sales**

19 Ten percent or 2,000 square feet, whichever is less, of the GFA of the
20 Agriculture Marketplace may be devoted to General Retail Sales. There
21 shall be no exterior signage advertising to the public of the sale of grocery or
22 other retail products. Approval shall be part of the Class A Conditional Use.
23 **[Ord. 2012-027]**

24 **(2) Permanent Green Market**

25 Subject to DRO approval. An Open Flea Market may be permitted in
26 conjunction with a Green Market. The Open Flea Market shall be limited to
27 ten percent of the total square footage of the Permanent Green Market.
28 **[Ord. 2012-027]**

29 **(3) Retail Sales, Mobile or Temporary**

30 Mobile sales shall be permitted subject to approval of a Special Permit.
31 **[Ord. 2012-027]**

32 **(4) Special Event**

33 Subject to approval of a Special Permit. **[Ord. 2012-027]**

34 **d) Outdoor Permanent Activities**

35 Activities shall be clearly shown and labeled on the Site Plan and shall function
36 with other uses on the site. Impacts from these uses, including but not limited to,
37 traffic, parking, rest rooms, or nuisances, shall be addressed as part of the Class
38 A Conditional Use approval. The BCC may impose conditions of approval to
39 address these activities. Additional activities, such as: cooking classes and
40 charity events, shall be permitted by right, subject to the following: **[Ord. 2012-
41 027]**

42 (1) Shall be located within the GFA of the Agriculture Marketplace or permitted
43 Outdoor Open Space areas; **[Ord. 2012-027]**

44 (2) The maximum number of participants, including a combination of special
45 activities, shall not exceed 50 attendees; and, **[Ord. 2012-027]**

46 (3) Overflow parking is provided. A minimum of one parking space shall be
47 provided for each three attendees. This shall require the posting of adequate
48 onsite directional signage to preclude any inappropriate parking activity, such
49 as parking in rights of way or on adjacent properties. **[Ord. 2012-027]**

50 **e) Outdoor Display**

51 Shall be limited to agricultural products only, located along the property's
52 frontage or other area, except within required setbacks. **[Ord. 2012-027]**

53 **f) Storage**

54 Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers,
55 and other permanent or temporary structures shall not be used for storage or
56 display purposes. **[Ord. 2012-027]**

57 **g) Parking**

58 Off-site parking within a public or private R-O-W, or to areas accessed by other
59 than an approved access way, shall be prohibited. **[Ord. 2012-027]**

60 **h) Hours of Operation**

61 1) 8:00 a.m. to 6:00 p.m. Monday through Saturday; and,

62 2) 10:00 a.m. to 6:00 p.m. Sunday. **[Ord. 2012-027]**

63 **j. Landscape Curbing**

64 A Bona-Fide Agriculture use may use railroad ties or landscape lumber as an alternate to
65 the curbing requirement in Article 7.G, Off-Street Parking Requirements.

66 **k. Barbed Wire in AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels**

67 1) Barbed wire may be installed pursuant to Art. 5.B.1.A.2.h, Dangerous Materials.
68 **[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]**

69 2) In the AR Zoning District with any Bona-Fide Agriculture use, other than nurseries,
70 provided it is setback a minimum of 25 feet from any property line. **[Ord. 2011-001]**

71 **2. Agriculture, Light Manufacturing**

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- 1 **a. Definition**
- 2 An accessory agricultural use for the manufacturing of products related to agricultural
- 3 operations, such as fencing, pallets, crates, or containers. Product components are
- 4 predominantly assembled from previously prepared materials or finished parts.
- 5 Manufacturing includes processing, fabrication, assembly, treatment, and packaging of
- 6 such products, and accessory storage and distribution, but excludes heavy industrial
- 7 processing or manufacturing.
- 8 **b. Setbacks**
- 9 A minimum 100 foot setback shall be required adjacent to a residential zoning district.
- 10 **c. Accessory Use**
- 11 Light agricultural manufacturing operations may be allowed as an accessory use to a
- 12 related Bona-Fide Agriculture use on the same property provided it does not exceed
- 13 25,000 square feet.
- 14 **d. Landscaping**
- 15 An incompatibility buffer may be omitted if the use is adjacent to farm worker quarters or
- 16 a mobile home accessory to agriculture.
- 17 **3. Agriculture, Packing Plant**
- 18 **a. Definition**
- 19 A facility used for the packing of produce not necessarily grown on site.
- 20 **b. Typical Activities**
- 21 Activities may also include canning, dehydration, washing, cutting, or basic preparation of
- 22 raw produce prior to shipment. [Ord. 2005-002] [Ord. 2012-027]
- 23 **c. Approval Process - AR/RSA Zoning District**
- 24 May be permitted in the AR/RSA Zoning District with a SA FLU, subject to a Class A
- 25 Conditional Use approval. [Ord. 2005-002]
- 26 **d. Zoning District AGR-PUD Preserve Area**
- 27 An Agriculture Packing Plant located in an AGR Preserve Area, including where
- 28 permitted as an accessory use as specified above, shall comply with the following: [Ord.
- 29 2012-027]
- 30 1) Located on a roadway classified as an Arterial Street on figure TE 3.1 – Functional
- 31 Classification of Roads; and, [Ord. 2012-027]
- 32 2) Located on or adjacent to active agricultural crop production. [Ord. 2012-027]
- 33 **e. Setbacks**
- 34 A minimum of 100 feet along all property lines which are adjacent to a residential zoning
- 35 district.
- 36 **f. Accessory Use**
- 37 A packing plant in the AP and AGR Zoning Districts, or the Preserve Area of an AGR
- 38 PUD, may be allowed as an accessory use to a related Farm use on the same property,
- 39 provided it does not exceed 25,000 square feet. [Ord. 2012-027]
- 40 **g. Landscaping**
- 41 An incompatibility buffer as required by Article 7.F, Perimeter Buffer Landscape
- 42 Requirements, may be omitted if the use is adjacent to farm worker quarters or a mobile
- 43 home accessory to a Farm use.
- 44 **h. Storage**
- 45 Only equipment directly related to the facility shall be stored on the site. All stored
- 46 equipment shall be screened from view from adjacent properties and streets.
- 47 **4. Agriculture, Renewable Fuels Production**
- 48 **a. Definition**
- 49 Any facility using biomass as its principal source of feed stock for the production of
- 50 renewable fuel or fuels and other related renewable products including but not limited to
- 51 ethanol or fuel ethanol. [Ord. 2008-037]
- 52 **b. Setbacks**
- 53 The facility shall be located a minimum of 750 feet away from parcels with a residential
- 54 zoning or future land use designation that accommodate an existing residential structure.
- 55 [Ord. 2008-037]
- 56 **c. Review Procedures and Standards**
- 57 1) The applicant shall submit a site plan, for informational purposes only, to the Zoning
- 58 Division prior to Building Permit application. The site plan shall be consistent with the
- 59 requirements indicated in the Technical Requirements Manual. [Ord. 2008-037]
- 60 2) The owner or operator shall obtain the required approval and permits from all
- 61 applicable federal, state, and local agencies prior to operating the facility. [Ord.
- 62 2008-037]
- 63 3) The owner or operator shall perform a daily visual inspection of all wood material and
- 64 similar vegetative matter to be used as feed stock. [Ord. 2008-037]
- 65 4) Any toxic or hazardous waste generated at the site shall be handled pursuant to Rule
- 66 62-730 FAC. [Ord. 2008-037]
- 67 **d. Prohibitions**
- 68 1) The generation of toxic or hazardous waste effluent into the sanitary system shall be
- 69 prohibited unless adequate pretreatment facilities have been constructed and are
- 70 being utilized. The pretreatment facilities are subject to approval by DEP and the
- 71 appropriate sewage works provider. [Ord. 2008-037]

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- 1 2) Feed stock observed to contain prohibited materials shall not be used. [Ord. 2008-
2 037]
- 3 e. **Separation Distance**
- 4 Facilities shall be separated two miles from an existing agricultural related use. [Ord.
5 2008-037]
- 6 5. **Agriculture, Research and Development**
- 7 a. **Definition**
- 8 The use of land or buildings for agriculture research and the cultivation of new agricultural
9 products.
- 10 b. **Approval Process - AR/RSA Zoning District**
- 11 May be permitted in the AR/RSA Zoning District with a SA FLU subject to a Class B
12 Conditional Use approval. [Ord. 2005-002]
- 13 c. **Outdoor Activities**
- 14 Outdoor research, testing or development of agricultural products shall be limited to
15 industrial zoning districts only.
- 16 d. **Landscape**
- 17 A bona fide agricultural use may use railroad ties or landscape lumber as an alternate to
18 the curbing requirement in Article 7.G, Off-Street Parking Requirements.
- 19 6. **Agriculture, Sales and Service**
- 20 a. **Definition**
- 21 An establishment primarily engaged in the sale or rental of farm tools, small implements
22 and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack,
23 riding attire, animal care products, farm supplies, and the like:
- 24 b. **Approval Process - AR/RSA Zoning District**
- 25 May be permitted in the AR/RSA Zoning District with a SA FLU, subject to a Class A
26 Conditional Use approval. [Ord. 2005 – 002]
- 27 c. **Storage**
- 28 All storage areas for agricultural sales and service uses shall be enclosed or completely
29 screened from view. A maximum of five tractor-trailers used for the transport of Farm
30 products may be stored outside if they are completely screened from view from adjacent
31 properties and streets.
- 32 d. **Grocery Sales**
- 33 Five percent or 1,000 square feet, whichever is less, of the merchandise sales area use
34 may be devoted to retail grocery sales. Shelves, floor area, counter space and overhead
35 display areas shall be included in the calculation of the grocery sales area. There shall be
36 no exterior signage and no external evidence of the availability of grocery products for
37 sale.
- 38 e. **Repair Service**
- 39 Service of small implements only shall be permitted in an enclosed area that is
40 completely screened from view from adjacent properties and setback a minimum of 25
41 feet from any side or rear property line. Repair activities shall occur only between the
42 hours of 7:00 a.m. and 9:00 p.m.
- 43 7. **Agriculture, Storage**
- 44 a. **Definition**
- 45 The storage of equipment or products accessory or incidental to a principal agricultural
46 use.
- 47 b. **Storage**
- 48 1) Storage of hazardous waste or regulated substances shall comply with local, state
49 and federal regulations.
- 50 2) Outdoor Agriculture Storage shall comply with the following standards:
- 51 a) **Urban Service Area**
- 52 (1) **Setbacks**
- 53 Outdoor Agriculture Storage shall meet the principal use setbacks of the
54 zoning district in which it is located.
- 55 (2) **Screening**
- 56 Outdoor Agriculture Storage shall be screened from view by a solid fence,
57 wall or building.
- 58 (3) **Outdoor Agriculture Storage**
- 59 b) Outdoor Agriculture Storage is only permitted in the RE, RT, RS, RM, CN, CC
60 and CG Zoning Districts as a Class B Conditional Use.
- 61 (1) **Exception**
- 62 Outdoor Agriculture Storage is not permitted in a PDD with a commercial
63 FLU designation.
- 64 3) Indoor agricultural storage shall be permitted in conjunction with a bona fide
65 agricultural use with or without a principal structure. Indoor storage shall be contained
66 within a permanent structure. Agricultural Storage in a mobile home shall not be
67 permitted. Agricultural Storage in a shipping container shall only be permitted in
68 conjunction with a bona fide agricultural use.
- 69 1) **AR Zoning District in Urban Service Area (USA)**
- 70 An enclosed structure shall be setback 100 feet from the front and side street
71 and 50 feet from the side and rear property lines.

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- 1 2) **All Other Zoning Districts in Urban Service Area (USA)**
- 2 An enclosed structure shall meet the principal use setbacks of the zoning district
- 3 in which it is located.
- 4 **8. Agriculture, Transshipment**
- 5 **a. Definition**
- 6 A facility engaged in the transferring of agricultural products between two modes of
- 7 transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.
- 8 **ab. Zoning District - AGR and AP**
- 9 **1) Accessory Use**
- 10 Agricultural Transshipment facilities not exceeding 25,000 square feet shall be
- 11 permitted as an accessory use.
- 12 **2) Setback**
- 13 A minimum 100 foot setback shall be required along all property lines which are
- 14 adjacent to an existing residential use, district or FLU as of the effective date of this
- 15 Code excluding farm worker quarters and mobile homes accessory to agriculture.
- 16 **9. Aviculture, Hobby Breeder**
- 17 **a. Definition**
- 18 The raising and care of birds in captivity.
- 19 **b. Lot Size**
- 20 The minimum lot size shall be as follows:
- 21 1) Two acres: 40-200 birds.
- 22 2) Five acres: 201 or more birds.
- 23 **c. Hobby Breeder**
- 24 **1) AR/USA**
- 25 The raising of birds as a hobby in the AR/USA shall be permitted subject to the
- 26 following: **[Ord. 2009-040]**
- 27 a) The hobby breeder shall not engage in the sale of more than 24 birds to the
- 28 public during any consecutive 12 month period;
- 29 b) The hobby breeder shall not provide care for more than 40 birds on a parcel of
- 30 land at any time;
- 31 c) The minimum lot size of two acres;
- 32 d) Shelters, cages, and accessory structure shall be setback a minimum of 50 feet
- 33 from all property lines;
- 34 e) Outdoor shelters and cages shall be contained to specific areas on the site and
- 35 screened from view on all sides by a minimum six foot high opaque fence or wall.
- 36 The fence or wall shall be located within 20 feet of the containment area;
- 37 f) The hobby breeder shall locate birds which excessively screech, chirp, crow, or
- 38 make loud noises away from residential properties to the maximum extent
- 39 possible. Birds considered a nuisance by the Sheriff's Office shall be removed
- 40 from the site; and
- 41 g) Care, licensing, registration, and inspections shall be as required by the Animal
- 42 Care and Control Ordinance and other applicable statutes.
- 43 **10. Community Vegetable Garden**
- 44 **a. Definition**
- 45 A plot of land used primarily as a vegetable garden which is cultivated and harvested by
- 46 a group of residents from the surrounding area.
- 47 **b. Setbacks**
- 48 Accessory activities shall maintain a setback of five feet from all property lines adjacent to
- 49 residential zoning districts. Accessory structures shall meet the setbacks of the district.
- 50 **c. Accessory Structures**
- 51 Accessory structures shall be limited to 400 square feet.
- 52 **d. Parking**
- 53 Overnight parking shall be prohibited.
- 54 **e. Loading**
- 55 All loading and unloading activities shall be restricted to the site and shall not encroach
- 56 into any setbacks.
- 57 **f. Storage**
- 58 Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall
- 59 be contained within an accessory structure.
- 60 **g. Spraying**
- 61 Aerial application of fertilizer or pesticides shall be prohibited.
- 62 **11. Equestrian Arena, Commercial**
- 63 **a. Definition**
- 64 An establishment engaged in commercial spectator activities involving equestrian events,
- 65 but excluding any establishment engaged in gaming, pari-mutual wagering, off-track
- 66 betting, events or activities held or broadcast for similar purposes.
- 67 **b. Tier**
- 68 **1) Urban/ Suburban (U/S)**
- 69 **a) Lot Size**
- 70 The minimum lot size shall be five acres.
- 71 **b) Frontage**

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- 1 The project in which an equestrian arena is located shall front on and access
- 2 from Collector or Arterial Street.
- 3 **c) Hours of Operation**
- 4 Outdoor activity shall be limited from hours of 6:00 a.m. to 10:00 p.m. daily.
- 5 **d) Loudspeakers**
- 6 Loudspeakers and public address systems shall not be used before 8:00 a.m. or
- 7 after 8:00 p.m.
- 8 **2) Rural, Exurban, Agricultural Reserve (AGR) and Glades**
- 9 **a) Location**
- 10 The project in which an equestrian arena is located shall have frontage on a
- 11 paved street.
- 12 **b) Operating Hours**
- 13 Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily.
- 14 **c) Loudspeakers**
- 15 Loudspeakers and public address systems shall not be used before 8:00 a.m. or
- 16 after 8:00 p.m.
- 17 **c. Setbacks**
- 18 Riding, spectator viewing areas, and show rings shall not be located within 100 feet of
- 19 any property line.
- 20 **d. Compatibility**
- 21 Design of the site shall assure no incompatibility with surrounding land uses. When an
- 22 incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to
- 23 receiving Conditional Use or DRO approval.
- 24 **12. Farmers Market**
- 25 **a. Definition**
- 26 An establishment for the wholesale sale of farm produce.
- 27 **b. Approval Process - AR/RSA Zoning District**
- 28 May be permitted in the AR/RSA District with a SA FLU, subject to a Class A Conditional
- 29 Use approval. [Ord. 2005-002]
- 30 **c. Frontage**
- 31 Shall be located on an Arterial Street.
- 32 **d. Setback**
- 33 A Farmers Market shall be setback a minimum of 100 feet from property lines adjacent to
- 34 a residential use existing as of the effective date of this Code, excluding Farm Worker
- 35 Quarters and Mobile Homes accessory to agriculture.
- 36 **e. Accessory Use**
- 37 A Produce Stand shall be permitted as an accessory use to a Farmers Market.
- 38 **13. Nursery, Retail**
- 39 **a. Definition**
- 40 The retail sale of horticultural specialties such as flowers, shrubs, sod, trees, mulch and
- 41 accessory hardscape materials such as decorative stones intended for ornamental or
- 42 landscaping purposes. [Ord. 2009-040]
- 43 **b. Frontage**
- 44 Shall front on and access from a Collector or Arterial Street.
- 45 **c. Lot Size**
- 46 A minimum of one acre is required in a residential zoning district.
- 47 **d. Setbacks**
- 48 All structures and outdoor storage areas shall be setback a minimum of 50 feet from the
- 49 property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.
- 50 6.C.17, Shade House. [Ord. 2009-040]
- 51 **e. Loading**
- 52 All loading and unloading of trucks shall occur on the site.
- 53 **f. Accessory Uses**
- 54 An office is permitted as an accessory use, provided it is not a Mobile Home.
- 55 **g. Landscaping**
- 56 A buffer shall be provided along all property lines that are not screened by plant material.
- 57 **1) Incompatibility Buffer**
- 58 A Type 3 incompatibility buffer shall be required adjacent to all retail, office, parking,
- 59 loading and other non-growing areas within 50 feet of a property line. The buffer
- 60 requirements may be satisfied by plant material for sale provided that the plant
- 61 material is grown in the ground, ten feet on center, six feet high, and the growing
- 62 area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the
- 63 buffer contains permanent landscaping only and not for-sale plant inventory.
- 64 **2) Compatibility Buffer**
- 65 A compatibility buffer shall be provided around all growing areas less than 50 feet in
- 66 width. The buffer requirements may be satisfied by plant material for sale provided
- 67 that the plant material is grown in the ground, ten feet on center, six feet high and the
- 68 growing area is a minimum of five feet wide.
- 69 **3) R-O-W Buffer**
- 70 A R-O-W buffer shall be required adjacent to all office, parking, loading, internal
- 71 roads and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall

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be required adjacent to all growing areas unless the growing area is at least 50 feet in width, and contains plant materials providing a six foot high visual buffer equivalent in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall be preserved.

4) Barbed Wire

The use of barbed wire shall be prohibited.

h. Storage

Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in Article 5.B, Accessory Uses and Structures. In residential zoning districts, outdoor bulk storage shall be setback a minimum of fifty feet or the zoning district setback, whichever is greater.

i. Site Plan

Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed DRO threshold limitations.

j. Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 5:00 p.m. to 8:00 a.m. is prohibited.

k. Compatibility

The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.

l. Spraying

No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.

14. Nursery, Wholesale

a. Definition

The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes. [Ord. 2009-040]

b. Approval Process

Table 4.B.6.C - 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	20 or more acres.
[Ord. 2005-041]	

Table 4.B.6.C. – AR District in RSA

AR District in RSA	
Permitted	Ten acres or less.
Special Permit	More than ten but less than 40 acres.
DRO	40 or more acres.

1) All Other Districts

Permitted.

c. Tier

In addition to the above standards, a Wholesale Nursery in the U/S Tier shall comply with the following standards:

1) Lot Size

A minimum of one acre.

2) Setbacks

All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.6.C.17, Shade House. [Ord. 2009-040]

3) Compatibility

The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use, DRO or Special Permit approval.

4) Spraying

No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.

d. Zoning District - AR

May be operated in conjunction with a residence.

e. Accessory Use

1) A retail nursery may be permitted as an accessory use to a wholesale nursery in the AGR Tier.

2) An office is permitted as an accessory use, provided it is not a mobile home.

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ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 1 **f. Parking and Loading**
- 2 All parking and loading shall occur on site.
- 3 **g. Landscaping**
- 4 A buffer shall be provided along all property lines that are not screened by plant material.
- 5 **1) Incompatibility Buffer**
- 6 A Type 3 incompatibility buffer shall be required adjacent to all office, parking,
- 7 loading, internal roads and other non-growing areas within 50 feet of a property line.
- 8 The buffer requirements may be satisfied by plant material for sale provided that the
- 9 plant material is grown in the ground, ten feet on center, six feet high, and the
- 10 growing area is at least 20 feet wide. The width of the buffer may be reduced to ten
- 11 feet if the buffer contains permanent landscaping only and not for-sale plant
- 12 inventory.
- 13 **2) Compatibility Buffer**
- 14 A compatibility buffer shall be provided around all growing areas less than 50 feet in
- 15 width. The buffer requirements may be satisfied by plant material for sale provided
- 16 that the plant material is grown in the ground, ten feet on center, six feet high and the
- 17 growing area is a minimum of five feet wide.
- 18 **3) R-O-W Buffer**
- 19 A R-O-W buffer shall be required adjacent to all office, parking, loading, internal
- 20 roads, and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall
- 21 be required adjacent to all growing areas unless the growing area is at least 50 feet
- 22 in width and contains plant materials providing a six foot high visual buffer equivalent
- 23 in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall
- 24 be preserved.
- 25 **4) Barbed Wire**
- 26 The use of barbed wire shall be prohibited.
- 27 **h. Storage**
- 28 Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor
- 29 storage standards contained in Article 5.B, Accessory Uses and Structures. Outdoor bulk
- 30 storage in residential zoning districts shall be setback a minimum of 50 feet or the district
- 31 setback, whichever is greater.
- 32 **i. 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 7:00 p.m. to 6:00 a.m. is prohibited.
- 35 **j. Limitations of Sales**
- 36 Sales from a wholesale nursery are limited to exporters, distributors, landscape
- 37 contractors, retailers, or other businesses.
- 38 **k. Site Plan**
- 39 Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM
- 40 requirements may exceed the DRO limitations contained in Article 2.D.1, Development
- 41 Review Officer.
- 42 **15. Potting Soil Manufacturing**
- 43 **a. Definition**
- 44 An establishment engaged in producing potting soil, including the use of incineration.
- 45 **b. Approval Process - AR/RSA**
- 46 May be permitted in the AR/RSA District with a SA FLU, subject to a Class A Conditional
- 47 Use approval. [Ord. 2005 – 002]
- 48 **c. Location**
- 49 The facility shall front on and access from a Collector or Arterial Street.
- 50 **d. Setbacks**
- 51 A minimum of 50 feet from any property line abutting a residential zoning district or use.
- 52 **e. Collocated Uses**
- 53 If a Potting Soil Manufacturing facility includes chipping, mulching, grinding, or air curtain
- 54 incinerator, adherence to the Supplementary Use Standards applicable to such uses
- 55 shall also be required.
- 56 **f. Storage**
- 57 Storage of unprocessed material shall be limited to 45 days and pile height of storage
- 58 material shall be limited to 15 feet. Outdoor storage piles shall be setback a minimum of
- 59 25 feet from any property line or 50 feet from any property line abutting a residential
- 60 zoning district or use. Storage areas shall be screened from view, pursuant to Article 5.B,
- 61 Accessory Uses and Structures.
- 62 **g. Supplemental Application Requirements**
- 63 **1) Site Plan**
- 64 The site plan shall illustrate how the operation functions including circulation routes,
- 65 square footage, height and location of buildings, equipment and storage piles.
- 66 **2) Dust Control**
- 67 A plan to address dust control in traffic, storage and processing areas. Dust control
- 68 measures may include: additional setbacks, full or partial enclosure of chipper or
- 69 grinder and watering or enclosing mulch piles.
- 70 **16. Produce Stand**
- 71 **a. Definition**

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ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1 An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized
2 house plants and other agricultural food products. The sale of grocery or convenience-
3 type foods or products shall not be permitted, unless stated otherwise herein. [Ord.
4 2012-003]

5 **b. Permanent**

6 **1) Maximum Floor Area**

7 The square footage of the establishment shall include both the structure and all
8 accessory areas devoted to display or storage.

9 **2) Outdoor Display and Storage**

10 Outdoor storage shall be subject to the provisions in Article 5.B, Accessory Uses and
11 Structures. Outdoor display of only fresh fruits and vegetables is permitted, along the
12 property's frontage, except within the required setbacks.

13 **3) Sale of Products**

14 **a) General**

15 Includes sales of agricultural food products such as jelly, jam, honey and juice.
16 No Special Permits shall be permitted in conjunction with the stand except for
17 seasonal sales. Seasonal sales that require additional storage area may be
18 permitted in accordance with Art. 4.B.11.C.8, Temporary Retail Sales. No
19 vending machines or other similar equipment shall be permitted on site. [Ord.
20 2005-002] [Ord. 2012-003]

21 **b) Urban/Suburban Tier**

22 The sale of packaged or canned food products may be permitted, where in
23 compliance with the following: [Ord. 2012-003]

- 24 (1) The parcel has Commercial Future Land Use designation; and, [Ord. 2012-
25 003]
26 (2) Sales area is limited to five percent of the total square footage of the
27 structure, or 1,000 square feet, whichever is less. [Ord. 2012-003]

28 **4) Building Construction**

29 The Produce Stand shall be contained in either an entirely enclosed or roofed open-
30 air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes,
31 travel trailers, and other permanent or temporary structures shall not be used for
32 storage or display purposes.

33 **5) AR/RSA and AGR Tiers**

34 In addition to the standards above, permanent produce stands shall comply with the
35 following:

36 **a) Locational Criteria**

37 The structure and accessory area shall be:

- 38 (1) Located on an arterial designated on the PBC Thoroughfare Plan; and
39 (2) Located at least 500 feet from adjacent existing residential uses.

40 **b) Lot Size**

41 The stand shall be located on a legal lot of record. A minimum of one acre shall
42 be allocated to the exclusive use of the stand and accessory parking area.

43 **c) Setbacks**

44 The structure and accessory area shall be setback at least 50 feet from the front
45 and side corner property lines. The rear and side interior setbacks shall meet the
46 minimum standards of the zoning district.

47 **d) Approval**

48 A permanent produce stand shall be a permitted use in the AGR and AR, and by
49 Special Permit in the CN, CC & CG Zoning Districts. [Ord. 2005 – 002]

50 **(1) AR and AGR Zoning Districts**

51 The area devoted to the permanent produce stand exceeding 3,000 square
52 feet shall be approved subject to a Class A Conditional Use. [Ord. 2005 –
53 002]

54 **6) Stands Less than 1,500 Square Feet**

55 In addition to the standards stated above, stands less than 1,500 square feet
56 (including both the structure and all accessory areas devoted to display or storage)
57 shall be subject to the following development standards: [Ord. 2005 – 002]

58 **a) Paving**

59 The surface parking lot may be constructed of shell rock or other similar material.
60 At a minimum, the following areas shall be paved in accordance with Article 6.A,
61 Parking, of this Code:

- 62 (1) A paved driveway apron area, connecting the streets to the site shall be
63 subject to approval by the County Engineer; and
64 (2) Handicap parking spaces and handicap access.

65 **7) Wholesale**

66 Wholesale of produce shall be allowed in the AGR Zoning District only.

67 **c. Temporary Stands**

68 A temporary stand used for the retail sale of agricultural products not necessarily grown
69 on the site. A temporary Produce Stand shall consist exclusively of fresh unprocessed
70 fruit, vegetables, flowers, and containerized interior houseplants.

71 **1) Use Limitations**

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ARTICLE 4, USE REGULATIONS
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- 1 a) **Location Criteria**
- 2 The stand and accessory area shall be located:
- 3 (1) on an Arterial Street designated on the PBC Thoroughfare Plan;
- 4 (2) a minimum of 100 feet from an Intersection of an arterial and any other
- 5 dedicated R-O-W;
- 6 (3) at least 600 feet from any other agricultural stand permitted in accordance
- 7 with these provisions; if located in a zoning district other than a commercial
- 8 district;
- 9 (4) at least 500 feet from adjacent residential uses, and **[Ord. 2005-041]**
- 10 (5) located on a legal lot of record no less than one acre in size.
- 11 b) **Number**
- 12 Only one stand shall be permitted on a lot of record.
- 13 c) **Approval**
- 14 Subject to Special Permit approval.
- 15 d) **Setbacks**
- 16 The stand shall be setback a minimum of 35 feet from the front property line and
- 17 50 feet from all other property lines.
- 18 e) **Size and Configuration**
- 19 The stand shall not exceed 300 square feet. The accessory area shall be limited
- 20 to display, storage and cashier purposes and shall be covered by a removable
- 21 cantilevered canopy or umbrellas. No outdoor display or storage shall occur
- 22 outside of the stand, umbrella, or canopy area.
- 23 2) **Uses**
- 24 No on-site food preparation or processing shall be permitted. No vending machines
- 25 shall be permitted on site. No additional Special Permits shall be permitted in
- 26 conjunction with the stand except for seasonal sales.
- 27 3) **Parking**
- 28 A minimum of two spaces and additional spaces subject to approval by the Zoning
- 29 Director.
- 30 4) **Special Regulations**
- 31 a) **Mobility**
- 32 The stand shall retain its mobility, and have a frame of sufficient strength to
- 33 withstand being transported by wheels, skids, or hoist.
- 34 b) **Building Materials**
- 35 The stand shall be constructed of durable materials such as but not limited to
- 36 metal, fiberglass, wood, etc. The structure used for a stand shall be constructed
- 37 for the sole purpose of selling agricultural products. Semi-truck trailers, mobile
- 38 homes, and other permanent or temporary structures shall not be used as a
- 39 stand. Motor vehicles, including vans and small trucks may be permitted provided
- 40 the vehicle is removed from site at the end of each business day. These vehicles
- 41 shall not be used for permanent or temporary residential purposes.
- 42 c) **Refrigeration**
- 43 Refrigeration shall be contained within the confines of the stand. If a motor
- 44 vehicle is used for the stand, portable refrigeration may be used if contained as
- 45 part of a motor vehicle and removed from the site daily.
- 46 d) **Signage**
- 47 Signs shall be limited to two, with a combined maximum sign face area of 32
- 48 square feet per side. Signs shall be setback a minimum of five feet from the
- 49 base building line and have a minimum separation of 100 feet. Banners,
- 50 pennants, balloons, or flags shall be prohibited.
- 51 e) **Existing Stands**
- 52 All stands with a valid permit in effect on July 11, 1995, and which have been
- 53 operating continually with a valid business tax receipt since issuance of the valid
- 54 permit, shall be considered conforming uses. These operations may continue in
- 55 the configuration as existed on July 11, 1995 in accordance with the laws and
- 56 ordinances of PBC, Florida, and as provided herein: **[Ord. 2007-013]**
- 57 (1) the enclosed portion of the stand shall not exceed 300 square feet unless
- 58 provided for below;
- 59 (2) display of products immediately adjacent to the stand, whether or not
- 60 displayed under an umbrella or canopy, may continue in the same
- 61 configuration as existed on July 11, 1995;
- 62 (3) the stand shall not sell any products unless permitted in accordance with the
- 63 uses permitted to be sold in an agricultural stand as set forth in this
- 64 Subsection, as amended;
- 65 (4) portable refrigeration may be permitted if confined within the 300 square foot
- 66 stand and all required electrical permits have been obtained;
- 67 (5) the use of vending machines shall not continue; and,
- 68 (6) expansion of existing stands shall not be permitted. Any future expansion of
- 69 an existing stand shall comply with the regulations of this Section. If an
- 70 existing stand is expanded, repaired, or altered, the affected area shall
- 71 comply with the regulations herein.

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ARTICLE 4, USE REGULATIONS
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17. Shade House

a. Definition

A temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.

b. Permits

A shade house used for Bona-Fide Agriculture purposes less than 12 feet in height shall not be required to obtain a building permit.

Table 4.B.1.A - Minimum Setbacks 12 feet or Less In Height

Front and Street	15 feet
Side and Rear	7.5 feet

Table 4.B.1.A - Minimum Setbacks Over 12 feet in Height

Front and Street	25 feet
Side and Rear	15 feet

c. Commercial Greenhouse

Commercial greenhouses having roofs and walls made of rolled plastic or other similar materials, used for the indoor cultivation of plants, including hydroponic farming using water containing dissolved inorganic nutrients, may be permitted in the AGR Zoning Districts, subject to the following: [Ord. 2006-004]

1) DRO Approval

Commercial greenhouses that exceed the FAR limitations of FLU Element Table III.C.2 of the Plan, or with five or more acres of building coverage must be approved by the DRO. [Ord. 2006-004]

2) Property Development Regulations

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with Table 3.D.1.A, Property Development Regulations. Setbacks for greenhouses less than 25 feet in height may be reduced by 50 percent. FAR and Building Coverage may be increased up to a maximum of .75 to accommodate commercial greenhouses. [Ord. 2006-004]

3) Landscaping and Buffering

Commercial greenhouses are exempt from the interior and foundation planting requirements of Table 7.C.3, Minimum Tier Requirements. A Type III incompatibility buffer shall be required along property lines where greenhouses are adjacent to or visible from a public R-O-W or parcels with a civic, conservation, commercial, recreational or residential FLU designation or use. Buffers shall be a minimum of 25 feet in width for greenhouses up to 25 feet in height, and 50 feet for greenhouses greater than 25 feet in height. [Ord. 2006-004]

a) Exceptions

(1) Visual Screening

Landscape buffer and planting requirements may be waived in areas where it can be demonstrated that greenhouse structures are not visible from the subject property lines or use areas. [Ord. 2006-004]

(2) Alternative Planting

Planting requirements may be satisfied by the use of existing native vegetation or the placement of other related plant material, provided that the growing area is at least 25 feet wide and meets the buffering requirements for a Type III incompatibility buffer. [Ord. 2006-004]

4) Parking

All parking and loading shall occur in the designated areas indicated on the site plan. [Ord. 2006-004]

a) Parking

If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles. [Ord. 2006-004]

b) Loading

Loading zones shall not be oriented towards residential uses, and shall be setback from property lines a minimum of 250 feet, unless approved as a Type I Waiver. [Ord. 2006-004] [Ord. 2012-027]

5) Storage

Only equipment directly related to the facility may be stored on site. All stored equipment must be screened from view from adjacent properties and streets. [Ord. 2006-004]

6) Interior Lighting

Greenhouses shall not be illuminated between 9:00 p.m. and 6:00 a.m. if light is visible from outside of the structure from any adjacent R-O-W, or properties with a residential FLU designation or use. [Ord. 2006-004]

7) Accessory Office

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An office is permitted as an accessory use, subject to the following and all other applicable requirements: [Ord. 2006-004]

- a) Less than five acres of commercial greenhouse: 1,000 square feet. [Ord. 2006-004]
- b) Greater than five acres of commercial greenhouse: 2,000 square feet. [Ord. 2006-004]
- c) Bathroom facilities shall not be included in the calculation of office square footage. [Ord. 2006-004]

8) Signage

Signage for commercial greenhouses shall be limited to one freestanding sign located at the projects primary entrance. [Ord. 2006-004]

18. Stable, Commercial

a. Definition

An establishment for boarding, breeding, training or raising of horses not necessarily owned by the owners or operators of the establishment; rental of horses for riding or other equestrian activities, excluding uses classified as an equestrian arena.

b. Use Limitations

A Commercial Stable shall be limited to raising, breeding, training, boarding, and grooming of horses, or rental (livery) of horses for riding and instruction.

c. Overlay - LOSTO

A Commercial Stable with 20 or fewer stalls shall be allowed as a Special Permit.

d. Frontage

The minimum required frontage on a public street to be used from the primary point of access shall be 100 feet, or the minimum standard of the Tier in which the stable is located, whichever is greater.

e. Lot Size

A minimum of five acres.

f. Setbacks

A minimum of 25 feet from any property line, or the minimum setback of the zoning district, whichever is greater.

g. Collocated Uses

A Commercial Stable may be operated in conjunction with a residence and shall comply with the PBCACC.

19. Stable, Private

a. Definition

The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A private stable shall comply with the PBCACC.

b. Setbacks

1) Accessory Structure

A Private Stable with 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.

20. Sugar Mill or Refinery

a. Definition

An establishment for the extraction and refining of sugar from agricultural products.

b. Setback

Shall be setback 300 feet from off-site residentially occupied or zoned property. In the AR Zoning District, a sugar mill or refinery shall be permitted on land in a RR FLU designation as a Class A Conditional Use.

Section 7 Utility Uses

A. Utility Use Matrix

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ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1 **B. General Utility Standards**

2 Space reserved for future use.

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

4 **1. Chipping and Mulching**

5 **a. Definition**

6 An establishment using equipment designed to cut tree limbs, yard trash, or brush into
7 small pieces for use as mulch.

8 **b. Approval Process**

- 9 1) A Chipping and Mulching Use accessory to a Bona Fide Agriculture use in the AP
10 Zoning District may be Permitted by Right.
11 2) Chipping and Mulching may be allowed in the AR Zoning District of the RSA with a
12 SA FLU designation, subject to Class A Conditional Use approval. **[Ord. 2005 – 002]**

13 **c. Access**

14 Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not
15 serve residential lots. Entrances shall be gated and set back from the road as required by
16 the County Engineer to prevent access during non-operating hours from unauthorized
17 persons.

18 **d. Lot Size**

19 A minimum of five acres.

20 **e. Separation Distance**

21 The use shall be located a minimum of 500 feet from a parcel of land with a residential
22 FLU designation or uses.

23 **f. Collocated Uses to Recycling Plant**

24 Chipping and Mulching may be approved by the DRO subject to the Supplementary Use
25 Standards for Chipping and Mulching.

