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ORDINANCE NO. 92-20

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS: CREATING A UNIFIED LAND DEVELOPMENT CODE (ULDC) FOR PALM BEACH COUNTY, FLORIDA, WHICH PROVIDES FOR: ARTICLE 1. GENERAL PROVISIONS: SEC. 1.1 GENERAL, SEC. 1.2 RELATIONSHIP TO COMPREHENSIVE PLAN, SEC. 1.3 APPLICABILITY, SEC. 1.4 MINIMUM REQUIREMENTS, SEC. 1.5 EXEMPTIONS: EFFECT OF CODE AND AMENDMENTS ON PREVIOUSLY APPROVED DEVELOPMENT ORDERS; ARTICLE 2. INTERPRETATION OF THE CODE: SEC. 2.1 INTERPRETATIONS; ARTICLE 3. RULES OF CONSTRUCTION AND DEFINITIONS: SEC. 3.1 RULES OF CONSTRUCTION, SEC. 3.2 DEFINITIONS, SEC. 3.3 ABBREVIATIONS AND ACRONYMS; ARTICLE 4. DECISION MAKING, ADMINISTRATIVE AND ENFORCEMENT BODIES: SEC. 4.1 BOARD OF COUNTY COMMISSIONERS, SEC. 4.2 LAND USE ADVISORY BOARD, SEC. 4.3 ZONING COMMISSION, SEC. 4.4 DEVELOPMENT REVIEW COMMITTEE, SEC. 4.5 BOARD OF ADJUSTMENT, SEC. 4.6 TRAFFIC PERFORMANCE STANDARDS APPEALS BOARD, SEC. 4.7 DEVELOPMENT REVIEW APPEALS BOARD, SEC. 4.8 IMPACT FEE REVIEW COMMITTEE, SEC. 4.9 IMPACT FEE APPEALS BOARD, SEC. 4.10 ENVIRONMENTAL APPEALS BOARD, SEC. 4.11 ENVIRONMENTAL ORDINANCE APPEALS BOARD, SEC. 4.12 ENVIRONMENTAL CONTROL HEARING BOARD, SEC. 4.13 GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD, SEC. 4.14 CODE ENFORCEMENT BOARD, SEC. 4.15 HEARING OFFICER, SEC. 4.16 CITIZENS TASK FORCE, SECTION 4.17 COUNTY ADMINISTRATOR, SEC. 4.18 EXECUTIVE DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT, SEC. 4.19 PLANNING DIRECTOR OF PZB, SECTION 4.20 ZONING DIRECTOR OF PZB, SECTION 4.21 BUILDING DIRECTOR OF PZB, SEC. 4.22 CODE ENFORCEMENT DIRECTOR OF PZB, SEC. 4.23 IMPACT FEE COORDINATOR, SEC. 4.24 COUNTY ENGINEER, SEC. 4.25 DIRECTOR OF LAND DEVELOPMENT DIVISION OF DEPW, SEC. 4.26 DIRECTOR OF ERM, SEC. 4.27 COUNTY HEALTH DIRECTOR, SEC. 4.28 COUNTY ATTORNEY, SEC. 4.29 DIRECTOR OF PARKS AND RECREATION; ARTICLE 5. DEVELOPMENT REVIEW PROCEDURES: SEC. 5.1 GENERAL APPLICABILITY, SEC. 5.2 SITE SPECIFIC (FUTURE LAND USE ATLAS) COMPREHENSIVE PLAN AMENDMENTS, SEC. 5.3 OFFICIAL ZONING MAP AMENDMENTS, SEC. 5.4 CONDITIONAL USES, SEC. 5.5 SPECIAL PERMIT USES, SEC. 5.6 SITE PLAN OR FINAL SUBDIVISION PLAN, SEC. 5.7 VARIANCES, SEC. 5.8 COMPLIANCE WITH TIME LIMITATIONS; ARTICLE 6. ZONING DISTRICTS: SEC. 6.1 DISTRICTS ESTABLISHED WITH THE FOLLOWING ZONING DISTRICTS 1-39: 1. PC, PRESERVATION/CONSERVATION DISTRICT, 2. AGR, AGRICULTURAL RESERVE DISTRICT, 3. AP, AGRICULTURAL PRODUCTION DISTRICT, 4. SA, SPECIAL AGRICULTURAL DISTRICT, 5. RSR, RURAL SERVICES DISTRICT, 6. AR, AGRICULTURAL RESIDENTIAL DISTRICT, 7. CRS, COUNTRY RESIDENTIAL DISTRICT, 8. RE, RESIDENTIAL ESTATE DISTRICT, 9. RT, RESIDENTIAL TRANSITIONAL DISTRICT, 10. RTS, RESIDENTIAL TRANSITIONAL SUBURBAN DISTRICT, 11. RTU, RESIDENTIAL TRANSITIONAL URBAN DISTRICT, 12. RS, SINGLE-FAMILY RESIDENTIAL DISTRICT, 13. RM, MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) DISTRICT, 14. RH, MULTI-FAMILY RESIDENTIAL (HIGH DENSITY) DISTRICT, 15. CN, NEIGHBORHOOD COMMERCIAL DISTRICT, 16. CLO, LIMITED OFFICE COMMERCIAL DISTRICT, 17. CC, COMMUNITY COMMERCIAL DISTRICT, 18. CGO, GENERAL OFFICE COMMERCIAL DISTRICT, 19. CG, GENERAL COMMERCIAL DISTRICT, 20. CRE, COMMERCIAL RECREATION DISTRICT, 21. IL, LIGHT INDUSTRIAL DISTRICT, 22. IG, GENERAL INDUSTRIAL DISTRICT, 23. PO, PUBLIC OWNERSHIP DISTRICT, 24. NE-O, NATIVE ECOSYSTEM OVERLAY DISTRICT, 25. WCRA-O, WESTGATE/BEIVEDERE HOMES OVERLAY DISTRICT, 26. R&T-O, RESEARCH AND TECHNOLOGY OVERLAY DISTRICT, 27. GA-O, GLADES AREA ECONOMIC DEVELOPMENT OVERLAY DISTRICT, 28. PBIA-O, PALM BEACH INTERNATIONAL AIRPORT OVERLAY DISTRICT, 29. PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT, 30. TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT, 31. NCPD, NEIGHBORHOOD CENTER PLANNED DEVELOPMENT DISTRICT, 32. MXP, MIXED USE PLANNED DEVELOPMENT DISTRICT, 33. MUPD, MULTIPLE USE PLANNED DEVELOPMENT DISTRICT, 34. PIPD, PLANNED INDUSTRIAL PARK DEVELOPMENT DISTRICT, 35. MHPD, MOBILE HOME PARK PLANNED DEVELOPMENT DISTRICT,

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8 JUPITER INDIANTOWN ROAD OVERLAY ZONING DISTRICT AS APPENDIX TO THIS
9 CODE; AMENDING ZONING QUAD SHEET NO. 26 BY PLACING THE INDIANTOWN
10 ROAD OVERLAY DISTRICT ON THE MAP; PROVIDING FOR REPEAL OF LAWS IN
11 CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN
12 THE LAWS AND ORDINANCES OF PALM BEACH COUNTY, FLORIDA; AND
13 PROVIDING FOR AN EFFECTIVE DATE.

14 WHEREAS, pursuant to Section 163.3161, et. seq. Fla. Stat.,
15 the Florida Government Comprehensive Planning and Land Development
16 Regulation Act (hereinafter "THE ACT"), PALM BEACH COUNTY is
17 required to prepare and adopt a comprehensive plan; and

18 WHEREAS, Section 163.3202(3), Fla. Stat. mandates the County
19 compile land development regulations into a single land development
20 code; and

21 WHEREAS, it is the intent of the Board of County Commissioners
22 of Palm Beach County to implement the Palm Beach County
23 Comprehensive Plan with the adoption of a unified land development
24 code (ULDC); and

25 WHEREAS, the ULDC has been found consistent with the Palm
26 Beach County Comprehensive Plan by the Local Planning Agency (LPA);
27 and

28 WHEREAS, the County has received extensive public
29 participation and input regarding the Code through the Citizens
30 Task Force; and

31 WHEREAS, public hearings have been held by the Board of Palm
32 Beach County Commissioners consistent with the requirements set
33 forth in Section 125.66, Florida Statutes; and

34 WHEREAS, the Board of County Commissioners, sitting as the
35 Environmental Control Board, has amended and recodified Ordinance
36 No. 90-41, the Wetlands Protection Ordinance, and has re-enacted
37 and recodified Environmental Control Rules I and II.

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

3 Part 1. Adoption of Unified Land Development Code

4 The Unified Land Development Code (ULDC) of Palm Beach County
5 consisting of fourteen articles and changes made to the adoption
6 draft of the ULDC at the June 16, 1992 public hearing, is hereby
7 adopted as set forth in Exhibit 1, as attached hereto and made a
8 part hereof.

9 Part 2. Amendment of Zoning Quad Sheet No. 26

10 Zoning Quad Sheet No. 26 is amended by placing the Indiantown
11 Road Overlay Zoning District on the Map as set forth in Exhibit 2
12 and attached hereto and made a part hereof.

13 Part 3. Adoption of Jupiter Indiantown Road Overlay District
14 as an Appendix

15 The Town of Jupiter Indiantown Road Overlay Zoning District is
16 hereby enacted and made part of this Code as contained in Appendix
17 A which is attached hereto and made a part hereof.

18 Part 4. Severability

19 If any section, paragraph, sentence, clause, phrase, word,
20 map, diagram, or any other item contained in this ordinance, is for
21 any reason held by the Court to be unconstitutional, inoperative,
22 void, or otherwise invalid, such holding shall not affect the
23 remainder of this ordinance.

24 Part 5. Captions

25 The captions, section headings, and section designations used
26 in this ordinance are intended for the convenience of usage only
27 and shall have no affect on the interpretation of the provisions of
28 this ordinance.

29 Part 6. Repeal of Laws in Conflict

30 The following laws and ordinances as codified in the Code of
31 Laws and Ordinance of Palm Beach County are hereby repealed as
32 follows:

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1. The following portion of Chapter 8.5. Code Enforcement, is repealed:
Article I - In General.
2. The following portions of Chapter 11. Environmental Regulation and Control, are repealed:
Article III - Coastal Protection;
Article VII - Sea Turtle Protection; and
Article VIII - Environmentally Sensitive Lands, Division 1 - Palm Beach County Environmentally Sensitive Lands Ordinance.
3. The following portions of Chapter 19. Motor Vehicles and Traffic, are repealed:
Article VI - Traffic Performance Standards; and
Article VII - Municipal Implementation of Traffic Performance Standards.
4. The following portions of Chapter 22. Planning and Development, are repealed:
Article II - Impact Fees;
Article IV - Impact Fees for Capital Improvements; and
Article V - Fair Share Contribution for Road Improvements;
Article VIII - Adequate Public Facilities;
Article IX - Development Agreements; and
Article X - Archaeological Site Protection Regulations.
5. Chapter 24. Signs, is repealed in its entirety.
6. The following portion of Chapter 27. Water, Sewers and Sewage Disposal, is repealed:
Article V - Wellfield Protection.
7. Appendix C consisting of the following articles is repealed in its entirety:
Article I - General;
Article II - General Environmental Control Board Rules

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and

Article III - Wetlands Protection Ordinance.