26 **g. Outdoor Storage**

- 27 1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50
28 feet from any property line abutting a parcel with a residential FLU designation or
29 use.
30 2) Bollards or other acceptable barricade to the Zoning Division shall be provided to
31 delineate pile locations.
32 3) The pile height of storage materials shall be limited to 15 feet or less if required by
33 the F.A.C 62-709, as amended. Bollards shall be maintained to indicate maximum
34 permitted height, and tied to a finished grade benchmark delineated on site.
35 4) Outdoor storage of material shall be limited to 45 days.

36 **h. Hours of Operation**

37 The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if
38 within 1,000 feet of a residential zoning district.

39 **i. Operation Functions**

40 The Zoning application shall include but not limited to a Justification and supporting
41 documentation demonstrating acceptable industry design, configuration and operational
42 standards, based on the type of materials processed and stored, including but not limited
43 to the following:

44 **1) Site Plan**

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

47 **2) Waste Volume**

48 An explanation of the quantity of waste to be received, expressed in cubic yards per
49 day or tons per day.

50 **3) Dust Control**

51 A plan to address how dust generated from traffic, storage and processing areas will
52 be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

53 **4) SWA Permit**

54 Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

55 **2. Composting Facility**

56 **a. Definition**

57 A facility designed and used for transforming yard waste, clean wood and other organic
58 material into soil or fertilizer through biological decomposition.

59 **b. Approval Process**

- 60 1) A Composting Facility accessory to a Bona Fide Agriculture use in the AP Zoning
61 District may be Permitted by Right.
62 2) A Composting Facility may be allowed in the AR Zoning District in the RSA with a SA
63 FLU designation, subject to Class A Conditional Use approval. **[Ord. 2005 – 002]**

64 **c. Access**

65 Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not
66 serve residential lots. Entrances shall be gated and setback from the road as required by
67 the County Engineer to prevent access during non-operating hours from unauthorized
68 persons.

69 **d. Lot Size**

70 A minimum of five acres.

71 **e. Separation Distance**

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ARTICLE 4, USE REGULATIONS
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The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses.

f. Outdoor Storage

- 1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation, zoning district or use.
- 2) Outdoor storage of material shall be limited to 45 days
- 3) The pile height of storage materials shall be limited to 15 feet or less if required by the F.A.C 62-709, as amended.
- 4) The height of materials shall be tied to a finished grade benchmark delineated on site.
- 5) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.

g. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential FLU designation or use.

h. Operation Functions

The Zoning or Building application, whichever is submitted first, shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials processed and stored, including but not limited to the following:

1) Site Plan

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

2) Waste Volume

An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

3) Dust Control

A plan to address how dust generated from traffic, storage and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

4) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

i. Backyard Composting

This use does not include backyard-composting bins serving individual families.

3. Electric Distribution Substation

a. Definition

Defined in accordance with F.S. 163.3208, as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size. **[Ord. 2007-013]**

b. Landscaping

1) Landscape Buffering – General

Pursuant to F.S. 163.3208, as may be amended from time to time, required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed a mature height of 14 feet. **[Ord. 2007-013]**

2) Landscape Buffering in Non-Residential Areas

When located in or adjacent to parcel of land with a non-residential FLU designation or use, the Electric Distribution Substation shall comply with the landscape buffer criteria in Art. 7, Landscaping.

3) Landscape Buffering in Residential Areas

Pursuant to F.S. 163.3208 as may be amended from time to time, where located in or adjacent to a parcel of land with residential FLU designation or use, landscape buffering shall be upgraded as follows: **[Ord. 2007-013]**

- a) An eight-foot high wall or fence and native vegetation shall be installed around the substation where equipment or structures are setback less than 50 feet from the property line. **[Ord. 2007-013]**
- b) An open green space shall be maintained between required security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet from the property line. **[Ord. 2007-013]**
- c) Landscape installation shall be based on applicable design principles in Art. 7.B.3.B.1, Design Principles and utilize the PBC's Zoning Division's Preferred Species List.

c. Standard Residential Zoning Districts

Electric Distribution Substations shall not be collocated with Neighborhood Recreation Facilities.

4. Electric Power Plant

a. Definition

An electric generating facility that uses any process or fuel, and includes any associated facility that directly supports the operation of the electrical power facility. **[Ord. 2006-004]**
[Ord. 2009-040] [Ord. 2010-005]

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

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- b. Setbacks and Separation**
- 1) An Electric Power Plant, for electrical generation only, shall not be located within 1,000 feet of a parcel with a residential FLU designation or use.
 - 2) Principal uses and structures (excluding electric poles) shall be setback a minimum of 500 feet from all property lines.
 - 3) Accessory uses and structures (excluding electric poles) shall be setback a minimum of 50 feet from all property lines.
- c. Ash Disposal and Wood Recycling Facilities - AP Zoning District**
- Ash disposal and wood recycling facilities shall be permitted on sites in the AP Zoning District as an accessory use to biomass Electric Power Plant. The primary use for the site shall be consistent with the underlying zoning designation. **[Ord. 2007-001]**
- 1) Ash disposal facilities shall not exceed 220 feet in height measured from the existing grade at the base of the facility. **[Ord. 2007-001]**
 - 2) Ash disposal facilities shall be used only for the disposal of ash produced onsite by the biomass Electric Power Plant. **[Ord. 2007-001]**
 - 3) Ash disposal facilities shall not be constructed until the plans for its construction and operation have been reviewed and approved by all applicable governmental agencies. **[Ord. 2007-001]**
 - 4) Ash disposal facilities shall be constructed as a Class I landfill in compliance with the applicable standards adopted by the Florida Department of Environmental Protection and set forth in Section 403.707, Florida Statutes and Chapter 62-701, F.A.C., for Class I landfills. **[Ord. 2007-001]**
- d. Screening and Perimeter Buffers**
- A Type 3 incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial or residential FLU designation or use. Palms may not be substituted for required canopy trees. **[Ord. 2006-004]**
- e. Collocated Use - Electric Transmission Substation Facility**
- An Electric Transmission Substation collocated with a new request or DOA for an Electric Power Plant may be reviewed and approved as one application, and shall comply with the requirements of Art. 4.B.7.C.5, Electric Transmission Substation. **[Ord. 2006-004]**
- 5. Electric Transmission Substation**
- a. Definition**
- A facility associated with the transfer of bulk electrical energy from Electric Generating Plants to Electric Distribution Substations, including transmission voltage facilities or switching substations. **[Ord. 2006-004]**
- b. Setbacks**
- Notwithstanding the requirements of Table 3.D.1.A, Property Development Regulations, setbacks for Electric Transmission Substations, excluding transmission and distribution lines and electric poles, shall be as follows: **[Ord. 2006-004]**
- 1) Buildings used for Electric Transmission Substations shall be setback a minimum of 50 feet from all property lines. **[Ord. 2006-004]**
 - 2) Setbacks for mechanical equipment, related structures and fencing shall be a minimum of 75 feet, or a minimum of 150 feet when adjacent to or visible from a street or parcels with a conservation (when open to the public), commercial or residential FLU designation or use. Setbacks may be reduced to 100 feet, if the incompatibility buffer is increased to 50 feet in width and the number of required trees are doubled. Setbacks may also be reduced to 75 feet when adjacent to commercial properties, or when separated from adjacent properties by a R-O-W 100 feet in width or greater, if the applicant can demonstrate that structures will not be visible from residential or public use areas. **[Ord. 2006-004]**
 - 3) One additional foot of setback shall be provided in addition to the minimum setback for each one foot in height, or fraction thereof, over 35 feet. **[Ord. 2006-004]**
- c. Landscaping**
- A Type 3 incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial or residential FLU designation or use. Palms shall not be substituted for required canopy trees. **[Ord. 2006-004]**
- 3) Standard Residential Zoning Districts**
- An Electric Transmission Substation shall not be collocated with Neighborhood Recreation Facilities.
- 6. Landfill or Incinerator**
- a. Definition**
- A facility for the disposal or incineration of solid waste for which a permit is required by the Florida Department of Environmental Protection, which receives solid waste for disposal in or upon the land. The term does not include a land-spreading site, injection well or surface impoundment.
- b. SWA Permit**
- Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.
- 7. Minor Utility**
- a. Definition**

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An above-ground facility associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities.

b. Typical Uses

Gas and water regulators, chlorine injection and potable water booster pump stations; water reclamation treatment, storage and distribution facilities, membrane bioreactor plants, sewage lift stations, telephone exchange buildings, and communication substations. [

c. Floor Area

1) Residential Zoning Districts

A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied facilities and structures. [Ord. 2004-040] [Ord. 2007-013]

2) Non-residential Zoning Districts

A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied facilities and structures. [Ord. 2004-040] [Ord. 2007-013]

3) A minor utility exceeding either standard above may be approved as a Class A Conditional Use. [Ord. 2004-040]

d. Lift Station

1) New Subdivisions

Facilities located in new subdivisions may be allowed subject to DRO approval concurrent with the subdivision approval.

2) Streets

Facilities located within streets or utility easements shall not be subject to DRO approval.

e. States of Emergency

The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency. [Ord. 2007-013] [Ord. 2012-027]

f. Hours of Operation

Minor Utilities are not subject to the hours of operation in Art. 5, Supplementary Standards.

8. Renewable Energy Solar Facility

a. Definition

A facility that uses photovoltaic, thermal or other systems with a principal use of producing electric or thermal power from the sun. [Ord. 2009-040]

b. Lot Size

Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements. [Ord. 2009-040]

c. Setbacks

Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below: [Ord. 2009-040]

1) Lots 50 Acres or Greater

Setbacks shall be a minimum of 25 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district. [Ord. 2009-040]

2) Lots Less than 50 Acres

Setbacks shall be a minimum of 15 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district. [Ord. 2009-040]

3) Lots Adjacent to Existing Residential Uses

Setbacks shall be a minimum of 35 feet or the zoning district setback, whichever is greater, along the affected property line. [Ord. 2009-040]

4) Additional Setback

One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 20 feet. [Ord. 2009-040]

d. Perimeter Buffers and Interior Tree Requirements

1) A six foot high hedge shall be incorporated into the required compatibility or R-O-W buffer in addition to the requirements of Article 7.F, Perimeter Buffer Landscape Requirements. Palms may be substituted for 50 percent of the required canopy trees. [Ord. 2009-040]

2) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3, Minimum Tier Requirements. [Ord. 2009-040]

e. Collocation with Existing Electric Power Plant

Solar facilities located on a site with an existing Electric Power Plant may be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a Development Order Amendment pursuant to Article 2.B.2.H, Development Order Amendment. [Ord. 2009-040] [Ord. 2010-022]

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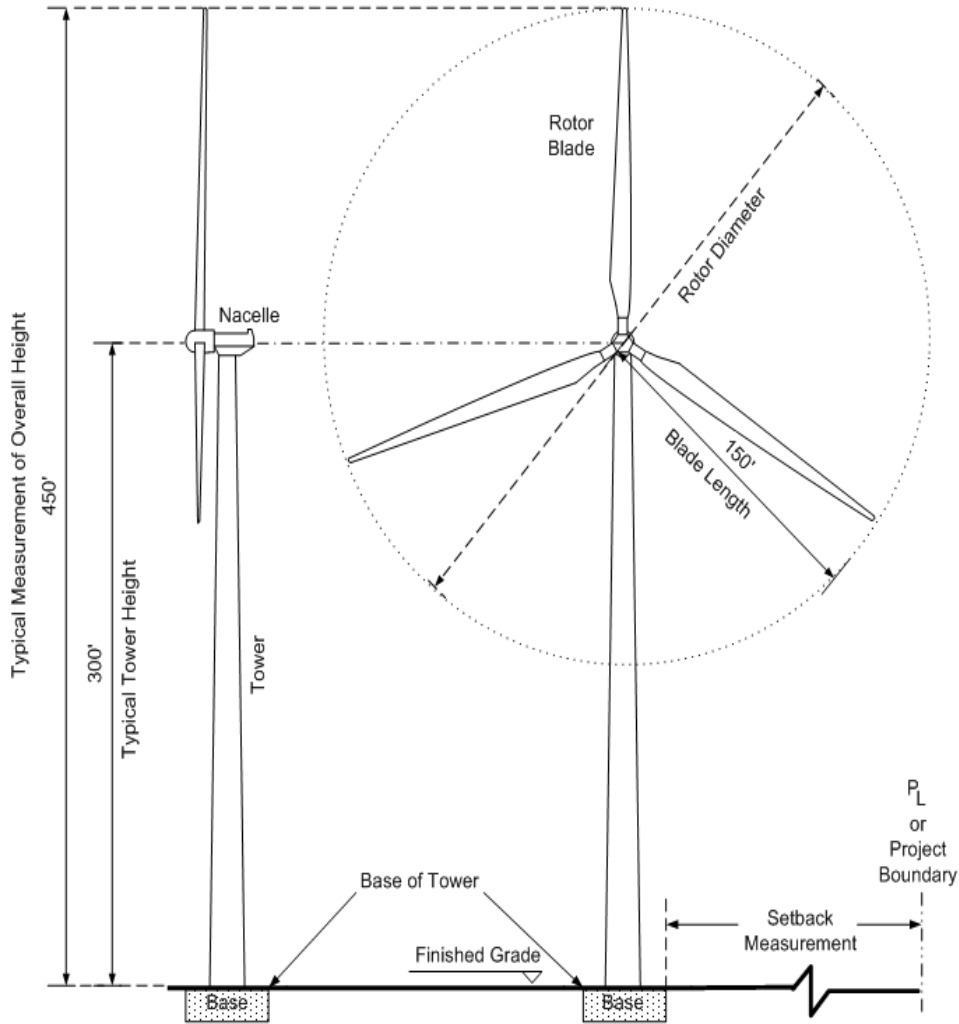
ARTICLE 4, USE REGULATIONS
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1 9. Renewable Energy Wind Facility

2 a. Definition

3 A facility that uses one or more wind turbines, Meteorological (MET) Towers or other
4 systems with a principal use of producing electric or mechanical power from the wind.
5 [Ord. 2010-005] [Ord. 2011-016]
6

Figure: 4.B.1.A – Typical Renewable Energy Wind Turbine



[Ord. 2010-005] [Ord. 2011-016]

7
8 b. Environmental Permitting – Letters of Engagement

9 The applicant shall provide a letter of engagement from all applicable environmental
10 permitting agencies, including but not limited to: the Florida Fish and Wildlife
11 Conservation Commission, US Fish and Wildlife Service, Florida Department of
12 Environmental Protection, or other applicable regulatory agency. Letters of engagement,
13 or similar documentation, shall indicate that the proposed facility is under review for
14 applicable permitting or siting requirements for endangered, threatened or species of
15 special concern, migratory birds or bats, natural ecosystem or wetlands, or other local
16 wildlife. The documentation shall be submitted to the Zoning Division, with the Zoning
17 application. The Letter of Engagement shall include, at a minimum: [Ord. 2010-005]
18 [Ord. 2011-016]

- 19 1) Identify organization as Federal, State or Local; [Ord. 2011-016]
- 20 2) Key individuals involved in review; [Ord. 2011-016]
- 21 3) Role in review process (i.e. studies, review or permitting); and, [Ord. 2011-016]
- 22 4) Identify any permits or approvals required, critical dates, input in review process and
23 possible conditions of approval, where applicable. [Ord. 2011-016]

24 d. Lot Size

25 Lots shall comply with the minimum lot dimension requirements pursuant to Table
26 3.D.1.A, Property Development Regulations, or the applicable PDD requirements.
27 Nonconforming legal lots of record may be included within the boundaries of a
28 Renewable Energy Wind Facility if the overall project boundaries meet the minimum
29 standards for the zoning district. [Ord. 2010-005] [Ord. 2011-016]

30 e. Setback or Separation Requirements

31 Accessory electric poles, distribution and transmission lines shall be exempt from the
32 minimum setback requirements indicated below. [Ord. 2010-005]

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**ARTICLE 4, USE REGULATIONS
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- 1) Facilities shall comply with the minimum setback requirements of the applicable zoning district unless stated otherwise in the following table. **[Ord. 2010-005] [Ord. 2011-016]**

Table 4.B.7.C, Renewable Energy Wind Facility Setbacks or Separations

Structures	Minimum Separation (1) (2)			Minimum Setback (1)		
	Occupied Buildings within Project Boundary	Habitable Buildings within Project Boundary	Occupied or Habitable Buildings Outside of Project Boundary	Project Boundary		Public R-O-W
				Non-residential FLU	Residential or Conservation FLU	
Wind Turbines, MET Towers or other similar Wind Energy Systems	1.1 x Height	2.5 x Height	2.5 x Height	1.5 x Height	2.0 x Height	2.5 x Height
Accessory or Collocated Buildings or Structures	Apply zoning district or accessory use PDRs as applicable.					
[Ord. 2011-016]						
Notes:						
1. Setback or separation from Wind Turbines, MET Towers or other similar structures shall be measured from the base as depicted in Figure 1.C.4.E, Typical Example of Measurement of Separation from Structure.						
2. Definitions for Habitable and Occupied shall be in accordance with the Florida Building Code, as may be amended.						

2) Type 2 Variance for Setbacks or Separations

Requests for Type 2 Variances from the Setback or Separation requirements listed above shall be permitted in accordance with Art. 2, Development Review Procedures, and the following: **[Ord. 2011-016]**

- a) The minimum proposed setback or separation is not less than 1.1 times the height of the structure; **[Ord. 2011-016]**
- b) The applicant submits a study demonstrating that shadow flicker caused by the proposed Renewable Energy Wind Facility will not affect any occupied or habitable building or outdoor recreation area. Some shadow flicker not to exceed 30 hours annually may be approved as part of the Variance upon demonstration that the frequency range is not adverse to any segments of the public. The study shall be prepared by a licensed Engineer, Surveyor and Mapper, Architect, Landscape Architect, or other similar professional, including scientists specializing in Renewable Energy Wind technology. **[Ord. 2011-016]**

3) Setback within Multi-Parcel Renewable Energy Wind Facilities in AP

Except for setbacks from habitable and occupied buildings as set forth in Table 4.B.1.A., Wind Turbines, MET Towers or other similar wind energy systems on parcels with an AP FLU designation and AP Zoning District, setbacks shall be measured from the Project Boundary, not from any lot lines located within the Project Boundary. **[Ord. 2011-016]**

- 4) The measurement of height shall be in accordance with Art. 4.B.9.B.5, Towers Height (related to Commercial Communication Towers), except that for Wind Turbines, the height shall be measured to the top of the turbine blade. **[Ord. 2011-016]**

e. Perimeter Buffers and Interior Tree Requirements

- 1) A Type 1 incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, public and civic, or residential FLU designation, zoning district or use. In addition, a Type 2 incompatibility buffer shall be required around the perimeter of all ground mounted equipment or accessory buildings. Palms may be substituted for 50 percent of the required canopy trees. **[Ord. 2010-005]**
- 2) Wind Turbines or MET Towers located on parcels with an AP FLU designation and Zoning District shall be exempt from the landscaping requirements above. **[Ord. 2011-016]**
- 3) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3, Minimum Tier Requirements. **[Ord. 2010-005]**

f. Collocation with Existing Electric Power Plant

Renewable Energy Wind Facilities located on a site with an existing Electric Power Plant shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a legislative development order amendment, pursuant to Article 2.B.2.H, Development Order Amendment. **[Ord. 2010-005]**

g. Removal

A Renewable Energy Wind project ("Project"), when deemed "abandoned", shall be removed in accordance with the provisions of this subsection (g). For the purposes of this section, the term Project shall also include individual Wind Turbines or MET Towers located within a larger Renewable Energy Wind Facility. The Project shall be deemed "abandoned" when the Project is completely unable to generate electricity, whether through continued operation or repowering, and where the owner of the Project ("Project

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Owner”) is not engaged in any effort to remedy the condition that gave rise to the complete inability to generate electricity, or if the project fails to generate electricity for a period of three years regardless of the efforts of the Project Owner. If a Project is deemed “abandoned”, the Project Owner shall commence removal of the Project. The arrangements regarding removal of the Project are to be set forth in contracts between the applicable landowners and the Project Owner, which such arrangements shall: **[Ord. 2011-016]**

- 1) Require the removal of the turbine towers and foundations up to a depth of 36 inches below grade; **[Ord. 2011-016]**
- 2) Establish a time frame up to 24 months, subject to adjustment due to force majeure events, to complete the removal; and **[Ord. 2011-016]**
- 3) Provide surety, in a form subject to approval of the County Attorney, for removal to the applicable landowner (as primary beneficiary) and to the County (as secondary beneficiary in the event the landowner fails to timely enforce its rights under the surety instrument). The amount of the surety shall be calculated by an independent, Florida certified professional engineer immediately prior to the date it is required to be provided, as set forth in this clause (3), and shall be equal to the cost of removing the Project. The surety amount shall be recalculated every five years thereafter. The surety, which shall be in the form of a single instrument, shall be provided to the applicable landowner and the County upon the earlier to occur of: **[Ord. 2011-016]**

(a) The date which is ten years prior to the end of the lease term between the applicable landowner and the Project Owner, as such term may be extended from time to time, or **[Ord. 2011-016]**

(b) The 90th day following the date the Project is deemed “abandoned”. **[Ord. 2011-016]**

h. MET Tower Approval Process Exceptions

Permanent MET Towers shall be considered a permitted accessory structure to a Renewable Energy Wind Facility. **[Ord. 2011-016]**

1) DRO Approval

A temporary MET Tower located on a parcel with an AP FLU designation and Zoning District, to be erected for a period of not more than three years, may be approved by the DRO. **[Ord. 2011-016]**

2) Permitted by Right

A temporary MET Tower located on a parcel with an AP FLU designation and Zoning District, to be erected for a period of not more than three years, where located one mile or more from a public R-O-W, or parcel of land with a conservation (when open to the public), commercial, public, civic, or residential FLU designation or use, may be Permitted by Right. **[Ord. 2011-016]**

i. Microwave Path Analysis

At time of submittal for final DRO approval, a professionally prepared microwave path analysis shall be submitted for review and approval by FDO. Prior to final DRO approval, the site plan shall clearly depict any area(s) of the site that is required by that analysis to remain free and clear of encroachments in order to preclude interference with County microwave communication systems. **[Ord. 2011-016]**

j. Aircraft Hazard

To ensure the safety of low flying aircraft, any application shall demonstrate compliance with 14 CFR Part 77.9 and notification requirements to the Administrator of the FAA. In the event there are no applicable FAA requirements for safety markings of Wind Turbines or MET Towers the following safety marking requirements shall be applied: **[Ord. 2011-016]**

1) Paint will be applied to the top 1/3 of the MET Tower in alternating bands of international orange and white. **[Ord. 2011-016]**

2) Three orange guy wire marker spheres will be installed on each of the outer guy wires of the MET Tower. **[Ord. 2011-016]**

3) 10 foot yellow florescent sleeves will be attached on either side of each marker sphere. **[Ord. 2011-016]**

4) A low-intensity flashing red light will be mounted at the top of the MET Tower. **[Ord. 2011-016]**

5) 10 foot yellow florescent sleeves will be attached to each guy wire at the anchor points of the MET Tower. **[Ord. 2011-016]**

k. Color

Towers, turbines and blades shall be painted non-reflective white or grey, or other non-reflective unobtrusive color and shall be consistent with any information provided at time of DO approval. Change in color may be allowed subject to DRO approval, where required by regulatory agency permitting or other similar approvals. Signage, equipment or project logo or labeling shall be prohibited on Wind Turbines, MET Towers or other similar wind energy systems. **[Ord. 2011-016]**

10. Solid Waste Transfer Station

a. Definition

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A facility where solid waste or yard waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility.

b. Location

The facility shall front on and have access from an Arterial or Collector Street.

c. Setbacks

All portions of a transfer station, including structures, ramps, parking and on-site circulation areas, shall be setback a minimum of 50 feet or the zoning district setback, whichever is greater, from all property lines, lakes, canals, water management tracts, retention/detention areas, drainage swales, and other water bodies.

d. Buffer

A minimum 50-foot wide incompatibility buffer shall be provided adjacent to an existing residential FLU designation or use. Required landscaping not visible from adjacent lots or streets may be waived through a Type 1 Waiver. **[Ord. 2012-027]**

e. Storage Areas

All solid waste stored outdoors shall be in leak-proof containers or located on a paved surface designed to capture all run-off. Run-off shall be treated in a manner that is in conformance with local, State and Federal regulations. Solid waste or yard waste may be sorted or temporarily stored but not processed at a Transfer Station.

f. Operation Functions

1) Access

A graphic and written analysis of access routes to the site.

2) Type

An explanation of the type of facility requested including a description of the materials to be handled, methods of operation, handling procedures, whether sorting will occur, and runoff treatment plans.

3) Waste

The quantity of waste to be received, expressed in cubic yards per day or tons per day.

4) Hours of Operation

A statement specifying the hours of operation.

5) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

11. Water or Wastewater Treatment Plant

a. Definition

A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

b. Location

In the AGR Zoning District, a Water or Wastewater Treatment Plant shall not be located west of SR 7 / US 441.

c. Sanitary Nuisances

Facilities shall be designed and operated to minimize objectionable odors. Potential sanitary nuisances shall be addressed by the PBC Health Department pursuant to F.S. Chapter 386, Part I, as may be amended from time to time.

d. Setbacks - Water or Wastewater Treatment Plant

For purposes of this Section, the AR Zoning District is not considered a residential zoning district. Required setbacks are as follows:

Table 4.B.7.C– Wastewater Treatment Plant Setbacks

Type/Capacity	Type of Plant	Setback from Residential and Commercial Zoning District	Setback From Non-Residential and Non-Commercial Zoning District
Wastewater Treatment Plants over one million gallons per day capacity:	Head works, clarifiers, sludge treatment & handling facilities without odor control	750 feet	500 feet
	Head works, clarifiers, sludge treatment & handling facilities with odor control	300 feet (2)	200 feet (1)
	Chemical storage facilities	300 feet	200 feet
	Accessory facilities	200 feet	100 feet
Wastewater Treatment Plants up to one million gallons per day capacity including package treatment facilities	Treatment units without odor control	150 feet	150 feet
	Treatment units with odor control	100 feet(1)	100 feet (1)
	Chemical storage facilities	100 feet	100 feet
	Accessory facilities	100 feet	100 feet

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Water Reclamation Production Facility (any capacity stand alone facility larger than a minor utility which is filtering already treated wastewater (secondary effluent) (3) (4))	Storage Tanks, Filtration System, Hypochlorite tanks, Office/Lab/Generator buildings, and accessory facilities	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater
Membrane Bio-Reactor (MBR) System	Storage tanks, enclosed reinforced hollow fiber or flat plate membranes, clarification, aeration and filtration of wastewater for discharge or reuse applications	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater	50 feet front; 15 feet side; 25 feet side street; and 20 feet or the minimum district setback, whichever is greater
Notes:			
<ol style="list-style-type: none"> Minimum lot dimensions shall be governed by the regulations above or the most recent standards adopted by the District and shall apply only to new schools. The District shall forward any changes in the standards to the Department within 20 days of School Board adoption. Minimum lot dimensions shall include, if applicable, sufficient room for any onsite retention. Tertiary filters do not require odor control. If an existing utility site is being redeveloped into a water reclamation production facility or MBR, the setbacks established for the original use will be utilized for the water reclamation facility or MBR unless they are more restrictive than the setbacks noted in this table. If the reclamation or MBR facility qualifies as a minor utility those regulations will apply instead of this table. [Ord. 2007-013] A Water Reclamation Production Facility treating raw wastewater to tertiary levels must meet the setback requirements for a Wastewater Treatment Plant of similar capacity unless it qualifies as a minor utility, in which case, those regulations will apply. [Ord. 2007-013] 			

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Table 4.B.7.A - Water Treatment Plant Setbacks for Open Treatment Process

Type/Capacity	Type of Plant	Setback
Water Treatment Plants over two million gallons per day capacity	Treatment units and chemical storage	200 feet
	Units which cause airborne sulfides	500 feet (1)
	Accessory facilities	100 feet
Water Treatment Plants up to two million gallons per day capacity, including package treatment facilities	Treatment units and chemical storage	100 feet
	Units which cause airborne sulfides	250 feet (2)
	Accessory units	100 feet
[Ord. 2004-054] [Ord. 2007-013]		
Notes:		
<ol style="list-style-type: none"> Odor Control. Unless treatment for removal of sulfides for odor control is included. [Ord. 2004-054] Maximum building height. Buildings not including storage tanks and water towers higher than 35 feet are allowed provided the following setbacks are met: [Ord. 2004-054] [Ord. 2007-013] <ol style="list-style-type: none"> The minimum yard setback of this section; and An additional one foot setback for each one foot in height exceeding 35 feet. 		

2

Table 4.B.7.C - Water Treatment Plant Setbacks For Enclosed Treatment Process without Gas Chlorine

Type/Capacity	Yard	Setback
Water Treatment Plants over two million gallons per day capacity	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	200 feet (1)
Water Treatment Plants up to two million gallons per day capacity, including package treatment facilities	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	100 feet
Note:		
<ol style="list-style-type: none"> Chemical storage setbacks may be reduced by fifty percent for facilities using enclosed treatment process without Chlorine gas, along property lines adjacent to parcels with a PO Zoning District and INST FLU designation, or AP Zoning District and FLU designations. 		

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e. Accessory Use

A Water or Wastewater Treatment Plant may be collocated with a Public School installed in accordance with all applicable federal, state and local utility standards.

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1) Location/Buffering

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The facility shall be located and buffered to ensure compatibility with surrounding land use.

2) **Duration**

The use of the facility shall only be permitted until such time as central water or waste water service is available from the appropriate utility.

f. **Landscaping**

1) **Buffer**

Perimeter landscape buffers shall have a minimum width of 25 feet or be equal to the setback requirements if less than 25 feet. [Ord. 2007-013].

2) **Trees**

A single row of trees shall be planted all landscape buffers at a ratio of one 14 foot tall tree for each 25 linear feet. [Ord. 2007-013]

3) **Screening**

Screening consisting of a hedge, berm, or fence wall which will present a visual screen at least six feet in height within one year of installation shall be provided around the perimeter of the site. [Ord. 2007-013]

g. **Package Treatment Facility**

Package water or wastewater treatment facilities shall comply with the following additional standards:

1) **Limited Service Area (LSA)**

a) Package treatment facility shall be prohibited in the LSA except for use by schools or located in the United Technology Corporation Protection Overlay or the North County General Aviation Facility.

b) If a package treatment facility is proposed to be developed in the LSA, confirmation shall be provided from the PBCHD that use of a package treatment plant is necessary to protect water quality. The PBCHD shall certify that the uses proposed can be adequately served with a package treatment plant.

2) **Rural Service Area (RSA)**

If a package treatment facility is proposed to be developed in the RSA, there shall be demonstrated evidence that it is to be used to provide potable water or wastewater service to bona fide agriculture uses, public recreational uses, public educational uses, or other uses when found to be consistent with the Plan by the Planning Director and upon approval of the Director of the PBCHD. The PBHD may impose conditions or restrictions necessary to protect public health and prevent the creation of a nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in Chapters 62-699 and 62-602, F.A.C., the BCC, may require a higher level of operator coverage.

h. **Effect on Previously Approved Plants**

Water and Wastewater Treatment Plants approved prior to the effective date of this Code shall be considered conforming uses. Expansion or redevelopment of existing facilities or an existing utility site to the same or a different utility use or treatment technology may be allowed with setbacks less than those listed in this Section of the Code provided the expansion or redevelopment is reviewed and approved by the DRO and odor control is provided if applicable. [Ord. 2007-013]

i. **Biosolids Land Application**

Class A or B biosolids, as defined by Chapter 62-640, F.A.C., may be applied to land in bona fide agricultural operation in the AP, AGR and AR Zoning Districts. Class AA biosolids, as defined by Chapter 62-640, F.A.C., has unlimited distribution pursuant to Chapter 62-640, F.A.C. Nothing herein shall preclude disposal of biosolids at a Landfill or at a Wastewater Treatment Plant in compliance with applicable Federal, State and local regulations nor effect any biosolid operation approved prior to the effective date of this Code.

1) **AP and AGR Zoning Districts**

A Class A or B biosolid shall be permitted by right on the site of a bona fide agricultural operation in the AP and AGR Zoning Districts in compliance with FDEP standards in Chapter 62-640, F.A.C., as verified by the PBCHD. Following verification, the PBCHD shall be notified of the proposed first date of the land application no fewer than thirty days prior to land application.

2) **AR Zoning District**

Land application for a Class A or B biosolid shall be permitted in the AR Zoning District on the site of a Bona Fide Agriculture operation following approval by the DRO. An applicant shall demonstrate compliance with FDEP standards except that the required separation from buildings and other property lines shall be as specified below. In the case of several adjacent properties which apply for a biosolid the properties may be combined for the purpose of measuring the required separation and the separation may be measured from the boundary of the most exterior property.

a) **External Separation**

There shall be a minimum separation of 500 feet from any off-site structure occupied on a daily or frequent basis by people. This distance shall be measured from the perimeter of the biosolid application area outward toward the structure.

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- 1 **b) Internal Separation**
- 2 Internal to the site, there shall be a minimum 200 foot separation from the
- 3 perimeter of the biosolid application area to the property line of the parcel.
- 4 **c) Setbacks**
- 5 These setbacks may be reduced or increased by the Director of the PBCHD.

6 **Section 8 Transportation Uses**

7 **A. Transportation Use Matrix**

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ARTICLE 4, USE REGULATIONS
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1 **B. General Transportation Standards for Aviation Related Uses**

2 All Airports, Heliports, Landing Strips and Seaplane Facilities not owned and operated by the
3 State of Florida, PBC, or a hospital shall comply with the following standards:

4 **1. Setbacks**

- 5 a. No structure or navigation aid shall be located within 50 feet of any property line.
6 b. There shall be a 100-foot setback between the edge of the landing area, as defined by
7 the FDOT, and the property line.

8 **2. Structure Height**

9 A variance shall not be required for a structure to exceed the height limit for the zoning district
10 in which the use is located, if the additional height is required by Federal law or Florida
11 Statutes.

12 **3. Hangars**

13 Storage buildings for aircraft shall be allowed as principal structures. Hangars accessory to
14 an Agriculturally Classified Use as established by State Statutes shall be located on parcels
15 containing a minimum of 20 acres.

16 **4. FAA and FDOT Requirements**

17 DRO and Class A Conditional Use approvals as related to FAA and FDOT requirements shall
18 be in accordance with F.S. 125.022(4), Development Permits.

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

20 **1. Airport**

21 **a. Definition**

22 Any facility designed to accommodate landing or take-off operations of aircraft.

23 **2. Heliport**

24 **a. Definition**

25 A facility designed to accommodate helicopter operations, including facilities and
26 structures, needed for heliport business to function.

27 **b. Accessory Use**

28 Except where otherwise allowed as a principal or collocated use, a Heliport limited to
29 landing and takeoff of helicopters, tilt rotors or rotorcraft may be allowed as an accessory
30 use, as follows:

- 31 1) Accessory to an Agriculturally Classified Use as established by State Statutes, in the
32 AGR, AR, AP and RE Zoning Districts, located on parcels containing a minimum of
33 ten acres, shall be Permitted by Right.
34 2) Accessory to Single Family in the AR, RE and RM Zoning Districts, subject to Class
35 A Conditional Use approval.
36 3) Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or
37 within the Recreation or Civic Pod of a PDD or TDD, subject to Class A Conditional
38 Use approval.
39 4) Accessory to a Public Park as follows:
40 a) Subject to Class A Conditional Use approval if located within 1,000 feet from a
41 parcel of land with a residential use or FLU designation. A heliport shall be
42 Permitted by Right if located more than 1,000 feet from a parcel of land with a
43 residential use or FLU designation. Measurement shall be made from the edge
44 of the helipad to the property line of a parcel of land with a residential FLU
45 designation or use; or,
46 b) Permitted by Right if limited to a helipad for emergency purposes.
47 5) A helipad accessory to Data and Information Processing, and Research and
48 Development subject to Class A Conditional Use approval.
49 6) Accessory to Government Services or Government Facilities, subject to Class A
50 Conditional Use approval. A heliport shall be Permitted by Right if located more than
51 1,000 feet from a parcel of land with a residential FLU designation or use.
52 Measurement shall be made from the edge of the helipad to the property line of a
53 parcel of land with a residential FLU designation or use.
54 7) Accessory to a Hospital may be Permitted by Right.

55 **3. Landing Strip**

56 **a. Definitions**

57 A ground facility designed to accommodate landing and take-off operations of aircraft,
58 including facilities or structures, needed for landing strip functions.

59 **b. Accessory Uses**

60 Except where otherwise allowed as a principal or collocated use, a Landing Strip may be
61 allowed as an accessory use, as follows:

- 62 1) Accessory to an Agriculturally Classified Use as established by State Statutes, in the
63 AGR, AP, and AR/RSA Zoning Districts, located on parcels containing a minimum of
64 twenty acres, shall be Permitted by Right.
65 2) Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or
66 within the Recreation or Civic Pod of a PDD or TDD, subject to Class A Conditional
67 Use approval.
68 3) Accessory to Government Services or Government Facilities, subject to Class A
69 Conditional Use approval.

70 **4. Seaplane Facility**

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1 a. **Definitions**

2 A facility, on land or water, designed to accommodate the landing and takeoff of
3 seaplanes, water taxiing, anchoring, ramp service and onshore facilities.

4 b. **Separation Distance - Residential Zoning District**

5 1) If the seaplane facility use is limited to the adjacent property owners who jointly own
6 and maintain the aircraft facility, it may be located in a residential zoning district
7 provided the facility is not commercial or within 400 feet of a residential use.

8 2) If the facility is a commercial venture, it shall not be located within 1,000 feet of a
9 parcel of land with a residential FLU designation or use.

10 c. **Minimum Land Area**

11 The minimum required land area for any type of seaplane operation shall be two acres.

12 d. **Water Area**

13 All seaplane operations shall comply with the following minimum standards for water
14 landing area:
15

Table 5.B.1.A - Seaplane Landing Area Standards

Length	3,500 feet
Width	300 feet
Depth	4 feet

16 e. **Airport Approach**

17 No seaplane operation shall be considered unless the airport approach to the water
18 landing area is at a slope of 40:1 or flatter for a distance of at least two miles from both
19 ends of the water landing area and is clear of any building structure or portion thereof that
20 extends through and above the airport approach plane.

21 f. **Setbacks**

22 All buildings, structures, and aircraft parked on shore shall be located a minimum
23 distance from all property lines of at least 50 feet.

24 g. **Landing Operations**

25 All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be
26 conducted during the hours between sunset and sunrise.

27 h. **Parking**

28 Shore facilities shall provide one automobile parking space for each 2,000 square feet of
29 hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities
30 shall provide a minimum of five parking spaces.

31 5. **Transportation Facility**

32 a. **Definition**

33 An establishment used as a transfer point for the loading and unloading of passengers
34 from one mode of transportation to another, excluding airports, aviation related uses, and
35 bus stops and alighting areas as outlined within Article 5.H, Mass Transit Standards.

36 b. **Typical Uses**

37 A Transportation Facility use may include, but not be limited to: bus stations, ferryboat or
38 cruise ship terminals, and commuter railroad stations.

39 c. **Approval Process**

40 1) **UC, UI, and PO Zoning Districts**

41 a) A Transportation Facility in the UC and UI Zoning Districts that is subject to Class
42 A Conditional Use approval may be approved by the DRO if located 200 feet or
43 more from a parcel of land with a residential FLU designation or use.

44 b) A Transportation Facility in the PO Zoning District that is subject to Class A
45 Conditional Use approval shall be Permitted by Right if located 200 feet or more
46 from a parcel of land with a residential FLU designation or use.

47 2) **All Other Zoning Districts**

48 A Transportation Facility in all other zoning districts subject to Class A Conditional
49 Use approval may be approved by the DRO if located 500 feet or more from a parcel
50 of land with a residential FLU designation or use.
51

52 d. **Location**

53 Bus or railroad stations shall have frontage on and access from a Collector or Arterial
54 Street, unless located within a PDD or TDD.

55 e. **Separation From Residential**

56 A Transportation Facility located within 200 feet from a parcel of land with a residential
57 FLU designation or use shall be subject to the following:

58 1) Building openings used by vehicles and unglazed architectural openings shall not
59 face residential; and,

60 2) A Type 3 Incompatibility Buffer shall be required.

61 f. **Vehicular and Pedestrian Circulation Areas**

62 The site design shall address the following:

63 1) Vehicle idling and queuing spaces do not encumber on-site circulation traffic or
64 present a safety hazard for vehicles or pedestrians.

65 2) Designated passenger drop off/pick up areas.

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- 1 3) A minimum six foot wide sidewalk in front of or adjacent to the drop-off spaces and
- 2 connected to the building entrance.
- 3 4) On-site vehicular circulation paved areas shall be setback a minimum 100 feet if
- 4 adjacent to a parcel of land with a residential FLU designation or use.

5 **Section 9 Commercial Communication Towers**

6 **A. Commercial Communication Towers Matrix**

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- 1 **B. General Standards**
- 2 Commercial Communication Towers include provisions for any tower, pole or structure that
- 3 supports a device whose principal use is to facilitate transmissions for AM/FM radio, television,
- 4 microwave; cellular, personal wireless services, or related forms of electronic communications.
- 5 The regulations include provisions for Stealth, Camouflage, Monopole, Self Support/Lattice,
- 6 Guyed Towers.
- 7 **1. Collocated Tower and Accessory Structures**
- 8 Communication towers may be permitted on a lot with another principal use as provided
- 9 herein unless stated otherwise.
- 10 **a. Owned Parcel**
- 11 Communication towers may be located on lots containing another principal use, including
- 12 another communication tower.
- 13 **b. Leased Parcel**
- 14 Towers may occupy a leased parcel on a lot that meets the minimum lot size requirement
- 15 of the zoning district in which it is located. PBC may require execution of a unity of
- 16 control, or other documentation as determined appropriate by the County Attorney, for
- 17 leased parcels that do not meet the minimum lot size requirement for the zoning district in
- 18 which they are located.
- 19 **c. Accessory Structures**
- 20 Any structure accessory to communication towers, other than peripheral supports and
- 21 guy anchors, shall conform to the setback requirements for the zoning district in which it
- 22 is located.
- 23 **2. Separation and Setbacks**
- 24 Separation between communication towers and other uses on the lot may be required to
- 25 ensure compatibility. Separation or setbacks for all towers shall be established, as provided
- 26 in Tables 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential
- 27 Zoning Districts, and 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-
- 28 Residential Zoning Districts, unless stated otherwise herein.

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a. Towers Located in Residential Zoning Districts

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts

TOWER TYPE	Adjacent to	AGR	AR/ RSA	AR/ USA	RE	RT	RS	RM	PUD	RVPD	MHPD	TND
Stealth Tower ≤ 125'	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-residential and Public ROW	100% of tower height for setback from property line										
Stealth Tower > 125' to Max. 200'	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater										
Camouflage Tower Max. 150' (1)	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater										
Monopole Tower (2)	Residential Existing	600% of tower height for separation between tower and adjacent residential structures 150% of tower height for setback from property line										
	Residential Vacant	150% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater										
Self Support / Lattice Tower (2)	Residential Existing	600% of tower height; separation between tower and adjacent residential structures 150% of tower height setback from property line										
	Residential Vacant	150% of tower height setback from property line										
	Non-residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater										
Guyed Tower (2)	Residential Existing	Lesser of 600% of tower height or 1,500' separation between tower and adjacent residential structures and 150% of tower height for setback from property line										
	Residential Vacant	150% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater										
Electric Transmission Line	Height, tower type, and setbacks limited as provided in Art. 4.B.9, Commercial Communication Towers											
FDOT												
[Ord. 2005-002]												
Notes:												
(1)	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.											
(2)	Applicable to any tower height											

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1 **b. Towers Located in Non-Residential Zoning Districts**

2
3 **Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts**

TOWER TYPE	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD	MXPD	PIPD	LCC	
Stealth Towers Max. 200'	Residential Existing (1)	150% of tower height for separation and 100% of tower height for setback from property line																			
	Residential Vacant (2)	100% of tower height for setback from property line																			
	Non-Residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater																			
Camouflage Towers Max. 150' (1)	Residential Existing (1)	150% of tower height for separation and 100% of tower height for setback from property line																			
	Residential Vacant (2)	100% of tower height for setback from property line																			
	Non-Residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater																			
Monopole Tower (2)	Residential Existing (1)	600% of tower height for separation and 150% of tower height for setback from property line																			
	Residential Vacant (2)	150% of tower height for setback from property line																			
	Non-Residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater																			
Self Support / Lattice Tower (2)	Residential Existing (1)	600% of tower height for separation and 150% of tower height for setback from property line																			
	Residential Vacant (2)	150% of tower height for setback from property line																			
	Non-Residential and Public ROW	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																			
Guyed Tower (2)	Residential Existing (1)	Lesser of 600% of tower height or 1,500' separation and 150% of tower height for setback from property line																			
	Residential Vacant (2)	150% of tower height for setback from property line																			
	Non-Residential and Public ROW	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																			
Electric Transmission Line	Residential	150' setback from abutting residential property line																			
	Non-residential	100' setback from abutting non-residential property line																			
FDOT	Residential	150' setback from abutting residential property line																			
	Non-residential	75' setback from abutting residential property line																			
[Ord. 2015-006]																					
Notes:																					
(1) Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																					
(2) Applicable to any tower height																					
% Separation or setback as a percentage of tower height																					

- 3
- 4 **c. Conforming Use or Structure**
- 5 Construction of any lawful residential or nonresidential structure within the required
- 6 separation distance shall not create a nonconforming use or structure when an existing
- 7 communication tower is established pursuant to the provisions in Art. 4.B.9.B.2,
- 8 Separation and Setbacks.
- 9 **3. Measurement of Separation and Setback from Residential Uses**
- 10 **a. Existing Residential Use**
- 11 Separations from existing residential structures shall be measured from the wall of the
- 12 closest principal residential structure to the base of the tower.

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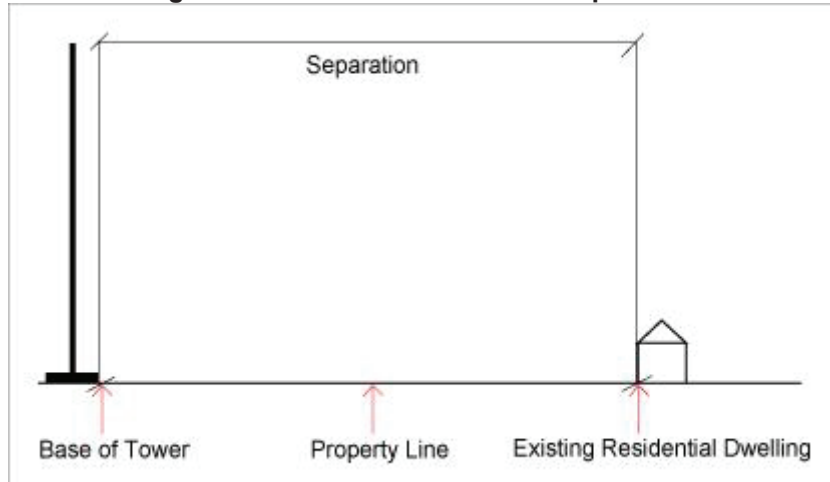
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Figure 4.B.9.B - Measurement of Separation

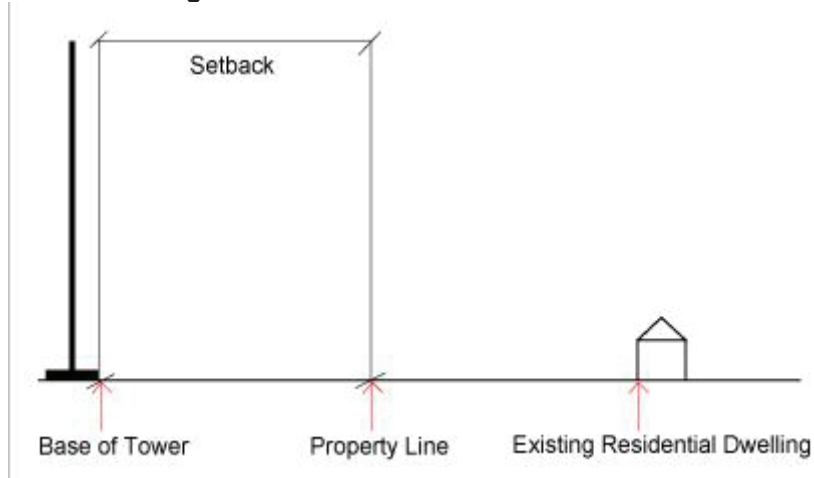


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b. Vacant Residential Parcel

Setbacks from vacant residential parcels shall be measured from adjacent property lines to the base of the tower.

Figure 4.B.9.B - Measurement of Setback



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4. Distance Between Towers

Towers shall be subject to the following minimum distances between towers:

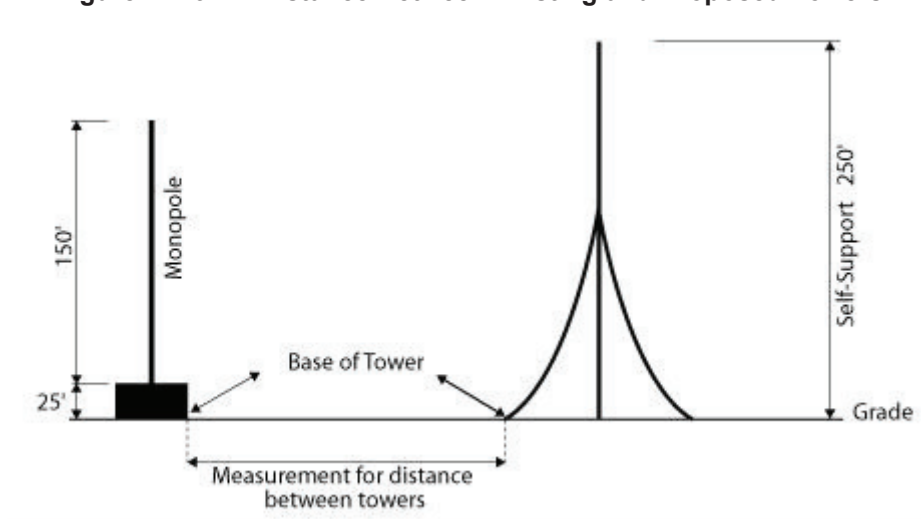
Table 4.B.9.B - Distance Between Towers

Tower Type	Zoning District							
	AGR, PC, and parcels less than 10 acres in AR	CC, CHO, CLO, CN, RE, RM, RS, RT, TND - NC	PUD: Commercial and Recreation pods. UC, UI CG, CRE, MUPD: CL and CH FLU. MXP, LCC, TND OSREC	Parcels less than 10 acres in: AP, IG, IL, PIPD	Parcels 10 or more acres in: AP, AR, IG, IL, PIPD	PO	PUD: Civic pod, MUPD: INST FLU, IPF	FPL Trans. R-O-Ws and FDOT R-O-Ws
Stealth	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Camouflage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Monopole								
60' or less in height	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
>60' to 100' in height	500 feet	660 feet	500 feet	N/A	N/A	N/A	300 feet	N/A
>100' to 150' in height	660 feet	660 feet	660 feet	N/A	N/A	N/A	600 feet	N/A
>150' to 200' in height	1,320 feet	1,320 feet	1,320 feet	1,320 feet	660 feet	660 feet	660 feet	660 feet
>200' to 250' in height	2,640 feet	2,640 feet	2,640 feet	2,640 feet	1,320 feet	1,320 feet	1,320 feet	1,320 feet
>250' in height	3,960 feet	5,280 feet	5,280 feet	2,640 feet	1,320 feet	2,640 feet	2,640 feet	2,640 feet
Self Support / Lattice	5,280 feet	Not permitted	5,280 feet	1,320 feet	N/A	N/A	5,280 feet	5,280 feet
Guyed	5,280 feet	Not permitted	5,280 feet	2,640 feet	N/A	N/A	5,280 feet	5,280 feet

a. Measurement of Distance Between Towers

The distance between an existing and a proposed tower shall be measured at grade in a direct lineal fashion between the closest points of the base of the existing and the base of proposed towers.

Figure 4.B.9.B - Distance Between Existing and Proposed Towers



Separations between towers located in different zoning districts shall be measured as follows:

1) Residential and Residential

The greater of the distance between towers requirements shall apply between residentially zoned parcels.

2) Residential and Non-Residential

The greater of the distance between towers requirements shall apply between residentially and non-residentially zoned parcels.

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- 1 **3) Non-Residential and Non-Residential**
- 2 The lesser of the distance between towers requirements shall apply between non-
- 3 residentially zoned parcels.
- 4 **4) Certification of Distance**
- 5 The distance between towers shall be certified by a professional engineer or a
- 6 professional surveyor and mapper, each of whom shall be licensed by the State of
- 7 Florida.
- 8 **5. Tower Height**
- 9 All antennas and other attachments shall be included in the height measurement of the tower
- 10 structure, and shall not extend beyond its maximum permitted height. Lightning rods and
- 11 whip antennas, less than six inches in diameter, shall be excluded from this requirement.
- 12 **6. Parking**
- 13 Communication towers shall be exempt from the parking requirements of Article 6, Parking,
- 14 unless otherwise required by the Zoning Director.
- 15 **7. Perimeter Buffering**
- 16 **a. Fence or Wall**
- 17 A fence or wall, a minimum of eight feet in height measured from finished grade, shall be
- 18 constructed around the base of each communication tower and accessory equipment
- 19 structure, and around each guy anchor. Access to the communication tower shall be
- 20 through a locked gate.
- 21 **b. Landscaping**
- 22 The landscape and buffer standards provided below shall be required around the
- 23 perimeter of the tower, accessory structures, and guy anchors, unless waived as
- 24 provided herein. These standards may be waived by the Zoning Director, unless
- 25 otherwise required by the BCC or ZC when the proposed landscaping would not be
- 26 visible from adjacent lots or streets.
- 27 **1) Installation**
- 28 Landscaping shall be installed along the exterior side of any required fences, unless
- 29 the Zoning Director determines that the viability, survivability, or utility of the plant
- 30 material is enhanced when located along the interior side of the fence or wall.
- 31 **2) Leased Parcels**
- 32 Landscaping shall be maintained pursuant to Article 7.F, Perimeter Buffer Landscape
- 33 Requirements. The applicant shall execute a perpetual maintenance agreement with
- 34 the property owner to ensure the maintenance of the landscape buffer if the buffer is
- 35 installed outside of the leased parcel footprint.
- 36 **3) Adjacent to Residential FLU Designation, Zoning District or Use**
- 37 **a) Towers Less than 50 feet from Existing Residential**
- 38 A Type 3 Incompatibility Buffer without a wall shall be installed between towers
- 39 and adjacent lots with existing residential uses or FLU designations, pursuant to
- 40 Article 7.F, Perimeter Buffer Landscape Requirements.
- 41 **b) Towers More than 50 feet from Existing Residential**
- 42 A Type 1 Incompatibility Buffer shall be installed between towers and adjacent
- 43 lots with existing residential uses, residential zoning, or residential FLU
- 44 designations, pursuant to Article 7.F, Perimeter Buffer Landscape Requirements.
- 45 **4) Adjacent to Non-Residential Uses or Zoning Districts**
- 46 Towers shall comply with the standards for landscape buffers between compatible
- 47 uses of Article 7.F, Perimeter Buffer Landscape Requirements.
- 48 **c. Accessory Equipment and Structures**
- 49 All accessory equipment and structures shall be located within the required perimeter
- 50 buffering.
- 51 **8. Signage**
- 52 **a. Signs and Advertising**
- 53 The placement on a Monopole, Self Support/Lattice, or Guyed Tower, of any signs, flags
- 54 or appurtenances for advertising purposes, including company name, shall be prohibited.
- 55 Signs or advertising may be permitted when in conjunction with a Stealth Tower when
- 56 that structure is an integral element of a principal building or structure.
- 57 **9. Generators**
- 58 All permanently installed generators used on site shall use propane fuel. However,
- 59 generators 125 kilowatts or greater may utilize diesel fuel.
- 60 **10. Lighting**
- 61 The least intensive nighttime method of illumination acceptable to the FAA shall be utilized.
- 62 To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All
- 63 required lighting shall be maintained on an as needed basis by the owner of the tower.
- 64 **11. Interference**
- 65 a. As provided by the FCC, towers shall not interfere with the normal operation of electrical
- 66 or mechanical equipment located within surrounding properties.
- 67 b. Towers or guy wires shall not impede the aerial mosquito control activities performed by
- 68 PBC, as determined by the BCC, for the health, safety, and welfare of its residents.
- 69 **12. Building Permits**
- 70 In addition to the approval processes required in Table 4.B.9.A, Commercial Communication
- 71 Towers Matrix, a building permit shall be required for all towers, support and accessory

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structures, and antenna attachments, except as otherwise provided by Federal, State of Florida or local law.

a. Accessory Structures

Building permits shall be required for all accessory structures related to an antenna.

b. Windload Standards

All antennas and other tower attachments shall meet the required windload standards pursuant to Building Division review. Documentation indicating compliance with the windload standards shall be certified by a professional engineer, licensed in the State of Florida, and submitted to the Building Division at the time of building permit application.

c. Airport Regulations

Prior to the issuance of a building permit for a tower, proof of compliance with applicable requirements of Article 16, Airport Regulations of the Code, shall be provided in a manner acceptable to the Zoning Director.

13. Providers

All communication towers, shall be constructed to accommodate a minimum number of providers as follows:

Table 4.B.9.B - Providers by Tower Type

Tower Types (1)	Minimum Number of Providers
Stealth	Two Providers (2)
Camouflage	One Provider for a maximum 100' height tower
	Two Providers for a maximum 125' height tower
	Three Providers for a maximum 150' height tower
Monopole, Self Support/Lattice and Guyed	Two Providers
[Ord.]	
Notes:	
1.	Prior to the issuance of a building permit for a structure with two or more providers, the applicant shall provide proof of share use/collocation in a form acceptable to the County Attorney and Zoning Director.
2.	An applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures indicate no other service provider wishes to collocate on the structure.

14. Antenna

Antennas attached to towers shall be subject to the standards contained in Art. 4.B.9, Commercial Communication Towers. Standards for antennas attached to other type of structure are addressed in Art. 5. Supplementary Standards.

15. Inspections

All towers shall be inspected in compliance as required by the Building Division. **[Ord. 2006-004]**

16. Violation of Standards

The property owners, as well as the tower owners, shall be responsible for violations of applicable standards.

C. Definitions and Supplementary Tower Standards

1. Stealth Tower

a. Definition

A structure, which is not readily identifiable as a tower and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function.

b. Typical Structures

Typical structures include but are not limited to bell tower, steeple, flagpole, cross, or water tank where antennas are typically concealed.

c. Approval Process - AGR, AR, RE Zoning Districts

In the AGR, AR/RSA, AR/USA, and RE Zoning Districts, Stealth Towers 100 feet in height or less may be approved through DRO Agency Review process when the parcel has an existing DRO approved Site Plan. Approval shall be subject to the Administrative Modification standards contained in Art. 2.

d. Approval Process - Commercial and Civic Pod of PUD

In the Commercial pod and Civic pod of a PUD, Stealth Towers 60 feet in height or less may be approved by the DRO.

e. Location – Recreation Pod of PUD

Stealth towers may be permitted in the Recreation pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval.

f. Lot Size - MUPD

A Stealth Tower may be located in MUPD with CH and CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

g. Criteria

Stealth structures shall comply with the following criteria:

- 1) The structure shall be compatible with the architectural style of the existing buildings/structures on site and with the character of the surrounding area. A determination of architectural compatibility shall include, but not be limited to, color, type of building material, and architectural style;
- 2) The structure shall be consistent with the character of existing uses on site;

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- 3) Communications equipment or devices shall not be readily identifiable;
- 4) The structure shall be related to and integrated into the existing natural and/or man-made environment to the greatest extent possible; and
- 5) The maximum height of the structure shall not exceed 200 feet.

h. Associated Uses

Stealth Towers shall be permitted only in association with the following uses: Assembly Institutional Nonprofit; Place of Worship; College or University; Electric Power Plant, excluding electrical transmission line streets as provided herein; Government Services; Passive Park; Public Park; Golf Course; Schools; Solid Waste Transfer Station; Minor Utility; Electric Distribution Substations; or Water or Wastewater Treatment Plant; commercial, office or industrial development.

i. Flagpoles

Stealth Towers in the form of flagpoles shall be exempt from Article 8.G.3.C, Flags and Freestanding Flagpoles.

j. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and Stealth Towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent nonresidential zoning district or public ROW.

2. Camouflage Tower

a. Definition

A tower or structure, which is incorporated into and is compatible with existing or proposed uses on site and the structure has an additional function other than antenna support.

b. Typical Structures

Examples include but are not limited to antenna incorporated into site lighting at a park or incorporated into an electrical distribution center.

c. Location - Recreation Pod of PUD

Camouflage Towers may be permitted in the Recreation pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval.

d. Approval Process - Commercial and Civic Pod of PUD

In the Commercial pod and Civic pod of a PUD, Camouflage Towers 60 feet in height or less may be approved by the DRO.

e. Lot Size - MUPD

A Camouflage Tower may be located in MUPD with CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

f. Associated Uses

Camouflage Towers shall be permitted only in association with the following uses: Assembly Institutional Nonprofit; Place of Worship; College or University; Electric Generating Facility, excluding electrical transmission line streets as provided herein; Government Services; Passive Park; Public Park; Golf Course; Schools; Solid Waste Transfer Station; Minor Utility; Electric Distribution Substations; or Water or Wastewater Treatment Plant; commercial, office or industrial development.

g. Additional Submission Requirements

Applications for approval to install a Camouflage Tower shall include the following information:

- a. A colorized illustration or representation of the proposed tower.
- b. The height, diameter, and coloration of the proposed facility.
- c. A statement of compatibility to indicate the nature and character of the surrounding area, and how the proposed facility will be consistent with the overall characteristics of the area.

h. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and Camouflage Towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-O-W.

3. Monopole Towers

a. Definition

A structure that consists of a single pole supported by a permanent foundation.

b. Lot Size - MUPD

A Monopole Tower may only be located in an MUPD with CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

c. Increase in Height

The height of a Monopole Tower may be increased as provided herein.

1) Percentage of Increase

The height of a proposed Monopole Tower may be increased by 20 percent, one time only, without regard to required separation or setback requirements, for all

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1 applications which provide proof of the collocation of an additional personal wireless
2 service provider. Additional increases are subject to setbacks and separations of this
3 Code.

4 **2) Proof of Collocation**

5 Proof of collocation shall be provided in a form acceptable to the County Attorney
6 and the Zoning Director. Proof of collocation shall include an executed contract or
7 lease providing for use of the facility for a period of at least ten years.

8 **4. Self Support/Lattice Tower**

9 **a. Definition**

10 A structure that is constructed without guy wires or ground anchors.

11 **5. Guyed Towers**

12 **a. Definition**

13 A structure that is supported either partially or completely by guy wires and ground
14 anchors.

15 **b. Lot Size - MUPD**

16 A Guyed Tower may only be located in an MUPD with CH or CL FLU designation 4 a
17 minimum of five acres, provided the Tower complies with all applicable regulations.

18 **c. Setbacks**

19 Breakpoint calculations may be provided to demonstrate a tower will collapse within the
20 minimum required zoning district setbacks. Breakpoint calculations shall be certified by a
21 professional engineer, licensed in the State of Florida.

22 **d. Anchors**

23 Peripheral supports and guy anchors may be located within required setbacks provided
24 they shall be located entirely within the boundaries of the property on which the
25 communication tower is located. Peripheral supports and guy anchors shall be located at
26 least ten feet from all property lines.

27 **D. Collocation in Streets**

28 **1. Electrical Transmission Line Streets**

29 Communication towers, antennas, and related facilities may be located in such streets as
30 provided herein.

31 **a. Transmission Poles**

32 Antennas attached to existing electrical transmission poles shall not be required to obtain
33 building permits. Building permits are required for accessory structures such as
34 equipment cabinets constructed to support antennas. Height increases to transmission
35 poles to allow antenna attachment shall be subject to the provisions of this Section.

36 **b. Combined Transmission/Communication Structures**

37 Combined transmission/communication structures may be installed in an electrical
38 transmission streets as provided in Table 4.B.9.A, Commercial Communication Towers
39 Matrix, and subject to the following requirements.

40 1) Structures installed in transmission line streets with a residential Plan and Zoning
41 designation shall be:

- 42 a) Located in streets a minimum of 250 feet in width;
- 43 b) Limited to combination structures which are similar to monopole towers;
- 44 c) No more than 100 feet in height, however the height may be increased to a
45 maximum of 125 feet if an additional provider is accommodated, and proof of
46 collocation is provided in a form acceptable to the County Attorney and the
47 Zoning Director;
- 48 d) Setback a minimum 150 feet from any property line possessing a residential
49 designation; and,
- 50 e) Require review as provided in Table 4.B.9.A, Commercial Communication
51 Towers Matrix.

52 2) Transmission lines streets in areas with a nonresidential Plan and Zoning designation
53 shall be:

- 54 a) Located in streets a minimum of 250 feet in width;
- 55 b) Limited to combination structures which are similar to Monopole Towers or Self
56 Support/Lattice Towers; not exceed 300 feet in height;
- 57 c) Setback a minimum of 200 feet from any property line possessing a
58 nonresidential designation; and,
- 59 d) Setback a minimum of 100 feet from any property line possessing a
60 nonresidential designation; and,
- 61 e) Require review as provided in Table 4.B.9.A, Commercial Communication
62 Towers Matrix.

63 **c. Separation of New Combined Transmission/Communication Structures**

64 New Combined Transmission Communication Structures shall be subject to the
65 standards provided in Table 4 4.B.9.B, Distance Between Towers.

66 **2. Florida Department of Transportation (FDOT) Streets**

67 Within the streets for I-95 and the Florida Turnpike owned or controlled by the FDOT, towers,
68 or antennas are subject to the following:

69 **a. Installation of Antennas**

70 Antennas may be attached to existing communication towers, light standards, or other
71 structures or facilities subject only to building permit review.

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b. Construction of New Towers

New towers constructed within streets shall comply with the following requirements:

- 1) Towers installed in those portions of streets immediately adjacent to any property possessing a residential designation shall be:
 - a) Located in a street at least 250 feet in width;
 - b) Only a Monopole or Self Support/Lattice Tower;
 - c) No more than 150 feet in height;
 - d) Setback a minimum of 150 feet from the nearest property line; and,
 - e) Require review as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.
- 2) Towers installed in those portions of streets immediately adjacent to any property possessing a nonresidential designation shall be:
 - a) Located in a street at least 200 feet in width;
 - b) Only a Monopole or Self Support/Lattice Tower;
 - c) No more than 200 feet in height;
 - d) Setback a minimum of 75 feet from the nearest nonresidential property line and 150 feet from any residential property line; and,
 - e) Require review as provided in 4.B.9.A, Commercial Communication Towers Matrix.

c. Separation of New Towers

New towers shall be subject to the separation distances as provided in Table 4.B.9.B, Distances Between Towers.

E. Eligible Facilities Request for Modification

This subsection implements Subsection 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), as interpreted by the Federal Communications Commission’s (“FCC” or “Commission”) Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

1. Definitions

For the purposes of this subsection, the terms used have the following meaning:

a. Base Station

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

- 1) Equipment associated with wireless communications services such as private, broadcast, and public safety services.
- 2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
- 3) Any structure other than a tower that, at the time the relevant application is filed under this subsection, supports or houses equipment described in paragraphs a. 1) and a. 2) that has been reviewed and approved under the applicable zoning process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term Base Station does not include any structure that, at the time the relevant application is filed under this subsection, does not support or house equipment described in a. 1) and a. 2) of this subsection.

b. Collocation

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

c. Eligible Facilities Request

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- 1) Collocation of new transmission equipment;
- 2) Removal of transmission equipment; or
- 3) Replacement of transmission equipment.

d. Eligible support structure

Any tower or base station as defined in this subsection, provided that it is existing at the time the relevant application is filed under this subsection.

e. Existing

A constructed tower or base station is existing for purposes of this subsection if it has been reviewed and approved under the applicable zoning process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not subject to a zoning review process when it was built, but was lawfully constructed, is existing for purposes of this subsection.

f. Site

For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements

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1 currently related to the site, and, for other eligible support structures, further restricted to
2 that area in proximity to the structure and to other transmission equipment already
3 deployed on the ground.

4 **g. Substantial Change**

5 A modification substantially changes the physical dimensions of an eligible support
6 structure if it meets any of the following criteria:

- 7 1) For towers other than towers in the public rights-of-way, it increases the height of the
8 tower by more than 10% or by the height of one additional antenna array with
9 separation from the nearest existing antenna not to exceed twenty feet, whichever is
10 greater; for other eligible support structures, it increases the height of the structure by
11 more than 10% or more than ten feet, whichever is greater;
- 12 2) For towers other than towers in the public rights-of-way, it involves adding an
13 appurtenance to the body of the tower that would protrude from the edge of the tower
14 more than twenty feet, or more than the width of the Tower structure at the level of
15 the appurtenance, whichever is greater; for other eligible support structures, it
16 involves adding an appurtenance to the body of the structure that would protrude
17 from the edge of the structure by more than six feet;
- 18 3) For any eligible support structure, it involves installation of more than the standard
19 number of new equipment cabinets for the technology involved, but not to exceed
20 four cabinets; or, for towers in the public rights-of-way and base stations, it involves
21 installation of any new equipment cabinets on the ground if there are no pre-existing
22 ground cabinets associated with the structure, or else involves installation of ground
23 cabinets that are more than 10% larger in height or overall volume than any other
24 ground cabinets associated with the structure;
- 25 4) It entails any excavation or deployment outside the current site;
- 26 5) It would defeat the concealment elements of the eligible support structure; or
- 27 6) It does not comply with conditions associated with the siting approval of the
28 construction or modification of the eligible support structure or base station
29 equipment, provided however that this limitation does not apply to any modification
30 that is non-compliant only in a manner that would not exceed the thresholds identified
31 in paragraphs b. 1) through b.4) of this subsection.

32 **h. Transmission Equipment**

33 Equipment that facilitates transmission for any FCC-licensed or authorized wireless
34 communication service, including, but not limited to, radio transceivers, antennas, coaxial
35 or fiber-optic cable, and regular and backup power supply. The term includes equipment
36 associated with wireless communications services including, but not limited to, private,
37 broadcast, and public safety services.

38 **i. Tower**

39 Any structure built for the sole or primary purpose of supporting any FCC-licensed or
40 authorized antennas and their associated facilities, including structures that are
41 constructed for wireless communications services including, but not limited to, private,
42 broadcast, and public safety services.

43 **2. Application Procedures**

44 Notwithstanding any other provisions in this section to the contrary, eligible facilities requests
45 for a modification of an existing tower or base station that does not result in a substantial
46 change to the physical dimensions of such tower or base station as determined by the
47 process set forth herein, shall be subject to Building Permit review only.

48 **a. Application requirements.**

49 Applications shall include all information necessary to determine whether the modification
50 of the existing tower or base station that does not substantially change its physical
51 dimensions.

52 **b. Timeframe for Review**

53 Within 60 days of the date on which an applicant submits an application, the Zoning
54 Division shall approve the application unless it determines that the application is not
55 covered by this subsection.

56 **c. Tolling of the Timeframe for Review**

57 The 60-day review period begins to run when the application is filed, and may be tolled
58 only by mutual agreement by the Zoning Division and the applicant, or in cases where the
59 Zoning Division determines that the application is incomplete. The timeframe for review is
60 not tolled by a moratorium on the review of applications.

- 61 1) To toll the timeframe for incompleteness, the Zoning Division must provide written
62 notice to the applicant within 30 days of receipt of the application, specifically
63 delineating all missing documents or information required.
- 64 2) The timeframe for review begins running again when the applicant makes a
65 supplemental submission in response to the notice of incompleteness.
- 66 3) Following a supplemental submission, the applicant will be notified within 10 days
67 that the supplemental submission did not provide the information identified in the
68 original notice delineating missing information. The timeframe is tolled in the case of
69 second or subsequent notices. Second or subsequent notices of incompleteness
70 may not specify missing documents or information that was not delineated in the
71 original notice of incompleteness.

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1 d. **Failure to Act**

2 In the event the Zoning Division fails to approve or deny a request seeking approval
3 under this subsection within the timeframe for review (accounting for any tolling), the
4 request shall be deemed granted, and the applicant may proceed directly to Building
5 Permit review. The deemed grant does not become effective until the applicant notifies
6 the applicable reviewing authority in writing after the review period has expired
7 (accounting for any tolling) that the application has been deemed granted.

8 **F. Review Procedures Shared Use Application Requirements for New Towers**

9 Prior to submittal of an application for approval of a proposed tower for Conditional Use,
10 Development Order Amendment, DRO, or building permit review, all applicants for
11 communication towers shall comply with the procedures indicated below. An application for the
12 appropriate review process must be submitted within one year of the notice mailing date.

13 **1. Notification**

14 All communication tower applicants shall provide notice by certified mail to all users on the
15 Communication Tower Users List. The following information shall be included in the notice:
16 description of the proposed tower; general location; longitude and latitude; general rate
17 structure for leasing space, which shall be based on reasonable local charges; proposed
18 height; a phone number to locate the applicant or agent for the communication tower; and a
19 shared use application form. A copy of the notice shall be mailed to the Communications
20 Division and the Zoning Division. The notices shall invite potential communication tower
21 users to apply for space on the proposed tower to encourage collocation. **[Ord. 2009-040]**

22 **2. Shared Use Application**

23 Potential communication tower users shall respond to the notice within 20 days of receipt of
24 certified mailing. Response shall be submitted utilizing a shared use application form. A
25 completed shared use application form shall be sent to the owner of the proposed
26 communication tower or authorized agent. The tower applicant shall not be responsible for a
27 lack of response or responses received after the 20 day period. The Zoning Division shall
28 provide the shared use application form.

29 **3. Feasibility**

30 The feasibility of each shared use request shall be evaluated by the applicant. The evaluation
31 shall document the feasibility of shared use between the proposed communication tower
32 owner and a potential lessee or sharer. Factors to be considered when evaluating the
33 feasibility of shared use include but are not limited to: structural capacity, RF interference,
34 geographic service area requirements, mechanical or electrical incompatibilities, inability or
35 ability to locate equipment on approved and unbuilt communication towers, cost (if fees and
36 costs for sharing would exceed the cost of the new communication tower amortized over a 25
37 year period), FCC limitations that would preclude shared use, and other applicable Code
38 requirements.

39 **4. Rejection or Dispute**

40 If the applicant rejects one or more request(s) for shared use and if potential tower lessees
41 dispute the rejection(s) for shared use, the following procedure shall occur within ten working
42 days after the shared use response deadline.

43 **a. Submittal**

44 The applicant shall submit two copies of the following to the Zoning Division: a brief
45 evaluation of each rejected response; all design data for the proposed communication
46 tower; and, an explanation indicating the structural improvements necessary to facilitate
47 the requests that are rejected due to structural limitations, paid for by the tower space
48 lessee.

49 **b. Consultant**

50 The Zoning Division shall forward copies of all applications for shared use and the
51 applicant's evaluation of each rejected request to a qualified communications consultant.
52 The consultant shall be selected by and retained at the discretion of the Zoning Division
53 and paid by applicant who is refusing to allow collocation from an interested service
54 provider.