8. Appendix E - Subdivisions is repealed in its entirety.

9. Appendix F - Zoning Code is repealed in its entirety.

Part 7. Inclusion in the Code of Laws and Ordinances

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part 8. Effective Date

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 16th day of June, 1992.

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

By [Signature]
Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

[Signature]
COUNTY ATTORNEY

MILTON T. BAUER, CLERK
Board of County Commissioners

[Signature]
DEPUTY CLERK

Acknowledgement by the Department of State of the State of Florida, on this, the 19th day of June, 1992.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 22nd day of June, 1992, at 10:09 A.M. and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

NOTE: Due to the bulk of the backup
(uldc) it was not attached. The backup is on
file in the Minutes Dept - Room 2032.
for your reference.
If a copy is needed please contact PZ+B
at 233-5201 after July 2nd
Thank you!

ARTICLE 1.

GENERAL PROVISIONS

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GENERAL PROVISIONS

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Please Note

This document has been prepared to serve as the interim copy of the Unified Land Development Code, adopted on June 16, 1992 and effective on June 22, 1992. It has been prepared for use by staff and those persons who refer to the entire Code on a regular basis.

This document is not codified and may contain certain inconsistencies in construction. It should only be used as a guide until a codified copy of the Code is available.

ARTICLE 1

GENERAL PROVISIONS

SEC. 1.1 GENERAL.

- A. **Title and citation.** This Code shall be known as the "Palm Beach County Land Development Code" and may be cited and referred to herein as this "Code".
- B. **Authority.** The Board of County Commissioners of Palm Beach County has the authority to adopt this Code pursuant to Article VIII, Sec. 1(f), Fla. Const., the Palm Beach County Charter, Sec. 125.01, et seq., Fla. Stat., Sec. 163.3161, et seq., Fla. Stat., Rule 9J-5, Florida Administrative Code (F.A.C.), Rule 9J-24, F.A.C., and such other authorities and provisions that are established in the statutory or common law in the State of Florida.
- C. **Findings.** The Board of County Commissioners of Palm Beach County, Florida, hereby makes the following findings:
1. Palm Beach County, pursuant to Sec. 163.3161, et seq., Fla. Stat., the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter the "Act"), is required to prepare and adopt a Comprehensive Plan.
 2. After adoption of the Comprehensive Plan, the Act, and in particular Sec. 163.3202(1), Fla. Stat., mandates that Palm Beach County implement the adopted Comprehensive Plan with land development regulations that are consistent with the adopted Comprehensive Plan.
 3. Sec. 163.3194(1)(b), Fla. Stat., requires that all land development regulations enacted or amended by Palm Beach County shall be consistent with the adopted Comprehensive Plan, and any land development regulations existing at the time of adoption which are not consistent with the adopted Comprehensive Plan, shall be amended so as to be consistent.
 4. Sec. 163.3194(1)(a), Fla. Stat., mandates that after a Comprehensive Plan has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by the Comprehensive Plan shall be consistent with the Comprehensive Plan.

5. Pursuant to Sec. 163.3194(3)(a), Fla. Stat., a development order or land development regulations shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.
6. Sec. 163.3194(3)(b), Fla. Stat., states that a development approved or undertaken by a local government shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with and further the objectives, policies, land uses, densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.
7. On August 31, 1989, Palm Beach County adopted the Palm Beach County Comprehensive Plan (hereinafter the "Comprehensive Plan") as its Comprehensive Plan pursuant to the requirements of Sec. 163.3161 *et. seq.*, Fla. Stat., and Rule 9J-5, F.A.C.
8. This Code is adopted to implement the Comprehensive Plan. It is consistent with the Comprehensive Plan, in part, because the land uses, densities, or intensities, capacity or size, timing, and other aspects of development permitted, further the objectives, policies, land uses, and densities and intensities in the Comprehensive Plan, and meet all other criteria enumerated in the Comprehensive Plan.
9. This Code is also adopted to preserve and enhance the present advantages that exist in Palm Beach County; encourage the most appropriate use of land, water, and natural resources, consistent with the public interest; overcome present handicaps, and deal effectively with future problems that may result from the use and development of land; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewage, drainage, solid waste, parks, schools, fire and police facilities; conserve, develop, utilize, and protect natural resources; protect human, environmental, social, and economic resources; and maintain, through orderly growth and development, the community character and stability of present and future land uses and development in Palm Beach County.

D. Purpose and intent.

1. **Implementation of Comprehensive Plan.** It is the purpose of the Board of County Commissioners of Palm Beach County that this Code implement and ensure that all development orders approved in the unincorporated County are consistent with the Comprehensive Plan.

2. **Comprehensive and consistent regulations.** It is also the purpose of the Board of County Commissioners of Palm Beach County that this Code establish comprehensive and consistent standards and procedures for the review and approval of all proposed development of land in unincorporated Palm Beach County.
3. **Efficient and effective regulations.** It is the further purpose of the Board of County Commissioners of Palm Beach County that the development review, approval, and permitting process under this Code be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Palm Beach County.

SEC. 1.2 RELATIONSHIP TO COMPREHENSIVE PLAN.

The adoption of this Code is consistent with, compatible with and furthers the goals, objectives, policies, land uses, and densities or intensities in the Comprehensive Plan.

SEC. 1.3 APPLICABILITY.

The provisions of this Code shall apply to the development of all land in the total unincorporated area of Palm Beach County, except as expressly and specifically provided otherwise in this Code. No development shall be undertaken without prior authorization pursuant to this Code.

SEC. 1.4 MINIMUM REQUIREMENTS.

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

SEC. 1.5 EXEMPTIONS: EFFECT OF CODE AND AMENDMENTS ON PREVIOUSLY APPROVED DEVELOPMENT ORDERS.

- A. **General.** As provided in this Section, the provisions of this Code and any amendments hereto shall not affect the validity of any lawfully approved development order approved prior to the effective date of this Code if the development order remains valid. Specifically, uses, site design elements and tabular data shown on a valid building permit, a certified master plan or site plan, or an approved subdivision plan or land development permit will not be subject to ULDC provisions for any information clearly shown.

B. Subsequent Development Orders and Applications in Process.

1. **General.** Through preapplication conference, the Zoning Director and the County Engineer shall advise an applicant to what extent this Code shall be applied. The Zoning Director and the County Engineer shall apply the standards of this Code to the greatest extent physically possible given the constraints of the site, the constraints of the existing valid plats of record, the requirements of this Section, and the need to mitigate impacts to assure compatibility.
2. **No final development order.** Uses or site design elements not specifically shown on an approved plan shall be required to comply with this Code, or any amendments hereto, for the purposes of obtaining a subsequent development order, as provided in this Section. Projects with a valid development order which are required to have but do not have either: (1) a certified master plan or site plan, or (2) an approved subdivision plan or land development permit, may apply for certification or approval of the subsequent development permit as follows:
 - a) Any application for certification or approval of a master plan, site plan, subdivision plan or land development permit may be accepted, reviewed and approved under the standards of Ordinances 73-2 and 73-4, as amended, provided:
 - (1) the application is approved or certified prior to September 30, 1992;
 - (2) provided the application is in compliance with Ordinances 73-2 and 73-4, as amended;
 - (3) the development order is valid; and
 - (4) the landscaping is improved to comply with the standards of this Code, as follows:
 - (a) Projects with a development order issued prior to April 8, 1986 shall be required to comply with the Landscape Code in Article 7 of the ULDC; except that residential projects over eighty (80) percent built-out shall be exempt from this requirement.
 - (b) Projects with a development order approved on or after April 8, 1986 shall be required to comply with perimeter Landscape Standards in Article 7 of the ULDC; except that residential projects over eighty (80) percent built-out shall be exempt from this requirement.

3. **Applications filed prior to the effective date of this Code.** An application for a special exception, special permit, district boundary change (rezoning), site plan review committee approval, subdivision plan or land development permit, or a building permit which is filed with and accepted by the department prior to the effective date of this Code may be reviewed and processed under the terms of Ordinances No. 73-2 and 73-4, as amended. In addition, all relevant applications shall be certified by prehearing conference on or before the effective date of this Code and receive site plan or subdivision certification on or before September 30, 1992, in order to continue to be reviewed and processed under the terms of Ordinances No. 73-2 and 73-4, as amended. However, these applications must also comply with Sec. 1.5.B.2.a).4).(b) herein. After approval, the application shall be considered a project with a valid development order for the purposes of modification and applicability of the general requirements of the this Code, or any amendments hereto. Applications submitted after September 30, 1992 shall be reviewed under the standards of this Code.

4. **Modifications to previously approved development orders and permits.** The provisions of the ULDC shall apply to any request to modify any development order or permit. However, only the area directly effected by the proposed modification shall be subject to the ULDC, except as follows:
 - a. Unbuilt projects with a development order issued prior to April 8, 1986 shall be required to comply with the Landscape Code in Article 7 of the ULDC; except that residential projects over eighty (80) percent built-out shall be exempt from this requirement.

 - b. Built or partially built projects or projects with a development order approved on or after April 8, 1986 shall be required to comply with perimeter Landscape Standards in Article 7 of the ULDC; except that residential projects over eighty (80) percent built-out shall be exempt from this requirement.

5. **Board of County Commission (BCC) Conditions.** BCC conditions shall govern project development and site design in the event they exceed this Code.

6. **Uses no longer regulated as Special Exceptions.** Uses approved as conditional uses under Ordinance 3-57, as amended, or as special exceptions under Ordinance 73-2, as amended, and which are only subject to Development Review Committee (DRC) use approval shall modify the conditional use or special exception use prior to the issuance of a subsequent development permit by the DRC. All Board imposed conditions shall be carried forward and remain applicable to the subject property, except those that are substandard to this Code. Future modifications to the approved plans shall be made consistent with the procedures and requirements of the Unified Land Development Code.
 7. **Voluntary compliance.** A landowner may request to have an application for development permit reviewed pursuant to the requirements of this Code or any amendments hereto.
- C. **Existing uses.** All uses existing on the effective date of this Code or any amendment hereto, that preexisted or were permitted pursuant to either Ordinance 3-57, as amended, or Ordinance 73-2, as amended, and have continued pursuant to the standards for nonconforming uses, and which are not permitted in this Code shall be considered nonconforming under the terms of this Code. Uses not legally permitted by this Code or either Ordinance 3-57, as amended, or Ordinance 73-2, as amended, or which did not preexist Ordinance 73-2, shall be considered illegal.
- D. **Invalid approvals.** Development orders and permits that are invalid shall be subject to all applicable provisions of this Code. Invalid development orders and permits are projects which have been revoked, have expired or have been found by any Board empowered to enforce this Code to be not in compliance with any conditions of development approval or time certain requirement pursuant to Section 5.8 of this Code, or any amendments hereto.

ARTICLE 2.

INTERPRETATION OF THE CODE

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INTERPRETATIONS OF THE CODE**

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Please Note

This document has been prepared to serve as the interim copy of the Unified Land Development Code, adopted on June 16, 1992 and effective on June 22, 1992. It has been prepared for use by staff and those persons who refer to the entire Code on a regular basis.