55 **c. Evaluation**

56 Within ten working days of receiving the shared use responses that were rejected by the
57 applicant and disputed by the potential tower space lessee, the consultant shall review
58 and prepare an evaluation. Two copies of the consultant's evaluations shall be sent to the
59 Zoning Division. One copy of the evaluation shall be made an official part of the
60 communication tower application and one copy of the evaluation shall be forwarded to
61 the applicant by the Zoning Division. The consultant's report shall be advisory, and made
62 part of the staff report, and considered in reviewing the communication tower application.

63 **5. Acceptance with No Dispute**

64 If the applicant did not reject any requests for shared use or if rejected requests for tower
65 space are not disputed by any potential tower lessee(s), consultant review is not necessary.

66 **G. Tower Removal, Replacement and Height Increases**

67 **1. Tower Removal**

68 **a. Form of Agreement**

69 All obsolete or abandoned communication towers shall be removed within three months
70 following cessation of use. Prior to the issuance of a building permit or site plan approval,
71 whichever occurs first, the property owners or tower operators shall submit an executed

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removal agreement to ensure compliance with this requirement. The removal agreement shall be in a form acceptable to the County Attorney.

b. Surety for Removal

Prior to the issuance of a building permit, surety shall be submitted by the property owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the Executive Director of PZB and the County Attorney. The required surety shall be irrevocable, unless released by the BCC. The surety shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:

- 1) submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
- 2) a surety equivalent to 50 percent of the estimated cost to remove and dispose of the tower;
- 3) an agreement to pool multiple sureties of the tower owner or property owner to allow pooled surety to be used to remove abandoned towers; and,
- 4) an agreement by the tower owner or property owner to replenish surety pool upon utilization of surety by PBC.

c. Alternative Surety for Removal

The Zoning Director, subject to review by the County Attorney, may accept documentation from a tower owner that adequate resources or irrevocable contractual obligations are available to remove obsolete or abandoned communication towers.

d. Form of Surety

Surety shall be provided in a form consistent with the requirements of Art. 11.B.2.A.6.c, Performance or Surety Bond. [Ord. 2005 – 002]

e. Surety Required

Surety required shall be provided only for towers constructed after the effective date of this Code.

2. Replacement

The following tower hierarchy shall be used to determining impact

LEAST IMPACT

- Camouflage
- Stealth
- Monopole
- Self Support/Lattice
- Guyed

MOST IMPACT

a. Conforming Towers

An existing conforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement tower shall comply with the requirements of Tower Height Increases and Accessory Structures, below. [Ord. 2006-004]

- 1) The tower shall accommodate a minimum of two providers. [Ord. 2006-004]
- 2) The tower shall be of the same or lesser impact than the existing structure pursuant to the tower hierarchy. [Ord. 2006-004]
- 3) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- 4) The tower shall be subject to review by the Zoning Division through the DRO, Article 2.D.1, Development Review Officer, administrative amendment process. [Ord. 2006-004]
- 5) The tower may be structurally modified to allow collocation. [Ord. 2006-004]

b. Nonconforming Towers

An existing nonconforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement shall comply with the requirements of Tower Height Increases and Accessory Structures, below. [Ord. 2006-004]

- 1) The tower shall accommodate a minimum of two providers. [Ord. 2006-004]
- 2) The tower shall be of equal or less impact than the existing structure pursuant to the tower hierarchy. [Ord. 2006-004]
- 3) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- 4) The tower shall be subject to review by the DRO. [Ord. 2006-004]
- 5) The tower may be structurally modified to allow collocation. [Ord. 2006-004]

3. Tower Height Increases

a. Conforming and Nonconforming Towers

Unless otherwise provided herein, the height of a conforming or nonconforming tower may be increased on one occasion subject to the requirements of Table 4.B.9.F, Tower Height Increases.

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1

Table 4.B.9.F - Tower Height Increases

Review Process	Conforming Towers	Nonconforming Towers
Development Review Officer Administrative Amendment	X(1)	N/A
Development Review Officer	X(2)	X(1)
Class B Conditional Use	X(3)	X(2)
Class A Conditional Use	X(4)	X(3,4)
Notes:		
1. Increases of 25' or less.		
2. Increases greater than 25' and 45' or less.		
3. Increases greater than 45' and 65' or less.		
4. Increases greater than 65'.		

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b. Monopoles

Unless otherwise provided herein, the height of an existing monopole may be increased, on one occasion, by a maximum of 20 percent to accommodate a second user subject to standard building permit review. An additional increase of up to 20 percent may be approved to accommodate an additional user, subject to standard building permit review. Increases shall be based upon the original approved tower height.

c. Setbacks

If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collocation of at least one additional service provider, minimum setback requirements may be reduced by a maximum of 15 feet, except from residential property lines.

4. Accessory Structures

The size of an accessory structure or structures may be increased to accommodate collocation. The expansion shall be subject to Zoning Division review through the DRO administrative amendment process.

H. Exemptions and Waivers

1. States of Emergency

The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency. **[Ord. 2006-004] [Ord. 2012-027]**

2. Government Towers

If the regulations in the Commercial Communication Towers prohibits a government-owned tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria may be waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the modification.

3. School Sites

Towers located on school sites and utilized for educational purposes only pursuant to F.S. Chapter 1013.18 shall not be considered Commercial Communication Towers.

4. Exemptions for Existing Television Broadcast Towers

Guyed Towers existing as of December 31, 1997 with a principal use as a television broadcasting tower shall be exempt from the provisions of this Section as provided below.

a. Separation and Setback Distances

Television towers as provided herein shall be exempt from the separation and setback distances of Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, and Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts.

b. Distance Between Towers

Television towers as provided herein shall be exempt from the distance between tower requirements of Table 4.B.9.B, Distance Between Towers.

c. Visual Impact Analysis

Existing or replacement television towers as provided herein shall be exempt from the visual impact analysis requirements of Article 4.B.9.H.4, Visual Impact Analysis Standards.

d. Replacement or Reconstruction of Existing Towers

Television towers exempted by the operation of this subsection may be replaced or reconstructed on the same parcel as provided below.

1) Approval

Television towers to be replaced or reconstructed shall be reviewed as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.

2) Tower Height

The height of a replacement for or reconstruction of an existing tower may be increased subject to approval as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.

3) Required Setbacks from Property Lines

Setbacks from property lines shall be provided as indicated below.

a) Structures of Equal or Lesser Height

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1 Television towers to be replaced or reconstructed with a structure of equal or
2 lesser height shall provide a setback substantially the same as the existing
3 setbacks, taking into account the continued location of the tower being replaced
4 during construction.

5 **b) Structures of Greater Height**

6 Television towers to be replaced or reconstructed with a structure of greater
7 height shall provide a minimum setback of 110 percent of tower height from any
8 adjacent street and a minimum setback of 100 percent of tower height from all
9 adjacent property lines.

10 **c) Breakpoint Calculations**

11 All setbacks shall be substantiated by certified breakpoint calculations. The
12 breakpoint calculations shall demonstrate that should tower failure occur, the
13 entire height of the tower shall fall within with property lines of the tower site.

14 **d) Nonconformity Not Created**

15 Replacement or reconstruction of a television broadcast tower shall not result in
16 creation of a nonconforming structure or nonconforming use. The television
17 broadcast tower resulting from the replacement or reconstruction as provided
18 herein shall be deemed a conforming structure and use.

19 **5. Type 2 Waiver from Required Dimensional Criteria**

20 A Type 2 Waiver from the separation, setback, distance between towers, height, and similar
21 dimensional criteria applicable to communication towers may be allowed. **[Ord. 2012-027]**

22 **a. Towers approved as a Class A or Class B Conditional Use**

23 The dimensional criteria may be reduced by the BCC for Class A Conditional Uses and
24 Class B Conditional Uses subject to the criteria contained herein.

25 **b. Towers Approved on an Administrative Basis**

26 The dimensional criteria may be reduced by the BCC for towers subject to review by the
27 DRO or the building permit process subject to the criteria contained herein.

28 **c. Requests for a Type 2 Waiver**

29 When considering a request to allow a Type 2 Waiver from one or more required
30 dimensional criteria, the BCC must determine that: the request complies with the intent of
31 this Section and, the request is consistent with the criteria listed below. **[Ord. 2012-027]**

32 **d. Criteria for Granting a Type 2 Waiver**

33 The following criteria shall be utilized by the BCC when considering requests for waivers.
34 Each request for a waiver must be consistent with the following criteria listed below: Art.
35 4.B.9.G.5.d.1) - 4.B.9.G.5.d.8). In addition, each request for a Type 2 Waiver must be
36 consistent with one or more of the following criteria: Art. 4.B.9.G.5.d.9) - Art.
37 4.B.9.G.5.d.18). **[Ord. 2012-027]**

38 **1) Protection of Public Welfare**

39 The Waiver, if approved, will not be injurious to the uses in the area adjacent to the
40 structure and otherwise will not be detrimental to the public welfare. **[Ord. 2012-027]**

41 **2) Economics**

42 The Waiver is not granted based solely upon or in large measure due to costs
43 associated with complying with all requirements contained herein. **[Ord. 2012-027]**

44 **3) Incompatibility Not Created**

45 The Waiver, if granted, will not result in an incompatibility between the proposed
46 tower or communication facility and adjacent uses. **[Ord. 2012-027]**

47 **4) Exhaustion of Other Remedies**

48 The Waiver, subject to documentation provided by the applicant, is necessary within
49 the defined search or propagation study area as all other waiver alternatives have
50 been exhausted. Alternatives to a Waiver shall include but not be limited to such
51 techniques as collocation, use of stealth or camouflage structures, and use of
52 building mounted equipment and facilities. **[Ord. 2012-027]**

53 **5) Minimum Waiver**

54 Grant of the Waiver is the minimum Waiver that will make possible the reasonable
55 use of the parcel of land, building, or structure. **[Ord. 2012-027]**

56 **6) Consistent with the Plan**

57 Grant of the Waiver will be consistent with the purposes, goals, objectives, and
58 policies of the Plan and this Code. **[Ord. 2012-027]**

59 **7) Not Detrimental**

60 The grant of the Waiver will not be injurious to the area involved or otherwise
61 detrimental to the public welfare. **[Ord. 2012-027]**

62 **8) Prohibition of Service**

63 The Waiver, subject to documentation provided by the applicant, is necessary within
64 the defined search or propagation study area so as not to prohibit the provision of
65 personal wireless, television, and related communication services as defined by the
66 Telecommunications Act of 1996 and rules of the FCC, if adopted. **[Ord. 2012-027]**

67 **9) FAA Limitations**

68 The Waiver is required to comply with locational standards established by the FAA.
69 **[Ord. 2012-027]**

70 **10) Lack of Technical Capacity**

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1 The Waiver, subject to documentation provided by the applicant, is necessary within
2 the defined search or propagation study area as existing towers or other structures
3 do not possess the capacity to allow reasonable technical service. [Ord. 2012-027]

4 **11) Height of Existing Structures**

5 The Waiver, subject to documentation provided by the applicant, is necessary within
6 the defined search or propagation study area as existing towers or other structures
7 are not of sufficient height to provide reasonable service. [Ord. 2012-027]

8 **12) Lack of Structural Capacity**

9 The Waiver, subject to documentation provided by the applicant, is necessary within
10 the defined search or propagation study area as existing towers or structures do not
11 have the structural capacity to accommodate the equipment needed to provide
12 reasonable service within the defined search or propagation study area. [Ord. 2012-
13 027]

14 **13) Interference**

15 The Waiver, subject to documentation provided by the applicant, is necessary within
16 the defined search or propagation study area due to interference that may be caused
17 resulting from such factors as collocation on existing towers or structures, the nature
18 of other communications equipment or signals, or other technical problems that
19 would result in interference between providers. [Ord. 2012-027]

20 **14) Unreasonable Costs**

21 The Waiver, subject to documentation provided by the applicant, is necessary within
22 the defined search or propagation study area as the fees, costs or contractual
23 provisions to collocate on or adapt an existing tower or structure for collocation are
24 unreasonable. [Ord. 2012-027]

25 **15) More Appropriate Site**

26 The Waiver, subject to documentation provided by the applicant, is necessary within
27 the defined search or propagation study area as a result of identification of a more
28 appropriate site that does not meet dimensional criteria, including such factors as
29 distance from residential uses, existence of permanent screening and buffering, and
30 location within a large scale non-residential area. [Ord. 2012-027]

31 **16) Avoid Certain Locations**

32 The Waiver, subject to documentation provided by the applicant, is necessary within
33 the defined search or propagation study area to avoid location in one or more of the
34 following: [Ord. 2012-027]

- 35 a) officially designated wilderness areas, wildlife refuges, and wildlife management
36 areas;
37 b) officially designated vegetation and wildlife preserves;
38 c) habitats of threatened/endangered species, historical sites;
39 d) Indian religious sites;
40 e) locations which may cause significant alteration of wetlands, deforestation, or
41 water diversion;
42 f) night use of high intensity lights in residential areas;
43 g) environmentally sensitive lands acquired or leased by PBC; or
44 h) linked open space corridors as set forth in the Plan.

45 **17) Reduce Residential Impact**

46 The Waiver, subject to documentation provided by the applicant, is necessary within
47 the defined search or propagation study area and will allow a proposed tower
48 location to reduce the impact on adjacent residential uses. [Ord. 2012-027]

49 **18) Effect of Governmental Regulation or Restrictive Covenant**

50 The Waiver, subject to documentation provided by the applicant, is necessary within
51 the defined search or propagation study area due to governmental regulations or
52 restrictive covenants which preclude location of a tower. [Ord. 2012-027]

53 **e. Simultaneous Consideration**

54 A request for a Type 2 Waiver from one or more required dimensional criteria may be
55 considered at the same time a related request for tower approval is considered.
56 However, final BCC, ZC, or administrative approval shall not be granted until a final
57 decision is rendered by the BCC. [Ord. 2012-027]

58 **6. Nonconforming Lots of Record**

59 Towers may be located on nonconforming lots of record provided the structure will comply
60 with all requirements of this Section without a Type 2 Waiver from any dimensional criteria as
61 provided herein. [Ord. 2012-027]

62 **I. Application Requirements for Towers**

63 In addition to the application requirements under Article 2, Development Review Procedures, the
64 applicant shall comply with the following:

65 **1. Propagation Study**

66 The provider shall submit a propagation study prepared by a professional engineer, licensed
67 in the State of Florida, to justify the need to construct a new tower. Propagation studies shall
68 not be required for television towers. Propagation studies shall include the following
69 information: [Ord. 2006-004]

- 70 a. the location of other sites considered, including potential options for collocation and
71 alternative sites or properties;

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- b. desired signal strength in the area to be served; and, [Ord. 2006-004]
- c. current and predicted RF coverage following installation and use of the new tower facility. [Ord. 2006-004]

2. Location of Existing Towers

- a. Provide or update previously submitted data indicating the location of their towers; latitude and longitude; tower height; and tower type
- b. Submit an alternative structure map with a minimum one mile radius around the proposed site. The alternative structure map shall include the location of all existing towers located within the one mile radius. An alternative structure map shall not be required for television towers. [Ord. 2006-004]

3. Compatibility

To assist in ensuring compatibility between a proposed communication tower and surrounding land uses, the information listed below shall be included with all applications for development approval, development order amendments, etc.

a. Site and Tower Location

The proposed site of a tower and the proposed location of the tower within that site, indicated on an official PBC zoning quad sheet.

b. Aerial Photography

The proposed location of a tower, indicated on an aerial map possessing a scale of not more than one inch equals 300 feet (1" = 300'). The aerial photograph shall indicate all adjacent land uses within a radius of 2,000 feet from the site of the proposed tower.

c. Visual Impact Analysis

A visual impact analysis, consistent with the requirements of Article 4.B.9.H.4, Visual Impact Analysis Standards.

d. Buffering

Buffering and landscaping as required by this Section.

4. Visual Impact Analysis Standards

a. Applicability and Procedure

Any application to construct a Monopole Tower greater than 150 feet in height or any Guyed or Self Support/Lattice Tower greater than 150 feet in height is subject to these standards. The applicant shall be advised of the requirement to submit a visual impact analysis by the Zoning Director within ten working days following the application submittal deadline date.

b. General

To assess the compatibility with and impact of a proposed tower site on adjacent properties, an applicant seeking to construct a tower subject to these requirements may be required to submit a visual impact analysis. The applicant may request review of a proposed tower location, prior to application submittal to the appropriate zoning process, to determine whether or not a visual impact analysis will be required. A visual impact analysis may be required under the circumstances listed below.

- 1) Existing residential uses are located along 50 percent or more of the entire perimeter of the proposed tower site.
- 2) When the proposed site is located adjacent to:
 - a) Officially designated wilderness areas, wildlife refuges, and wildlife management areas;
 - b) Officially designated vegetation and wildlife preserves;
 - c) Habitats of threatened/endangered species;
 - d) Historical sites;
 - e) Indian religious sites;
 - f) Locations which may cause significant alteration of wetlands, deforestation, or water diversion;
 - g) Residential areas when night use of high intensity lights is required;
 - h) Environmentally sensitive lands acquired or leased by PBC; or,
 - i) Linked open space corridors as set forth in the Plan.
- 3) The proposed site does not meet the distance between towers requirements. The applicant may utilize digital imaging technology to prepare the analysis, in a manner acceptable to the Zoning Director. The visual impact analysis shall, at minimum, provide the information listed below.
 - a) The location of the proposed communication tower illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1"=300'). All adjacent zoning districts within a 3,000 foot radius from all property lines of the proposed communication tower site shall be indicated.
 - b) A line of site analysis shall include the following information:
 - (1) Identification of all significant existing natural and manmade features adjacent to the proposed tower site and identification of features which may provide buffering and screening for adjacent properties and public streets;
 - (2) Identification of at least three specific points within a 2,000 foot radius of the proposed tower location, subject to approval by the Zoning Director, for conducting the visual impact analysis;
 - (3) Certification by the professional that the proposed communication tower meets or exceeds the standards contained in this Code;

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- (4) Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
 - (5) Graphic illustration of the visual impact of the proposed communication tower, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points;
 - (6) Identification of all screening and buffering materials under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis.);
 - (7) Identification of all screening and buffering materials that are not under the permanent control of the applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, etc.;
 - (8) Screening and buffering materials considered in the visual impact analysis shall not be removed by future development on the site;
 - (9) Screening and buffering materials considered in the visual impact analysis shall be replaced if they die;
 - (10) Prohibited plant species, pursuant to Article 7.F, Perimeter Buffer Landscape Requirements, shall not be considered in the visual impact analysis; and,
 - (11) Any additional information that may be required by the Zoning Director to fully review and evaluate the potential impact of the proposed communication tower.
- 4) In addition to all other applicable standards of the Code, the following visual impact standards may be applied when a visual impact analysis is required for any application to construct a tower.
- a) At least 25 percent of the tower height is screened from all streets other than expressways, or Arterials and Planned Collector Streets with five lanes or more.
 - b) At least three specific points from adjacent streets, shall be identified, subject to approval by the Zoning Director, for conducting the visual impact analysis.
 - c) The results of the line of site analysis performed as part of the visual impact analysis.
 - d) The distance a proposed communication tower, including anchors for guy wires, and guy wires are proposed to be setback from surrounding properties such that its height, bulk and scale is compatible with surrounding residential and nonresidential uses.
 - e) At least 25 percent of the tower is screened from view from a majority of the points selected by the Zoning Director for the visual impact analysis.
 - f) The degree or amount of buffering or screening materials permanently included as part of the application.
- 5) The visual impact analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor and mapper registered in the State of Florida. PBC, at the expense of the applicant and at its own discretion, may employ such consultants as are necessary to review and evaluate the visual impact analysis.

J. Prior Approvals

The style, height, and overall appearance of any tower or communications facility constructed pursuant to these regulations shall be consistent with plans and elevations submitted as part of an application for development approval. The DRO shall have the authority to approve additions or minor modifications, which do not materially modify the appearance of a tower as approved by the ZC or BCC. Modification which cannot be approved by the DRO shall be subject to a development order amendment as provided in this Code.

K. Consultant Services

A qualified telecommunication consultant shall be selected and retained by the Zoning Director, and paid for by an applicant, to review technical documents related to the siting of communication towers and facilities. The consultant may review technical documents, propagation studies and other related documents to determine the following:

- 1. Need for additional towers;
- 2. Existence of incompatibilities between providers that may hinder collocation;
- 3. Necessity of waiver relief to deviate from established dimensional criteria;
- 4. Compliance with the general requirements of this Section; and,
- 5. The applicant shall reimburse PBC for the consultant fees prior to the certification of the application for public hearing process or approval of the application by the DRO.

L. List of Tower Users

The DRO shall maintain a current Communication Tower Users List, which shall be made available upon request, and shall also be published on the Zoning Web site.

M. Intergovernmental Activities

1. Mapping

PBC shall participate in any countywide mapping program to identify proposed and existing tower sites.

2. Notification

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- 1 a. PBC shall participate in an intergovernmental notification program by continuously
- 2 providing information regarding tower construction applications to the PBC
- 3 Intergovernmental Coordination Program Clearinghouse.
- 4 b. All jurisdictions within a two-mile radius of a proposed tower site located in
- 5 unincorporated PBC shall be notified at the time of application submittal.

6 **Section 10 Excavation Uses**

7 **A. Excavation Uses Matrix**

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ARTICLE 4, USE REGULATIONS SUMMARY OF AMENDMENTS

1 B. Common Provisions and General Standards

2 1. Purpose and Intent

3 The purpose of this Chapter is to provide for the health, safety, and welfare of the residents of
4 PBC by ensuring beneficial and sound land management practices associated with
5 excavation and mining activities. To prevent a cumulative negative impact on PBCs natural
6 resources and to achieve these goals, it is the intent of this Section to:

- 7 a. ensure that mining and excavation activities do not adversely impact the health, safety,
8 and welfare of the citizens of PBC;
- 9 b. prevent immediate and long-term negative environmental and economic impacts of poor
10 land development practices;
- 11 c. encourage the use of economically feasible and environmentally sound mining and
12 excavation practices;
- 13 d. preserve land values by ensuring that alteration of a parcel by non-commercial land
14 excavation does not result in conditions that would prevent that parcel from meeting
15 minimum land development requirements for other valid uses;
- 16 e. encourage the rehabilitation of commercially mined sites to other beneficial uses by
17 promoting economical, effective and timely site reclamation;
- 18 f. protect existing and future beneficial use of surrounding properties from the negative
19 effects of excavation and mining;
- 20 g. provide for the off-site disposal of excess extractive material provided that the excavation
21 site is incorporated into the approval of a bona fide site development plan;
- 22 h. establish a regulatory framework of clear, reasonable, effective, and enforceable
23 standards and requirements for the regulation of excavation, mining, and related
24 activities; and,
- 25 i. ensure that excavation and mining activities and resulting mined lakes are not allowed to
26 become public safety hazards, or sources of water resource degradation or pollution.

27 2. Applicability

28 All mining and excavation activities that create a temporary or permanent body of water
29 within unincorporated PBC shall comply with the regulations established in the Code and
30 other State and Local requirements, as applicable.

31 a. Conflicting Provisions

32 In the event that provisions of this Section conflict with regulations of other applicable
33 regulatory agencies, the more restrictive regulations shall apply. Other permitting
34 agencies include but are not limited to SFWMD, Florida Fish and Wildlife Conservation
35 Commission, USACE, DEP, and ERM. [Ord. 2006-004] [Ord. 2013-021]

36 b. Previously Approved Development Orders

37 Applications for excavation and mining projects approved prior to September 25, 1996,
38 may amend the certified site (excavation) plan pursuant to Article 2.D, Administrative
39 Process, to comply with the standards enumerated below provided the standards do not
40 conflict with Development Order conditions. Selective choice of standards shall not be
41 permitted. The DRO may review and approve the excavation plan, pursuant to Article
42 2.D.1, Development Review Officer, provided the subject site complies with the
43 compatibility criteria in Article 4.B.10.C.5.i.2), Type 3A Excavation, and the technical
44 standards in Article 4.B.10.B.7, Technical Standards, and provided there is no increase
45 in the land area, excavated surface area, quantity of excavated material, or intensity as
46 approved by the BCC in the original Development Order. Any increase shall require
47 approval of a Development Order Amendment by the BCC pursuant to Article 2.B, Public
48 Hearing Process. Applicable standards include:

- 49 1) Article 4.B.10.B.7.a, Operational Standards and Requirements;
- 50 2) Article 4.B.10.B.7.b, Construction Standards, excluding depth;
- 51 3) Article 4.B.10.B.7.c, Reclamation Standards;
- 52 4) Article 4.B.10.C.5.i.2)b)(3), Buffer; and,
- 53 5) Article 4.B.10.B.7.e, Maintenance and Monitoring.

54 3. Excavation Types

55 Excavation or mining activities shall not be conducted unless such activities are deemed
56 exempt or an approval has been issued in accordance with this Section. The types of
57 excavation that are allowed are as follows:

58 a. Agricultural Excavation

59 Approval process for Agricultural Excavation is administered by ERM and PZB.
60 Application procedures and requirements are subject to Article 4.B.10.C.1, Agricultural
61 Excavation. Agricultural Excavation in the WCAA are administered by ERM. Application
62 procedures and requirements are in Article 4.B.10.C.1.i, WCAA Excavation.

63 b. Type 1 Excavation

64 Two approval processes (Types 1A and 1B) are administered by PZB for excavations on
65 single-family lots. Application procedures and requirements are in Article 4.B.10.B.5.a,
66 Content of Application.

67 c. Type 2 Excavation

68 The approval process for Type 2 Excavation is administered by PZB and ERM.
69 Application procedures and requirements are in Article 4.B.10.B.5.b, Additional
70 Application Requests for Type 2, Type 3A and Type 3B.

71 d. Type 3 Excavation

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Two approval processes for commercial mining excavation activities (Type 3A and Type 3B) are administered by PZB and ERM. Application procedures and requirements are in Article 4.B.10.B.5, Supplemental Application Requirements.

4. Prohibitions and Exemptions

a. Prohibitions

Excavation and mining activities shall be prohibited in the following areas:

- 1) RR-20 FLU Designation.
- 2) The Pleistocene Sand Ridge.
- 3) An archeological site, unless approved and requested as a Class A Conditional Use.
- 4) Publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands.
- 5) Areas otherwise prohibited by this Section.

b. Exemptions

The following excavation activities shall be exempt from the requirements of this Section:

1) Existing Lakes

Existing mined lakes approved prior to June 16, 1992 that have a valid Development Order which complies with the criteria below shall be exempt from the requirements of this Section. If an amendment is proposed that deviates from the original approval, then a Development Order Amendment shall be requested pursuant to Article 2.B, Public Hearing Process, and shall comply with the provisions in Article 1.F, Nonconformities. **[Ord. 2010-022]**

- a) Regulated by a National Pollutant Discharge Elimination System Permit; or
- b) Regulated by a Florida Department of Environmental Protection (DEP) industrial wastewater operation permit; or
- c) Located within an approved residential, commercial, industrial or mixed-use development and function as a stormwater management facility pursuant to:
 - (1) A surface water management construction permit issued by the SFWMD; or,
 - (2) A conceptual permit issued by the SFWMD that delineates proposed littoral slopes of the excavated lake(s) conducive for planting; or
 - (3) An applicable Land Development Permit depicting proposed littoral and upland slopes of a mined lake. As long as the existing excavated lake continues to meet the water quality standards contained in Chapter 62-302, F.A.C. **[Ord. 2010-022]**

2) Pools

Swimming pools, pursuant to Article 5.B, Accessory Uses and Structures.

3) Small Ponds

Ponds accessory to a principal use, such as lily ponds, goldfish ponds, reflecting ponds, and other small ornamental water features with a maximum depth of four feet OWL and not exceeding 500 square feet in surface area.

4) Cemeteries

Burial plots in approved cemeteries.

5) R-O-W

Excavation in a road R-O-W, when the road is under construction. To qualify for this exemption, excavation shall be performed by PBC, the FDOT or any Water Control District created by special act to operate under FS. Ch. 298.(95) Excavation activity located outside the R-O-W boundary, performed to accommodate roadway drainage, and which creates a permanent open body of water for a period of 180 days or more, shall comply with the standards of a Type 2 Excavation in Article 4.B.10.C.4, Type 2 Excavation.

6) Utilities

Excavations necessary for the installation of utilities, including septic systems.

7) Man-made Drainage Structures

The repair, reconstruction and maintenance of existing non-tidal man-made canals, channels, control structures with associated riprap, erosion controls, intake structures, and discharge structures, provided:

- a) All spoil material is deposited directly to a self-contained upland site, which will prevent the release of material and drainage from the spoil site into surface waters of the State;
- b) No more dredging is performed than is necessary to restore the canal, channels, and intake, and discharge structures to original design specifications or as amended by the applicable permitting agency; and,
- c) Control devices in use at the dredge site that prevent the release of turbidity, toxic, or deleterious substances into adjacent waters during the dredging operation.

8) WCAA Canals

Canals of conveyance located in the WCAA which require permits from SFWMD or DEP, provided the permitted project does not exceed 15 feet in depth from OWL.

9) Mitigation Projects

Mitigation projects permitted by SFWMD, DEP, or ERM, pursuant to F.S. Chapters 403 and 373, and Chapter 62-312, F.A.C., as amended, and Article 14, Environmental Standards, including projects approved to implement an adopted

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Surface Water Improvement & Management (SWIM) plan, provided the permitted project depth does not exceed 20 feet from OWL or 15 feet from OWL in the WCAA. Projects proposed to exceed these depths shall comply with Article 4.B.10.B.5, Supplemental Application Requirements, the administrative waiver requirements of Article 4.B.10.B.8, Administration and Enforcement, and the technical standards of Article 4.B.10.B.7.a, Operational Standards and Requirements, Article 4.B.10.B.7.b.1), Separation, Article 4.B.10.B.7.b.2), Slopes, Article 4.B.10.B.7.c, Reclamation Standards, and Article 4.B.10.B.7.d, Performance Guarantee Requirements.

10) Wetlands

Excavation activities within jurisdictional wetlands that have been issued permits pursuant to Wetlands Protection requirements or have been issued a permit for wetland impacts through the Environmental Resource Permit (ERP) process by DEP, USACE, SFWMD, or any other agency with ERP delegation for PBC. [Ord. 2006-004]

11) Agricultural Ditches

Agricultural ditches supporting vegetation production which meet the standards of Bona Fide Agriculture (i.e. groves, row crops, hay, and tree farming) constructed solely in uplands that are less than six feet in depth from OWL. These ditches shall not connect to canals of conveyance or waters of the State without the appropriate Federal, State, and Local approvals and permits.

12) De Minimis Impact

Those projects for which ERM and PZB approval is necessary and both departments determine that there will be no significant adverse environmental or land use impacts. A de minimus determination from one agency does not constitute approval by the other.

13) Canals of Conveyance

Canals of conveyance that require permits from SFWMD, USACE, DEP, or ERM pursuant to Wetlands Protection requirements. [Ord. 2006-004]

14) Excavation by Public Agencies

a) Excavation performed by or special districts created by special legislative act governed by the BCC, provided such excavation complies with the following: [Ord. 2008-037]

(1) solely under the jurisdiction, authority, and control of PBC, or the applicable district. [Ord. 2008-037]

(2) completed, operated, and maintained in perpetuity by PBC, or the applicable special district, [Ord. 2008-037]

(3) an official part of the operation and function of PBC, or the applicable special district. [Ord.2008-037]

(4) In order to be exempt under this provision, the PBC Department or applicable district shall: [Ord. 2008-037]

(a) schedule and conduct a public hearing; the notice of the public hearing shall be published at least seven days prior to the hearing, in a newspaper of general circulation,

(b) provide written notice of the intent to engage in excavation activities subject to a permit issued by the SFWMD or the FDEP to the Executive Director of PZB and the Director of ERM at least 30 days prior to the commencement of construction activity, and, [Ord. 2008-037]

(c) provide written notification of the public hearing required above to the Executive Director of PZB and the Director of ERM at least 30 days prior to the public hearing.

(5) For excavations greater than the maximum depth listed in Article 4.B.10.C.1.c and Article 4.B.10.C.2.g, the chloride and TDS requirements shall apply. [Ord. 2008-037]

b) Excavations, Canals, Impoundments

Excavations, canals, impoundments, regional stormwater treatment areas, and related projects to enhance water quality, water supply, environmental quality, and natural resources operated by the SFWMD, ACOE, or water control districts or improvement districts created pursuant to F.S. Chapter 298 and within PBC. [Ord. 2008-037]

5. Supplemental Application Requirements

a. Content of Application

All Type 1B, Type 2, Type 3A and Type 3B Excavations shall supplement the applicable application requirements with the material and information listed below:-

1) Statement

Application listing the nature of the excavation operation, including but not limited to:

- a) amount and type of materials to be excavated;
- b) duration of the excavation activity and reclamation activity;
- c) the proposed method of excavation;
- d) the amount of fill to remain on site;
- e) if permitted, the amount of fill to be removed from site; and,

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f) intent to comply with Article 9.A, Archaeological Resources Protection.

2) **Site Plan**

A site plan depicting:

- a) Boundaries, dimensions and acreage of the site and excavated surface area(s);
- b) All existing and proposed improvements including easements, streets, weigh stations, and other structures;
- c) Setbacks and separations;
- d) Preservation areas;
- e) Water table elevations, including Ordinary Water Level.

b. **Additional Application Requests for Excavation Type 3A and Type 3B**

All applications for Type 3A and Type 3B Excavations shall require the additional information listed below.

1) **Soil Statement**

A statement certified by an engineer indicating the type of soils to be excavated and that the soils are suitable for road or structural fill construction or the soil contains excessive amounts of silt, rock, or muck.

2) **Site Plan**

A site plan depicting:

- a. Article 4.B.10.B.7.a, Operational Standards and Requirements, as applicable;
- b. Equipment storage, and stockpile areas, including sizes and heights; and,
- c. *Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of excavated material.*

3) **Landscape Plan**

A landscape plan indicating the buffers and reclamation planting required.

4) **Cross Sections**

Cross Sections delineating compliance with the following requirements, as applicable:

- a) Article 4.B.10.B.7.b, Construction Standards;
- b) Article 4.B.10.B.7.c, Reclamation Standards; and,
- c) Buffer details.

5) **Operations Plan**

An operations plan shall be submitted in the form of a statement and include the methods of material extraction, on site processing, including erosion and sediment control methods, and particulate matter control. The plan shall also delineate how impacts from hauling operations will be controlled.

6) **Haul Route Plan**

A map indicating all possible proposed haul routes within the radius of impacts. Radius of impact is defined as the primary street system commencing at the access point of the excavation site and extending out along all streets in all directions to the closest Arterial or Plan Collector Street.

7) **Additional Information**

a) **Report Schedule**

Report Schedule, pursuant to Article 4.B.10.B.7.e, Maintenance and Monitoring.

b) **Location Map**

Surrounding uses map depicting the location of the outer boundary of area to be excavated and distances to surrounding land uses; including all residences within the applicable specified distance in the separation standards in Article 4.B.10.C.5.i, Compatibility Standards.

c) **Phasing Plan**

A phasing plan and tabular data depicting acreage, location, sequence of operations and schedule of reclamation requirements.

d) **Tree Survey**

A tree survey, as required by Article 4.B.10.B.7.c.4)d), Calculating Planting Requirements.

6. **Notice of Intent to Construct**

All applications for Agricultural, WCAA, Type 2 Excavation, and Type 3 mining activities shall submit a Notice of Intent to Construct in accordance with the provisions below:

a. **Notice of Intent**

Prior to commencement of any on-site excavation or mining activities, a Notice of Intent to Construct shall be submitted to and receive written approval from ERM.

b. **Contents of Notice of Intent to Construct**

The following information shall be included with the completed Notice of Intent to Construct form:

- 1) paving and Drainage plans, if applicable;
- 2) preliminary plat, if applicable, and restrictive covenant, pursuant to Article 4.B.10.B.7.c.5), Area of Record;
- 3) Article 4.B.10.B.7.c.3), Littoral Planting Reclamation Standard; **[Ord. 2005 – 002]**
- 4) Master Plan, showing all phases of development, if applicable; and, **[Ord. 2005 – 002]** Items 1 and 2 (preliminary plat) shall be signed and sealed by a certified engineer or surveyor as applicable, recognized and approved by the Florida Department of Professional Regulation (FDPR).

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ARTICLE 4, USE REGULATIONS
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1 5) methods of stormwater pollution prevention if construction of the project may result in
2 an area of exposed soil greater than one acre subject to Federal National Pollution
3 Discharge Elimination System (NPDES) stormwater regulations, a copy of the on-site
4 Stormwater Pollution Prevention Plan shall be submitted as part of the permit
5 application. [Ord. 2005 – 002]

6 **c. Agriculture Excavation**

7 All Agricultural and WCAA excavation shall submit a detailed explanation of the proposed
8 Bona Fide Agriculture use. This explanation shall demonstrate consistency with
9 applicable industry standards and shall satisfy the definition requirements of Bona Fide
10 Agriculture pursuant to Art. 1.I, Definitions and Acronyms.

11 **d. Type 3 Exceptions**

12 A Type 3 application shall include documentation of an approved for Class A Conditional
13 Use pursuant to Article 2.B, Public Hearing Process.

14 **e. Written Approval**

15 ERM shall issue a written approval to the applicant within 30 days upon receipt of a
16 Notice of Intent to Construct and appropriate fee with all information necessary to
17 demonstrate that the provisions of this Section will be met, and confirmation by the Land
18 Development Division that all necessary approvals for County R-O-Ws have been issued.

19 **7. Technical Standards**

20 **a. Operational Standards and Requirements**

21 All excavation types shall comply with the following operational standards, unless
22 specifically exempt or prohibited pursuant to this Section.

23 **1) Hours of Operation**

24 All excavation and hauling activity, except dewatering, shall only occur between the
25 hours of 7:00 A.M. and 7:00 P.M. Monday through Friday, unless otherwise specified
26 in this Section.

27 **2) Objectionable Odors**

28 The excavation activity shall be conducted in such a manner as to prevent the
29 occurrence of odors which can be detected off the premises.