This document is not codified and may contain certain inconsistencies in construction. It should only be used as a guide until a codified copy of the Code is available.



ARTICLE 2.

INTERPRETATION OF THE CODE

SEC. 2.1 INTERPRETATIONS.

- A. Authority.** Interpretations to this Code shall be made by the Executive Director of PZB, the County Engineer, the Director of ERM, the Impact Fee Coordinator, and the County Health Director. The County Engineer shall have the authority to make all interpretations of Sec. 7.7, Driveways and Access; Sec. 7.9, Traffic Performance Standards; and Art. 8, Subdivision. The Director of ERM shall have the authority to make all interpretations of Sec. 7.5, Vegetation Preservation and Protection, Sec. 7.6, Excavation, and Art. 9, Environmental Standards. The Impact Fee Coordinator shall have the authority to make all interpretations of Art. 10, Impact Fees. The County Health Director shall have the authority to make all interpretations of Secs. 7.4, 7.10 and 7.11, the Clean Fill Ordinance, and the Environmental Control Rules I and II. The County Attorney shall have the authority to make all interpretations of Article 7, Sec.7-15, Maintenance and Use Documents. The Executive Director of PZB shall have the authority to make interpretations of all other provisions of this Code and the Official Zoning Map.
- B. Initiation.** An interpretation may be requested by any landowner or person having a contractual interest in land in unincorporated Palm Beach County, or any person that has submitted an application for development permit pursuant to the procedures of this Code.
- C. Procedures.**
1. **Submission of request for interpretation.** Before an interpretation shall be provided by the appropriate County official, a Request for Interpretation shall be submitted to the appropriate County official in a form established by that County official and made available to the public. The request shall be accompanied by a fee established by the Board of County Commissioners from time to time for the filing and processing of the Request for Interpretation. The fee shall be non-refundable.
 2. **Determination of sufficiency.** Within five (5) working days after a Request for Interpretation has been submitted, the County official responsible for rendering the interpretation shall determine whether it is sufficient.
 - a. If the County official determines that the request is not sufficient, a written notice shall be served on the applicant specifying the deficiencies. The County official shall take no further action on the Request for Interpretation until the deficiencies are remedied. If the applicant fails to correct the deficiencies within ten (10) working days, the Request for Interpretation shall be considered withdrawn.



- b. When the Request for Interpretation is determined sufficient, the County official shall review and render an interpretation pursuant to the procedures and standards of this article.
- 3. **Rendering of interpretation.** Within fifteen (15) working days after the Request for Interpretation has been determined sufficient, the County official responsible for rendering the interpretation shall review and evaluate the request in light of the Comprehensive Plan, this Code, and the Official Zoning Map, whichever is applicable, consult with the County Attorney, and then render an interpretation.
- D. **Form.** The interpretation shall be in writing and shall be sent to the applicant by mail within five (5) working days after the interpretation is made by the appropriate County official.
- E. **Appeal.**
 - 1. **Initiation.** Twenty (20) working days after issuance of a written interpretation by the appropriate County official responsible for rendering the interpretation, the applicant may appeal the decision to the Board responsible for appeal, as provided in this Code.
 - 2. **Public hearing.** The Board responsible for the appeal shall hold a hearing on the appeal within forty (40) working days of the appeal.
 - 3. **Standard of review.** At the appeal hearing, the Board shall consider the interpretation of the County official responsible for rendering the interpretation and public testimony in light of the Comprehensive Plan, this Code, and the Official Zoning Map, whichever is applicable. The Board shall not modify or reject the County official's interpretation, if it is supported by substantial competent evidence or if the interpretation is contrary to the Comprehensive Plan, this Code or the Official Zoning Map, whichever is applicable.
- F. **Official record.** Each County official responsible for rendering an interpretation shall maintain a record of the interpretation, and forward a copy to the Director of Zoning of PZB. This record shall be available for public inspection, upon reasonable request, during normal business hours.

ARTICLE 3.

DEFINITIONS

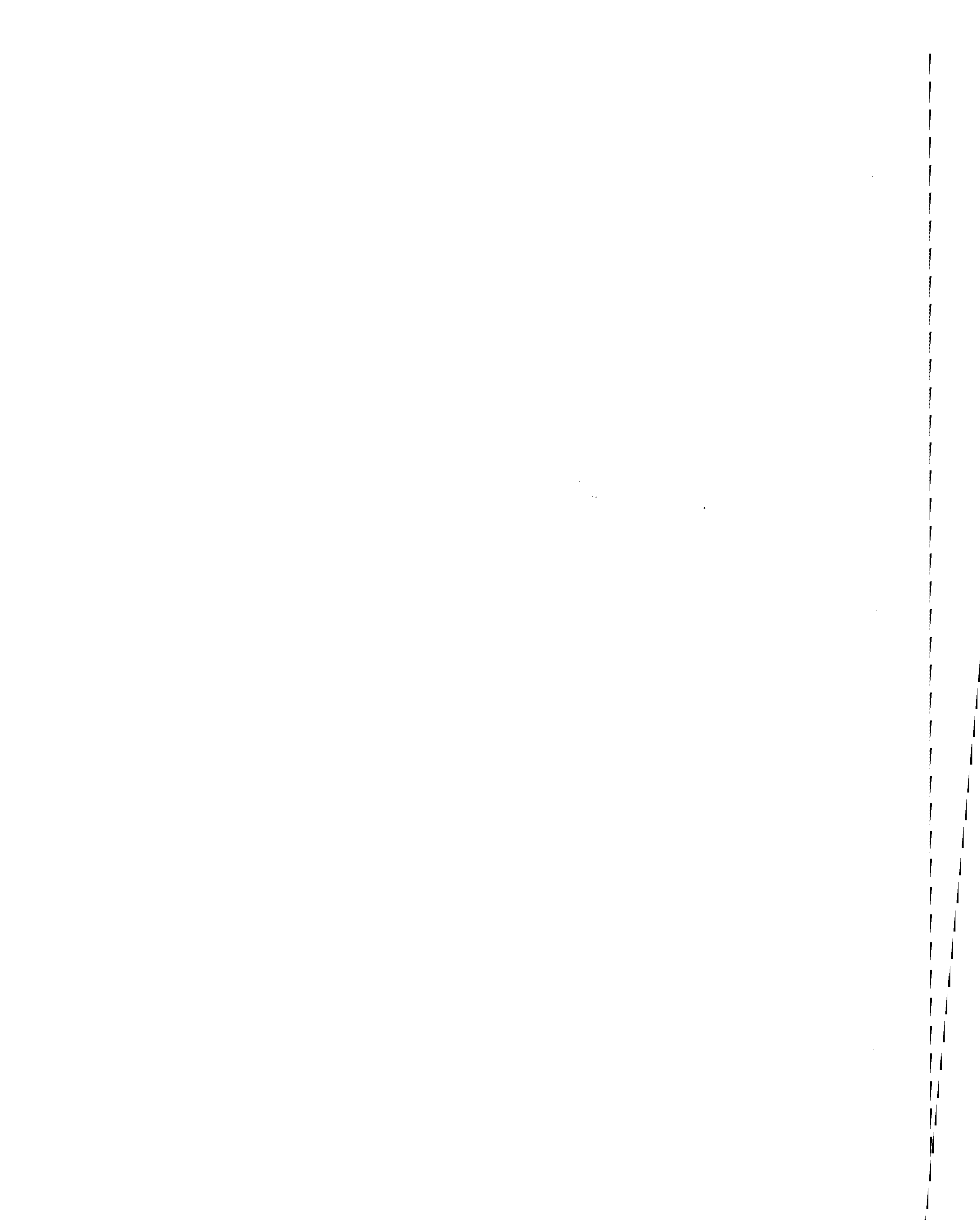


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RULES OF CONSTRUCTION
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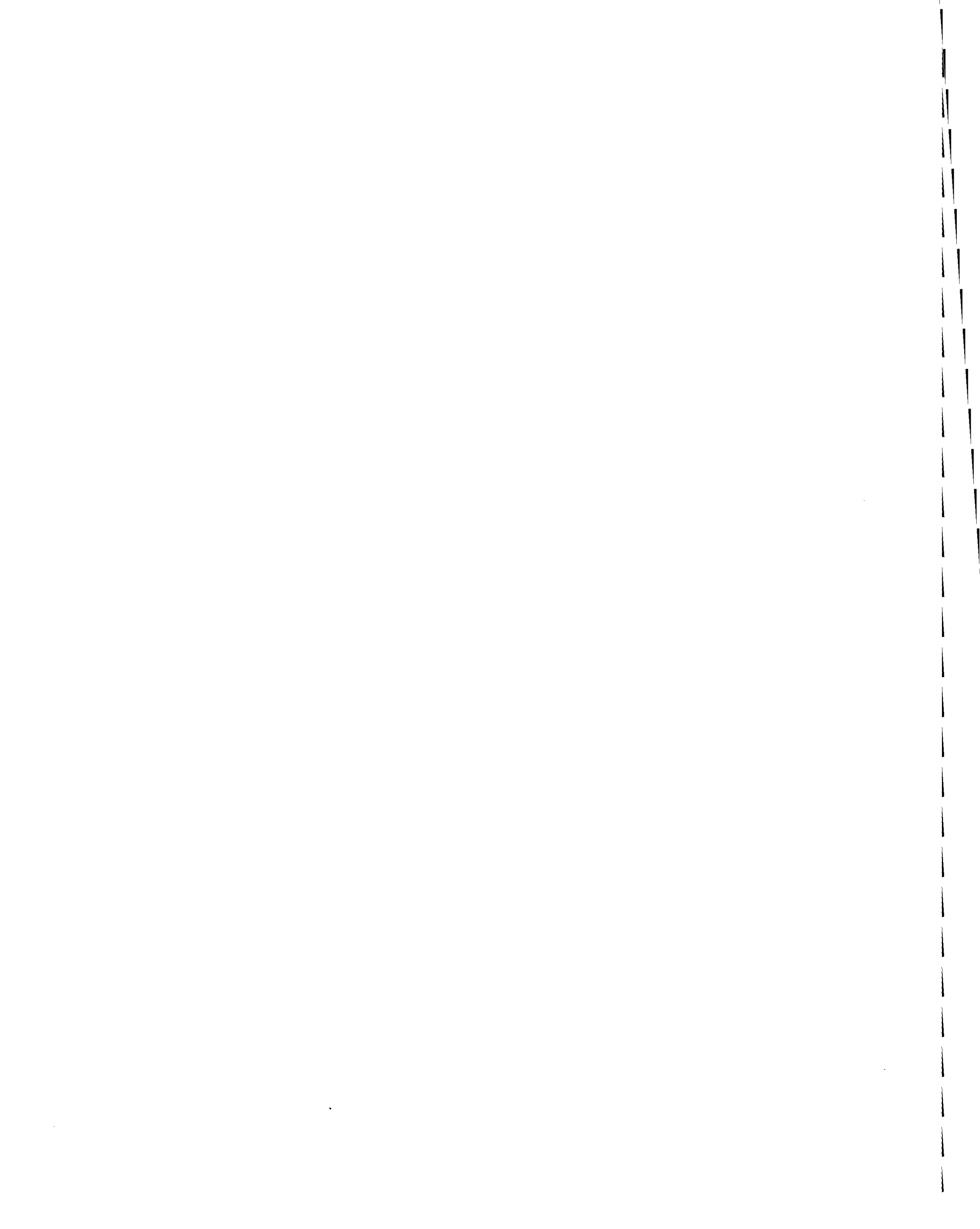
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ARTICLE 3.