30 **3) Emission of Fugitive Particulate Matter**

31 Excavation operations, including hauling activity, shall be conducted to prevent the
32 emission of dust or other solid matter into the air or onto adjacent properties pursuant
33 to the smoke, emissions and particulate matter provisions in Article 5.E, Performance
34 Standards, and Rule 62-296, F.A.C.

35 **4) Existing Topsoil**

36 Where feasible, existing topsoil shall be stored and redistributed on site to provide
37 adequate growing conditions for the revegetation of plant species. Where such
38 storage is not feasible, the area shall be restored with soil of an equal or better
39 quality than that of the excavated topsoil and be redistributed to provide adequate
40 growing conditions.

41 **5) Equipment Storage, Maintenance and Service Areas**

42 Equipment storage, maintenance and service areas shall be setback a minimum 200
43 feet from all property lines abutting a residential district or use. The equipment
44 storage area shall be designed such that noise generated by the equipment is
45 muffled in order to comply with the noise performance standards in Article 5.E,
46 Performance Standards.

47 **6) Regulated Substances**

48 All storage and use of regulated substances shall comply with local, state, and
49 federal regulations. All regulated substance dispensing areas shall comply with Best
50 Management Practices. Any spill of any regulated substance shall be reported to the
51 PBCHD within one hour and to ERM within one hour or at the beginning of the next
52 business day.

53 **7) Dewatering**

54 Dewatering shall not be allowed unless permitted by a State agency, Federal agency,
55 the SFWMD, or the dewatering operation is in compliance with conditions of F.A.C.
56 40E-20.302(3). If dewatering is permitted, pumps shall be located, submerged,
57 buried, or encased in an insulated structure in order to comply with the noise
58 standards in Art. 5.E, Performance Standards. [Ord. 2005 – 002]

59 **8) Access to Public Prohibited**

60 Signs shall be posted prohibiting access to the general public while excavation and
61 reclamation activity is being conducted.

62 **9) Retail Sale of Material**

63 The retail sale of excavated material shall not be permitted on site.

64 **10) Hauling Standards**

65 **a) General**

66 (1) All trucks hauling material from sites that permit off-site removal shall be
67 covered to prevent debris and fill from spilling onto the roadway.

68 (2) The hauler shall employ measures acceptable to the PBCHD, and any
69 applicable road maintenance authority, to ensure that roads are properly
70 maintained and kept free of fugitive particulate matter.

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ARTICLE 4, USE REGULATIONS
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1 (3) The BCC may require special conditions, including, but not limited to
2 construction of turn lanes and other roadway improvements necessary to
3 provide safe traffic movement.

4 (4) All vehicles used to haul excavated material shall use the approved haul
5 routes. Vehicles shall not use Local Residential Streets to access Arterial or
6 Collector Streets.

7 **b) Executed Agreement**

8 The BCC or the County Engineer may require an executed agreement between
9 the applicant and the County Engineer and other applicable road maintenance
10 authorities which may include but not be limited to documentation of the existing
11 conditions of the streets within the radius of impact, as defined in Art.
12 4.B.10.B.5.b.6), Haul Route Plan. The agreement shall include a description of
13 the hauling operations including but not limited to the number of trips (as
14 approved in the original Development Order), duration of excavation and hauling
15 activity, truck size and weights and the existing conditions of all possible streets
16 designated as haul routes, as well as any requirements for periodic inspections,
17 financial guarantees and the applicant's other responsibilities.

18 **11) Phasing**

19 In the event the excavation activity is conducted in phases, the phasing plan required
20 by Article 4.B.10.B.7.a, Operational Standards and Requirements, shall be subject to
21 Article 2.E, MONITORING, Table 2.E.3.B, Time Limitation of Development Order for
22 Each Phase, and the requirements in Article 4.B.10.B.7.c, Reclamation Standards.
23 All excavation types, except Type 3A and Type 3B shall comply with Article 2.E,
24 MONITORING, which limits the project to two primary phases for the purposes of
25 monitoring commencement of the Development Order. Additional sub-phases may
26 be permitted for each primary phase for the purposes of conducting the excavation
27 activity in accordance with this Section. For Type 3A and Type 3B Excavations, the
28 number of phases and the duration of each phase shall be established as a condition
29 of approval. When establishing the condition of approval for the number and duration
30 of each phase, the BCC shall consider the size of the proposed excavation project,
31 existing and proposed surrounding land uses, surrounding FLU designations, and
32 other pertinent information.

33 **12) Sound Insulation**

34 All machinery, heavy equipment and vehicles utilized for excavation and hauling
35 purposes shall be equipped with double mufflers to reduce airborne noise caused by
36 excavation operations.

37 **b. Construction Standards**

38 All excavation types shall comply with the following construction standards, unless
39 exempt.

40 **1) Separation**

41 Separations shall be measured from the top of bank of the nearest excavated area to
42 the property line or designated area in any given direction as defined below:
43 Excavation shall not be constructed within:

- 44 a) wellfield Zone 1 or 300 feet from a public water supply well, whichever is more
45 restrictive;
- 46 b) 200 feet from a wetland or in a wetland, unless approved by ERM;
- 47 c) 300 feet from a Class 1 or Class 2 Landfill;
- 48 d) 300 feet from a site with known contamination;
- 49 e) 100 feet from a septic system or sanitary hazard;
- 50 f) 100 feet from a potable water well, except for Type 1A and Type 1B Excavations;
51 or
- 52 g) 200 feet from publicly owned conservation areas, publicly owned preservation
53 areas or environmentally sensitive lands, unless approved by ERM.

54 **2) Slopes**

55 **a) Slope Angle**

56 Slopes for all excavation types with unplanted littoral zone areas shall be no
57 steeper than four feet horizontal to one foot vertical to a minimum depth of minus
58 two feet OWL. Slopes below the minus two feet depth shall not exceed two feet
59 horizontal to one foot vertical or the natural angle of repose for the specific
60 conditions encountered. Grades and slopes shall be constructed in such a
61 manner as to minimize soil erosion and to make the land surface suitable for
62 revegetation. The slopes shall be adequately vegetated with appropriate ground
63 cover from top of bank to edge of water within 30 days of final grading and
64 thereafter maintained to prevent wind and water erosion.

65 **b) Slope for Planted Littoral Zones**

66 The slope for excavation with planted littoral zone areas shall be no steeper than
67 ten feet horizontal to one foot vertical to a distance of five feet waterward of the
68 designated planted littoral zone area. Shallower slopes are encouraged to
69 promote greater success of the littoral zone plantings. A copy of the record
70 drawings certified by a surveyor or engineer recognized and approved by FDPR

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1 shall be submitted to ERM within 30 days following completion of slope
2 construction.

3 **(1) Inspection**

4 Within 48 hours prior to completion of construction of the required slopes for
5 the planted littoral zones, notification to ERM is required in order to schedule
6 a slope inspection.

7 **c) Drainage**

8 Overland sheet flow directly into an excavated area shall be minimized. Those
9 areas within a maximum of 50 feet of the excavated lake may discharge run-off
10 to the lake. This restriction shall not apply to any catchment area discharging
11 runoff to a lake designated as a water management tract and incorporated in an
12 approved stormwater management plan for treatment and control of runoff from a
13 development site, where the boundaries of said catchment are delineated on an
14 approved plan.

15 **3) Final Site Conditions**

16 No sharp declivities, pits, depressions, or debris accumulation shall remain after
17 reclamation. Final grading shall conform to the contour lines and grades on the
18 approved reclamation plan.

19 **c. Reclamation Standards**

20 **1) General**

21 **a) Types of Reclamation**

22 Four types of reclamation standards are defined below. Reclamation standards
23 vary based on the type of excavation activity as set forth in Article 4.B.10,
24 Excavation Uses.

25 **(1) Excavated Area**

26 This area includes the depth of a lake and all slopes waterward of the top of
27 bank, excluding littoral plantings.

28 **(2) Littoral Planting**

29 This area includes all plantings waterward from edge of OWL or plus one
30 (+1) OWLs.

31 **(3) Upland**

32 This area includes the land area landward of the top of bank and requires
33 that a minimum area of land be maintained or created around the perimeter
34 of an excavated area to preserve future use of the land.

35 **(4) Upland Planting**

36 This area includes all plantings landward of the top of bank and requires
37 stabilization of soil and re-establishment of native upland vegetation.

38 **2) Excavated Area Reclamation Standard**

39 All slopes shall be reclaimed in accordance with Article 4.B.10.B.7.b, Construction
40 Standards, and in Article 4.B.10.B.7.c, Reclamation Standards. Areas not required to
41 be stabilized with littoral plantings shall be stabilized and planted with appropriate
42 ground cover from top of bank to the edge of the water. If seeding is used, a
43 minimum of 50 percent coverage shall be required. The depth of the lake and side
44 slopes shall be comply with Article 4.B.10.B.7.b, Construction Standards.

45 **3) Littoral Planting Reclamation Standard**

46 All Agricultural (excluding WCAA), Type 2 and Type 3 Excavations, excluding ponds,
47 shall comply with the following littoral zone standards. Exempted excavations within
48 the WCAA shall provide a littoral zone if the land use ceases to be agricultural. **[Ord.**
49 **2006-004]**

50 **a) Planted Littoral Zones**

51 Planted littoral zones shall be provided which comprise, at a minimum, an area
52 equivalent to eight square feet per linear foot of shoreline. Creativity in design in
53 the placement of the planted littoral zone is strongly encouraged, such as
54 extended areas in one portion of the lake or at the discharge point. For basins
55 with multiple lakes that are interconnected, littoral zones may be concentrated
56 within one or more lakes so long as the basin as a whole contains the total
57 required littoral area. The planted littoral zone area shall be limited to the area
58 between one foot above OWL and two feet below OWL. If the applicant
59 demonstrates to ERM that the planted littoral area elevations should differ from
60 this requirement based on site specific conditions and based on fluctuations
61 around the OWL, ERM may approve planted littoral area elevations other than
62 those elevations stated above. Requirements for littoral zone planting shall be in
63 addition to any planting for wetland mitigation required by DEP, SFWMD,
64 USACE, ERM or any other agency with wetland jurisdiction. **[Ord. 2005 – 002]**
65 **[Ord. 2006-004]**

66 **b) Vertical Walls**

67 Vertical walls, bulkheads or other means of hardening the shoreline may be
68 allowed, however, for each linear foot of vertical wall, an additional eight square
69 feet of planted littoral zone shall be required. Thus every linear foot of vertical
70 wall shall require 16 square feet of planted littoral zone to be planted.

71 **c) Planting Requirements**

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1 The littoral zone shall be provided with a minimum of six inches of a sand topsoil
2 mix to promote vegetative growth for those areas that do not have adequate soil
3 conditions to ensure plant survivorship. The littoral zone shall be planted with at
4 least five species of appropriate native wetland vegetation, with an average
5 spacing of two feet on center or as approved by ERM. The design and species
6 used shall be such that the plants have an anticipated minimal 80 percent
7 coverage. This criterion shall be met from the 180-day monitoring period, and in
8 perpetuity. The Director of ERM shall maintain a list of acceptable plant species
9 for use in their appropriate elevations within the littoral zones. The list may be
10 amended for general application as more information becomes available. The list
11 shall be open for public inspection and distribution.

12 **d) Timing of Planting**

13 Planting of the excavated lake or pond shall occur no later than immediately prior
14 to the issuance of the first certification of occupancy for any lot adjacent to or
15 abutting the bank of that lake. ERM may approve in writing a phasing plan for
16 planting large single lake systems or interconnected multi-lake systems that
17 would allow lake planting to be phased. At all times, applicant is responsible for
18 minimizing erosion of the littoral shelves until the planting is completed. ERM
19 shall be notified within 48 hours prior to completion of the littoral zone planting.

20 **e) Littoral Planting Plans**

21 The plans shall detail the species and numbers of plants to be used, the location
22 and dimensions of the littoral areas, including any compensatory littoral areas, if
23 applicable; typical cross Section of planted littoral zones from lake maintenance
24 easements to the maximum depth of the lake; the location and dimensions of any
25 structure for which a compensatory littoral area is required; the methods for
26 planting and ensuring survival of the plants; and other reasonable information
27 required by the Director of ERM.

28 Projects which are proposed to be conducted in phases, shall include plans
29 which delineate the phases of excavation and shall include guarantees for each
30 phase.

31 The signatory of the plans and specifications shall have a personal familiarity
32 with the site and soil conditions based upon a field review.

33 **4) Upland Reclamation Standards**

34 Upland reclamation standards apply to Type 2 and all Type 3 Excavations only.

35 **a) Reclamation Plan**

36 **(1) General**

37 A site reclamation plan shall be submitted as an integral part of the
38 application for a Type 2 or Type 3 Excavation and shall be approved by DRO
39 prior to commencement of work. Reclamation is required to ensure a viable
40 end use for the excavation site. The plan shall demonstrate compliance with
41 the requirements in Article 4.B.10.B.7, Technical Standards, except for the
42 littoral planting plan which has its own application submittal requirements.
43 However, the reclamation plan submitted to DRO shall indicate the littoral
44 planting areas.

45 **(2) Type 2 Excavation**

46 The certified final site development plan shall function as the standards
47 required for the final development plan.

48 **(3) Type 2 Excavation Exceeding Off-Site Removal Limitations**

49 As set forth in Article 4.B.10.C.4, Type 2 Excavation, shall be classified as a
50 Type 3A Excavation when the applicant proposes to remove more than ten
51 percent of the fill off-site. Notwithstanding final site plan certification, the final
52 site development plan shall function as the reclamation plan and planting
53 requirements shall be met in accordance with the landscape requirements for
54 the final site development plan. In such cases, the BCC may waive all or
55 modify a portion of the explicit upland reclamation planting requirements
56 defined below based on the ultimate use of the site. The BCC may require
57 that the upland reclamation plantings defined below be incorporated into the
58 open space pedestrian system as defined on the final site development plan.

59 **(4) Type 3 Excavation**

60 The reclamation plan for a Type 3 Excavation shall comply with the upland
61 reclamation standards in this Section.

62 **b) Perimeter Reclamation**

63 At a minimum, 75 percent of the perimeter of the excavated area shall have a
64 width of 180 feet; and the remaining 25 percent shall have a width of 100 feet. All
65 disturbed and reclaimed areas shall be planted or seeded with a permanent
66 native ground cover to reduce the loss of topsoil due to water and wind erosion,
67 to provide adequate growing conditions for reclamation planting requirements
68 and to prevent the establishment of prohibited plant species.

69 **c) Timing of Upland Reclamation**

70 Reclamation shall occur immediately following the end of excavation or
71 immediately following each phase of excavation, whichever occurs first. Upon

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1 commencement of reclamation and rehabilitation of the initial phase of this
2 excavation, the next phase of excavation may commence upon written
3 authorization by DRO. The applicable guarantee must be on file prior to
4 authorization for the commencement of excavation on any subsequent phase.

5 **(1) Timing of Planting**

6 If excavation activity is phased, planting shall occur at the completion of each
7 phase. Planting of the reclaimed upland area should occur during the rainy
8 season (June-October), within six months after completion of the excavated
9 area or phase thereof, as applicable. The property owner shall ensure that
10 proper watering and maintenance occurs in order to ensure a successful
11 survival rate. If planting does not occur during the rainy season, then the
12 property owner shall provide irrigation to establish the new plantings. PZB
13 shall be notified 48 hours prior to completion of the upland plantings.

14 **d) Calculating Planting Requirements**

15 In addition to the buffer requirements in Article 4.B.10.C.5, Type 3 Excavation,
16 the following upland planting requirements shall apply.

17 **(1) Sites Supporting Native Vegetation**

18 Calculations to determine the reclamation planting requirements for sites
19 supporting native vegetation shall be based on the existing tree cover.
20 Controlled or prohibited species shall be exempt from this calculation. In
21 addition, any tree species located within the required perimeter buffer area
22 shall also be exempt. If no vegetation exists, the applicant shall demonstrate
23 that the site was cleared before 1986 or has been issued and has complied
24 with a vegetation removal permit.

25 A certified tree survey shall be submitted by either a landscape architect,
26 forester, land surveyor, or engineer who is registered in the State of Florida.
27 This count shall include all existing on-site native trees with a trunk diameter
28 three inches or greater to be measured at four and one-half feet above the
29 ground. The number of existing trees meeting this criterion shall then be
30 divided by the total number of acres to obtain a tree-per-acre figure. The
31 number of replacement trees to be planted at the time of final site
32 reclamation shall be determined by multiplying the trees-per-acre figure by
33 the number of required reclaimed land acres remaining at the time of final
34 site reclamation. Credit shall be given by PZB for existing trees greater than
35 three inches in diameter which are relocated and/or adequately protected
36 during excavation. Any trees relocated and/or protected shall be deducted
37 from the replacement tree count requirement. The trees to be replanted shall
38 be native and a minimum eight feet high. In addition, two understory 18 inch
39 high seedlings shall be planted for each tree required to be planted.

40 **e) Upland Planting Reclamation Standards**

41 The upland reclamation plantings may be clustered in one area of the reclaimed
42 upland area or dispersed throughout the reclaimed upland area. No minimum or
43 maximum area is required, except as a condition of approval, as long as the
44 vegetation is planted in accordance with standards set forth in Article 7.F,
45 Perimeter Buffer Landscape Requirements, and Article 14.C, Vegetation
46 Preservation and Protection. A minimum of five native plant species shall be
47 used to fulfill the planting requirements. The design and species used shall be
48 such that the plants have an anticipated minimal survival rate of at least 80
49 percent at the end of each monitoring period.

50 **f) Plan Requirements**

51 The upland reclamation planting plan shall be submitted to the DRO
52 simultaneously with the application for the final site plan.

53 (1) The signatory of the plans and specifications shall have personal familiarity
54 with the site and soil conditions based upon a field review. The plans shall be
55 signed and sealed by a professional Landscape Architect certified by the
56 Florida Department of Professional Regulation.

57 (2) At a minimum, the plans shall detail the location, species and numbers of
58 plants to be used, and the methods for planting and ensuring survival of the
59 plants, and other reasonable information required by ERM.

60 **g) Phased Projects**

61 In the event that upland reclamation is to be conducted in phases, the following
62 additional requirements shall apply:

63 (1) A phasing plan shall be submitted indicating:

- 64 (a) exact acreage of each phase;
- 65 (b) proposed duration of excavation and reclamation of each phase; and,
- 66 (c) number of trees to be planted.

67 **5) Area of Record**

68 All reclaimed littoral and upland planting areas shall be identified graphically and in
69 writing on a separate restrictive covenant. The graphic shall be signed and sealed by
70 a certified engineer or surveyor as applicable, recognized and approved by the
71 FDPR. If a plat is required, pursuant to Article 11, SUBDIVISION, PLATTING, AND

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1 REQUIRED IMPROVEMENTS, all planted littoral zones and upland reclamation
2 planting areas shall be identified by reference to the restrictive covenant. The plat
3 and restrictive covenant shall be reviewed and approved by the Zoning Division,
4 ERM, and the County Attorney's office prior to recordation. A copy of the plat, if
5 applicable, and recorded restrictive covenant shall be provided to ERM and PZB,
6 prior to issuance of written approval of the Notice of Intent to Construct. Within 30
7 days following plat recordation, a copy of the recorded plat shall be provided to ERM
8 and Zoning Division.

9 The littoral area and reclaimed upland planting area shall be specifically and
10 separately reserved to the owner, or if applicable, to the property owners' association
11 as its perpetual maintenance responsibility, without recourse to PBC or any other
12 governmental entity or agency. The plat, if applicable, restrictive covenant and
13 property owners' association documents, shall contain the following statement:

14 It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations and
15 approvals to alter the approved slopes, contours, or cross sections or to chemically,
16 mechanically, or manually remove, damage or destroy any plants in the reclaimed
17 areas and planted littoral zone except upon the written approval from the Director of
18 ERM or Zoning, as applicable. It is the responsibility of the owner or property owners
19 association, its successors or assigns, to maintain the required survivorship and
20 coverage of the reclaimed upland and planted littoral areas and to ensure on-going
21 removal of prohibited and invasive non-native plant species from these areas.

22 **d. Performance Guarantee Requirements**

23 **1) General**

24 ERM shall administer guarantee requirements for the excavated area and littoral
25 plantings. The Zoning Division shall administer guarantee requirements for reclaimed
26 upland area, and upland plantings. The Land Development Division shall administer
27 guarantee requirements associated with road maintenance and repair of haul routes
28 if required by the BCC or County Engineer Executed Agreement pursuant to Art.
29 4.B.10.B.7.a.10)b), Executed Agreement.

30 **2) Guarantees Required**

31 The guarantees for phased projects may be bonded separately with approval by the
32 DRO.

33 **a) Agricultural and Type 2 Excavations**

34 Agricultural and Type 2 Excavations shall be required to provide a guarantee for
35 the littoral zones. If approved as a Class A conditional use, guarantees may also
36 be required for the excavated area, upland reclamation (excluding upland
37 plantings) and roadway maintenance and repair.

38 **b) Type 3 Excavation**

39 Approval of at least five guarantees shall be required for Type 3 Excavation:

- 40 (1) excavated areas;
- 41 (2) reclaimed upland areas;
- 42 (3) upland planting areas; and,
- 43 (4) littoral zones.

44 c) Approval may be required for Type 3 Excavation for road maintenance and
45 repair.

46 **3) Execution**

47 The performance guarantee shall be executed by a person or entity with a legal or
48 financial interest in the property. Transfer of title to the subject property shall not
49 relieve the need for the performance guarantee. The seller shall maintain, in full force
50 and effect, the original performance guarantee until it is replaced by the purchaser.

51 **4) Form of Guarantee**

52 The guarantee shall assure the project performs as approved by the BCC and in
53 accordance with the standards of this Code. The guarantee shall take the form of:

- 54 a) A cash deposit or certificate of deposit assigned to PBC;
- 55 b) An escrow agreement for the benefit of PBC;
- 56 c) A performance bond issued by a Florida registered guarantee company which
57 shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of
58 Government Financial Operations. Said bond may be canceled only upon a 60
59 day written advance notice and acceptance of cancellation by ERM, PZB or Land
60 Development Division, as applicable;
- 61 d) An unencumbered, clean, irrevocable letter of credit which must be executed on
62 a form provided by PBC; or
- 63 e) Unless otherwise approved in writing by ERM, PZB or Land Development
64 Division, as applicable, performance bonds or letters of credit shall be on forms
65 provided by PBC.

66 **5) Amount of Guarantee**

67 **a) General**

68 The amount of the guarantees shall be adjusted in accordance with the
69 Consumer Price Index, as provided by the Congressional Budget Office and as
70 approved by the County Attorney's Office.

71 **b) Excavated Area**

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- 1 Guarantee shall be a minimum of 1,000 dollars per acre of permitted excavation
2 area.
- 3 **c) Littoral Zones**
- 4 The guarantee shall be a minimum of 10,000 dollars and shall be an amount of
5 no less than 110 percent of the total estimated cost for planting, maintaining, and
6 monitoring the required littoral shelves. ERM retains the option for requesting a
7 second cost estimate for which the performance guarantee is based.
- 8 **d) Reclaimed Upland and Upland Planting Areas**
- 9 Guarantee shall be a minimum of 10,000 dollars and shall be an amount of no
10 less than 110 percent of the total estimated cost for reclaiming, planting,
11 maintaining, and monitoring the upland area and required upland planting areas.
12 PZB retains the option for requesting a second cost estimate for which the
13 guarantee is based.
- 14 **6) Submittal and Approval of Guarantee**
- 15 Except in the case of an application by a political subdivision or agency of the State,
16 all applicants shall submit the guarantee instruments and obtain approval of the
17 guarantee as provided below.
- 18 **a) Reclaimed Upland Area and Upland Planting Areas**
- 19 Guarantees for the reclaimed upland area and upland planting areas shall be
20 submitted with the DRO application and approved prior to DRO certification of
21 the final excavation plan.
- 22 **b) Excavated Area and Littoral Zones**
- 23 Guarantees for the excavated area and littoral zones shall be approved by ERM
24 prior to issuance of written approval of the Notice of Intent to Construct.
- 25 **c) Road Maintenance and Repair**
- 26 When required, guarantees for road maintenance and repair shall be approved
27 by the Land Development Division prior to issuance by ERM of the applicants
28 Notice of Intent to Construct.
- 29 **7) Duration and Release**
- 30 The guarantee for the excavated area and upland reclamation area of Type 3
31 Excavations may be reduced once the "as-built" plan is approved. However, the
32 guarantee shall continue to cover the upland planting and littoral planting areas until
33 released by Palm Beach County
- 34 **a) Excavated Areas for Type 3 Excavation**
- 35 At the request of the applicant, the guarantees shall be released by ERM, after
36 DRO certification of the final as-built reclamation plan, in accordance with Article
37 4.B.10.C.5.g, Use Approval and Procedures.
- 38 **b) Upland Reclamation Area**
- 39 At the request of the applicant, the guarantees shall be released by PZB, after
40 DRO certification of the final as-built reclamation plan, in accordance with Article
41 4.B.10.B.7.c.5), Area of Record.
- 42 **c) Littoral and Upland Planting Reclamation Areas**
- 43 The guarantees shall remain in effect a minimum of 730 days (two years) after
44 reclamation is completed in accordance with all requirements of this Section.
45 Guarantees shall not be released until approved plats or separate instruments
46 are recorded and proof of recordation is provided to ERM and PZB, pursuant to
47 Article 4.B.10.B.7.d, Performance Guarantee Requirements . Following
48 verification of successful completion of reclamation through approval of the
49 submitted as-builts, area of record, monitoring reports, and, site inspection(s) by
50 ERM and PZB, as applicable, guarantees shall be released.
- 51 **d) Road Maintenance and Repair**
- 52 When required, the guarantee shall be released by the County Engineer and any
53 applicable road maintenance authority after certification of the final phase of the
54 as-built plan and upon final inspection and acceptance of the repair, maintenance
55 and condition of the streets within the radius of impact.
- 56 **8) PBC Use of Guarantee**
- 57 Should PBC find it necessary to use the performance guarantee for corrective work
58 or to fulfill the applicant's reclamation, reconstruction or maintenance obligations as
59 set forth herein, the applicant shall be financially responsible for all legal fees and
60 associated costs incurred by PBC in recovering its expenses from the firm,
61 corporation or institution that provided the performance guarantee.
- 62 **e. Maintenance and Monitoring**
- 63 The following maintenance and monitoring program is required for all planted littoral
64 zones and reclaimed planted upland areas.
- 65 **1) Excavation Activity**
- 66 The applicant shall submit an annual report to the DRO indicating the status of the
67 excavation activity. The report shall include, but not be limited to, the status of:
- 68 a) the current phase(s) of excavation;
- 69 b) all phases of excavation and reclamation activities (including date(s) of
70 completion and anticipated dates of completion);
- 71 c) amount of material extracted and amount of material removed from the site;

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- d) condition of perimeter buffers and landscaping; and,
- e) status of compliance with conditions of approval and applicable requirements in this Section.

2) Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas

The planted littoral zones and planted upland areas shall be inspected and monitored for at least one year after planting. Equipment storage, maintenance and service areas shall be monitored until completion of the excavation activity for contamination by regulated substances. The maintenance and monitoring program shall comply with the following requirements:

a) Maintenance

Inspections, monitoring, exotic plant species removal and replanting during each monitoring period shall be required to maintain the minimum:

- (1) 80 percent coverage criterion for the planted littoral zone from the 180 day monitoring period; and,
- (2) 80 percent survivorship for the planted upland area from the 180 day monitoring period;

b) Exotic Plant Species

Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:

- (1) prohibited and invasive non-native plant species as defined by Article 14.C, Vegetation Preservation and Protection; and,
- (2) invasive species, such as cattails, primrose willows and water hyacinth.

c) Regulated Substances

Inspections and monitoring of all equipment storage, maintenance and service areas shall be required to ensure the site has not been contaminated by regulated substances. Construction areas shall be maintained in accordance with the "Regulated Substance Best Management Practices for the Construction Industry."

d) Submittals for Monitoring Programs

Submittal of monitoring reports for each monitoring period shall be required. The planted littoral zone reports shall be submitted to ERM and the reclaimed upland planting reports shall be submitted to the Zoning Division. These monitoring reports shall represent the monitoring periods commencing with a time zero report, 90 day, 180 day and 360 day reports.

The time zero monitoring report shall be submitted within 30 days of the initial planting. Each subsequent report shall be submitted within 30 days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, PBC finds the planted littoral or reclaimed planted upland areas to be in non-compliance with the provisions herein, the land owner or entity having maintenance responsibility may be required by PBC to extend their maintenance and monitoring period, until compliance with the maintenance and monitoring requirements is met.

e) Content of Monitoring Reports

Each monitoring report, including the time zero report, shall assess the species, numbers, and locations of planted littoral zones and reclaimed upland planting areas. The report shall also depict the equipment maintenance, storage and service areas and assess the condition of the ground as a result of possible leakage or spillage of regulated substances. The report shall include multiple photographs (panoramas are preferred) of the site clearly showing these areas. Photographs must be taken at approximately the same location(s) each time.

In addition, the report shall detail the species, numbers and locations of additional plantings that were made to attain the 80 percent survivorship/coverage criteria, if such plantings were necessary.

3) Long-Term Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas

After the first year, the land owner or entity having maintenance responsibility for the planted littoral zone and planted upland reclamation area, shall maintain these areas in the following manner.

- a) The reclaimed upland areas shall maintain a minimum survivorship of 80 percent, and the planted littoral zone shall maintain a minimum coverage of 80 percent.
- b) Exotic and invasive non-native plant species as defined by Article 14.C, Vegetation Preservation and Protection, such as cattails, primrose willows and water hyacinth, shall be restricted to a coverage of less than ten percent of the required planted littoral zone. No exotic or invasive non-native plant species shall be permitted in the upland areas.

4) Repair, Reconstruction Modification

DRO approval shall be obtained prior to any reconfiguration of the approved lake or reclaimed upland area. Written approval from the Director of ERM shall be obtained prior to modification of the planted littoral zones.

8. Administration and Enforcement

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1 a. **Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type 2**
2 **and Type 3 Excavations**

3 **1) Authority and Criteria**

4 Administrative waivers from the slope, depth, or littoral zone standards contained in
5 Article 4.B.10.B.7, Technical Standards, for Agricultural, WCAA, Type 2, and Type 3
6 Excavations may be granted by ERM in accordance with the standards of this
7 Section. ERM may grant the waivers to an applicant upon demonstration by a
8 preponderance of evidence, that such administrative waivers will not be injurious to
9 the area involved or otherwise detrimental to the public welfare, and that special or
10 unique circumstances exist to justify the administrative waivers based on one or more
11 of the following conditions:

- 12 a) That the literal application of these standards will create an unreasonable
13 hardship and that the special and unique circumstances do not result from the
14 actions of the applicant;
- 15 b) That a request for relief from the littoral planting requirements include an
16 alternative plan with a contribution to the Pollution Recovery Trust Fund of twice
17 the amount calculated by the formula for a guarantee located in Article
18 4.B.10.B.7.d.5)c), Littoral Zones and for review and approval by the Director of
19 ERM. If the littoral zone had been depicted on the site or master plan, a
20 modification of the plan shall be processed in order to delete the littoral zone
21 from the plan; **[Ord. 2013-001]**
- 22 c) That appropriate technology and methods will be used to ensure consistency
23 with the intent of the Code; or,
- 24 d) The proposed administrative waiver will not be adverse to the general intent and
25 purpose of this Section.

26 **2) Limitations**

27 No administrative waiver shall be approved for those separation items in Article
28 4.B.10.B.7.b, Construction Standards, unless the item specifically allows approval by
29 ERM; nor for any mining or excavation operation location which will reduce hydraulic
30 recharge distances to a public water supply well in excess of two percent; nor within
31 200 feet of a publicly-owned conservation area, environmentally sensitive land area,
32 or publicly-owned preservation area. An administrative waiver may be granted for
33 littoral areas within a lake supporting bona-fide agricultural operations. If the land use
34 changes from Bona Fide Agriculture use, the littoral requirements for the new land
35 use shall be required.

36 **3) Review Process**

37 The request shall be included with the Notice of Intent to Construct, unless a Notice
38 of Intent to Construct has been previously approved. An appropriate fee and
39 drawings of sufficient detail shall be required in order to provide the information
40 needed to determine if granting approval of the waiver is appropriate. The application
41 and drawings, excluding littoral planting plans, shall be signed and sealed by a
42 professional recognized and approved by the Florida Department of Professional
43 Regulation for this type of project.

- 44 a)- Upon receipt of a request to deviate from the Construction Criteria, ERM shall
45 have 30 days to request any additional information.
- 46 b)- Within 30 days of receipt of the requested additional information, ERM may only
47 request information needed to clarify the additional information supplied or to
48 answer new questions raised by or directly related to the additional information.
- 49 c)- If ERM does not ask for additional information within thirty 30 days of receipt of
50 the request, the request shall be deemed complete upon date of receipt.
- 51 d)- If an applicant fails to respond to a request for the fee or any additional
52 information within 60 days, the request may be denied without prejudice.
53 However, ERM may grant an extension of time as is reasonably necessary to
54 fulfill the request for additional information. ERM action shall be approval or
55 denial, and shall be included with the issued written approval of the Notice of
56 Intent to Construct.

57 **b. Violations, Enforcement, and Penalties**

58 **1) Violations**

59 Violations not related to conditions imposed by the Notice of Intent to Construct
60 excavation, may be referred to the Director of Code Enforcement as determined by
61 the Director of ERM.

62 For each day or portion thereof, it shall be a violation of this Section to:

- 63 a) fail to comply with a requirement of this Section, a condition of an approval or an
64 authorized exemption granted hereunder;
- 65 b) fail to comply with the design specifications or littoral planting plan submitted with
66 the Notice of Intent to Construct for which a written approval was issued by ERM;
- 67 c) alter or destroy the approved depths, slopes, contours, or cross-sections;
- 68 d) chemically, mechanically, or manually remove, damage, destroy, cut, or trim any
69 plants in the littoral zones, except upon written approval by the Director of ERM;
- 70 e) dredge, excavate, or mine the lake or littoral zones without prior receipt of
71 approval(s) from ERM and/or PZB;

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- f) cause water quality violations in excess of the standards contained in F.A.C. Chapter 62-302; or,
- g) dewater in Type 1A, Type 1B; and Agricultural Excavations unless otherwise permitted by a State agency, Federal agency, or the SFWMD. [Ord. 2005 – 002]

c. Enforcement

Violation of each provision of this Section, any conditions of approval, or any of those violations listed in Article 4.B.10.B.8.b, Violations, Enforcement and Penalties, above, shall be deemed a separate violation and may be subject to fines up to 1,000 dollars per day per violation. In order to enforce compliance with the provisions of this Section, ERM, PZB and the County Engineer may issue a cease and desist order or require that future DRO certifications be denied or a building permit or C.O. be withheld. Violations of the provisions of this Section shall be punishable by one or more of the following: [Ord. 2005 – 002]

- 1) Quadruple permit fees shall be assessed if permits were not obtained for violations involving activities which would otherwise have been permissible, as determined by ERM, PZB, or the Land Development Division.
- 2) This Section shall be enforced through the remedies as outlined in Article 10, Enforcement. However, PBC is not prevented from enforcing the provisions of this Section by any other measures allowable by law, including but not limited to, F.S. Chapters 125 and 162, as may be amended.
- 3) If the applicant has violated the provisions of this Section, or a condition of approval, staff may place the subject Development Order back on a BCC agenda for re-consideration in accordance with the provisions of Article 2.E, Monitoring, and Article 10, Enforcement.

d. Restoration

Damage to upland reclamation areas, planted littoral shelves, littoral plants and/or streets may result in an order to restore to the approved conditions. Excavation operations that have occurred without approval and receipt of written approval from ERM, PZB or the County Engineer, as applicable may result in an order to restore the site or streets in the radius of impact to preexisting conditions.

e. Additional Remedies

In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions, to enforce the provisions of this Section.

f. Use of Collected Monies

All monies collected by ERM as civil penalties for violations of this Section shall be deposited in the PBC Pollution Recovery Trust Fund.

9. Appeals

An applicant may appeal a final determination made by the appropriate authority that interprets Excavation Uses as contained in Art. 1.B.1.A, Authority, based on the appeal process in Art. 2.A.1.S, Appeal,

C. Definitions and Supplementary Use Standards for Excavation Uses

Before commencement of any excavation, approval shall be obtained pursuant to the procedures and standards defined in this Section.

1. Agricultural Excavation

a. Definition

Excavation necessary to support bona fide agricultural production operations, including but not limited to the creation of ponds or lakes to construct accessory structures supporting the agricultural use, livestock ponds, canal laterals and roads, but excluding customary agricultural activities such as plowing and maintenance of canals and roads.

b. Separation and Setbacks

In addition to the separation requirements in Article 4.B.10.C.1, Agricultural Excavation, shall maintain a minimum setback of 100 feet, measured from the inside edge of the lake maintenance easement to any adjacent property line.

c. Maximum Depth

Excavation activity shall not exceed 20 feet from OWL. This maximum depth may be exceeded if approved by ERM in accordance with Article 4.B.10.B.8, Administration and Enforcement, provided the applicant adequately ensures that chloride levels shall not exceed 250 parts per million (PPM) and Total Dissolved Solids (TDS) either does not exceed 500 PPM or is in accordance with Chapter 62.520.420(2) F.A.C. in the excavated lake based on ground water sampling prior to construction, or the applicant may provide reasonable assurance that the ambient off-site chloride and TDS levels will not be degraded based upon background levels. Additional sampling may be required by ERM during and after construction. [Ord. 2008-037]

d. Sediment Sump

A sediment sump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. A sump shall not exceed five percent of the mined lake area.

e. Reclamation, Maintenance and Monitoring

Agricultural Excavation shall comply with the excavated area, and littoral zone reclamation requirements of Article 4.B.10.B.7.c, Reclamation Standards, and Article 4.B.10.B.7.c.2), Excavated Area Reclamation Standard, Article 4.B.10.B.7.c.3), Littoral

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1 Planting Reclamation Standard, Article 4.B.10.B.7.c.5), Area of Record, and Article
2 4.B.10.B.7.e, Maintenance and Monitoring requirements, and Article 4.B.10.B.8.e,
3 Additional Remedies, unless waived by ERM.