**RULES OF CONSTRUCTION
AND DEFINITIONS**

SEC. 3.1 **RULES OF CONSTRUCTION.** In the construction of the language of this Code, the rules set out in this section shall be observed unless such construction would be inconsistent with the manifest intent of the Board of County Commissioners as established in the Comprehensive Plan. The rules of construction and definitions set out herein shall not be applied to any express provisions excluding such construction.

A. **Generally.**

1. All provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Board of County Commissioners as established in the Comprehensive Plan may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the State of Florida for the same terms.
2. In the interpretation and application of any provision of this Code it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than a general provision imposed by the Comprehensive Plan or another provision of this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
3. Some technical terms which are unique to an article, are defined in that article, for example, all Traffic Performance Standards are in Article 7 sec. 7.9.

B. **Text.** In case of any difference of meaning or implication between the text of this Code and any figure, the text shall control.

C. **Computation of time.** Computation of time means the time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

D. **Day.** Day means a working weekday unless otherwise stated or used in reference to a violation. Violations shall be calculated on calendar days.

E. **Delegation of authority.** Whenever a provision appears requiring the head of a department or some other County officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

- F. **Gender.** Words importing the masculine gender shall be construed to include the feminine and neuter.
- G. **May.** May means permissive.
- H. **Month.** Month means a calendar month.
- I. **Non-technical and technical words.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- J. **Number.** A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing. The use of the plural number shall be deemed to include any single person or thing.
- K. **Shall.** Shall means mandatory.
- L. **Tense.** Words used in the past or present tense include the future as well as the past or present.
- M. **Week.** Week means seven (7) calendar days.
- N. **Written.** Written means any representation of words, letters or figures whether by printing or other form or method of writing.
- O. **Year.** Year means a calendar year, unless a fiscal year is indicated or 365 calendar days is indicated.
- P. **Include.** Use of "include" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- Q. **Exclusivity of uses in districts.** The permitted uses and conditional uses in the districts established in Article 6, Zoning Districts, are exclusive, and shall be permitted subject to the standards and procedures of this Code.
- R. **Interpretation of district boundaries.** Where uncertainty exists concerning boundaries of districts as shown on the Official Zoning Map, the following rules shall be used in the interpretation of the district boundaries.
1. **Center lines.** Boundaries indicated as approximately following the center lines of streets, alleys or highways shall be construed as following such center lines.
 2. **Lot, section and tract lines.** Boundaries indicated as approximately following platted lot lines, section or tract lines shall be construed as following such lines.

3. **Political boundaries.** Boundaries indicated as approximately following political boundaries shall be construed as following such political boundaries.
 4. **Railroad lines.** Boundaries indicated as following railroad lines shall be construed as following the center line of the railroad right-of-way.
 5. **Shorelines.** Boundaries indicated as approximately following shorelines shall be construed as following such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
 6. **Parallel lines.** Where boundaries are approximately parallel to a street, highway, road, alley or railroad right-of-way, the distance of such boundaries from the property line of such street, highway, road alley or railroad right-of-way, shall be, unless otherwise shown by dimensions, one lot depth on lots facing said street, highway, road, alley or railroad right-of-way, or approximately one hundred fifty (150) feet, on acreage and tracts or on parallel lots, to the nearest lot line between lots to conform to adjacent district lines.
 7. **Bisecting lines.** Where boundaries approximately bisect blocks, the boundaries are the median line of such blocks, between the center lines of boundary streets.
 8. **Uncertainties.** Where the physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in case any other uncertainty exists, the Zoning Director shall interpret the intent of the Official Zoning Map as to the location of boundaries.
 9. **Street abandonments.** Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the land to which it reverted shall apply to such vacated or abandoned road, street, or alley.
 10. **Excluded areas.** Where parcels of land and water areas have been inadvertently excluded from a district classification in any manner, said parcels shall be given a classification by the Board of County Commissioners that is consistent with the Comprehensive Plan. Such cases shall be processed in the same manner as applications for development permits for amendments to the Official Zoning Map.
- S. **Or.** Either or both cases may apply.
- T. **And.** All cases must apply.

SEC. 3.2 **DEFINITIONS.** Terms in this Code shall have the following definitions.

A-Weighted sound pressure level means the sound pressure level as measured with a sound level meter using the A-Weighting network. The standard notation is Db(A) or DBA.

Abandoned sign means a sign on which is advertised a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location.

Absorption area means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the total surface area of the bottom of a drainfield.

Absorption bed means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the drainfield system in which the entire earth contents are removed and replaced with filter material and distribution pipe.

Abutting property means property lying immediately adjacent to and sharing a common property line with other property.

Access means a way to enter or exit a facility or property.

Access, legal means the principal means of access from a lot to a public street or to a private street over which a perpetual ingress and egress easement or right of way has been granted to the owners of any lot serviced by such street.

Access way means a non-dedicated area which is permitted for ingress or egress of vehicles or pedestrians. An access way is permitted to traverse a required landscape buffer.

Accessory apartment means a second dwelling unit either in or added to an existing single-family dwelling, or in an accessory structure on the same lot as the principal single-family dwelling. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping.

Accessory building or structure means a detached, subordinate building meeting all property development regulations, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

Accessory use means a permitted use that is clearly incidental to the principal use and is subordinate in area, extent, or purpose to and serves only the principal use.

Acre means land or water consisting of forty-three thousand five hundred sixty (43,560) square feet.

Act: the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. §§163.3161 et seq. (1989) as may be amended from time to time.

Adequate protection by treatment means, for the purpose of Sec. 7.11 (Water Supply Systems), any one or any combination of the controlled processes of coagulation, sedimentation, absorption, filtration, or other processes in addition to disinfection which produces a water consistently meeting the requirements of Art.7 including processes which are appropriate to the source of supply.

Adequate Public Facilities Determination means a Determination approved by the Planning Director pursuant to the terms of Art. 11, Adequate Public Facility Standards, that serves as a statement that based upon existing public facility capacity and planned public facility capacity, adequate public facilities are available to serve the development at the time of the approval of the Adequate Public Facilities Determination.

"A" Frame or Sandwich sign means a portable sign which is ordinarily in the shape of an "A" or some variation thereof that usually has no wheels nor permanent foundation.

Adult arcade means for the purposes of the Adult Entertainment Establishment provisions of this Code, 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."

Adult bookstore/adult video store means for the purposes of the Adult Entertainment Establishment provisions of this Code, an establishment which sells, offers for sale or rents adult material for commercial gain; unless the establishment demonstrates either (1) the adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than forty (40) percent of the gross income from the sale or rental of goods or services at the establishment, or (2) the individual items of adult material offered for sale or rental comprise less than ten (10) percent of the individual items, as stock in trade, publicly displayed in the establishment and which is not accessible to minors at the establishment.

Adult booth means for the purposes of the Adult Entertainment Establishment provisions of this Code, 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 (1) 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.

Adult dancing establishment means for the purposes of the Adult Entertainment Establishment provisions of this Code, 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.

Adult entertainment means:

1. Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to chapter 480, Florida Statutes, tanning salon, modeling studio, or lingerie studio.
2. Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.
3. An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment.

Adult material means for the purposes of the Adult Entertainment Establishment provisions of this Code, any one (1) or more of the following, regardless of whether it is new or used:

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

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

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

Adult video store see Adult Bookstore.

Advertising sign means a sign representing or directing attention to a business, commodity, service, or entertainment, conducted, sold, or offered.

Advertising structure means any structure erected for advertising purposes, with or without any advertisement displayed thereon, situated upon or attached to land, upon which any poster, bill, printing, painting, device or other advertisement may be placed, posted, painted, tacked, nailed, or otherwise fastened, affixed, or displayed. "Advertising structure" does not include buildings.

Aerobic treatment unit means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a treatment receptacle in which air is introduced into the sewage so as to provide aerobic biochemical stabilization during a detention period.

Affidavit of exemption means a document, recorded in the public record, evidencing the grant of an exemption for an unrecorded subdivision existing prior to February 5, 1973, from the provisions of the former Palm Beach County Subdivision and Platting Regulations (Ord. 73-4, as amended), granted pursuant to said regulations.

Affidavit of waiver means a document evidencing the grant of an exception to the platting requirement or the required improvements installation requirement.

Affordable housing means a dwelling unit for which a household spends no more than thirty percent of its gross income for housing costs. Rental housing costs include contract rent and utilities. Owner occupied housing costs include mortgage principle and interest, property taxes, insurance, and, where applicable, homeowner's association fees. The current median income for Palm Beach County is available at the Planning Division. Income categories established within the Comprehensive Plan are:

1. Very low - a family of four that earns less than fifty (50) percent of the County's median income;
2. Low - a family of four that earns between fifty (50) percent and eighty (80) percent of the County's median income;
3. Moderate - a family of four that earns between eighty (80) percent and one hundred and twenty (120) percent of the County's median income.

Agreement means a Development Agreement, public facilities agreement, or other binding agreement entered into between the applicant and Palm Beach County or other service provided for the purpose of assuring compliance with the adopted level of service standards. The form of the Agreement may include, but not be limited to a Development Agreement pursuant to Sec. 163.3220, Fla. Stat.

Aggrieved or adversely affected person means any person or local government which will suffer an adverse effect to an interest protected or furthered by the Comprehensive Plan, including interests related to health and safety, police and fire protection systems, densities or intensities of development, transportation facilities, health care facilities, or environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but shall exceed in degree the general interest in common good shared by all persons.

Agriculture, bona fide means any plot of land used for a bona fide agricultural use, including the raising of crops or animals or production of animal products such as eggs or dairy products, on an agricultural or commercial basis. Accessory agricultural uses that are customarily incidental to a bona fide agricultural activity and are located on the site may include "U-Pick-Em" operations, grading, packing and shipping and of agricultural products, corrals, dipping vats, and equipment storage sheds. In determining whether the use of land for agriculture is bona fide, the following factors may be taken into consideration:

1. Whether the use has been continuous;
2. Whether an effort has been demonstrated to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, but not limited to, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices;
3. Whether the property has received a qualified agricultural classification pursuant to Sec. 193.461, Fla. Stat.;
4. The length of time the land will be used for agricultural production;
5. The size of the land area, as it relates to a specific agricultural use;
6. Whether such land is under lease, and if so, the effective length, terms and conditions of the lease;
7. The intent of the landowner to sell or convert the land for nonagricultural purposes;
8. The proximity of the property to existing urban or metropolitan development;
9. The productivity of land in its present use; and
10. The Comprehensive Land Use Plan Designation. Newly established permanent bona fide agricultural uses shall occur on property with a land use designation of AP, AGR, RR10, and in some instances LR1.

Agricultural excavation see Excavation, agricultural.

Agricultural research and development means the use of land or buildings for agriculture research and the cultivation of new agricultural products.

Agricultural sales and service means an establishment primarily engaged in the sale or rental of farm tools and small implements, feed and grain, tack, animal care products, farm supplies and the like, excluding large implements, and including accessory food sales and machinery repair services.

Agricultural transshipment means packing, crating or shipping of agricultural products not grown or raised on site, and specifically excluding slaughterhouses and fish processing.

Air curtain incinerator means the installation or use of a portable or stationary combustion device that is designed and used to burn trees and brush removed during land clearing by directing a plane of high-velocity, forced air through a manifold into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

Air rights mean the right to use space above ground level.

Air space means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the distance from the liquid level up to the inside top of a treatment receptacle.

Airplane landing strip, accessory means a private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners, farm operators, or commercial operations.

Airport means any public or privately owned or operated ground facility designed to accommodate landing and take-off operations of aircraft.

Alley means a right-of-way providing a secondary means of access to property and is not intended or used for principal traffic circulation.

Alteration or materially alter means the result of human-caused activity which modifies, transforms or otherwise changes the environment, including but not limited to the following:

1. The addition, removal, displacement, or disturbance (severe pruning, hatracking, poisoning) of vegetation, but shall exclude prescribed ecological burning for the management of native Florida communities, the removal of trees, seedlings, runners, suckers, and saplings of prohibited plant species identified in Article 9, Environmental Standards.
2. Demucking and grading of soil.
3. The removal, displacement, or disturbance of rock, minerals or water.
4. The grazing of cattle or other livestock.

5. The removal, addition, or moving of sand.
6. Any construction, excavation or placement of a structure which has the potential to affect coastal biological resources, the control of beach erosion, hurricane protection, coastal flood control or shoreline and offshore rehabilitation.

Alteration, building means any change in the structure which will increase the number of dwelling units, the floor area, or height of the structure.

Alternative system means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), any approved on-site sewage disposal system which consists of a treatment receptacle other than a septic tank.

Amusements, temporary means an activity which includes the provision of rides, amusements, food, games, crafts or performances outside of permanent structures. Typical uses include carnivals, circuses, auctions, and tent revivals.

Annular space means, for the purpose of Sec. 7.11 (Water Supply Systems), the space between two casings or between the outer casing and the wall of the well bore.

ANSI means the American National Standards Institute or its successor bodies.

Antenna means the arrangement of wires or metal rods used in the sending or receiving of electromagnetic waves.

Antenna support structure means any structure, mast, pole, tripod or tower utilized for the purpose of supporting an antenna or antennas.

Antenna height means the overall vertical length of the antenna and antenna support structures above grade, or if such system is located on a building, then the overall vertical length includes the height of the building upon which the structure is mounted. In the event a retractable or demountable-type antenna support structure is utilized, the antenna height is to be calculated as the overall vertical length of the antenna and antenna support structure when fully extended.

Antiquated subdivision means "Antiquated Subdivision" in the Comprehensive Plan.

Applicant means the owner of record, the agent pursuant to an agent's agreement acceptable to the County Attorney or the mortgagor in the case of bankruptcy.

Approved source when used in reference to bottled water, means, for the purpose of Sec. 7.11 (Water Supply Systems), a source, whether it be from a spring, artesian well, drilled well, municipal water supply or any other source, that has been inspected and the water sampled, analyzed, and found to be of a safe and sanitary quality in accordance with provisions of Sec. 7-11.

Archaeological Evaluation report means a letter prepared by the County Archaeologist evaluating the potential significance of an archaeological site after issuance of a Suspension Order by the Department.

Archaeological Site: A property or location which has yielded or might yield information on the County, State or Nation's history or prehistory. Archaeological sites are evidenced by the presence of artifacts and features on or below the ground surface indicating the past use of a location at least seventy-five (75) years ago by people. Archaeological sites include aboriginal mounds, forts, earthworks, village locations, camp sites, middens, burial mounds, missions, historic or prehistoric ruins which are, or may be the source of artifacts or other items of significant archaeological value.

Archaeologist, qualified: An archaeologist who is a member of, or is qualified for membership in the Florida Archaeological Council or the Society of Professional Archaeologists.

Architect means a person duly registered and licensed to practice architecture in the State of Florida.

Area of shallow flooding means a designated AO or VO Zone on the Flood Insurance Rate Map (FIRM); the base flood depth ranges from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminable; and velocity flow may be evident.

Area of special flood hazard means the land in the flood plain subject to a one (1) percent or greater chance of flooding in any given year.

Arena, auditorium or stadium means an open, or partially or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, sports arenas, jai lai frontons, amphitheaters and race tracks.

Armoring is the placement of manmade structures or device in or near the coastal system for the purpose of preventing erosion of the beach or the upland dune system or to protect upland structures from the effects of coastal wave and current activity. Such structures include but are not limited to seawalks, bulkheads, revetments, rock rip-rap, sand bags, toe scour protection and geotex tile tubing. Armoring does not include structures or activities whose purpose is to add sand to the beach or dune, or structures whose purpose is to alter the natural coastal currents, or to stabilize the mouths of inlets, or minor upland structures whose purpose is to retain upland fill and which are designed to be frangible under high frequency coastal hydrodynamic forces.

Arterial street see Street, arterial

Artifacts means relics, specimens or objects of historical, prehistorical, archaeological or anthropological nature, over seventy-five (75) years old, which may be found on, above, or below the surface of the earth, including land and water, which have a scientific or historic value as objects of antiquity, as aboriginal relics or as anthropological specimens, including but not limited to clothing, tools and weapons made of ceramics, worked stone, shell, bone, teeth, hide, feathers and horn, metal coins, glass, beads, building material, daub, and plant fibers. Objects over 75 years old but not of significant archaeological value shall not be considered an artifact for purposes of this code. Further, objects under seventy-five (75) years old and deemed by a qualified archaeologist to be of significant archaeological value shall be subject to the provisions of this Code.

Artificial light source shall mean any exterior source of light emanating from a man-made device, including but not limited to, incandescent, mercury vapor, metal halide or sodium lamps, spotlights, flood lights, landscaping lights, street lights, vehicular lights, construction or security lights.

Artisanal use means a land use involving the manufacture and sale of goods using only hand labor or table mounted electrical tools.

Asphalt or concrete plant means an establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.

Assembly, nonprofit means the principal use of a site or facility owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business. Typical uses include fraternal organizations and union halls.

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

Auction, enclosed means an establishment engaged in the public sale of goods to the highest bidder, with all of the activity and display of merchandise occurring inside an enclosed building.

Auction, outdoor means an establishment engaged in the public sale of goods to the highest bidder, with all or a portion of the activity and display of merchandise occurring outside of an enclosed building.

Automotive service station means an establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, or the sale of convenience food items. .

Automotive paint or body shop means an establishment engaged in the painting, repainting, or retouching of motor vehicles, or performance of major external repairs of a non-mechanical nature.

Banner see Flag

Base building line means a line horizontally offset from and running parallel to the centerline of a street from which setbacks for front yard, corner side yard, and lot standards are measured as set forth in Sec. 6.5.G.5.

Base flood means the flood having a one (1) percent chance of being equalled or exceeded in any given year.

Beach means the zone of unconsolidated sand that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves). "Beach" is alternately termed "shore".

Beach access point means any path through or over the dune used by the general public; or, with respect to private property, by the owners or with the owner's permission, for the purpose of gaining access to the beach.

Beach cleaning means the clearing or burying of seaweed, debris, dead fish, or trash or the contouring of the beach by raking and leveling, provided that such activity shall not disturb existing beach or dune vegetation. Such activity shall not change the final ground elevations greater than one foot.

Beach compatible sand means any sand that is similar to the native beach and dune material in terms of grain, size, distribution and color. The fill material shall consist of sand that falls within the same size classification of sand within the Unified Soils Classification System [i.e., fine sand (0.074 to 0.42 mm), medium sand (0.42 to 2.0 mm) and coarse sand (2.0 to 4.76 mm)] as that of the native beach material. The acceptable silt/clay fraction (<0.074 mm) and gravel/cobble fraction (> 4.76 mm) shall be determined by the department based upon site conditions. Sand grain size analyses shall be consistent with the grain size methodology described in "Folk, Robert L. 1980, Petrology of Sedimentary Rocks". The fill material color shall match the color of the existing beach and dune coloration as closely as possible.

Beach fill means sand placed on the beach.

Beachfront lighting means all lighting within the jurisdictional boundaries of Sec. 9.1 Coastal Protection.

Bed and breakfast means an owner-occupied single-family dwelling that offers lodging for paying guests and which serves breakfast to these guests.

Benefit zone means the geographic area as set forth in each individual division within which impact fees are collected and spent pursuant to Art. 10, Impact Fees.

Billboard see Off-premise sign.

Biohazardous waste means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but not limited to, non-liquid human tissue and body parts; hospital, laboratory or veterinary waste which contains human-disease causing agents; discarded sharps; human blood, human blood products and body fluids.

Blank copy means any paraphernalia including pennants, streamers, and banners that are intended solely to attract attention and which contain no letters or symbols.

Block means a parcel of land entirely surrounded by streets, railroad rights-of-way, parks or other public space or a combination thereof.

Board of County Commissioners (B.C.C.) means the Board of County Commissioners of Palm Beach County, Florida.

Boarding house means a dwelling, or part thereof, in which lodging is provided by the owner or operation to three (3) or more boarders.

Boat trailer means a trailer used or designed to be used for the carrying of boats.

Boatyard means a facility intended to provide complete construction or repair services for marine crafts in addition to such dry storage as may be found complimentary to the primary use, but not including docking of pleasure craft for residential purposes.

Boca Taxing District means the Greater Boca Raton Beach and Park Taxing District, including the municipal limits of Boca Raton.

Balloon means an airtight bag that rises above the earth when force filled with cold air.

Boundary plat see Plat, boundary.

Bottled water means, for the purpose of Sec. 7.11 (Water Supply Systems), water that is sealed in a container or package and is offered for sale for human consumption or other uses.

Bottled water plant means, for the purpose of Sec. 7.11 (Water Supply Systems), any place or establishment in which bottled water is prepared for sale.

Branch means, for purpose of Sec. 7.3 (Landscaping and Buffering), a secondary shoot or stem arising from one of the main axes (i.e, trunk or leader) of a tree.

Breakaway walls mean any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or other suitable building material, that is not part of the structural support of the building and is intended through its design and construction to collapse under specific later loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Broadcasting studio means an establishment engaged in the provision of commercial broadcasting services accomplished through the use of electronic mechanisms. Typical uses include radio and television broadcasting studios.

Buffer, landscape see landscape, buffer.

Buildable area means the portion of a lot remaining after the setbacks have been provided.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

Building, principal means a building in which is conducted the primary use of the lot on which it is located.

Building construction means the erection of a structure intended for human habitation in the case of residential land use, or occupancy or use of such in the case of non-residential land use.

Building coverage means that portion of the area of a lot, expressed as a percentage, occupied by all structures that are roofed or otherwise completely or partially covered and that extend more than three (3) feet above the ground surface level.

Building Director of PZB means the division head of the Building Division of PZB.

Building height means the vertical distance in feet from finished grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the grade.