4 **f. Use Approval and Procedures**

5 All applications for Agricultural Excavation shall include a detailed explanation of the
6 proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency
7 with applicable industry standards and satisfy the definition requirements of Bona Fide
8 Agriculture pursuant to Article 1.I, Definitions and Acronyms. The excavation shall be the
9 minimum necessary to implement the proposed Bona Fide Agriculture use. **[Ord. 2008-**
10 **037]**

11 **1) Two Acres or Less - DRO**

12 Agricultural Excavation consisting of two acres or less in surface area, may be
13 approved pursuant to Article 2.D.1, Development Review Officer. The DRO shall
14 review for compliance with the standards of this Section and may approve the
15 application with or without conditions. **[Ord. 2016-016]**

16 **2) Greater Than Two Acres – Conditional Use**

17 Off-site removal shall apply the appropriate compatibility standards of Article
18 4.B.10.C.5, Type 3 Excavations. **[Ord. 2016-016]**

19 **3) Additional Review**

20 See Article 4.B.10.C.5.g.1) for Excavation Pre-application Checklist. **[Ord. 2008-037]**

21 **g. Guarantee Requirements**

22 Agricultural Excavation shall comply with the Guarantee requirements pursuant to Article
23 4.B.10.B.7.d, Performance Guarantee Requirements.

24 **h. Notice of Intent to Construct**

25 In accordance with Article 4.B.10.B.6, Notice of Intent to Construct, shall be required.

26 **i. WCAA Excavations**

27 **1) Operational and Construction Standards**

28 An application for WCAA Excavation shall comply with the standards in Article
29 4.B.10.B.7.a, Operational Standards and Requirements, and Article 4.B.10.B.8.b,
30 Violations, Enforcement, and Penalties, and except for hours of operation.

31 **2) Separations and Setbacks**

32 In addition to the separation requirements in Article 4.B.10.B.7.b.1), Separation, a
33 WCAA Excavation shall maintain a minimum setback of 50 feet measured from the
34 inside edge of the lake maintenance easement to any adjacent property lines.

35 **3) Depth**

36 The maximum depth for the excavated lake or pond shall not exceed 15 feet from
37 OWL due to chloride and TDS considerations. This maximum depth may be
38 exceeded if approved by ERM in accordance with Article 4.B.10.B.8, Administration
39 and Enforcement, provided the applicant adequately ensures that chloride levels
40 shall not exceed 250 parts per million (PPM) and Total Dissolved Solids (TDS) does
41 not exceed 500 PPM or is in accordance with Chapter 62.520.420(2) F.A.C. within
42 the excavated lake or pond based on ground water sampling prior to construction.
43 Additional sampling may be required during and after construction. **[Ord. 2008-037]**

44 **4) Sediment Sump**

45 A sediment pump may be constructed at the excavated lake or pond inlet to a depth
46 of 25 feet OWL. However, this sump shall not exceed five percent of the mined lake
47 area.

48 **5) Approval and Procedures**

49 All applications for WCAA Excavation shall include a detailed explanation of the
50 proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency
51 with applicable industry standards and shall satisfy the definition requirements of
52 Bona Fide Agriculture pursuant to Art. 1.I, Definitions and Acronyms. Excavation
53 shall be the minimum necessary to implement the Bona Fide Agriculture use. **[Ord.**
54 **2008-037]**

55 a) Additional Requirement. See Article 4.B.10.C.5.g.1), Excavation Pre-application
56 Checklist. **[Ord. 2008-037]**

57 **6) Notice of Intent to Construct**

58 In accordance with Article 4.B.10.B.6, Notice of Intent to Construct, shall be required.

59 **2. Type 1A Excavation**

60 **a. Definition**

61 Excavation necessary to obtain fill for the construction of a single family dwelling or an
62 accessory structure to a single family dwelling on a lot.

63 **b. Lot Size**

64 A minimum of one acre.

65 **c. Excavated Surface Area**

66 The maximum surface area of all excavation on the premises shall be less than two-
67 tenths acre or (8,712 square feet).

68 **d. Off-site Removal**

69 Off-site removal of extracted material is prohibited.

70 **e. Separation and Setbacks**

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In addition to the separation requirements in Article 4.B.10.B.7.b.1), Separation, Type 1A Excavation shall maintain the following minimum setbacks, measured from the inside edge of the lake maintenance easement.

- 1) 15 feet at the time of construction from any adjacent property line. The top of bank shall be a minimum of five feet.
- 2) 50 feet from any potable water well.
- 3) 100 feet from any septic system pursuant to Article 15.A, ECR I Onsite Sewage Treatment and Disposal Systems.

f. Slope

If a lake excavated prior to June 16, 1992, does not comply with the minimum slope requirements of Article 4.B.10.B.7.b.2), Slopes, a minimum four foot high gated fence completely enclosing the excavated area may be substituted for the required slopes.

g. Depth

Excavation activity shall not exceed ten feet in depth below OWL.

h. Reclamation

The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

- 1) Compliance with the slope and drainage and reclamation standards of Article 4.B.10.B.7.b, Construction Standards, shall be required.
- 2) The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the Building Division depicting:
 - a) an as-built survey showing the location, size, and depth of the excavated area; and,
 - b) in cases where no permanent water body is created, the site plan submitted with the building permit shall serve as the reclamation plan.

i. Use Approval and Procedures

The request shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling. **[Ord. 2008-037]**

1) Application Requirements

The building permit plans shall be supplemented with the following information: **[Ord. 2008-037]**

a) Site Plan

A general site plan complying with the standards of this Section;

b) Statement

A statement estimating the amount of excavated material, in cubic yards; and,

c) Notarized Authorization

Notarized authorization from the property owner to excavate.

2) Determination of Sufficiency, Review and Decision

A building permit shall be issued by PZB, with or without conditions of approval, after the application has been determined complete and in compliance with this Section.

3. Type 1 B Excavation

a. Definition

Excavation necessary to obtain fill for the construction of a single family dwelling or an accessory structure to a single family dwelling on a lot.

b. Lot Size

A minimum of two and one-half acres.

c. Excavated Surface Area

The maximum surface area of all excavation on the premises shall be less than 25 percent of the gross lot area and shall not exceed two acres.

d. Off-site Removal

Off-site removal of extracted material is prohibited.

e. Separations and Setbacks

In addition to the separation requirements of Article 4.B.10.B.7.b, Construction Standards, Type 1 Excavation shall maintain the following minimum setbacks:

- 1) 30 feet at the time of construction from any adjacent property line.
- 2) 50 feet from any potable water well.
- 3) 100 feet from any septic system pursuant to Article 15.A, ECR I Onsite Sewage Treatment and Disposal Systems.

f. Maximum Depth

Excavation activity shall not exceed 15 feet in depth below OWL.

g. Reclamation

The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

- 1) Compliance with the slope angle, drainage, and reclamation standards Article 4.B.10.B.7.b, Construction Standards.
- 2) The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the DRO depicting:
 - a) An as-built survey showing the location, size, and depth of the excavation.
 - b) In cases where no permanent water body is created, the building permit site plan shall serve as the reclamation plan.

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1 h. **Use Approval and Procedures**

2 The request shall be made concurrent with an application for a building permit. Approval
3 shall be issued concurrent with receipt of a building permit for a single-family dwelling.
4 **[Ord. 2008-037]**

5 1) **DRO Approval**

6 Pursuant to Article 2.D, Administrative Process: DRO Approval shall be required. The
7 DRO shall review for compliance with this Section and may approve the application
8 with or without conditions.

9 2) **Duration**

10 A Type 1B Excavation permit shall expire 120 days from the date authorization is
11 received to begin excavation activity. The DRO may grant one 90 day extension.

12 4. **Type 2 Excavation**

13 a. **Definition**

14 Excavation necessary to create a lake or lakes required to implement a Development
15 Order.

16 b. **Location**

17 A Type 2 Excavation may be permitted to implement a Development Order for a principal
18 use as allowed in Art. 4.B.10, Excavation Uses, and to implement a Final Master Plan,
19 Final Site Plan, or final Subdivision Plan approved by the DRO. **[Ord. 2008-037]**

20 c. **Standards**

21 An application for a Type 2 Excavation shall comply with the following requirements:

- 22 1) Article 4.B.10.B.7.a, Operational Standards and Requirements, and Article
23 4.B.10.B.7.b, Construction Standards;
24 2) Excavated area, Littoral zone and general upland reclamation requirements pursuant
25 to Article 4.B.10.B.7.c, Reclamation Standards;
26 3) Article 4.B.10.B.7.d, Performance Guarantee Requirements;
27 4) Article 4.B.10.B.7.e, Maintenance and Monitoring; and,
28 5) Article 4.B.10.B.6, Notice of Intent to Construct.

29 d. **Separations and Setbacks**

30 In addition to the separation requirements in Article 4.B.10.B.7.b.1), Separation, Type 2
31 Excavation shall maintain a minimum setback of 30 feet, measured from the top of bank
32 to the perimeter boundary of the Planned Development District, Subdivision, Final Site
33 Plan, streets 80 feet in width or greater, and canal R-O-W. For the purpose of this
34 separation and setbacks provision, the top of bank is considered the waterward edge of
35 the lake maintenance easement.

36 e. **Depth**

37 The maximum depth of a Type 2 Excavation shall be in accordance with Article
38 4.B.10.C.1.c, Maximum Depth.

39 f. **Use Approval and Procedures**

40 1) **DRO Approval**

41 Prior to initiating Type 2 Excavation activities, DRO shall review the final site
42 development plan for compliance with the standards of this Section and may approve
43 with or without conditions. **[Ord. 2016-016]**

44 2) **Off-site Removal of Excess Fill- DRO**

45 DRO may approve removal of more than ten percent of the extracted material from
46 the site if:

- 47 a) The applicant demonstrates that the make up of the natural soil contains an
48 excessive amount of silt, rock, or muck and construction of required drainage
49 structures or construction of required structural foundations require removal of an
50 excessive amount of silt, rock or muck; or,
51 b) The removal of the material is the minimum necessary to accommodate on-site
52 drainage requirements or structural fill requirements; and,
53 c) The impact of the excavated material will not cause adverse effects to internal
54 property owners or internal streets. **[Ord. 2016-016]**

55 3) **Off-site Removal of Excess Fill - Conditional Use**

56 A minimum of 90 percent of the fill shall be used on site, unless unusual site
57 conditions exist. If an excess of ten percent of fill is proposed to be removed from a
58 site and no unusual conditions exist justifying removal of more than ten percent of the
59 excavated material, as specified in Article 4.B.10.C.4.f.2, Off-site Removal of Excess
60 Fill - DRO, the application shall be subject to the following: **[Ord. 2004-040]**

61 a) **Approval Process**

62 Apply for a Class A Conditional Use process, pursuant to the standards of Art.
63 2.B.2, Conditional Uses, Development Order Amendments, Unique Structures
64 and Type 2 Waivers. **[Ord. 2016-016]**

65 b) **Requirements**

66 The applicant shall comply with the following standards: **[Ord. 2016-016]**

- 67 (1) Article 4.B.10.B.7.a, Operational Standards and Requirements.
68 (2) Littoral Planting Reclamation Standards in Art. 4.B.10.B.7.c.3).
69 (3) Upland Reclamation Standards in Article 4.B.10.B.7.c.4.
70 (4) Maintenance and Monitoring requirements for excavated areas, and littoral
71 plantings in Article 4.B.10.B.7.e, Maintenance and Monitoring.

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- 1 (5) Buffer requirements in Article 4.B.10.C.5.i.2).b).(3), Type 3A Excavation.
- 2 (6) Setbacks shall be provided pursuant to Type 2 setback requirements in
- 3 Article 4.B.10.C.4.d, Separations and Setbacks. [Ord. 2004-040] [Ord.
- 4 2010-022]

5 **c) Frontage**

6 The development shall have direct frontage on and access to a Collector or

7 Arterial Street depicted on the County's Thoroughfare Identification Map.

8 **d) Location**

9 The following Type 3A standards shall apply, unless waived by the BCC after a

10 finding of fact that waiver of these standards will not violate the compatibility

11 standards, pursuant to Article 4.B.10.C.5.i, Compatibility Standards. [Ord. 2004-

12 040]

13 **4) Excavation, Performed by Public Agency, To Provide Drainage For A Public**

14 **Street**

15 a) Excavation activity located outside the street boundary, conducted solely to

16 accommodate drainage for a public streets and performed or caused to be

17 performed by contract with a public agency, as defined herein, shall comply with

18 the standards below. The excavation activity shall:

- 19 (1) be on land owned by PBC, the State, or a Water Control District created by
- 20 special act to operate under F.S. Chapter 298 (1996); or,
- 21 (2) be on land granted by easement to and accepted by PBC, the State, or a
- 22 Water Control District; and,
- 23 (3) be the absolute minimum necessary to comply with the surface water
- 24 drainage requirements for the public streets.

25 b) For the purpose of Art. 4.B.10.C.4, Type 2 Excavation, authorization by PBC,

26 FDOT or a Water Control District to construct public streets shall constitute a

27 valid Development Order. The excavation activity shall comply with the

28 standards below-:

- 29 (1) Notice of Intent to Construct pursuant to Article 4.B.10.B.6, Notice of Intent to
- 30 Construct;
- 31 (2) Operational and Construction standards pursuant Article 4.B.10.B.7.a,
- 32 Operational Standards and Requirements, Article 4.B.10.B.7.b, Construction
- 33 Standards, and Article 4.B.10.B.7.a.10), Hauling Standards;
- 34 (3) Littoral zone and general upland reclamation requirements pursuant to Article
- 35 4.B.10.B.7.c, Reclamation Standards; and,
- 36 (4) Maintenance and Monitoring requirements pursuant to Article 4.B.10.B.7.e,
- 37 Maintenance and Monitoring.

38 **5. Type 3 Excavation**

39 **a. Definition**

40 The extraction of minerals primarily for commercial purposes.

41 **b. Classification of Types**

42 Type 2, or Agricultural Excavation that exceed established criteria, as defined in this

43 Section, are to be considered a Type 3 Excavation. Two classes of Type 3 Excavation

44 (Type 3A and Type 3B) are established to distinguish between the types of mining

45 operations. [Ord. 2008-037]

46 **1) Type 3A Excavation**

47 Excavation activity that extracts materials from the earth and may require limited on-

48 site processing by using temporary or portable crushers, sifters and conveyor

49 systems. A Type 3A Excavation activity may use dragline, dredging or earthmoving

50 equipment to perform the mining operation provided the operation complies with the

51 standards of this Section. The use of explosive devices or permanent structures or

52 equipment used to crush or sift material shall be prohibited.

53 **2) Type 3B Excavation**

54 Excavation activity that extracts materials from the earth and may require extensive

55 processing of the material on site. Type 3B Excavation may use dragline, dredging,

56 earthmoving equipment to perform the mining operation. The use of explosives and

57 heavy industrial equipment to crush, sift and transport the material on site may be

58 permitted subject to compliance with the standards of this Section.2c.

59 Standards

60 An application for a Type 3 Excavation shall comply with the following requirements:

61 [Ord. 2008-037]

- 62 1) Operational and construction standards pursuant to Article 4.B.10.B.7.a, Operational
- 63 Standards and Requirements, and Article 4.B.10.B.7.b, Construction Standards.
- 64 2) Excavated area, Littoral zone and upland reclamation requirements pursuant to
- 65 Article 4.B.10.B.7.c, Reclamation Standards.
- 66 3) Article 4.B.10.B.7.d, Performance Guarantee Requirements.
- 67 4) Article 4.B.10.B.7.e, Maintenance and Monitoring.

68 **d. Location**

69 A Type 3 Excavation may be allowed in accordance with Art. 4.B.10, Excavation Uses.

70 Mining may be allowed with limitations in the zoning districts identified below.

71 **1) AP Zoning District in the AP FLU Designation**

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ARTICLE 4, USE REGULATIONS
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1 Mining shall be limited to the support of public road construction projects, agricultural
2 activities, or water management projects associated with ecosystem restoration,
3 regional water supply or flood protection, on sites identified by the SFWMD or the
4 U.S. Army Corps of Engineers where such uses provide viable alternative
5 technologies for water management. Mining shall demonstrate compliance with
6 standards in Article 4.B.10.C.5.i, Compatibility Standards. [Ord. 2005-041]

7 **e. Depth**

8 The maximum depth of a Type 3 Excavation shall be in accordance with Article
9 4.B.10.C.1.c, Maximum Depth.

10 **f. Accessory Use**

11 An Asphalt or Concrete Plant shall be allowed as an accessory use to a Type 3B
12 Excavation, subject to DRO approval and provided that:

- 13 1) the site is a minimum of 500 acres;
- 14 2) the use is separated at least one-half mile from any residential use or district; and,
- 15 3) direct access to the plat is provided from an Arterial Street.

16 **g. Use Approval and Procedures**

17 A Class A conditional use approval is required for a Type 3 Excavation, in accordance
18 with Article 2.B.2, Conditional Uses, and this Section. A Type 3 Excavation shall require
19 an additional level of review that exceeds the County's current scope of review to
20 establish that the request will not have a significant adverse impact to water quality or the
21 overall health of available water resources. [Ord. 2008-037]

22 **1) Excavation Pre-Application Checklist**

23 Concurrent with submittal of an excavation application for the DRO certification for
24 public hearing, the applicant shall secure the information described on the excavation
25 pre-application checklist and shall use this information as the basis for a pre-
26 application meeting with DEP. This pre-application information and meeting is
27 necessary to obtain a Preliminary Assessment Letter (PAL) from the DEP, Bureau of
28 Mines and Minerals. The Pre-application Checklist is available from the Zoning
29 Division, as amended periodically by the Executive Director of PZ&B. [Ord. 2008-
30 037]

31 **a) Preliminary Assessment Letter (PAL)**

32 The Applicant shall gather the information described on the checklist and conduct
33 a pre-application meeting with the DEP. The County application shall not be
34 determined to be sufficient without the PAL or its equivalent as stated in Article
35 4.B.10.C.5.g.1)b), Alternative to the Preliminary Assessment Letter. Should the
36 DEP identify certification issues regarding the application, these issues must be
37 resolved prior to certification of the application for public hearing. [Ord. 2008-
38 037]

39 **b) Alternative to the Preliminary Assessment Letter**

40 In lieu of a Preliminary Assessment Letter, the applicant may submit one of the
41 following to the County: [Ord. 2008-037]

- 42 (1) An Environmental Resource Permit; or [Ord. 2008-037]
- 43 (2) Request for Additional Information demonstrating no apparent concerns will
44 be generated from the application. [Ord. 2008-037]

45 **c) Conditions of Approval**

46 The DEP may recommend conditions of approval to the BCC to resolve issues
47 related to its regulations. [Ord. 2008-037]

48 **2) Water Control or Management District**

49 Concurrent with submittal of an excavation application for the DRO certification for
50 public hearing, the applicant shall submit a duplicate copy to the Zoning Division to
51 be forwarded to the Water Control or Management District, whichever is applicable,
52 that has jurisdiction to maintain roads and drainage in the area. The Water Control
53 District may provide comments to the DRO to be included in the staff report for
54 presentation to the BCC. [Ord. 2008-037]

55 **3) Final DRO Approval**

56 Prior to starting any activity associated with the excavation project, the applicant shall
57 submit an excavation plan to the DRO for review and approval in accordance with
58 Article 2.D, Administrative Process. [Ord. 2008-037]

59 a) The applicant shall submit a phasing plan complying with the requirements of
60 Article 4.B.10.B.5, Supplemental Application Requirements, and Article
61 4.B.10.B.6, Notice of Intent to Construct.

62 b) Once reclamation and rehabilitation of the preceding phase of excavation has
63 commenced, a subsequent phase of excavation may begin after receipt of all
64 guarantees, required by Article 4.B.10.B.7.e, Maintenance and Monitoring, and
65 written authorization by the DRO.

66 c) Prior to final site approval by the DRO, ERM shall confirm that the applicant has
67 provided all necessary state final approved permits. [Ord. 2008-037]

68 **4) Amendment to Development Order**

69 If amendments to the BCC approval are necessary to accommodate other State
70 permitting requirements, and provided these changes are within boundaries of the

EXHIBIT D

ARTICLE 4, USE REGULATIONS
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1 existing BCC approval, these amendments shall be allowed at final plan approval by
2 the DRO. [Ord. 2008-037]

3 **5) Haul Agreement**

4 The BCC may require, as a condition of approval, for a an executed agreement for
5 the proposed haul in accordance with Article 4.B.10.B.7, Technical Standards, prior
6 to issuance of the Notice of Intent to Construct by ERM.

7 **6) Notice of Intent to Construct**

8 Notice of Intent to Construct shall be submitted to and receive approval from ERM in
9 accordance with Article 4.B.10.B.6, Notice of Intent to Construct, prior to initiating any
10 on-site excavation activities.

11 **7) Reclamation Plan Approval and Release of Performance Guarantees**

12 Prior to the release of any performance guarantee. The DRO shall approve an "as
13 built" reclamation plan. The plan shall include certified as-built drawings and written
14 certification, bearing the seal of an engineer registered in the State of Florida,
15 certifying compliance with Article 4.B.10.B.7, Technical Standards, (excluding littoral
16 and upland planting requirements), and that all construction related Development
17 Order conditions and guarantees have been satisfied. Performance guarantees for
18 planting areas shall be released in accordance with Article 4.B.10.B.7.e,
19 Maintenance and Monitoring.

20 **h. Annual Report**

21 For the purpose of Type 3 Excavation, the owner shall submit an Annual Report to
22 Monitoring on the anniversary date of the BCC approval date. The Annual Report is
23 necessary to monitor the intent of the conditional use approval and applicable BCC
24 conditions. In addition, the report is to ensure compliance and update the Agency
25 requirements as listed below: [Ord. 2008-037]

26 **1) General:**

- 27 a) Acres mined to date; [Ord. 2008-037]
28 b) Tonnage removed/sold including a copy of the resource extraction fee receipt to
29 the County; [Ord. 2008-037]
30 c) Status of each phase; [Ord. 2008-037]
31 d) Updates to master /site plans; [Ord. 2008-037]
32 e) Documentation that the intended use of the material complies with County
33 requirements, such as, but not limited to, the quarry's status with FDOT and
34 other usages for the mined aggregate; [Ord. 2008-037]
35 f) Status of compliance with conditions contained within the approved
36 Resolution(s); [Ord. 2008-037]
37 g) Status of compliance with all required permits including the most recent
38 compliance inspection from subject agencies, and status of any identified notice
39 of noncompliance/violations; [Ord. 2008-037]
40 h) Full stamped, executed or signed copies, including exhibits and plans, of
41 required permits from all participating agencies including modifications or
42 updates as they occur; and, [Ord. 2008-037]
43 i) Certification and documentation that all seismograph instruments have been re-
44 calibrated during the calendar year. [Ord. 2008-037]

45 **2) Agencies**

46 Address the following agency requirements: [Ord. 2008-037]

47 **a) Archaeological:**

- 48 (1) Status of found artifacts and their location(s); and, [Ord. 2008-037]
49 (2) Copy of notification(s) to County and State Archaeologist and current status.
50 [Ord. 2008-037]

51 **b) Engineering**

- 52 (1) Status of potential road construction requirements, signalization and ROW
53 acquisitions. [Ord. 2008-037]

54 **c) Environmental**

- 55 (1) Status of Notice of Intent to Construct (NIC) conditions of approval and
56 compliance with Administrative waivers; [Ord. 2008-037]
57 (2) Status of extraction fee; and, [Ord. 2008-037]
58 (3) Water quality data from designated sampling location from FDEP. [Ord.
59 2008-037]

60 **d) Health**

- 61 (1) Status of compliance for any onsite sewage treatment and disposal systems;
62 [Ord. 2008-037]
63 (2) Status of compliance for any onsite drinking water systems; and, [Ord.
64 2008-037]
65 (3) Status of compliance with BMP's for mosquito control including the need for
66 aerial spraying. [Ord. 2008-037]

67 **e) Planning**

- 68 (1) Status of possibility for the mined areas to be utilized for Water Management
69 or ecosystem restoration purposes with a letter or any executed binding
70 agreements from each corresponding agency discussing pertaining to the
71 reclaimed mined areas future proposed uses. [Ord. 2008-037]

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f) Zoning

- (1) Copy of the daily blasting log; [Ord. 2008-037]
- (2) Copy of the State Fire Marshall's blast permit; and, [Ord. 2008-037]
- (3) Status of the upland reclamation requirements. [Ord. 2008-037]

i. Compatibility Standards

A Type 3 Excavation shall be reviewed to assure the proposed excavation is compatible with surrounding land uses and complies with the applicable separation and setback standards and to ensure there are no negative impacts as defined herein. The BCC shall not approve the application if a finding is made that the use will be incompatible with surrounding land uses. For the purposes of this requirement, incompatible means negative impacts caused to surrounding land uses because of proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including, but not limited to, the impacts of noise, vibration, dust, traffic, smoke, odors, toxic matter, radiation, and similar environmental conditions.

1) General

The following standards shall apply to both Type 3A and Type 3B mining activities.

a) Location and Access

Local residential streets shall not be used for access or as a haul route. The site shall front on and have direct access to an Arterial or Collector Street designated on the County's Future Thoroughfare Identification Map. In cases when the street on the Thoroughfare Identification Map is not paved, the BCC may allow an Type 3 Excavation to locate and have access to the street provided the BCC makes a finding of fact that the use of the street will not cause an incompatible affect on surrounding residential uses, and may condition the project to obtain a haul permit in accordance with Article 4.B.10.B.7.a.10), Hauling Standards.

(1) Restrictions in the RR FLU Designation

Commercial excavation shall be prohibited in neighborhoods which support developed single-family residences on 60 percent of the valid lots of record. For the purposes of this requirement, neighborhoods shall be defined as an area contained within a platted subdivision, a rural unrecorded subdivision an approved affidavit of exemption, an area which has prepared a neighborhood plan in accordance with the Plan, or is in an area with lots of similar size. Commercial excavation located in an area with a rural residential land use designation that do not satisfy the definition of neighborhood above, shall have a minimum of 100 acres and 500 feet of frontage with direct access to an Arterial or Collector Street as specified herein.

b) Separation from Other Land Uses

Minimum separations from protected land uses are defined in Article 4.B.10.C.5.i, Compatibility Standards. Unless otherwise specified, separation shall be measured from the outermost edge of the excavated area (top of bank), equipment, stockpiles, buildings, or structures, to the closest structure of a protected land use. The BCC may reduce the required separation distance based on the compatibility of the use with the adjacent area, and the remoteness or proximity of adjacent incompatible uses, provided the reduction complies with the intent of the compatibility standards in Article 4.B.10.C.5.i, Compatibility Standards. The BCC shall state the basis for the reduced separation and make a finding of fact that the reduction should not negatively impact adjacent uses. If the separation is reduced, the BCC may require increased setbacks, buffering and other restrictions as necessary to protect surrounding land uses.

(1) Residential Uses

For the purposes of this Section, existing residential uses shall be defined as a residential lot supporting a residence in a platted subdivision, a rural unrecorded subdivision, an approved affidavit of exemption, a plat waiver, or other recorded instrument and is not located within the boundary of the excavation project.

c) Setbacks

Setbacks shall be measured from the outermost edge of the excavated area (top of bank), structure, building, equipment, or stockpile to the boundary of the excavation project.

d) Fence

If mining activity is conducted within one-half mile of a residential use, the mining operation shall be completely enclosed by a minimum six foot high fence, wall, or natural barrier and shall have signage posted to prohibit trespassing.

e) Noise

Airborne noise produced from the excavation activity shall comply with the noise provisions in Article 5.E, Performance Standards, as measured at the nearest inhabited structure. The sound level limits are allowed to increase for a limited duration. For this limited period, noise generated by excavation projects may increase up to ten DB more than permitted by Table 5.E.4.B, Maximum Sound Levels. In addition, the noise level may increase to a maximum of 120 dB once each weekday (Monday - Friday) for a maximum of ten seconds.

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**ARTICLE 4, USE REGULATIONS
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1 **2) Type 3A Excavation**

2 **a) Restrictions in the RR FLU Designation**

3 **(1) Lot Size**

4 A minimum of 40 acres.

5 **(2) Minimum Surface Area**

6 The maximum excavated surface area shall not exceed 30 percent of the
7 gross area contained within the boundary of the excavation project.

8 **b) General**

9 The following standards shall apply to a Type 3A Excavation:

10 **(a1) Minimum Separations and Setbacks**

11 In addition to the separation requirements in Article 4.B.10.B.7.b,
12 Construction Standards, a Type 3A Excavation shall maintain the following
13 separations and setbacks from adjacent uses as provided below.

14 **(a) Separations from Residential Land Uses**

15 Separation from an existing residence shall be a minimum of one-quarter
16 mile, measured from the property line of the excavation project to the
17 inhabited structure.

18 **(b) Setbacks**

Table 4.B.10.C - Setbacks

	Residential	Commercial	Industrial/ Agricultural	Streets
Excavated lake edge	100'	50'	50'	50'
Processing equipment	600'	200'	200'	200'
Stockpiles	300'	200'	100'	200'
Accessory buildings and structures	100'	100'	100'	100'

20 **(2) Stockpile Height**

21 Stockpile height shall be limited to 30 feet.

22 **(3) Buffer**

23 A buffer shall be preserved or installed along a property lines in accordance
24 with the provisions below. The buffer shall be planted and maintained in
25 accordance with the standards of Article 7.F, Perimeter Buffer Landscape
26 Requirements, as applicable.

27 **(a) Existing Vegetative Buffer**

28 If a substantial native or non-native, non-invasive vegetative buffer
29 exists, then the vegetation shall be utilized as an incompatibility buffer
30 and preserved along the entire perimeter of the site, except for an
31 approved access area. To be considered substantial, the buffer shall
32 provide an opaque screen and be a minimum depth of one 100 feet. If
33 the 100 foot buffer is not opaque, then native vegetation complying with
34 the standards of a Type 3 incompatibility buffer shall be required to be
35 planted to supplement the existing vegetation and shall form a solid
36 visual buffer within two years. All native vegetative buffers shall be
37 protected during the duration of the excavation activity in accordance
38 with the standards in Article 7.F, Perimeter Buffer Landscape
39 Requirements, and in Article 14.C, Vegetation Preservation and
40 Protection.

41 **(b) Existing Prohibited Vegetative Buffer**

42 To provide an instant buffer the BCC, by condition of approval, may
43 permit existing prohibited species to be maintained within the setbacks
44 for a Type 3A Excavation until completion of the excavation activity. In
45 such cases the prohibited species shall be removed prior to DRO
46 approval of the as-built drawings for the final phase of excavation,
47 provided the last phase is a minimum of 25 acres. A landscape buffer as
48 required by Article 7.F, Perimeter Buffer Landscape Requirements, shall
49 be installed in conjunction with subsequent development.

50 **(c) No Existing Vegetative Buffer**

51 If a buffer does not exist along the areas defined below, then an opaque
52 native buffer shall be installed complying with the standards of a Type 3
53 incompatibility Buffer. The buffer shall be supplemented with a planted
54 berm, a solid landscape barrier, or combination thereof to reach a height
55 of eight feet in two years. The BCC may require the buffer to be planted
56 to simulate natural conditions. This buffer shall be installed adjacent to:

- 57 (1) all streets;
58 (2) all residential zoning districts;

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ARTICLE 4, USE REGULATIONS
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- (3) lots supporting existing or proposed residential uses in the AR Zoning District. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP, or SA Zoning Districts nor in the AR Zoning District if the land is used solely for bona fide agricultural purposes; and,
- (4) commercial zoning districts.

3) **Type 3B Excavation**

a) **Restrictions in the RR and SA FLU Designation [Ord. 2005 – 002]**

(1) **Lot Size**

A minimum of 100 acres.

(2) **Maximum Surface Area**

The maximum excavated surface area shall be determined by the BCC.

b) **General**

A Type 3B Excavation shall comply with the following criteria:

(1) **Minimum Separations and Setbacks**

In addition to the separation requirements in Article 4.B.10.B.7.b, Construction Standards, a Type 3B Excavation, except those that lie in the area defined as the WCAA, shall comply with the separation and setback regulations below. Excavation projects in the WCAA shall be evaluated on a case by case basis in accordance with the compatibility criteria Article 4.B.10.C.5.i, Compatibility Standards, and shall have separation requirements set by the BCC.

(a) **Separation from Residential Uses**

Separations from residential uses, shall be a minimum of one-eighth of a mile, in all directions measured in accordance with Article 4.B.10.C.5.i.1)b), Separation from Other Land Uses, above. **[Ord. 2005-002]**

(b) **Setbacks**

Minimum setbacks shall be provided based on separations from uses as indicated below. **[Ord. 2005-002]**

(c) **Separation from Commercial and Industrial Uses**

Commercial: 1/2 mile

Industrial: 1/8 mile

[Ord. 2005-002]

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Table 4.B.10.C- Setbacks Based On Separation From Residential
Uses

Uses	Separations			
	1 mile	2 mile	1/4 mile	1/8 mile
Mined lake edge	50'	100'	500'	1200'
Processing equipment	100'	300'	800'	1400'
Stockpiles	100'	300'	700'	1300'
Accessory buildings & structures	100'	100'	100'	100'

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(2) Mining Impact Study

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A Mining Impact Study shall be submitted for a Type 3 B Excavation in the WCAA and for projects which the applicant requests a reduction in the required separations. The study shall detail all methods and procedures for material extraction, processing, storage and hauling operations. At a minimum the study shall include the time of day blasting will occur, the maximum number of holes to be shot each occurrence, including the type of explosive agent, maximum pounds per delay, method of packing and type of initiation device to be used for each hole. The study shall include a blasting schedule and establish noise and vibration standards complying with Article 4.B.10.C.5.i, Compatibility Standards. The study shall also demonstrate how these operations will impact surrounding land uses.

(a) Prior to certification of an application for inclusion on a public hearing agenda, the DRO may retain a technical consultant to advise the PBC of the adequacy of the standards established in conjunction with the Mining Impact Study. The cost of PBCs consultant shall be borne by the applicant.

3) Noise and Vibration Monitoring Report

The applicant shall monitor all blasting and other mining activities and record resultant noise and vibrations. PZB may, at any time, require the property owner to submit monthly monitoring reports, indicating the number, time, peak over pressure (noise) and vibration caused by each activity. If requested, the property owner shall provide the noise and vibration monitoring report within two working days from the date of the request.

4) Buffer

A buffer shall be installed along all property lines as specified below. The buffer shall be planted and maintained in accordance with the standards of Article 7.F, Perimeter Buffer Landscape Requirements.

(a) Existing Native Vegetative Buffer

Existing native vegetation within 100 feet of the property line shall be preserved along the entire perimeter of the site, except for an approved access area.

(b) Existing Prohibited Vegetative Buffer

To provide an instant buffer along the entire perimeter of the site, the BCC, by condition of approval, may permit existing prohibited species to be maintained in the setbacks until completion of the excavation activity. In such cases, the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Article 7.F, Perimeter Buffer Landscape Requirements, shall be installed in conjunction with subsequent development.

(c) Type 3 Incompatibility Buffer

Sites within a one-quarter mile of a public or private streets, which does not support an existing opaque native or non-native, non-invasive vegetative buffer shall install a Type 3 incompatibility buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof.

(d) No Existing Vegetative Buffer

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 incompatibility buffer. The buffer shall be supplemented with a berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years from the date of installation. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to: [Ord. 2008-037]

(a) All residential zoning districts and;

(b) Lots supporting existing or proposed residential uses in the AR Zoning District. Unless otherwise determined by the BCC, a buffer

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1 shall not be required adjacent to land in agricultural production in the
2 AP or AR Zoning District if the land is used solely for bona fide
3 agricultural purposes.

4 **c) Hours of Operation**

5 Excavation and hauling activity shall occur only between the hours of 6:00 a.m.
6 and 7:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday,
7 unless otherwise determined by the BCC. Blasting activity shall be limited to
8 10:00 a.m. to 5:00 p.m., Monday through Friday.

9 **d) Notice of Intent to Construct**

10 Compliance with Article 4.B.10.B.6, Notice of Intent to Construct.

11 **j. Extraction Fee for Impacts**

12 To offset the impacts of mining, a natural resource extraction fee is to be provided yearly
13 for this mining operation from the operators of this mine or its successors. The basis for
14 the extraction fee is calculated at \$.05 per ton of material sold from the mine. The
15 tonnage will be calculated at the end of each calendar year with the information provided
16 to ERM by January 31 of the succeeding year with the payment of \$.05 per ton provided
17 by February 15. The funds will be used for environmental enhancement and compliance
18 and monitoring activities which include, but are not limited to: Purchase land; restore land
19 to a more natural state; and, enhance the flora and fauna of already preserved natural
20 areas. The natural resources extraction fee shall escalate annually at the rate prescribed
21 by Section 373.41492(5) as amended, of the Florida Statutes. In the event the legislature
22 of the State of Florida or the County imposes, by legislation, ordinance, or other means,
23 an extraction fee, tax, or charge, then this natural resources extraction fee shall be
24 reduced by the same amount. **[Ord. 2008-037]**

25 **Section 11 Temporary Uses**

26 **A. Temporary Use Matrix**
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EXHIBIT D

ARTICLE 4, USE REGULATIONS
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1 **B. General Standards and Application Requirements**

2 **1. Design Standards**

3 a. All Temporary Uses, which includes all related activities, vehicles, and equipment shall
4 not be located in a manner that distracts motor vehicle operators, or causes any vehicles
5 to stop or park in violation of the law or official traffic-control devices.

6 b. All Temporary Uses shall not be located in the required setbacks, parking, driveway
7 aisles or loading areas, vehicular maneuvering areas, fire lanes, landscape buffers,
8 sidewalks or ADA accessible routes, unless stated otherwise herein.

9 **2. Signage**

10 All signage for Temporary Uses shall comply with Art. 8, Signage, unless otherwise stated
11 herein.

12 **3. Electric Service**

13 All electrical use shall meet the requirements established by the PBC Chief Electrical
14 Inspector and PBC Fire-Rescue Department, and the Applicant shall obtain a building permit
15 for an electrical connection or generator for temporary power, if applicable.

16 **4. Palm Beach County Parks**

17 Approvals for Temporary Uses located within Palm Beach County Parks shall be submitted to
18 and reviewed by the PBC Parks and Recreation Department.

19 **5. Additional Requirements**

20 In addition to the requirements pursuant to Art. 2, Development Review Procedures, the
21 following documentation shall be provided by the Applicant:

22 **a. Consent**

23 The Applicant shall obtain and submit as part of their application, consent from the
24 Property Owner(s) or a POA, of which has ownership or control over the property where
25 the Temporary Use will be located.

26 **b. Liability and Insurance**

27 The Applicant shall submit:

28 1) A proof of liability insurance listing the BCC as additionally insured and certificate
29 holder. It shall be paid in full covering the period for which the permit is issued, in the
30 minimum amount of \$500,000 per occurrence; and,

31 2) A hold harmless affidavit, which holds PBC harmless for any liability connected with
32 the operation.

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

34 **1. Communication Cell Sites on Wheels (COWs)**

35 **a. Definition**

36 A temporary facility utilized to ensure adequate telecommunications capacity during
37 periods of high usage or during periods when traditional modes of communication are
38 unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with
39 attached antenna, mounted on a trailer or truck.

40 **b. Zoning Districts**

41 **1) Non-Residential Districts**

42 **a) COWs Greater than 50 Feet in Height**

43 COWs greater than 50 feet in height located on parcels with non-residential
44 zoning designations shall be subject to the following:

45 **(1) Setback**

46 The structure shall meet the greater of the setback requirements of the
47 applicable zoning district or a distance equal to 110 percent of its height.

48 **(2) Separation**

49 The structure shall be separated a minimum of 300 percent of its height from
50 any residential structure on an adjacent parcel.

51 **b) COWs 50 Feet in Height or Less**

52 COWs 50 feet in height or less, located on parcels with non-residential zoning
53 designations are subject to the following:

54 **(1)Setback**

55 The structure shall meet the setback requirements of the applicable zoning
56 district, provided that a commercial power source (e.g., electric) is utilized, in
57 lieu of petroleum based auxiliary power (e.g., generator).

58 **(2)Separation**

59 The structure shall be separated a minimum of 150 percent of its height from
60 any residential structure on an adjacent parcel.

61 **(3)Other**

62 COWS not utilizing a commercial power source shall be subject to the
63 setback requirements of Article 4.B.11.C.1.b.1)a), COWs Greater than 50
64 Feet in Height.

65 **2) Residential Districts**

66 **a) COWs Greater than 50 Feet in Height**

67 COWs greater than 50 feet in height located on parcels with residential zoning
68 designations shall be subject to the following:

69 **(1)Setback**

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ARTICLE 4, USE REGULATIONS
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The structure shall meet a setback from the property lines equal to 150 percent of its height.

(2) Separation

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

b) COWs 50 Feet in Height or Less

COWs 50 feet in height or less, located on parcels with residential zoning designations are subject to the following:

(1) Setback

The structure shall meet a setback from the property lines equal to 75 percent of its height; provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).

(2) Separation

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

(3) Other

COWs not utilizing a commercial power source shall be subject to the setback requirements of Article 4.B.11.C.1.b.1)a), COWs Greater than 50 Feet in Height, above.

c. Use Limitations

COWs shall be allowed only in association with recognized large-scale Special Events with a minimum projected daily attendance of 30,000 or greater. The Zoning Director may consider allowing COWs for events with projected attendance of less than 30,000 people. The applicant shall provide documentation that the existing communication facilities cannot accommodate the increase in usage. [Ord. 2011-016]

d. Fencing

The COW shall be enclosed by a temporary fence a minimum of six feet in height, or other barrier approved by the Zoning Director.

e. Removal Bond and Agreement

The applicant shall execute a removal agreement and post a \$50,000.00 removal bond, subject to approval by the Zoning Director and County Attorney.

f. States of Emergency

The requirements of this Section may be waived by the PZB Executive Director in the case of a declared state of emergency, as provided by law.

2. Day Camp

a. Definition

An establishment which provides care, protection and programmed activities for children five years of age and older for a period of less than 24 hours per day.

b. Duration

Maximum 16 weeks per calendar year.

c. Operation

This use shall not operate as a Day Care as defined and regulated by the Department of Children and Family Services.

d. Accessory Use

A Day Camp for 200 or fewer children may be Permitted by Right as an accessory use to a legally established institutional, civic, recreational, or educational use.

3. Mobile Retail Sales

a. Definition

General retail sales from a mobile vehicle or a portable trailer without a fixed or permanent location.

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.

d. Location

- 1) Sites must comply with parking space requirements outlined in Table 6.A.1.B - Minimum Off Street Parking and Loading Requirements prior to applying for a Special Permit for Mobile Retail Sales.
- 2) The first Mobile Retail Sales vendor approved on a site may occupy up to two of the required parking spaces. Additional Mobile Retail Sales vendors may occupy on-site parking spaces only when those spaces are in excess of Table 6.A.1.B - Minimum Off Street Parking and Loading Requirements.

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.

f. Number of Vendors

A maximum of three Mobile Retail Sale vendors per development, provided they comply with the location above.

EXHIBIT D

ARTICLE 4, USE REGULATIONS
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- g. Operation**
 - 1) All operations, equipment, merchandise and related activities shall be contained within the mobile vehicle or portable trailer.
 - 2) All mobile vehicles and portable trailers shall vacate the site by midnight, unless otherwise stated within Art. 5.E.5, Hours of Operation, whichever is more restrictive.

- 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.

4. Real Estate Sales Model, Non-PDD

- a. Definition**
A residential unit used for real estate marketing and sales as a builder's office, and for other services directly associated with the sale of residential units.

- b. Duration**
The Special Permit shall be valid for five years from the date of issuance and may be renewed for an additional five years.

- c. Location**
Shall be located with access directly from a paved street.

- d. Parking**
The driveway and required handicap spaces shall be the only paved parking areas.

- e. Signage**
The following signs shall be permitted:
 - 1) Temporary**
One ground mounted sign not exceeding eight feet in height and 32 square feet of sign face area.
 - 2) Directional**
A maximum of two directional signs not exceeding four feet in height and two square feet in sign face area.
 - 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.

- f. Storage**
Outdoor storage of construction material, supplies, or equipment shall not be permitted.

- g. Number**
A builder may construct and operate a maximum of two manned and two unmanned models in a platted residential subdivision which is not in a PUD, or in one of the following residential areas:
 - 1) Jupiter Farms.
 - 2) The Acreage.
 - 3) Palm Beach Country Estates.

- h. Operation**
 - 1) A builder's office may be allowed provided it is limited to the garage area.
 - 2) Unmanned models shall not have employee office space.
 - 3) Sales shall be limited to new units built by the company operating the sales model.

- i. Completion Agreement**
All sales models, including those in existence prior to January 1, 1998, shall execute a completion agreement in a manner and form acceptable to the County Attorney. The completion agreement shall include any modification(s) necessary to convert the model to a residential use.

- 1) Existing Models**
All sales models existing on January 1, 1998 shall file a completion agreement with PBC by July 1, 1998. This agreement shall specifically identify all improvements, which are not consistent with the provisions of this Section, such as but not limited to additional parking or location on unpaved roads. At the time of executing the completion agreement, all signage shall comply with the requirements of this Section.

- j. Modifications**
Non-residential interior modifications shall be prohibited. The following improvements may be permitted only within the garage of the model:
 - 1) Room divider partitions;
 - 2) Electrical improvements; and
 - 3) A temporary facade in lieu of a garage door.

5. Recycling Drop-Off Bin

- a. Definition**
A totally enclosed temporary structure or portable container within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel, and plastic containers no greater than six gallons in capacity, and paper. **[Ord. 2013-001] [Ord. 2007-001] [Ord. 2013-001]**

- b. Approval Process**
If a DRO Site Plan is not on file with the Zoning Division, a Special Permit shall be required, and may be renewed annually pursuant to Art. 2.D.2, Special Permit. **[Ord. 2013-001]**

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- c. Location**
The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking spaces. In TMD and LCC districts, and for IRO projects, the recycling drop-off bins shall be designed to be consistent with the building's design and shall not be located on a Main Street. [Ord. 2010-005] [Ord. 2013-001]
- d. Signage**
Signage shall be required for all bins, as follows: [Ord. 2013-001]
- 1) Location**
 - a) One sign shall be located on the front or side where materials are collected.
 - b) No more than two signs shall be allowed. [Ord. 2013-001]
 - 2) Minimum/Maximum Size**
A minimum of eight and a maximum of 16 square feet. [Ord. 2013-001]
 - 3) Content**
All required sign content shall be in lettering a minimum of six inches in height. The name and phone number of a responsible party shall be clearly posted. The name of the organization that is collecting the recyclable materials shall also be posted and include whether for profit, not-for profit or government entity. No additional content other than logos, clarification of materials to be collected for recycling, or direction signage identifying the bin shall be allowed. [Ord. 2013-001]
- e. Storage**
Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse.
- f. Number**
The number of recycling bins shall be based upon the overall acreage of a development, including outparcels, provided all development regulations are met on-site. A minimum of one recycling bin for each site up to a maximum of one recycling bin per acre, rounded down to the nearest whole acre, may be allowed. No more than three bins shall be clustered or located within any one acre area unless collocated with loading, dumpster or other similar areas. [Ord. 2013-001]
- g. Operation**
- 1) The bin and adjacent area shall be maintained and free from litter, debris, and residue on a daily basis. Failure to maintain the bin and adjacent area may result in the revocation of the DRO approval or Special Permit. [Ord. 2013-001]
 - 2) No processing of deposited materials shall be allowed on-site. Limited sorting or separation may only be permitted when a bin is manned by a person during permitted collection hours. The unit shall employ no mechanical sorting or processing equipment. [Ord. 2013-001]
 - 3) A recycling bin containing 40 cubic yards or more shall be monitored by a person. Manned collection activities shall be limited to between 7:00 a.m. to 8:00 p.m. daily. [Ord. 2013-001]
- h. Prohibited Materials**
Collection of materials shall be expressly limited to pre-sorted, recyclable materials identified in this Supplementary Use Standard. Collection of any other materials, including but not limited to rubber, textiles, hazardous wastes or construction debris is prohibited. [Ord. 2013-001]
- j. Mobility**
The mobility of a drop-off bin shall be maintained at all times.
- 6. Special Event**
- a. Definition**
A temporary activity which may includes rides, amusements, food, games, crafts, and performances.
 - b. Typical Special Events**
Typical Special Events may include but are not limited to carnivals, circuses, temporary auctions, rallies, and revivals.
 - c. Approval Process**
The use shall be subject to Special Permit if the event is projected to attract less than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application.
 - d. Duration**
 - 1) A Special Event shall not exceed 14 consecutive days.
 - 2) If the Applicant provides to the Zoning Division a Justification Statement explaining the need for an extension, Zoning Staff shall determine whether the extension shall be granted up to 21 total consecutive days based on the following:
 - a) The types of activities warrant the additional time period; and,
 - b) The time extension shall not cause an adverse impact or a nuisance to the adjacent parcels.
 - 3) A maximum of three events per calendar year per parcel.
 - e. Zoning District - Residential**
Special Events that are prohibited in residential zoning districts may be allowed subject to a Special Permit approval, and the following:
 - 1) Shall be collocated with a Place of Worship;

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

- 2) Hours of operation shall be from 9:00 a.m. to 5:00 p.m.; and,
 - 3) Special Events and religious services operating during the same time are required to provide parking for both activities or comply with the off-site parking provisions in Art. 6.
- f. Location**
Shall not front a street under construction.
- 1) U/S Tier**
Primary access shall be from a paved Arterial or Collector Street.
 - 2) All Other Tiers**
 - a) In the Rural, Exurban, AGR and Glades Tiers, primary access shall be from a paved street.
 - b) Back-out parking directly onto a public street shall be prohibited.
- g. Setbacks**
All buildings, trailers, 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.
- h. Parking**
The use shall be prohibited on vacant undeveloped parcels, unless parking is provided on a stabilized surface with defined ingress/egress for vehicles to enter and exit the site in a forward motion.
- 7. Temporary Green Market**
- a. Definition**
A temporary gathering of vendors, primarily for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food. [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]
 - c. Renewal**
The Special Permit may be renewed annually, pursuant to Art. 2.D.2, Special Permit.
 - d. 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.
 - f. 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.
 - 2) Motor vehicles utilized for the purpose of transporting vendor supplies and products may be allowed on-site, provided the vehicles are removed from the site within two hours after the market closes each weekend.
 - 3) Shall not utilize required parking spaces. [Ord. 2007-001]
- 8. Temporary Retail Sales**
- a. Definition**
General retail sales without a fixed or permanent location.
 - b. Typical Uses**
Typical uses may include but are not limited to temporary sales of Christmas trees, pumpkins, fireworks, plants, art, paintings, rugs, and furniture.
 - c. Duration**
Shall not exceed 30 consecutive days and a maximum of four times per calendar year per parcel.
 - d. Zoning District - AGR**
Shall be limited to Christmas trees, plants, and pumpkins.
 - e. Location**
Shall front an Arterial Street.
 - f. Number**
A maximum of one temporary tent or structure shall be allowed per parcel.
 - g. Operation**
All debris shall be completely removed from the site, and the property shall be returned to its original condition, within 24 hours of the expiration of the Special Permit or the removal of the activities associated with Special Event.
 - h. Special Provisions for Sparklers**
Shall comply with the following additional requirements:
 - 1) Zoning Districts**
Shall be limited to CG and IL.
 - 2) Seasonal Limitations**
Shall only be allowed June 20 through July 5 and December 10 through January 2 of each year.

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ARTICLE 4, USE REGULATIONS
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- 3) **Additional Application Requirements**
The Special Permit application shall include the following information:
- a) **Fire Marshal Certification**
The PBC Fire Marshall shall review and approve the location of the sale of the sparklers and issue a certificate of registration.
 - b) **Affidavit of Compliance**
A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshall. The affidavit shall be submitted affirming that only products on the State Fire Marshall's approved List of Sparklers will be sold and that violation of the affidavit may result in an injunction.
 - c) **Documentation**
Copies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and driver's licenses for the applicant's authorized agents.
- i. **Parking**
Parking shall be provided on-site, on a stabilized surface with defined ingress/egress. Vehicles shall enter and leave the site in a forward motion.
9. **Temporary Vehicle Sales**
- a. **Definition**
The temporary sale of new or used motor vehicles, including cars, trucks and recreational vehicles.
 - b. **Duration**
 - 1) Limited to five consecutive calendar days, not to exceed four times per calendar year.
 - 2) Shall be prohibited during the months of November and December.
 - c. **Lot Size**
A minimum of ten acres.
 - d. **Setbacks**
The event area shall be setback a minimum of 50 feet from all buildings.
 - e. **Parking**
 - 1) A maximum of 50 required off-street parking spaces may be utilized, and no related activities shall extend beyond the designated area.
 - 2) Accessible parking spaces shall not be occupied by activities related to the use.
 - f. **Accessory Sales**
Up to three Mobile Retail Sales vendors limited to sales of food and beverage may be allowed as an accessory use to Temporary Vehicle Sales, subject to the Mobile Retail Sales Supplementary Use Standards.

EXHIBIT E

ARTICLE 5, SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

1 Part 1. ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 8, 10, 13-15, 16 and 32 of 100), is
2 hereby amended as follows:

3 CHAPTER B ACCESSORY ~~AND TEMPORARY~~ USES AND STRUCTURES

4 Section 1 Supplementary Regulations

5 A. Accessory Uses and Structures

6 1. General

7 The following ~~standards~~ provisions in this Section shall apply to all development in
8 Sstandard, PDD or TDD Zoning Districts, unless otherwise stated: **[2007-001]**

9
10 a. Standards

11 Uses indicated in the Use Matrix as blank in a zoning district shall not be allowed as
12 accessory use unless stated otherwise in Art. 4, Use Regulations. An accessory use or
13 structure shall be subject to the same regulations that apply to the principal use or
14 structure, except as otherwise stated.

15 b. Location

- 16 1) All accessory uses, ~~buildings~~ and structures except for approved off-site parking,
17 shall be located on the same lot as the principal use. ~~No a~~ Accessory structure shall
18 be located in the ~~front or side street side or rear yard~~ only.
- 19 2) Accessory uses or structures shall not be constructed or occupied on any lot prior to
20 the completion of the principal use or structure to which it is accessory.

21 c. Floor Area

22 1) Nonresidential Districts

23 Where allowed, a Accessory uses and structures shall not exceed 30 percent of the
24 GFA ~~and~~ or business receipts of the principal use or uses, whichever is more
25 restrictive. Minor Utility Use is not subject to this provision.

26 2) Residential Districts

27 Accessory uses and structures in the U/S Tier shall not exceed the square footage of
28 the principal use.

29
30 e. Specific Accessory Uses

31 1) Office

- 32 a) Areas of a building dedicated to the administrative operation and incidental to a
33 principal use or uses listed in the Use Matrix may be Permitted by Right.
- 34 b) One parking space shall be provided for every 200 square feet of accessory
35 office.

36 2) Incidental Sales

- 37 Sales of products incidental to a principal use may be Permitted by Right in
38 Commercial, Industrial, or Institutional, Public and Civic use classifications subject to
39 the following, unless stated otherwise:
 - 40 a) Maximum ten percent of the GFA;
 - 41 b) One parking space for every 200 square feet of accessory sales;
 - 42 c) Merchandise is not stored outside or visible from any street; and,
 - 43 d) Commercial signage is only to advertise the principal use.

44 2. Fences, Walls and Hedges

45
46 b. Height and Related Standards

47
48 4) General Exceptions

- 49
- 50 e) Schools may increase the fence height to eight feet along the perimeter of the
51 site.

52
53 h. Dangerous Materials

54 Fences or walls in any zoning district shall not be electrified or contain any substance
55 such as broken glass, spikes, nails, barbed wire, razors, or any other dangerous material
56 designed to inflict discomfort, pain or injury to a person or animal, except as allowed
57 below. **[Ord. 2010-005] [Ord. 2011-001]**

58 ~~1) Barbed Wire Exceptions~~

59 ~~*The use of barbed wire is prohibited. However, the County recognizes that barbed*~~
60 ~~*wire may be necessary to secure certain uses such as public utilities, prisons, bona-*~~
61 ~~*fide agriculture, and public-owned natural areas, commercial or industrial uses that*~~
62 ~~*have outdoor storage areas. Therefore, the County allows the installation of barbed*~~

Notes:

Underlined indicates new text. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated.
Italicized indicates text relocated. Source is noted in bolded brackets **[Relocated from:]**.
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT E

ARTICLE 5, SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

~~wire as part of the top of the fence or wall for specific uses pursuant to Art. 4.B, SUPPLEMENTARY USE STANDARDS or for situations stated below. [Partially relocated below to Art. 5.B.1.A.2.e.1)]—The barbed wire shall not exceed 20 percent of the overall permitted height of the fence or wall. [Relocated below to Art. 5.B.1.A.2.e.1)b)(1), Height, below] Bonafide agricultural uses, prisons, and other uses as authorized by the Zoning Director pursuant to provisions, Art. 5.B.1.A.2.c.2).c) below, shall be permitted to exceed the 20 percent provision. The calculation of the overall height of a fence or wall is inclusive of any barbed wire: [Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001] [Relocated below to Art. 5.B.1.A.2.e.1)b)(2), Height Exemptions, below]~~

1) **Barbed Wire Exceptions and Regulations**

~~The use of barbed wire is prohibited except in instances as detailed below. The County recognizes that barbed wire may be necessary to secure certain non-residential uses or structures. Therefore, the County allows the installation of barbed wire on top of the fence or wall, subject to the following: [Partially relocated from Art. 5.B.1.A.2.c.2). and Art. 5.B.1.A.2.c.1).]~~

a) **Allowable Uses for Barbed Wire**

- ~~(1) Commercial Communication Towers~~
- ~~(2) Electric Power Facilities;~~
- ~~(3) Electric Transmission Facility;~~
- ~~(4) Minor Utility;~~
- ~~(5) Prisons;~~
- ~~(6) Solid Waste Transfer Stations;~~
- ~~(7) Water or Wastewater Treatment Plant; and,~~
- ~~(8) Zoo.~~

~~[Partially relocated from Art. 4.B.1.A.44-1, 44-2, 63.b, 123, 134, 139, and 143]~~

~~(9) Except when located adjacent to a parcel having a Residential FLU designation, Residential zoning district or residential use, barbed wire that is not visible from any public street, may be installed with the following uses: [Partially relocated from Art. 5.B.1.A.2.c.1) and Articles 4.B.1.A.35, 116, 120, 127, and 130]~~

- ~~(a) Contractor Storage Yard;~~
- ~~(b) Salvage or Junk Yard;~~
- ~~(c) Self Service Storage;~~
- ~~(d) Sugar Mill or Refinery; and,~~
- ~~(e) Towing Service Storage.~~

~~(10) Bona Fide Agriculture use located in AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels. When Bona Fide Agriculture is located in the AR Zoning District other than nurseries, barbed wire shall be setback a minimum of 25 feet from any property line [Partially relocated from Art. 4.B.1.A.3.k).]~~

~~(11) Properties with a Conservation FLU designation, for the purposes of protecting publicly owned natural areas; [Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]~~

~~(12) Properties where the owner can document a valid Development Permit for the use of barbed wire; and, [Ord. 2010-005] [Ord. 2011-001]~~

~~(13) The Zoning Director shall have the authority to allow the installation of barbed wire for any uses pursuant to Art. 4.B, Supplementary Use Standards Use Classification, when the applicant demonstrates a need to comply with Federal, State or Local Government regulations. In support of the barbed wire installation, the Zoning Director may require the applicant to perform mitigation in order to address compatibility with adjacent properties or visibility from adjacent street right-of-way. [Ord. 2010-005] [Ord. 2011-001]~~

~~(14) A removal agreement shall be executed to remove the barbed wire, prior to issuance of a Building Permit. This agreement shall require the removal of the barbed wire in the event the use changes to another use not allowed in the list above.~~

b) **Standards**

(1) **Height**

~~The barbed wire shall not exceed 20 percent of the overall permitted height of the fence or wall or two feet whichever is less. [Partially relocated from Art. 5.B.1.A.2.c.2).]~~

(2) **Height Exemption**

~~Bona Fide Agriculture, Prisons, and other uses as authorized by the Zoning Director pursuant to provisions in Article 5.B.1.A.2.h.1).a)(6), shall be~~

Notes:

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~~Stricken~~ indicates text to be deleted. ~~Stricken and italicized~~ means text to be totally or partially relocated.
Italicized indicates text relocated. Source is noted in bolded brackets [Relocated from:].
.... A series of four bolded ellipses indicates language omitted to save space.

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ARTICLE 5, SUPPLEMENTARY STANDARDS
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permitted to exceed the 20 percent provision. The calculation of the overall height of a fence or wall is inclusive of any barbed wire. [Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001] [Partially relocated from Art. 5.B.1.A.2.c.1).]

2) Electrified Fences - Exceptions and Regulations

....

a) Allowable Uses for Electrified Fences

Electrified fences shall only be allowed for the following uses: [Ord. 2013-018]

(1) Commercial uses, as follows: [Ord. 2013-018]

(a) Auction, Outdoor; [Ord. 2013-018]

~~(b) Auto Paint or Body Shop; [Ord. 2013-018]~~

~~(c) Building Supplies; [Ord. 2013-018]~~

(d) Contractor Storage Yard; [Ord. 2013-018]

(e) Flea Market, ~~Open Outdoor~~; [Ord. 2013-018]

(f) Landscape Service; [Ord. 2013-018]

(g) Laundry Services; [Ord. 2013-018]

~~(h) Marina;~~

~~(hi) Parking Lot, Commercial; [Ord. 2013-018]~~

~~(ij) Repair and Maintenance, General Heavy; [Ord. 2013-018]~~

~~(jk) Self-Service Storage Limited Access; [Ord. 2013-018]~~

~~(l) Self Service Storage Multi Access;~~

~~(km) Towing Service and Storage; and, [Ord. 2013-018]~~

~~(ln) Vehicle Sales and Rental, Light; and, [Ord. 2013-018]~~

~~(o) Vehicle or Equipment Sales and Rental, Heavy.~~

(2) Institutional, Public and Civic uses, as follows: [Ord. 2013-018]

....

(3) Recreation uses, as follows: [Ord. 2013-018]

(a) Zoo; ~~and, [Ord. 2013-018]~~

~~(b) Marine Facility. [Ord. 2013-018]~~

(4) All uses listed as Agricultural Uses in ~~Table 4.A.3.A Art. 4.B.6.A, Agricultural Use Matrix. [Ord. 2013-018]~~

(5) All uses listed ~~as under the Utilities Use Classification & Excavation uses in Table 4.A.3.A Art. 4.B.7.A, Utilities Use Matrix [Ord. 2013-018].~~

~~(6) All uses listed under the Excavation Use Classification in Art. 4.B.10.A, Excavation Use Matrix.~~

~~(67) All uses listed as Industrial Uses in Table 4.A.3.A, Use Matrix. [Ord. 2013-018]~~

[Renumber Accordingly]

3. Outdoor Storage and Activities

Outdoor storage of merchandise, inventory, equipment, refuse, or similar materials, and outdoor activities associated with a use operation in all ~~nonresidential zoning~~ districts shall be subject to the following standards, unless stated otherwise:

a. **General**

Outdoor Storage and Activities may only be allowed when incidental to the use located on the premises.

b. **Location**

Outdoor Storage and Activity areas shall not be located in any of the required setbacks. Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.

c. **Height**

Outdoor Storage material shall not exceed 15 feet in height or the height of the screening, whichever is less. The height could be less if required by the F.A.C 62-709, as amended.

d. **Nonresidential Districts, Except Industrial Screening**

Outdoor ~~S~~storage and Activity areas shall be completely screened from ~~view~~ all property lines by landscaping, fences, walls, or buildings.

~~de.~~ **Industrial FLU Designation, Zoning Districts or Uses**

~~1) Outdoor storage areas shall be completely screened from view from all streets and adjacent residential districts by landscaping, fences, walls, or buildings up to a height of 12 feet.~~

1) Outdoor Storage and Activity areas adjacent to parcels of land with Industrial FLU designation or use and not visible from any street shall be exempted from the screening requirements.

2) Outdoor Activity areas in industrial uses shall have a Type 3 incompatibility buffer along property lines adjacent to parcels with a Civic, Conservation, Commercial,

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EXHIBIT E

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Recreational or residential FLU designation, or use, or where visible from a public R-O-W. The incompatibility buffer shall be a minimum of 25 feet in width.

- 3) Outdoor Activities such as chipping, crushing, grinding, manufacturing or processing shall be restricted to uses in the IG Zoning District and Industrial General pod of PIPD unless approved as a Class A Conditional Use.

ef. Exceptions

The following uses or material are exempt from this Section:

- 1) Storage and sales of landscape plant material.
- 2) Temporary Storage storage of material used for road construction on a lot directly adjacent to the roadway under construction.
- 3) ~~Uses which allow outdoor storage by definition or in another Section.~~

....
Section 712. Communication Panel Antennas, Commercial

A transmitting and/or receiving device used for AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communications. This excludes amateur radio antennas and satellite dish antennas.

[Relocated from Art. 1.1.2.A.73, Antenna]

a. Applicability

Unless an Eligible Facilities Request for Modification is approved pursuant to Art. 4.B.9.E, these standards below shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards (collocations). [Ord. 2006-004] **[Relocated from Art. 4.C.7, Communication Panel Antennas, Commercial]**

Ab. Permitted Districts Review Process

- 1) Communication panels and Antennas, excluding whip antennas not exceeding eight feet in height and six inches in diameter, may be permitted and shall be reviewed as follows: in Table 4.C.7.A. Panel Antenna Regulations. [Relocated from Art. 4.C.7.A, Permitted Districts]

Table 5.B.1.A- Panel Antenna Review Process

Zoning District or Use				
Zoning District or Use Structure Height	Single Family Residential	Multi-Family Residential	IG, IL, PO Zoning Districts	All Other Non-Residential Zoning Districts
Structures < 25' or less in height	Not Permitted	Not Permitted	Building Permit Review	Not Permitted
Structures greater than 25' and to 45' or less in height	Development Review Officer	Development Review Officer	Building Permit Review	Development Review Officer
Structures greater than 45'	Class B Conditional Use	Building Permit Review	Building Permit Review	Building Permit Review

[Relocated from Table 4.C.7.A - Panel Antenna Regulations]

42) Applicability and Review Process Building Permit

A building permit shall be required for the installation of all communication panels and antennas in addition to any other review process. [Relocated from Art. 4.C.7.A.1, Applicability and Review Process]

B. Communication Panel Antennas

4c. Architectural Compatibility

Demonstrate architectural compatibility (color and/or texture) with the structure on which it is located. [Relocated from Art. 4.C.7.B.1, Architectural Compatibility]

4d. Screening

If the panel antenna is attached to a pole support structure, the pole shall be concealed by an opaque screen. [Relocated from Art. 4.C.7.B.2, Screening]

4e. Size Limitations for Panel Antenna

Each communication panel shall not exceed a maximum height of eight feet; maximum depth of four feet; and maximum width of four feet. [Relocated from Art. 4.C.7.B.3, Size Limitations]

4f. Supplemental Application Requirements

In addition to the requirements indicated above, plans depicting cross sections or elevations of the panel attached to the structure shall be provided at the time of submittal of the application package. [Relocated from Art. 4.C.7.B.4, Supplemental Application Requirements]

4g. Setbacks

1.) Accessory Structures

Unmanned roof mounted accessory structures shall meet a minimum 25-foot setback from the edge of the roof or comply with the architectural compatibility

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standards pursuant to Article 4.C.7.B.1–5.B.1.A.12.c, Architectural Compatibility.
[Relocated from Art. 4.C.7.C.1, Accessory Structures]

2. ~~Communication Panels and Antennas~~

~~2.) There shall be no minimum setback required for panels or antennas.~~ [Relocated from Art. 4.C.7.C.2, Communication Panel and Antennas]

Dh. Whip Antennas

Whip antennas not exceeding eight feet in height and six inches in diameter shall be permitted in any zoning district. Whip antennas may be attached to residential structures, utility poles, etc. Whip antennas, unless attached to a residential structure, shall be installed at least 50 feet from any existing residential structure. [Relocated from Art. 4.C.7.D, Whip Antennas]

[Renumber Accordingly]

15. Seaplanes

a. Location

~~If the seaplane facility use is limited to the adjacent property owners who jointly own and maintain the aircraft facility, it may be located in a residential district and not be of a commercial nature, provided that the facility is not within 400 feet of a residential use. If the facility is a commercial venture, it shall not be located within 1,000 feet of a residential district.~~ [Relocated to Art. 4.B.8.C.4.b, Separation Distance – Residential Zoning District]

b. ~~Minimum Land Area~~

~~The minimum required land area for any type of seaplane operation shall be two acres.~~ [Relocated to 4.B.8.C.4.c., Minimum Land Area]

c. Water Area

~~All seaplane operations shall comply with the following minimum standards for water landing area:~~ [Relocated to Art. 4.B.8.C.4.d, Water Area]

Table 5.B.1.A – Seaplane Landing Area Standards

<i>Length</i>	<i>3,500 feet</i>
<i>Width</i>	<i>300 feet</i>
<i>Depth</i>	<i>4 feet</i>

d. Airport Approach

~~No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40:1 or flatter for a distance of at least two miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach plane.~~ [Relocated to Art. 4.B.8.C.4.e, Airport Approach]

e. Setbacks

~~All buildings, structures, and aircraft parked on shore shall be located a minimum distance from all property lines of at least 50 feet.~~ [Relocated to Art. 4.B.8.C.4.f, Setbacks]

f. Landing operations

~~All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be conducted during the hours between sunset and sunrise.~~ [Relocated to Art. 4.B.8.C.4.g, Landing Operations]

g. Parking

~~Shore facilities shall provide one automobile parking space for each 2,000 square feet of hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities shall provide a minimum of five parking spaces.~~ [Relocated to Art. 4.B.8.C.4.h, Parking]

Part. 2 New ULDC Art. 5.B.1.A, Accessory Uses and Structures, (page 32 of 100) is hereby established as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

22. Mobile Home

The use of a mobile home shall be prohibited unless stated otherwise in Articles 4, Use Regulations and Article 5, Supplementary Standards.

Notes:

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EXHIBIT E

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1

Table 5.B.1.A – Mobile Home (1) Applicability

<u>Dwelling Unit</u>	<u>Structure</u>
MHPD or Existing Approved Mobile Home Park (2)	Accessory to Bona Fide Agriculture (2)
	Farm Workers Quarters (2)
	Caretaker Quarters (2)
	Watchman Trailer (3)
	While Constructing a SF Dwelling (3)
[Ord.]	
Notes:	
1.	<i>Mobile Home shall not be used for storage or display.</i> [Partially relocated from old Art. 4.B.1.A.85, Mobile Home Dwelling]
2.	Supplementary use standards are indicated in Article 4, Use Regulations.
3.	Specific regulations are stated in Article 5, Supplementary Standards.