Building permit means an official document or certificate issued by the governmental authority having jurisdiction, authorizing the construction of any building. Building permit includes a tie-down permit for a structure or building that does not require a building permit, such as a mobile home, in order to be occupied.

Building sewer means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a pipe conveying sewage from a house or building to an on-site sewage disposal system.

Building site means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use and the customary accessory buildings and open spaces belonging to the same.

Building supplies, retail mean an establishment engaged in the retail sale of building supplies and home improvement products.

Building supplies, wholesale mean an establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property. Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.

Bulkheads mean structures of concrete, wood, or other permanent material affixed to the land adjacent to a water management tract or other water body for the purpose of establishing a vertical surface at the waters edge and stabilizing the land behind the bulkhead; provided, however, that water control structures and endwalls around outfalls and bridges shall not be considered bulkheads.

Bulletin board means a sign of permanent character, but with removable letters, words or numerals, indicating the names or persons associated with, or events conducted upon, or products or services offered upon, the premises upon which such a sign is maintained.

Campground means a plot of ground established as a commercial campsite for recreational use and not as living quarters.

Canopy, tree means the upper portions of trees consisting of limbs, branches, and leaves, which constitute the upper layer of a forested community.

Capacity means for the purposes of Art. 10, Impact Fees, the maximum number of vehicles for a given time period which a road can safely and efficiently carry, usually expressed in terms of vehicles per day. For the purposes of Art. 10, Impact Fees, the capacity of a road shall be seven thousand five hundred (7,500) vehicles per day per through lane.

Capital drainage facilities means the planning of, engineering for, acquisition of land for, or the construction of drainage facilities necessary to meet the LOS for Capital Drainage Facilities.

Capital facilities; Capital improvements means, for the purposes of Art. 10, Impact Fees, means land, infrastructure, structures, and fixtures having a cost or value of at least \$1,000; personal property and equipment having an aggregate cost or value of at least \$1,000; hard-bound books and materials having a cost or value of at least \$25, which must be of a non-consumable nature and be expected to be in service for at least one year; and, in the case of school sites, the land only, and not any improvements to the land.

Capital facility costs means all costs directly associated with the acquisition, design, engineering, site preparation, construction and placement of a capital facility. It excludes operation and maintenance costs, and the repair, replacement, or renovation of existing capital facilities where the capital facility improvement does not add capacity. In the case of the school site acquisition fee, it means the costs directly associated with the acquisition of fee simple absolute marketable title in land, and does not include the costs of improvement to that land.

Capital Fire-Rescue Facilities, means the planning of, engineering for, acquisition of land for, or the construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS for Capital Fire-Rescue Facilities.

Capital Improvement Element means the Capital Improvement Element of the Palm Beach County Comprehensive Plan.

Capital Mass Transit Facilities means the planning of, engineering for, acquisition of land for, or the construction of or purchase of mass transit facilities and equipment necessary to meet the LOS for Capital Mass Transit Facilities.

Capital Potable Water Facilities means the planning of, engineering for, acquisition of land for, or the construction of potable water facilities necessary to meet the LOS for Capital Potable Water Facilities.

Capital Recreation and Park Facilities means the planning of, engineering for, acquisition of land for, or the construction of buildings and park equipment necessary to meet the LOS for Urban Capital Park and Recreation Facilities and Rural Capital Park and Recreation Facilities.

Capital Road Facilities means the planning of, engineering for, acquisition of land for, or the construction of roads on the Major Road Network System necessary to meet the LOS for Capital Road Facilities.

Capital Sanitary Sewer Facilities means the planning of, engineering for, acquisition of land for, or the construction of sanitary sewer facilities necessary to meet the LOS for Capital Sanitary Sewer Facilities.

Capital Solid Waste Facilities means the planning of, engineering for, acquisition of land for, or the construction of solid waste facilities necessary to meet the LOS for Capital Solid Waste Facilities.

Car wash or auto detailing means an establishment primarily engaged in the washing or detailing of 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, window tinting, striping, and interior cleaning.

Carport/Private garage means an accessory roofed structure or a portion of a main building providing space for the parking or storage of motor vehicles of the occupants of the main building.

Catchment means a sub-area of a drainage basin which contributes stormwater runoff by overland flow to a common collection point.

Cemetery means land used or intended to be used for human burial, including a chapel mausoleum or columbarium.

Certificate of Concurrency Reservation means a certificate approved by the Planning Director with or without conditions and pursuant to the terms of Art. 11, Adequate Public Facility Standards, that constitutes proof of adequate public facilities to serve the proposed development, when all conditions have been met. A subsequent application for a development permit for development for which a Certificate of Concurrency Reservation has been approved, shall be determined to have adequate public facilities as long as the development order for which the Certificate of Concurrency Reservation was approved has not expired, and if relevant, the conditions in the Reservation are complied with, and the development is not altered to increase the impact of development on public facilities.

Certificate of Occupancy or Certificate of Completion see Palm Beach County Building Codes Enforcement Administrative Code.

Certificate to Dig means a certificate that is necessary prior to:

1. Issuance of a development order for parcels identified on the map of known archaeological sites;
2. Removal of a suspension order on a site where artifacts or fossilized human remains or non-human vertebrate fossils are found during the development process; or
3. Issuance of a development order for a Type III Excavation.

Champion tree means the largest tree of a species which has been designated by the Florida Department of Agriculture and Consumer Services.

Change of Message means each text frame of an electronic message center sign shall hold constant for a minimum of two (2) seconds.

Changeable copy sign means a sign which is characterized by changeable copy letters, numbers and illustrations regardless of method of attachment.

Chief of the Fire Rescue Department means the agency head of the Palm Beach County Fire Rescue Department.

Chipping and mulching means an establishment using a permanent facility designed to cut tree limbs, brush or construction debris into small pieces for use as mulch.

Church or place of worship means a premises or site used primarily or exclusively for religious worship and related religious services or established place of worship, retreat site, camp, convent, seminary or similar facilities owned or operated by a tax exempt religious group for religious activities.

Closure permit means that permit required by activities which must cease operation in Zone Two pursuant to the provisions of Sec.9.3 Wellfield Protection.

Clustered lots means residential parking lots grouped on a common street or parking tract where access is either a dead-end street, loop, or otherwise designed so as to preclude its extension for access to additional lots.

Coastal construction means the carrying out of any activity within jurisdictional boundaries specified in Sec. 9.1, Coastal Protection, to modify or improve site conditions including, but not limited to, building, clearing, filling, excavation, grading, removal or planting of vegetation, or the making of any material change in the size or use of any structure or the appearance of site conditions, or the placement of equipment or material upon such sites.

Coastal Protection Zone means an area of jurisdiction established by this section. This zone extends from the mean high water line of the Atlantic Ocean to a line twenty-five (25) feet landward of the crest of the dune or the State of Florida Coastal Construction Control Line, whichever is more landward.

Coastal high hazard area means the area subject to high velocity waters, including, but not limited to, hurricane wave wash or tsunamis. The area is designated on the FIRM as Zone VI-30.

Coastal vegetation means all native plant species indigenous to Palm Beach County's beaches and dunes. The coastal vegetation species allowed for use are provided in Appendix 9.1.

Code means code of Laws and Ordinances of Palm Beach county, Florida, including the Unified Land Development Code (ULDC).

Code Enforcement Director of PZB means the agency head of the Division of Code Enforcement.

Code inspector means any authorized agent or employees of the County whose duty is to assure code compliance.

Collector street see Street, collector

College or university means 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.

Colonnade means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns. Awnings are not considered colonnades.

Commercial agricultural development means agriculture conducted for commercial purposes within the Agricultural Production Plan Category North of the L-8 Canal and East of the North Tieback Canal, the Agricultural Reserve Plan Category (AGR), and those activities classified as special agriculture.

Commercial gain means for the purpose of the Adult Entertainment Establishment provisions of this Code, operated for pecuniary gain, which shall be presumed for any establishment which has received an occupational license. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss.

Commercial vehicle means a vehicle principally used in commerce or trade or any vehicle that is not a recreational vehicle that exceeds the following limits: rated capacity of one (1) ton; gross weight of ten thousand (10,000) pounds, including load; height exceeds nine (9) feet, including any load, bed, or box; and total vehicle length of twenty six (26) feet. Such vehicles shall include tow trucks, construction vehicles, semis and step-vans.

Communication tower means AM/FM radio, television, microwave and cellular telephone transmission towers, antennae and accessory equipment and buildings.

Communication tower, monopole means a freestanding single cylindrical pole structure used for mounting communication antennae with a diameter of eight (8) feet or less.

Community park means those facilities generally five (5) to sixty (60) acres in size that in Palm Beach County provide active recreational facilities to population bases under 25,000 persons. Recreational facilities include play areas, small groups of fields or courts suitable for programmed activities, community centers, and adequate bicycle and automobile parking areas and pedestrian paths to serve the facility.

Community water system means, for the purpose of Sec. 7.11 (Water Supply Systems), a water system which serves at least fifteen (15) service connections used by year-round residents or which serves at least twenty-five (25) year round residents.

Compatibility means land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions.

Compensatory littoral zone or area means that underwater area within the water management tract or water body graded and planted as compensating for lost littoral zones from bulkheading or shading from structures over the water.

Complaining land means that land which is included in a residential district receiving sound levels above those permitted by Sec 7.8, Miscellaneous Standards.

Completely enclosed means a building separated on all sides from the adjacent open area, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods, or vehicles.

Composting facility means a facility that is designed and used for transforming, through biological decomposition, food, yard wastes and other organic material into soil or fertilizer. This use does not include backyard composting bins serving individual families.

Comprehensive Plan means the 1989 Palm Beach County Comprehensive Plan, as amended from time to time.

Concurrency exemption certificate means a properly issued order of the Hearing Officer pursuant to the Code of Laws and Ordinances of Palm Beach County, Florida, as amended, by which a parcel or lot is exempt from the concurrency requirements of the Plan.

Concurrency exemption determination means a determination that the land in the unincorporated area is exempt from the concurrency standards of the Plan.

Concurrency Exemption Extension Certificate (Certificate of Extension) means an order issued by the Planning Director extending a concurrency exemption for a two year period.

Concurrency requirements of the plan means the provisions in the Plan and the implementing land development regulations requiring that public facilities for traffic circulation, mass transit, sanitary sewer, potable water, recreation/open space, fire-rescue, solid waste, and drainage are available at the minimum levels of service concurrent with the impact of the Development; and, as to the applicability of expanded or more stringent traffic performance standards pursuant to State mandates under Ch. 163, Florida Statutes and F.A. C. Rule 9J-5 such requirements as set forth in the future traffic performance standards ordinance(s).

Condemnee means either:

1. The owner of a parcel of land against which an eminent domain proceeding has been initiated by a governmental authority; or
2. The owner of a parcel of land that has sold that parcel of land to a governmental authority under the threat of an eminent domain proceeding against the owner of a parcel of land, or
3. The governmental authority that has been sold a parcel of land by a land owner threatened by an eminent domain proceeding for that parcel of land.

Condemnor means either:

1. The governmental authority instituting an eminent domain proceeding against the owner of a parcel of land; or
2. The governmental authority that has been sold a parcel of land by a property owner threatened by an eminent domain proceeding for that parcel of land.