2

3

23. Air Curtain Incinerator

4

A combustion device used to burn trees and brush. [Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9, Air Curtain Incinerator]

5

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a. Standards

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1) Exemptions

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The following temporary air curtain incinerators are exempt from the requirements of this Section: Incinerators operating under written approval from the PBC Health Department in accordance with the PBC Open Burning Ord. 2005-020; and incinerators used for the emergency burning of storm generated debris by a local government. [Ord. 2006-004] [Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.a.1), Exemptions]

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2) Storage

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Except in the AP Zoning District, on site outdoor storage of unprocessed material shall be limited to 45 days. Pile height shall be limited to 15 feet. Outdoor storage shall be setback a minimum of 25 feet from any property line or 50 feet from any property line adjacent to a residential district or use. Storage areas shall be screened from view pursuant to Art. 5.B, Accessory and Temporary Uses. [Ord. 2006-004] [Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.a.2), Storage]

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3) Hours of Operation

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Hours of operation are limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. The incinerator shall not be charged before 9:00 a.m. and shall be completely extinguished one hour before sunset. [Ord. 2006-004] [Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.a.3), Hours of Operation]

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4) No Burn Days

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The incinerator shall not operate on “no burn days” as designated by the PBC Fire-Rescue Department. [Ord. 2006-004] [Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.a.4), No Burn Days]

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5) Setback

30

The incinerator shall be set back a minimum of 1,200 feet from any property line abutting a residential district or use. [Ord. 2006-004] [Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.a.5), Setback]

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b. Supplemental Application Requirements

34

1) Site Plan

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A site plan illustrating how the operation functions, circulation routes, square footage, height and location of buildings, incinerator and storage piles. [Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.b.1), Site Plan]

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2) Waste

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An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day. [Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.b.2), Waste]

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3) Dust Control

43

A plan which addresses dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator and watering or enclosing storage piles. If facility with an air curtain incinerator also includes chipping, mulching or composting, adherence to the supplementary use standards applicable to such use shall also be required. [Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.b.3), Dust Control]

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ARTICLE 5, SUPPLEMENTARY STANDARDS
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24. Air Stripper

A remedial system which treats contaminated groundwater. [Relocated from Art. 4.B.1.A.11, Air Stripper under Utility Uses]

a. Duration

The length of time a remedial system may remain on a site shall be determined by ERM. [Relocated from Art. 4.B.1.A.11.a, Duration, under Utility Uses]

b. Setback

If the applicant is unable to meet the property development regulations, in lieu of a variance, the Zoning Division shall be authorized to determine the location of the structure and set necessary conditions for landscaping and screening. [Relocated from Art. 4.B.1.A.11.b, Setback, under Utility Uses]

25. Kennels and Runs

Runs applicable to any Kennel use shall be subject to the following:

a. Fences

Safety fences around the outdoor runs shall not exceed six feet in height. [Partially relocated from Art. 4.B.1.A.73.a.3), Limitations of Use related to Kennel, Type 1 (Private)]

b. Hedge

If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. [Partially relocated from Art. 4.B.1.A.73.a.3), Limitations of Use related to Kennel, Type 1 (Private)]

c. Setbacks

1) General

a) *Enclosed structures or enclosed runs shall comply with the minimum setbacks applicable to the principal dwelling unit.* [Ord. 2006-036] [Relocated from Art. 4.B.1.A.73.a.1) Setbacks related to Kennel, Type 1 (Private)]

b) *Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line.* [Ord. 2006-036] [Relocated from Art. 4.B.1.A.73.a.4) Limitations of Use related to Kennel, Type 1 (Private)]

2) Hobby Breeders

Outdoor runs or non-enclosed structures used by hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036] [Relocated from Art. 4.B.1.A.73.a.3) Limitations of Use related to Kennel, Type 1 (Private)]

d. Guard Dog Shelter Exemption

Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ord. 98-022 may be allowed in any zoning district. A shelter for a permanent on-site guard dog, associated with guard duty, shall be exempt from the setback requirements of this section when adjacent to non-residential zoning districts or uses. [Ord. 2008-036] [Relocated from Art. 4.B.1.A.73.b.3) Limitations of Use related to Kennel, Type 1 (Private)]

Part 3. ULDC Art. 5.B.1.B, Temporary Structures (page 32 of 100), is hereby amended as follows:

CHAPTER B ~~ACCESSORY AND TEMPORARY USES~~ AND STRUCTURES

Section 1 Supplementary Regulations

B. Temporary Structures

1. Emergency or Temporary Government Structures and Uses

This Section is intended to allow the placement or construction of temporary government uses, facilities, and infrastructure improvements that address an immediate public need and ensure health, safety and welfare concerns. Typical uses include, but are not limited to, fire stations, hurricane shelters, or utility facilities. [Ord. 2011-001]

a. Review and Approval Process

1) Emergency Uses or Structures

The Executive Director of PZB may authorize the issuance of a building permit for a temporary structure upon determination that a public emergency, pending natural disaster, or actual natural disaster, exists. [Ord. 2011-001]

2) Temporary ~~Uses or~~ Structures

(a) DRO Pre-Application Conference or BCC Direction

The Zoning Director may require a pre-application conference with the DRO in order to seek input from the various County Agencies on the temporary ~~use of~~ structure, or may seek direction from the BCC. The Zoning Director shall

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consider documentation from the applicant and any other input from County Agencies before issuance of a Special Permit. [Ord. 2011-001] [Ord. 2011-016]

b) Special Permit

A Special Permit approval of the temporary ~~use of~~ structure pursuant to Article 2.D.2. Special Permit, must be obtained prior to the issuance of a building permit. [Ord. 2011-001]

(c) Duration

The Special Permit shall be valid for up to a period of six months from date of issuance, with one three month extension by the Zoning Director. The BCC may extend the timeframe through an Administrative Inquiry by the Zoning Director. [Ord. 2011-001]

....
3. Temporary Structures and Uses During Development Activity

d. Mobile Home While Constructing a SFD Single Family Dwelling

1) ~~Temporary Dwelling During Home Construction~~ Definition

~~A mobile home used as a temporary residence during the construction of a Single Family structure.~~

2) ~~Zoning District – AR (RSA)~~

~~In A temporary mobile home may be allowed only in the AR Zoning District of the - Rural Service Area (RSA). District, placement of a mobile home dwelling shall be permitted on a temporary basis subject to the following standards:~~

~~a3) Agency Approval~~

~~Sanitary sewage facilities and potable water well shall be approved by all governmental agencies having appropriate jurisdiction, permits, and inspections for the installation which must be obtained from the PZB Department and Health Department;~~

~~b4) Building Permit~~

~~a) A valid building permit for a sSingle fFamily dwelling unit on the land shall have been approved issued by the Building Director Division prior or concurrent to issuance of the tie down permit for the mobile home;~~

~~b) The approval for the mobile home shall be valid for two years or up to 30 days after the issuance of the Certificate of Occupancy for the Single Family dwelling, whichever occurs first. A removal agreement shall be notarized and executed between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit. No time extensions shall be granted. No more than one MH approval shall be granted per Property Control Number. [Ord. 2007-001] [Relocated from Art. 4.B.1.A.85.d.2.a), Limitations of MH Approval]~~

~~c) Removal Agreement~~

~~Execution of a notarized Mobile Home Removal Agreement, which establishes that the mobile home shall be removed within 30 days after the final CO or at the end of the maximum two year timeframe. Additionally, the building permit shall be stamped with the requirement to remove the mobile home within 30 days after the final CO is issued. [Ord. 2008-003]~~

~~25) Additions~~

~~No additions shall be permitted allowed to the mobile home, except awnings and demountable screen panels, stairs, decks and trellises.~~

~~36) Proof of Ownership~~

~~A current recorded warranty deed for the subject property shall be submitted.~~

....
Part 4. ULDC Art. 5.B.1.C, Flex Space (page 33 of 92), is hereby amended as follows:

CHAPTER B ACCESSORY ~~AND TEMPORARY~~ USES AND STRUCTURES

Section 1 Supplementary Regulations

C. Flex Space

A type of use that allows a flexible amount of retail, office and industrial space in one structure located on parcels with an Industrial (IND), Economic Development Center (EDC), or Commercial High (CH) Future Land Use Designation (FLU), that are directly related to the principal use. [Ord. 2010-005]

1. Review Process

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ARTICLE 5, SUPPLEMENTARY STANDARDS
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- 1 Applications for flex space shall be reviewed pursuant to Article 2, Development Review
2 Process, in addition to one of the following options: [Ord. 2010-005]
3 a. Option I – Uses requiring BCC approval shall be subject to the applicable review process
4 pursuant to Article 2.B.2, Conditional Uses, Requested Uses and Development Order
5 Amendments. The applicant shall identify the portion of the building designated for flex
6 space on the site plan. All other uses subject to an administrative review process shall
7 be permitted in the BCC approved building. [Ord. 2010-005]
8 b. Option II – Uses requiring DRO approval shall be subject to the review process pursuant
9 to Article 2.D.1 Development Review Officer. The applicant shall identify the portion of
10 the building designated for flex space on the site plan. All other uses subject to the
11 Building Permit review process shall be permitted in the DRO approved building. [Ord.
12 2010-005]
13 c. Option III – Uses subject to the Building Permit review process may occupy a bay or the
14 entire building as long as they comply with the applicable Supplementary Use Standards
15 and additional ULDC requirements (parking, signage, etc.). The applicant shall identify
16 the portion of the building designated for flex space on the site plan. The applicant has
17 the option of applying flex space provisions to a specific bay in the building or having the
18 entire building (single use tenant) dedicated to flex space. The applicant shall submit the
19 Building approved site plan to the Zoning Division for informational purposes indicating
20 the area designated as flex space and demonstrating that the overall site is in compliance
21 with the applicable ULDC regulations. [Ord. 2010-005]

2. Development Standards

a. CH – FLU

Flex space located on parcels with a CH FLU shall be permitted to have the following mix
of uses: a minimum of 50% industrial, not to exceed 75%; with the balance consisting of
office or retail. [Ord. 2010-005]

b. IND – OR EDC FLU

Flex space located on parcels with an IND FLU shall be permitted to have the following
mix of uses: a maximum of 30% office-or retail, with the balance consisting of industrial.
[Ord. 2010-005]

3. Uses Allowed

The uses indicated in the table below, may utilize flex space provisions pursuant to the
applicable approval process indicated in Review Process above. [Partially relocated from
Art. 4.B.1.A.46, Contractor Storage Yard/68, Manufacturing and Processing/92, Retail
Sales/108, Warehouse/ 111, Wholesaling]

Table 5.B.1.C - Uses Allowed as Flex Space Component

Table with 2 columns: Commercial Use, Industrial Uses. Rows include Retail Sales (1), Contractor Storage Yard (2), Manufacturing and Processing (2), Warehouse (2), Wholesaling (2). Includes footnotes (1) and (2) regarding approval processes.

Part 5. ULDC Art. 5.C.1.B.1. General, [Related to Architectural Guidelines] (page 37-38 of 100),
is hereby amended:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

B. Threshold

This Chapter shall apply to the following projects, buildings and related signs:

1. General

b. All nonresidential projects or buildings requiring approval by the DRO in accordance with
Table 4.A.3.A, Use Matrix the use matrices in Art. 4, Use Regulations, and Table 3.D.1.A,
Property Development Regulations, or those exceeding the thresholds in Table 4.A.9.A,
Thresholds for Projects Requiring DRO Approval; [Ord. 2006-036]

e. The following uses, regardless of building size: [Ord. 2006-036]

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- 1) ~~Automotive paint or body shop; [Ord. 2006-036]~~
- 2) ~~Heavy or Light~~ Repair and ~~m~~Maintenance, ~~general~~; [Ord. 2006-036] [Ord. 2012-027]
- 3) ~~Retail s~~Sales, ~~for~~ automotive parts and accessories ; ~~and [Ord. 2006-036] [Ord. 2012-027]~~
- 4) Type ~~1~~ 1 restaurants with drive through requesting location criteria exception pursuant to Art.4.B.2.C.32, Restaurant, Type ~~1~~ 1; ~~and~~. [Ord. 2012-027]
- 4) Type 3 CLF. [Relocated from Art. 4.B.1.A.34.e, Design and Compatibility - Related to CLF]

....

Part 6. ULDC Art.5.C.1.E, Architectural Guidelines (page 38 of 100), is hereby amended as follows:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

E. Review Process

PZB shall review all applicable buildings for compliance with this Chapter during the building permit or zoning review process, and provide a written determination of compliance with the requirements of this Chapter. An application submitted for any type of review process listed below may apply for Unique Structure designation or Type II Variance, pursuant to Article 2.B.2, Conditional Uses, ~~Requested Uses~~, Development Order Amendments and Unique Structures: [Ord. 2009-040]

Part 7. ULDC Art. 5.E.4.E.2.e.11) Nuisances (page 57 of 100), is hereby amended as follows:

CHAPTER E PERFORMANCE STANDARDS

Section 4 Nuisances

E. Outdoor Lighting

2. Applicability

e. Deviations

- 11) Lighting for Commercial ~~e~~Communication ~~t~~Towers under Art. ~~4.C.4.Q.2~~ 4.B.9.B.10 of the ULDC; and [Ord. 2005-041]

....

Part 8. New ULDC Art. 5.E.5, Hours of Operation (page 57 of 100), is hereby established:

CHAPTER E PERFORMANCE STANDARDS

Section 5 Hours of Operation

Hours of operation relate to the time during which the use is open to the public for business. For uses not open to the public, hours of operation shall be the time in which the use has employees working.

A. Proximity to Residential

Any non-residential use shall be subject to the hours of operations indicated in Table 5.E, Hours of Operation, when: adjacent located within 250 feet of a ~~to~~ Residential FLU designation, Zoning District or use, unless stated otherwise. ~~No stocking or deliveries outside of the permitted time when located within 250 feet of residential.~~ Mixed uses located in the following zoning districts shall not be considered residential uses for the purposes of hours of operation: Neighborhood General (NG), Neighborhood Commercial (NC) and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MXP, LCC, and TMD.

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1

Table 5.E - Hours of Operation

Nonresidential Use Classification	Hours (1)
Commercial	6:00 a.m. to 11:00 p.m.
Recreation	6:00 a.m. to 11:00 p.m.
Institutional, Public and Civic	6:00 a.m. to 11:00 p.m.
Industrial with outdoor activities	7:00 a.m. to 7:00 p.m. (Monday – Saturday)
Industrial without outdoor activities	6:00 a.m. to 11:00 p.m. (Monday – Saturday)
Transportation	7:00 a.m. to 11:00 p.m.
Temporary	6:00 a.m. to 11:00 p.m.
Accessory Nonresidential Uses to Residential Uses	7:00 a.m. to 7:00 p.m.
[Ord.]	
Notes:	
1	Stocking activities or deliveries outside of the permitted hours of operation are prohibited for nonresidential uses located within 250 feet of residential.

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AB. Measurement

Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the non-residential use. [Ord. 2009-040] [Partially relocated from Art. 3.D.3.A.2.a, Hours of Operation – Related to All Commercial, Public and Civic Uses under District Specific Regulations]

C. Existing Uses

Uses existing prior to this amendment may comply with the requirements existing at the time the use was established, unless modified by a subsequent Development Order. [Ord. 2009-040] [Relocated from Art. 3.D.3.A.2.a.1), Existing Uses - Related to Hours of Operation applicable to all Commercial, Public and Civic Uses under District Specific Regulations]

D. Exemptions

Uses owned or operated by a governmental entity that provide essential services for the public, as determined by the Zoning Director, shall be exempt from these standards. [Ord. 2009-040] [Relocated from Art. 3.D.3.A.2.a.2), Exemptions - Related to Hours of Operation applicable to all Commercial, Public and Civic Uses under District Specific Regulations]

Part 9. ULDC Art.5.F.1.F, Maintenance and Use Documents (page 62 of 100), is hereby amended as follows:

CHAPTER F LEGAL DOCUMENTS

Section 1 Maintenance and Use Documents

F. Content Requirement for Documents

1. Property Owner's Association (POA) Documents

a. Declaration of Covenants and Restrictions

1) Legal Description

a) For Master Property Owner's Associations

Where applicable, all property included within the Master Plan for a Development Order, regardless of how many phases, shall be subjected to the terms of the declaration at the time the first plat of the development is recorded. Property shall not be withdrawn from the terms of the declaration unless it is also withdrawn from the Master Plan. This shall also apply to any affected portion of an AGE Allocation Plan with a Development Order for a Rezoning, Conditional ~~or Requested~~ Use, or related Development Order Amendment subject to the requirements of the AGE. [Ord. 2010-022]

Part 10. ULDC Art.5.G.1.E, Workforce Housing Program (WHP) (page 77, 89 of 100), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Workforce Housing Program (WHP)

E. WHP Incentives

All projects with 10 or more residential units shall be eligible for WHP Incentives. [Ord. 2006-055]

Notes:

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EXHIBIT E

ARTICLE 5, SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

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1. Density Bonus

Table 5.G.1.D - Review Process

Density Bonus	DRO Approval	Class A Conditional Use	Requested Use Class B Conditional Use
Standard District > 30% - 50%	X		
Standard District > 50% - 100%		X	
PDD or TDD > 30% - 100%		X	X
[Ord. 2006-055]			

....
K. TDR: Receiving Area Procedure
3. Review Process

c. The transfer of any density to a planned development is reviewed as a Conditional requested use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs). A general application by a property owner for receiving area status and a density bonus shall be accepted for review and processing pursuant to Art. 2, Development Review Process. [Ord. 2005-002] [Ord. 2010-005]

Part 11. ULDC Art. 5.H.2.B Applicability and Standards (page 91 of 100), is hereby amended as follows:

CHAPTER H MASS TRANSIT STANDARDS
Section 2 Applicability and Standards

B. Thresholds and Standards

For the purposes of this Chapter, non-residential development shall be defined as all commercial, civic/public, recreation and industrial uses that are open to the public. Unmanned or minimal commuter generating facilities, such as eCommercial eCommunication ~~t~~Towers or eElectric ~~t~~Transmission ~~facility~~ Substation, or as determined by Palm Tran shall be excluded from this definition. Where applicable, the requirements of this Chapter shall be approved by Palm Tran and shown on all Preliminary Development Plans, Preliminary Subdivision Plans, Preliminary Site Plans, Final Master Plans, Final Subdivision Plans and Final Site Plans, prior to DRO certification or approval. Palm Tran Transit Design Manual provides an understanding of transit operating criteria and, access requirements (www.pbcgov.com/palmtran/library). Section 810 of the ADA and ABA Accessibility Guidelines provides curbside ADA requirements for Transportation Facilities (www.access-board.gov/ada-aba/final.htm). FDOT Transit Facilities Guidelines provides more detail requirements for the location transit infrastructure (www.dot.state.fl.us/transit/Pages/TRANSIT%20Facilities%20GUIDELINES.PDF). [Ord. 2008-003]

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

1 Part 1. ULDC Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - (page 4-
2 11 of 39), is hereby amended as follows:

3 CHAPTER A PARKING

4 Section 1 General

5 A. Purpose and Intent

6
7 4. Deviations for the PO Zoning District
8

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: Residential	Parking	Loading (1)
....		
Multi-family	1 space per efficiency unit; 2 spaces per unit (one bedroom or more); plus 1 guest parking space per 4 units with common parking areas.	N/A
Accessory dwelling <u>Quarters</u>	1 space per unit	N/A
....		
Grooms Quarters [Relocated from Agricultural]	<i>1 space per unit</i>	<i>N/A</i>
....		
Kennel, Type 1 <u>(Private)</u>	1 space per 500 sq. ft. of cage or kennel area.	N/A
Nursing or convalescent facility [Relocated to Institutional, Public and Civic]	<i>1 space per 3 beds; plus 1 space per 200 sq. ft. of office space</i>	<i>D</i>
Security or eCaretaker q <u>Quarters</u>	1 space per unit	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

1

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
Contractor storage yard [Relocated to Industrial Uses]	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	A
Day labor employment service	1 space per 250 sq. ft.	C
....		
Green Market		
Temporary [Relocated to Table 6.A.1.B, Temporary Uses]	N/A	N/A
....		
Kiosk	N/A	N/A
....		
Laundry Services	1 space per 200 sq. ft.	N/A-C
Marina [Relocated from Marine Facility under Recreation]	1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips	A
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
....		
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		
Loading Standard Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

1

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: Commercial	Parking	Loading (1)
....		
Printing and copying services	1 space per 250 sq. ft.	B
Retail sales, auto parts	1 space per 200 sq. ft.	C
Retail sales, mobile or temporary [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
....		
Rooming and Boarding House	1 space for each guest room	C
Self Service Storage	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	(6) ⁶
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
....		
Unmanned Retail Structure	2 spaces (11)	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		
Loading Standard Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.		
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.		
Notes:		
....		
6. Limited access <u>Self Service Storage</u> facilities must provide <i>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.</i> [Ord. 2005-041] [Partially relocated from Art. 4.B.7.C.36.d.2, Loading (Related to Multi- a Access Self Service Storage facilities)]		
....		
11. <u>Freestanding Unmanned Retail Structures shall require a minimum of one (1) parking space for persons with disabilities.</u>		

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

1

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: <u>Institutional</u> , Public and Civic	Parking	Loading (1)
Airport, landing strip or helipad [Relocated to Transportation]	<i>1 space per tie-down and hangar space, minimum of 5 spaces</i>	<i>G</i>
....		
Day camp [Relocated to Table 6.A.1.B, Temporary Uses]	<i><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</i>	<i>E</i>
....		
Homeless Resource Center	1 space per 200 sq. ft. or accessory service delivery areas	E
....		
Nonprofit Assembly; Nonprofit Institutional or Membership (5)	1 space per 3 seats or 200 sq. ft. for the principal place of assembly, whichever is greater. 1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses. Collocated uses classified with the definition of a use listed in Art. 4.B.1, Uses <u>Classification</u> , calculated separately.	A
Nursing Home or Convalescent Facility [Relocated from Residential]	<i>1 space per 3 beds; plus 1 space per 200 sq. ft. of office space</i>	<i>D</i>
....		
Hospital or medical center	1 space per 2 beds; plus 1 space per 200 sq. ft. of outpatient treatment area	D
....		
Prison, Jail or Correctional Facility	<i>1 space per 500 sq. ft.; or 1 space per 3 seats, whichever is greater</i>	<i>N/A</i>
....		
School, p Private and charter	1 space per employee, 1 visitor space for every 50 students, 1 space for every 5.5 students in 11th and 12th grade; Auditorium or stadium- 1/3 seats	C
School, p Public and Charter	<i>In accordance with the State Department of Education requirements for educational facilities: 1 space per faculty and staff, high school 1 space for every 10 students in 11 and 12 grade, and 1 visitor space for every 50 students.</i>	C
[Ord. 2006-004] [Ord. 2006-013] [Ord. 2009-040]		
Use Type: Recreational	Parking	Loading (1)
Arena, auditorium or stadium or Amphitheater	1 space per 3 seats	B
....		
Gun Club, Enclosed Shooting Range, Indoor and Shooting Range, Outdoor	1 space per target area	N/A
Marine facility [Relocated to Commercial]	<i>1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips</i>	<i>A</i>
....		
Special event [Partially relocated to Table 6.A.1.B, Temporary Uses]	<i>1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater</i>	<i>N/A</i>
....		
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2012-007] [Ord. 2014-025]		

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

1

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: Agriculture	Parking	Loading (1)
....		
Farrier	1 space per 1,000 sq. ft.	N/A
....		
Grooms—Quarters [Relocated to Residential]	1 space per unit	N/A
....		
Use Type: <u>Temporary</u>	Parking	Loading (1)
Communication Cell Site on Wheels (COW)	Exempt from parking regulations unless otherwise required by Zoning Director.	N/A
Day Camp [Relocated from Table 6.A.1.B, Public and Civic Uses]	<100 licensed capacity: One space per five persons; plus one drop off stall per 20 persons. >100 licensed capacity: One space per ten persons; plus one drop off stall per 20 persons.	E
Mobile Retail Sales [Relocated from Table 6.A.1.B, Commercial Uses]	N/A	N/A
Real Estate Sales Model, Non-PDD	2 spaces per sales model.	N/A
Recycling Drop-Off Bin [Relocated from Table 6.A.1.B, Utilities and Excavation Uses]	1 space per bin.	N/A
Special Event [Partially relocated from Table 6.A.1.B, Commercial Uses]	N/A (1)	N/A
Temporary Green Market [Relocated from Table 6.A.1.B, Commercial Uses]	N/A	N/A
Temporary Retail Sales [Partially relocated from Table 6.A.1.B, Commercial Uses]	N/A	N/A
Temporary Vehicle Sales	N/A	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		
Loading Standard Key:		
Standard "A"	One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.	
Standard "B"	One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.	
Standard "C"	One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.	
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)	A Special Event shall provide on-site parking unless off-site parking is approved.	

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

1

Use Type: Commercial Communication Towers	Parking	Loading (1)
Commercial Communication Towers [Relocated from Utilities and Excavation]	<i>Exempt from parking regulations unless otherwise required by Zoning Director</i>	N/A
Panel Antennas	<i>Exempt from parking regulations unless otherwise required by Zoning Director</i>	N/A
Use Type: Utilities and Excavation	Parking	Loading (1)
....		
Cell site on wheels (COW) mobile [Relocated to Table 6.A.1.B, Temporary Uses]	<i>Exempt from parking regulations unless otherwise required by Zoning Director</i>	N/A
Communication panels, or antennas, commercial [Relocated to Table 6.A.1.B, Commercial Communication Towers]	<i>Exempt from parking regulations unless otherwise required by Zoning Director</i>	N/A
Communication tower, commercial [Relocated to Commercial Communication Towers]	<i>Exempt from parking regulations unless otherwise required by Zoning Director</i>	N/A
....	2 spaces per acre; minimum of 5 spaces	N/A
Electric Power Facility Plant	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Excavation [Relocated to the Excavation Use Classification]	N/A	N/A
....		
Minor Utility, Minor	1 space per Minor Utility, Minor	N/A
....		
Recycling center [Relocated to Industrial Uses]	<i>1 space per 200 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.</i>	N/A
Recycling Drop-Off Bin [Relocated to Table 6.A.1.B, Temporary Uses]	<i>1 space per bin</i>	N/A
Recycling plant [Relocated to Industrial Uses]	<i>1 space per 200 sq. ft. of office space; plus 1 space per employee</i>	N/A
Renewable Energy Solar Facility, Solar	1 space per site; and 1 space per 200 sq. ft. of office space	N/A
Renewable Energy Wind Facility, Wind	Exempt from parking requirements for unmanned Wind Turbines or MET Towers, unless otherwise required by the Zoning Director	N/A
Sanitary Landfill or Incinerator	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
....		
Water or Wastewater Treatment Plant	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
....		
[Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016]		
Loading Standard Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: <i>Excavation</i>	Parking	Loading (1)
<i>Excavation</i> [Relocated from Utilities and Excavation]	N/A	N/A
Use Type: Industrial	Parking	Loading (1)
Asphalt or concrete plant	1 space per 1,000 sq. ft.	N/A
Contractor Storage Yard [Relocated from Commercial Uses]	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	A
Data and Information Processing	1 space per 100 sq. ft.	A
Distribution Facility	1 space per 200 sq. ft. of office space	N/A
....		
Laboratory, Industrial Research and Development	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A
....		
Motion picture Multi-Media Production studio	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A
Recycling Center [Relocated from Utility Uses]	1 space per 200 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.	N/A
Recycling Plant [Relocated from Utility Uses]	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
Salvage or Junk Yard	1 space per 200 sq. ft. of office space; plus 1 space per employee	A
Transportation Facility [Relocated to Transportation Uses]	1 space per 200 sq. ft. of office space	N/A
....		
Use Type: Transportation Uses	Parking	Loading (1)
Airport, Heliport or Landing Strip [Relocated from Public and Civic]	1 space per tie-down and hangar space, minimum of 5 spaces	C
Transportation Facility [Relocated from Industrial Uses]	1 space per 200 sq. ft. of office space	N/A
Loading Standard Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.		
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.		
Notes:		
1. In addition to the parking requirements of Table 6.B.1.B, Minimum Off-Street Parking and Loading Requirements, uses with company vehicles shall provide 1 space per company vehicle.		
2. Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.A.1.D.1.h, Government services.		
3. Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shellrock or other similar materials subject to, or grassed subject to Art. 6.A.1.D.12, Grass Parking, except for the required handicapped parking space(s).		
4. Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking. [2007-010]		
5. Nonprofit Assembly, Nonprofit Institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee.		
6. Limited access facilities must provide off-street loading spaces as indicated in Art. 4.B.1.A.120.d.2), Loading. [Ord. 2005-041]		
7. Golf cart parking may be used pursuant to Art. 6.A.1.D.7, Golf Cart Parking [Ord. 2007-001] [Ord. 2013-001]		
8. The loading zone may be waived for a Type II or III Commercial Kennel operated as an accessory use to general retail sales. [Ord. 2006-036]		
9. Each walk-up Freestanding ATM shall require a minimum of one (1) parking space for persons with disabilities. [Ord. 2013-021]		
10. Parking may not be required for a Community Vegetable Garden subject to submittal of parking demand study and approval of a Type I Waiver. [Ord. 2015-031]		

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

Part 2. Article 6.A.1.D.3, Use of Required Off-Street Parking (page 14 of 39), is hereby amended as follows:

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

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 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 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 or measures are in place to assist pedestrian safety.

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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EXHIBIT G

**ARTICLE 7, LANDSCAPING
SUMMARY OF AMENDMENTS**

1 Part 1. ULDC Art. 7, Landscaping (Pages 14 and 40 of 52), is hereby amended as follows:
2

Table 7.B.2.A –Type I Waivers for Landscaping

Article/Table Reference and Title	Maximum Waiver	Criteria
.... Art.7.D.11, Foundation Planting	Required plant material may be located within 30 feet of the foundation, along the front and side facades of drive-through establishments, including Freestanding ATMs <u>and Unmanned Retail Structures</u> .	<ul style="list-style-type: none"> • Provide a minimum width of 5 feet for each area of foundation planting; • The overall total required square footage of the planting area meets or exceeds the requirement; and, • Location of relocated planting will be within proximity to the building it serves to still meet the general intent of enhancing the building
....		

3

4 **CHAPTER D GENERAL STANDARDS**

5

6 **Section 11 Foundation Plantings**

7

8 **F. Freestanding ATM's and Unmanned Retail Structures**
9 Required foundation plantings may be modified as follows: [Ord. 2013-021]

10 **1. Walk Up**

11 Foundation planting areas may be relocated up to a maximum of ten feet away from the
12 applicable façade to accommodate pedestrian walkways, access to the ATM or Unmanned
13 Retail Structure; or, as needed to comply with F.S. 655.960, security lighting, or Crime
14 Prevention Through Environmental Design (CPTED) guidelines. [Ord. 2013-21]

15 **2. Drive Through**

16 Foundation planting areas may be relocated in accordance with similar provisions for other
17 drive through establishments, except that required foundation planting areas shall not be
18 relocated to the façade of any adjacent building or structure other than the Freestanding ATM
19 or the Unmanned Retail Structure. [Ord. 2013-21]

20

21 **CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS**

22

23 **Section 9 Incompatibility Buffer**

24

25 **A. Determining Incompatibility Buffer Type**

26

Table 7.F.9.A - Required Incompatibility Buffer Types

Difference Between Adjacent Uses (1)			
Use Classification	Abutting	Use Classification	Required Buffer Type
Single-Family Residential	↔	Multi-Family, Type 2 CLF	Type 1
Residential	↔	Commercial	Type 2
Residential	↔	Recreational	Type 2
Residential	↔	<u>Institutional, Public and Civic</u>	Type 2
Residential	↔	Agricultural	Type 3
Residential	↔	Industrial	Type 3
Residential	↔	Utility (2)	Type 3

[Ord. 2008-003] [Ord. 2016-016]

Notes:

1. Determination of use classification shall be consistent with Art. 4, Use Regulations. Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation.

2. Buffer for ~~minor utilities~~ or Electric Distribution Substation shall be determined by the DRO.

27

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EXHIBIT H

ARTICLE 8, SIGNAGE
SUMMARY OF AMENDMENTS

1 Part 1. ULDC Art. 8, Signage (page 17, 22 and 30 of 42), is hereby amended as follows:

2 CHAPTER E PROCEDURES FOR SIGNAGE

3 Section 4 Alternative Sign Plan (ASP)

4 B. Applicability

5 An ASP may be submitted for any of the following:

- 6
- 7 3. Conditional ~~or requested~~ uses.
- 8

9 CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

10 Section 6 Changeable Copy

11 Changeable copy shall cover no more than 20 percent of the total sign area, except for the following uses
12 which are exempt from this restriction: all public and civic uses, ~~indoor theaters~~ and Performance Venue,
13 fuel price signs, and signs that flash the time and temperature subject to Article 8.G.3.B, Electronic
14 Message Signs. [Ord. 2014-025]

15

16 CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

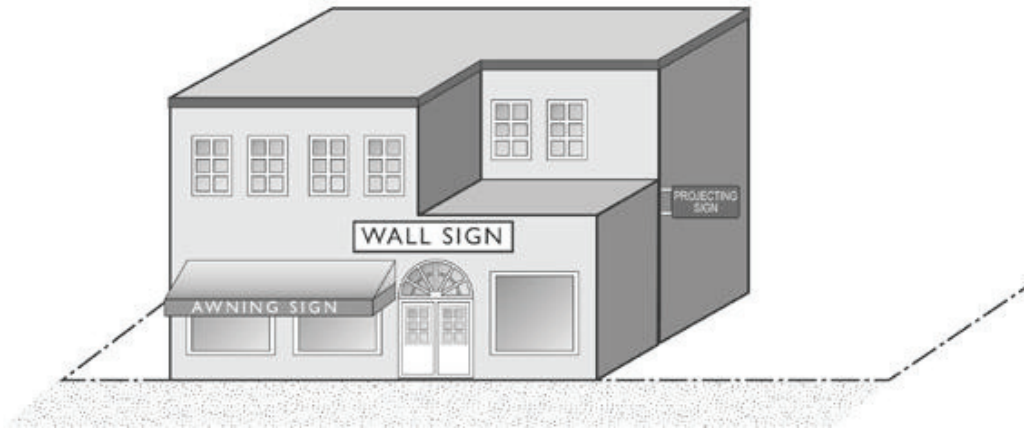
17

18 Section 1 Building Mounted Signs

19 Building mounted signs consist of wall signs, awning and canopy signs, projecting signs, and marquee
20 signs. There is no limit on the maximum number of wall signs and awning and canopy signs provided that
21 the total size of all such signs does not exceed the total maximum signage area permitted for wall signs.
22 Projecting signs over a pedestrian sidewalk and not under a canopy, awning, or arcade, and marquee
23 signs are not included in the maximum sign area calculation for building mounted signs.

24

Figure 8.G.1 - Building Mounted Sign Types



25

26

27

A. Wall Signs

28 Wall signs, including signs mounted on a mansard roof or parapet, are subject to the standards in
29 Table 8.G.1.A, Wall Sign Standards. No wall sign may cover wholly or partially any required wall
30 opening.

31

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EXHIBIT H

**ARTICLE 8, SIGNAGE
SUMMARY OF AMENDMENTS**

1
2

Table 8.G.1.A - Wall Sign Standards

	U/S Tier(3)	AGR Tier	Exurban, Rural, and Glades Tiers(3)
Maximum Sign Area (per linear ft. of the wall to which the sign is attached)	1.0 sq. ft. along any one side of the building. (1)	0.75 sq. ft. along any one side of the building. (1).	0.5 sq. ft. along any one side of the building. (1)
	0.5 sq. ft. along any of the remaining sides of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use (43).		
Minimum wall sign per tenant space (54)	24 square feet	24 square feet	24 square feet
Minimum Horizontal and Vertical Separation Between Signs	3 ft.	3 ft.	3 ft.
Maximum Projection from Surface of Building ²	24 in.	24 in.	24 in.
Minimum Vertical Separation Between Sign and Roof Line	6 in.	6 in.	6 in.
Minimum Horizontal Separation Between Sign and Wall Edge	6 in.	6 in.	6 in.
[Ord. 2005-002] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2013-21]			
Notes:			
1. For projects that are not subject to an MSP approval under Art. 8.E.3, Master Sign Plan, the maximum wall sign area for the storefront shall be one and a half times the length of the storefront wall, building bay, or tenant space occupied by the retail business. This provision shall not apply to Freestanding ATMs <u>or Unmanned Retail Structures</u> . [Ord. 2005-002] [Ord. 2013-21]			
2. Signs that project more than 24 inches are considered projecting signs, subject to Art. 8.G.1.C, Projecting Signs.			
3. This provision does not apply to a building separated from residential by a 110 feet R-O-W; buildings completely screened from view from another building of similar height; or a civic pod, a recreational pod or open space greater than 110 feet in width. [Ord. 2012-027]			
4. This standard shall not apply to Freestanding ATM's <u>or Unmanned Retail Structures</u> , which shall be limited to "Maximum Sign Area" standards above. [Ord. 2013-21]			

3

4 **Section 3 Other Sign Types**

5 **B. Electronic Message Signs**

6 **1. Applicability and Approval Process**

Table 8.G.3.B, Electronic Message Sign Types and Approval Process

Sign Type	Permitted Content	Approval Process
Type 1	At regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements	Class A Conditional Use <u>or Requested Use</u> approval (1)
....		
[Ord. 2010-022] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-020]		

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EXHIBIT I

ARTICLE 9, ARCHAEOLOGICAL AND HISTORIC PRESERVATION
SUMMARY OF AMENDMENTS

1 Part 1. Art. 9.A, Archaeological Resources Protection, (Page 3, 4 and 5 of 17), is hereby
2 amended as follows:

3 CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

4 Section 1 General

5 B. Applicability

6 3. All applications for Type ~~43~~ Excavation, pursuant to Article ~~4.D, EXCAVATION~~ 4.B.10,
7 Excavation Uses. [Ord. 2005-002]

8

9 Section 2 Development Subject to Archaeological Review

10 A. Development Subject to Archaeological Review

11 Development shall be subject to this Article as follows:

12 1. **Parcels on Identified Sites**

13 Parcels on the Map of Known Archaeological Sites and Archaeological Conservation Areas
14 and proposals for Type ~~43~~ Excavation. Owners of parcels located on the Map of Known
15 Archaeological Sites and Archaeological Conservation Areas or owners of parcels requesting
16 approval for Type ~~43~~ Excavation must receive a Certificate to Dig prior to issuance of a
17 development order. [Ord. 2005 – 002]

18

19 Section 3 Procedures

20 C. Certificate to Dig

21 1. Application

22 Owner of parcels required by Art. 9.A.1, General, and Art. 9.A.2, Development Subject to
23 Archaeological Review, Parcels on the Map of Known Archaeological Sites, Archaeological
24 Conservation Areas and proposals for Type ~~43~~ Excavation, and Previously Unknown
25 Archaeological Sites discovered during development, to make application for a Certificate to
26 Dig to the PZB for review shall make such application prior to the issuance of a development
27 order. The application for the Certificate to Dig shall be made on a form available from the
28 PZB. Only one Certificate to Dig shall be required to develop a site unless additional
29 resources not addressed in the initial Certificate to Dig are found during site development.
30 The department shall determine whether the application is a standard or special Certificate to
31 Dig. A special Certificate to Dig will be required for any application that will potentially alter or
32 destroy more than ten percent of any known or previously recorded archeological site. All
33 special Certificates to Dig will be forwarded by the department to the Palm Beach County
34 Historic Resources Review Board (HRRB) for review. All standard Certificates to Dig will be
35 reviewed by the department staff and the County Archaeologist. [Ord. 2005 – 002] [2008-
36 037]

37

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EXHIBIT J

ARTICLE 10, ENFORCEMENT

1 Part 1. Art. 10, Enforcement, (page 6 and 11 of 12), is hereby amended as follows:

2

3 CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD

4 ERM may refer alleged violations of Article 14, Environmental Standards, or Article ~~4.D, EXCAVATION~~
5 4.B.10, Excavation Uses, of this Code to the Groundwater and Natural Resources Protection Board
6 (GNRPB) for prosecution pursuant to the following standards and procedures.

7

8 CHAPTER E REMEDIES

9 Section 1 Administrative Remedies for Art. 14 , and Art. 4.D, Excavation

10 In order to provide an expeditious settlement that would be beneficial to the enforcement of the provisions
11 of Article 14, Environmental Standards and Article ~~4.D, EXCAVATION~~ 4.B.10, Excavation Uses, and be in
12 the best interest of the citizens of PBC, the Director of ERM is authorized to enter into voluntary consent
13 (settlement) agreements with alleged violators. Any such agreement shall be a formal written agreement
14 between the Director of ERM on behalf of PBC and any such alleged violators, and shall be approved as
15 to form and legal sufficiency by the County Attorney's Office.

16

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EXHIBIT K

ARTICLE 11, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS

1 Part 1. Art. 11, Subdivision, Platting and Required Improvements, (page 23 and 42 of 46), is
2 hereby amended as follows:

3

4 CHAPTER B SUBDIVISION REQUIREMENTS

5

6 Section 6 Supplemental Procedures

7 A. Construction and Landscaping in Lake Maintenance Easements and Water Management
8 Tracts

9

10 3. Application Requirements for Bulkheads, Docks, or Piers

11 Persons desiring to construct bulkheads, docks, or piers over or along a water body
12 contained within a water management tract shall apply to the Director of ERM in accordance
13 with the applicable provisions of Article ~~4.D, EXCAVATION 4.B.10, Excavation Uses~~.

14

15 CHAPTER E REQUIRED IMPROVEMENTS

16

17 Section 4 Stormwater Management

18

19 F. Secondary Stormwater System Design and Performance

20

21 4. Except where bulk heading is approved in accordance with Article ~~4.D, EXCAVATION 4.B.10,~~
22 Excavation Uses each wet detention/retention facility designed for storage of stormwater
23 runoff in an open impoundment shall have:

24

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EXHIBIT L

ARTICLE 12, TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

1 Part 1. ULDC Art.12.P.4.J, Mitigation Strategies (page 51 of 59), is hereby amended as follows:

2 CHAPTER P OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM

3

4 Section 4 Mitigation Strategies

5

6 J. Strategy 10. Low Generation Traffic Sensitive Uses

7

8 5. Credit Factor

9 b. It is further assumed that, for purposes of calculation and comparison, the typical gross
10 lot area coverage intensities are based upon single story buildings occupying the parcels.
11 Also, for purposes of comparison, the typical density/intensity for the land use
12 designations listed above shall be calculated using the general trip generation rate for
13 that designation as published by PBC Engineering and Public Works Department/Traffic
14 Division, whereas the proposed project shall be calculated using the specific trip
15 generation rate for the proposed use if it is a Conditional ~~requested~~ Use under the
16 applicable zoning district. **[Ord. 2006-036]**

17

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