Condition of Approval means a condition imposed as part of, or associated with, the issuance of a valid local government development order.

Conditional Certificate of Concurrency Reservation means a Certificate of Concurrency Reservation considered in conjunction with a Development Agreement, public facility agreement, or other binding agreement, that is approved by the Planning Director, when it is demonstrated that:

1. All existing available public facility capacity up to but not greater than an amount sufficient to serve the proposed development has been reserved;
2. There is reasonable likelihood that the balance of the public facility capacity needed for the proposed development can be provided pursuant to an Agreement; and
3. A request has been made for consideration and approval of an Agreement concurrent with the application for development permit so that the proposed development will comply with the adequate public facility standards for a Certificate of Concurrency Reservation in Sec. 11.4.

Conditional use means those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration, intensity and density of use, structures, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location, pursuant to Articles 5 and 6.

Cone of depression means an area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, dewatering site or quarry. The areal extent and depth of the depression is a function of the hydraulic properties of the aquifer, the pumpage rates and recharge rates.

Congregate living facility means a residential land use consisting of any building or section thereof, residence, private home, boarding home, home for the aged, or any other residential structure, whether or not operated for profit, which undertakes, for a period exceeding twenty-four (24) hours, care, housing, food service, and one (1) or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, the term shall include rehabilitative home care development service housing, and adult congregate living facilities for the physically impaired, mentally retarded, developmentally disabled persons, or persons sixty (60) years of age or older. The term shall not mean "nursing home," "intermediate care facility," or similar facility which provides medical care and support services to persons not capable of independent living. For the purposes of Art 10, Impact Fees the term shall include adult foster home, nursing home, adult congregate living facility, and adult day care center, as defined by Chapter 400, Fla. Stat.

Congregate living facility, Type 1 means a congregate living facility that provides a residence for no more than six (6) persons .

Congregate living facility, Type 2 means a congregate living facility that provides a residence for more than six (6) but less than fourteen (14) persons

Congregate living facility, Type 3 means a congregate living facility that provides a residence fourteen (14) or more persons.

Congregate living personal services means assistance with or supervision of essential activities of daily living such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication and such other similar services as may be defined by the Florida Department of Health and Rehabilitative Services.

Consecutive water system means, for the purpose of Sec. 7.11 (Water Supply Systems), a water supply which receives water from some other water supply system.

Construction means the placement, assembly, erection, substantial repair, alteration or demolition of a building or structure on land, the placement of concrete, asphalt, similar materials on land, or grading or earthwork of land.

Construction work means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action to buildings or land.

Contaminant means, for the purpose of Sec. 7.11 (Water Supply Systems), any physical, chemical, biological or radiological substance or matter in water.

Contiguous means, but is not limited to, lands separated only by streets, easements, pipelines, power lines, conduits, rights-of-way under ownership of the land owner of one of the subject parcels, a property owners association or a governmental agency, or a public utility. For density purposes only, contiguous means lots that share a common border. (Lots that touch point-to-point, and lots which are separated by waterways, streets or major easements are not considered contiguous for density calculations.)

Contractor's storage yard means storage and accessory office performed by building trade and service contractors on lots other than construction sites.

Control device means the element of a discharge structure which allows release of water under controlled conditions.

Control elevation means the lowest elevation at which water can be released through a control device.

Convenience store means an establishment, not exceeding three thousand five hundred (3,500) square feet of gross floor area, serving a limited market area and engaged in the retail sale or rental, from the premises, of food, beverages, and other frequently or recurrently needed items for household use, excluding gasoline sales.

Convenience store with gas sales means an establishment, not exceeding three thousand five hundred (3,500) square feet of gross floor area, serving a limited market area and primarily engaged in the retail sale or rental, from the premises, of food, beverages, and other frequently or recurrently needed items for household use, including accessory gasoline sales.

County means Palm Beach County, Florida.

County Administrator means the Palm Beach County Administrator.

County Archaeologist means staff member of or consultant to the Planning, Zoning and Building Department who shall be a qualified Archaeologist.

County Attorney means the Palm Beach County Attorney.

County Engineer means the Palm Beach County Engineer.

County Health Director means the agency head of the Palm Beach County Public Health Unit (PBCPHU).

County Standards means the minimum standards, specifications, and details for design and construction of streets and other infrastructure improvements, as promulgated by the County Engineer pursuant to Resolution R-90-740 of the Board of County Commissioners as may be amended. Said standards include, but are not limited to those compiled in the most current edition of the Palm Beach County Land Development Design Standards Manual.

Covenant means a recordable instrument that runs with the land, binds the fee simple owner, heirs, successors, and assigns, and is recorded. It may include recorded Development Agreements or other agreements. Covenants may include Palm Beach County as a party or intended beneficiary, shall recite the benefit intended, and shall include any terms or conditions under which it may be released.

Credit means for the purposes of Art. 10, Impact Fees, a reduction in the particular impact fee based on: (1) previous payments for which no benefit was received and future payments of the development toward the capital facilities for which the impact fee is assessed; (2) a reduction of impact due to: redevelopment of existing square footage; other assessments for the same capital facilities; in-kind contributions; or, in the case of park impact fees, alternative municipal provision of like capital facilities, or proximity to the beach.

Crest of the dune means the highest point in elevation of the dune.

Cross-connection means, for the purpose of Sec. 7.11 (Water Supply Systems), any physical arrangement whereby any drinking water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the drinking water supply as the result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeable devices and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross-connections.

Cul-de-sac means a dead-end street terminating in a circular vehicular turn-around.

Data and information processing means 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.

Day care center, general means an establishment, licensed by the Department of Health and Rehabilitative Services, which provides daytime or nighttime care, protection for twenty-one (21) or more children or adults for a period of less than twenty-four (24) hours per day on a regular basis.

Day care center, limited means an establishment, licensed by the Department of Health and Rehabilitative Services, which provides daytime care, protection and supervision for five (5) to twenty (20) children or three (3) to twenty adults for a period of less than thirteen (13) hours per day on a regular basis. Limited day care centers do not provide nighttime care.

Day labor employment service means an establishment engaged in providing temporary day labor services for the construction or industrial trades.

DBA means the total sound level of all noise as measured with a sound level meter using A-Weighting Network. The unit is decibel based on a reference sound pressure of .0002 micro-bars.

Dead-end street see Street, dead-end.

Decibel means a unit of sound pressure level, abbreviated as Db

Decision/order means an administrative act of any Board, unless otherwise noted, constituting final agency action consistent with their powers as described herein.

Density means the ratio of the number of dwelling units per acre of land.

Density bonus means density afforded by special density programs such as Transfer of Development Rights, Traditional Neighborhood Development and Voluntary Density Bonus Program which is an increase in the residential density of development that the County permits on a parcel of land over and above the maximum density PUD permitted by the 1989 Palm Beach Comprehensive Plan as amended for the future land use category in which it is located.

Density, entitlement means the amount of density granted by the County which permits use of land until concurrency provisions can be satisfied as shown in figure 2 of the Land Use Element of the 1989 Comprehensive Plan, as amended.

Density, maximum level means the amount of density allowed by the 1989 Comprehensive Plan, as amended, with a planned development as shown in figure 2 in the Land Use Element.

Density, minimum level means the amount of minimum density that must be attained when land is developed pursuant to the 1989 Comprehensive Plan, as amended, as shown in figure 2 in the Land Use Element.

Density, standard means the amount of density allowed by the 1989 Comprehensive Plan, as amended, without a planned development as shown in figure 2 in the Land Use Element.

Department means Palm Beach County Department of Environmental Resources Management or the Palm Beach County Department of Planning, Zoning, and Building or other departments of the County, or an entity of any municipality in Palm Beach County which has been assigned the responsibility of administering and enforcing this Code.

Detention means the collection and temporary storage of stormwater runoff for the purpose of treatment and/or discharge rate control with subsequent gradual release directly to surface waters.

Developer means any person, including a governmental agency, undertaking any development.

Developer's agreement means an agreement entered into among Palm Beach County, a service provider(s) and a person associated with the development of land pursuant to the terms of this Code.

Developer's engineer means a single engineering firm or a professional engineer registered in Florida, and engaged by the developer to coordinate the design and monitor the construction of the work required under Art. 8, Subdivision, Platting and Required Improvements.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of land, or the dividing of land into two (2) or more parcels.

Development means, for the purpose of Art. 10, Impact Fees, as the context indicates, either the carrying on of construction or any physical alteration of a building or structure; the result of such activity; a legally divisible parcel of land developed under a common plan; or the change in any use of a structure or land that increases the impact on capital facilities for which the particular impact fee is assessed. It includes the placement of a mobile home for dwelling purposes.

Development means, for the purpose of archaeological preservation, the definition in Section 380.04, Fla. Stat. as well as site preparation work consisting of excavation, earth moving, and the like. This definition shall not include: (1) the dividing of land into two or more parcels; (2) demolition of a structure except as necessary for construction and occurring after receipt of the Valid Development Order.

Development means, for the purpose of Article 9, Environmental Standards, and Article 11, Adequate Public Facilities Standards, the definition in §380.04, Fla Stat., except that it shall not include the following items listed therein:

1. Demolition of a structure;
2. Deposit of refuse, solid or liquid waste, or fill on the Parcel unless the Valid Local Government Development Order is exclusively and specifically for such;
3. Site preparation work consisting of excavation, earth moving, and the like unless tied to a contract for required improvements or backed by surety, or as part of a local development order; and
4. Lot clearing.

Development agreement means an agreement entered into among Palm Beach County, a service provider and a person associated with the development of land pursuant to the terms of this Code.

Development of regional impact means a specific type of development as defined in Sec. 380.06, Fla. Stat.

Development order means any order granting or granting with conditions an application for development permit.

Development order, final means a development order for Site Plan/Final Subdivision Plan, or a building permit.

Development order, preliminary means a development order for an amendment to the Official Zoning Map, a planned development, a conditional use, a special use, a variance, a coastal protection permit, a flood prevention permit, an environmentally sensitive lands permit, a wetlands permit, a wellfield protection permit, or a sea turtle protection permit.

Development permit means any amendment to the text of this Code or Official Zoning Map (rezone), conditional use, special use, planned development, Site Plan/Final Subdivision Plan, subdivision, building permit, variance, or any other official action of Palm Beach County having the effect of permitting the development of land.

Diameter at breast height (dbh) means the diameter of a tree trunk measured at a point four and one half (4.5) feet above the ground.

Directional sign means any sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy.

Director of Environment Resource Management (ERM) means the agency head of ERM.

Director of Land Development Division of DEPW means the division head of the Land Development Division of DEPW.

Director of Parks and Recreation means the agency head of the Palm Beach County Parks and Recreation Department.

Director of Property and Real Estate Management (PREM) means the agency head of PREM.

Director of the Survey Section of DEPW means the division head of Survey Section of DEPW.

Director of Water Utilities means the agency head of the Palm Beach County Water Utilities Department.

Discharge structure means a structural device, constructed or fabricated from durable material such as concrete, metal, or decay-resistant timber, through which water is released to surface water from detention.

Dispatching office means an establishment principally involved in providing services off-site to households and businesses using land-based communication. Typical uses include janitorial services, pest control services, and taxi limousine, and ambulance services.

Disposition, off-site means the off-premises transportation of excavated material.

Disposition, on-site means the on-premise use of extractive or excavated material.

Distribution box means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a receptacle placed between a septic tank or other treatment receptacle and a drainfield to equalize the flow through two or more lines of distribution pipe.

Distribution pipe means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), an open jointed or perforated pipe installed in a drainfield for dispersion of the effluent from a septic tank or other treatment unit.

District means any certain described zoning district of Palm Beach County to which these regulations apply and within which the zoning regulations are uniform.

District park means those Palm Beach County facilities generally between sixty (60) and two hundred and fifty (250) acres in size that primarily provide active recreational facilities and to a lesser degree some passive recreational facilities, where possible. Recreational facilities include special facilities such as competition pools, golf courses, or boat ramps and marinas, large groups of lighted fields or courts suitable for scheduled league activities, and adequate support facilities with bicycle and automobile parking areas and pedestrian paths to accommodate those using the park.

Disturbed excavated area means the total area altered by excavation activities.

Dock, private means a structure built on or over the water which is designed or used to provide no more than ten (10) boat slips, and anchorage for and access to one (1) or more boats belonging to the property owner. Necessary services such as water, and other utilities are considered a part of a dock; which does not provide a fuel facility, however, no cooking, sleeping or business activity shall be permitted.

Domestic sewage means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), wastewater normally conveyed by drains and sewers, including bath, toilet wastes, laundry and kitchen wastes from residential use and waste from other household plumbing fixtures.

Double-faced sign means a sign with two (2) faces which are usually parallel and back-to-back.

Drainage basin means a sub-area of a watershed which contributes stormwater runoff to a watercourse tributary to the main receiving water.

Drain trenches means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a drainfield installation in which the effluent from the septic tank or other treatment receptacle is distributed in separate trenches.

Drainage easement see Easement, drainage.

Drainfield invert means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the inside bottom of the distribution pipe at the lowest point in a drainfield.

Drainfield system means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a subsurface system designed to receive the effluent from a septic tank or other treatment receptacle for treatment and absorption through the soil. The system also includes distribution box, header pipe and automatic dosing device.

Dripline means an imaginary vertical line extending from the outermost circumference of the branches of a tree to the ground.

Drive-through means any place of business which serves, sells or otherwise makes available its services or products to patrons situated in automobiles for their off-premise use or consumption.

Driveway, shared means a driveway that serves more than one (1) dwelling unit.

Drought-tolerant tree means a tree, excluding prohibited or controlled species, classified as very or moderately drought tolerant in the SFWMD Xeriscape Plant Guide.

Dry detention/retention means detention or retention of water in a storage facility which is designed, constructed, and operated to limit the duration of ponding within the facility so as to maintain a normally dry bottom between rainfall events.

Dune means a hill or ridge of windblown sand and marine deposits lying landward of, and adjacent to, the beach which is formed by natural and artificial processes.

Dune profile means the cross-sectional configuration of the dune.

Dwelling unit means one or more rooms designed, occupied or intended for occupancy as separate living quarters, with only one (1) kitchen plus sleeping and sanitary facilities provided within the unit, for the exclusive use of a single family maintaining a household. Specialized residences, such as accessory apartments for the elderly or handicapped, congregate living facility quarters, groom's quarters, or migrant labor quarters shall not be considered "dwelling units" for the purpose of applying restriction on density contained in the Palm Beach County Comprehensive Plan or this Code.

Easement means any strip of land created by a subdivider or granted by the owner, for public or private access utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the land owner, subject to the right of use designated in the reservation of the servitude.

Easement, drainage means an easement establishing rights to collect, drain or convey surface water by means of natural or man-made facilities, including, but not limited to water bodies, water courses, canals, ditches, swales, storm sewers and overland flow. It also includes any fee interest of a governmental entity in land to collect, drain, or convey water.

Easement, lake maintenance means an expressed easement, created by plat dedication or other instrument of record, establishing access and use rights on or to the periphery of a water management tract for purposes of construction, maintenance, and repair of wet detention/retention facilities and appurtenant structures therein.

Easement, limited access means an easement established adjacent to a street for the purpose of prohibiting vehicular access to the street from abutting property except at those locations specifically authorized by the Board of County Commissioners.

Easement, quasi-public means an easement granted to a property owners association in which the County or public have some beneficial interest.

Easement, public means an easement granted to a governmental entity, public agency, a utility, or the public.

Easement, utility means an easement established for the purpose of the installation, operation, repair, or maintenance of facilities and equipment used to provide utility services.

Easement holder or beneficiary means the grantee of an easement or persons directly benefitting from the existence of the easement.

Ecosystem means an assemblage of living organisms (plants, animals, microorganisms, etc.) and nonliving components (soil, water, air, etc.) that functions as a dynamic whole through which organized energy flows.

Educational Institution means for the purpose of the Adult Entertainment Establishment provisions of this Code, a premises or site within a municipality or within the unincorporated area of the County upon which there is a governmentally licensed child care facility for six (6) or more children or elementary or secondary (k-12) school, attended in whole or in part by persons under eighteen (18) years of age.

Edge area means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District, TND), a continuous open area that defines the edge of a TND and buffers development between neighborhoods and outside of the TND.

Effective capacity means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the volume of a treatment receptacle contained below the liquid level line.

Effective depth means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the depth of a treatment receptacle measured from the inside bottom up to the liquid level.

Effective soil depth means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the depth of satisfactory (slight or moderate limited) soil material lying above a non-pervious soil layer such as heavy clays, hardpan, muck or bedrock. Satisfactory soils do not impede the movement of air and water or the growth of plant roots.

Egg means, for the purpose of Article 9, Environmental Standards, a shelled reproductive body produced by sea turtles.

Elderly person has the meaning given to it in Sec. 760.22(5)(a), Fla. Stat., as amended.

Electrical power facility means a principal use of property for an electrical generation, , or transmission voltage switching station.

Electrical sign See illuminated sign.

Electronic Message Center Sign means any sign that uses changing lights or an electronic medium to form a sign message or messages wherein the sequence of the messages and the rate of change is electronically programmed and can be modified by electronic processes.

Elevated building means a non-basement building that has its lowest floor elevated above ground level by means of fill, solid foundation perimeter wall pilings, columns, posts or piers, shear walls, or breakaway walls.

Emergency work means work made necessary to restore land to a safe condition following a calamity, or work required to protect persons or land from imminent exposure to danger.

Emergency means any unusual incident which results in immediate danger to the health, safety, welfare or resources of the residents of the County, including damages to, or erosion of, any shoreline resulting from a hurricane, storm, or other such violent disturbance.

Eminent domain proceedings mean either (1) those formal court initiated civil actions to acquire fee simple, easement, or right-of-way interest in land for governmental purposes, or (2) a voluntary conveyance of such in lieu of formal court initiated action.

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

Employment center means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), an optional sector area land use zone intended to provide an appropriate location for workplace light industrial and professional office land uses that are more intensive in nature than workplace uses. Employment center uses are based upon a demonstrated need for employment within a sector area and are approved by the Board of County Commissioners.

Encroachment, vehicular means any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape or other area.

Encumber means to reserve or earmark funds for a specific expenditure or an identified development.

Endangered, threatened, rare, and species of special concern means any species listed as endangered, threatened, rare, or of special concern by one (1) or more of the following agencies:

1. U.S. Fish and Wildlife Service;
2. Florida Game and Fresh Water Fish Commission;
3. Florida Committee on Rare and Endangered Plants and Animals;
4. Florida Department of Agriculture and Consumer Services or
5. Treasure Coast Regional Planning Council.

Enforcement Board means the Palm Beach County Code Enforcement Board.

Enfront means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), to face across a street.

Engineer means a person registered as a professional engineer in the State of Florida.

Enhancement means a human activity which increases one or more natural functions of an existing wetland.

Enlargement or to enlarge means an addition to the floor area of an existing building, an increase in the size of any other structure, an addition of a use or an increase in that portion of a tract of land occupied by an approved use.

Entertainment, indoor means an establishment offering entertainment or games of skill to the general public for a fee or charge and wholly enclosed in a building, excluding fitness centers and gun clubs. Typical uses include bowling alleys, bingo parlors, movie theaters, pool halls, billiard parlors and video game arcades.

Entertainment, outdoor means an establishment offering entertainment or games of skill to the general public for a fee or charge wherein 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, go-cart track, golf driving ranges and miniature golf courses, jet skiing, swimming pools, tennis courts and wind surfing but excluding gun clubs.

Entrance wall sign means an identification structure located along the main access to county approved subdivision or a development. The only advertising on the structure shall be the subdivision or development name and logo.

Environmental Control Officer means the person appointed by the Environmental Control Board under Chapter 77-616, Special Acts, Laws of Florida, as amended.

Environmental Ordinance Appeals Board means that Board designated by the Board of County Commissioners of Palm Beach County to hear and render decisions on appeals of final administrative determinations, and to conduct hearings and render decisions as required under applicable County environmental ordinances.

Environmentally sensitive lands mean ecological sites (ecosites), other than wetlands, that are designated in the Inventory of Native Ecosystems in Palm Beach County and on its accompanying aerial photographs as "A" quality, representing high-quality native Florida upland ecosystems. These sites are indicated on the aerial photographs (received on May 30, 1989) that are on file at ERM and are incorporated herein by reference.

Equestrian arena means an establishment engaged in commercial spectator activities involving horse racing or equestrian shows, but excluding any establishment engaged in pari-mutual betting.

Establishment The site or premises on which the business is located, including the interior of the business, or portion thereof, upon which activities or operations are being conducted for commercial gain.

Establishment means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a single structure or a group of structures other than a single-family residence on one (1) or more parcels of land with common access, parking, drainage facilities and/or water supply.

Excavate or excavation means any act by which material is cut into, dug, quarried, uncovered, removed, displaced, related or otherwise deliberately disturbed, including the conditions resulting therefrom. Excavation excludes agricultural plowing and site grading, demucking and canal dredging in preparation for construction.

Excavation, agricultural means excavation undertaken to support bona fide agricultural production operations including but not limited to the creation of canal laterals and roads, but excluding customary agricultural activities such as plowing and maintenance of canal laterals.

Excavation, commercial See excavation, Type III.

Excavation, type I (A) means excavation necessary for the construction of a single family dwelling as permitted by right in any zoning district with a lot area greater than one (1.0) acre.

Excavation, type I (B) means excavation necessary for the creation of a pond which shall be accessory to a single family dwelling permitted by right in any zoning district on a lot greater than two and one half (2.5) acres.

Excavation, Type II means excavation necessary to implement a final site development plan.

Excavation, Type III means the mining, quarrying, developing of mines for exploration of nonmetallic minerals, except fuels, or other extractive materials primarily for commercial purposes, including but not limited to treating, crushing, or processing the material or off-site disposition for fill.

Excused absence means an absence by a member of an advisory board, or administrative or decisionmaking body, due to illness, absence from Palm Beach County, or personal hardship, if approved by official action of the advisory board, or administrative or decisionmaking body.

Executive Director of Planning, Zoning and Building Department means the agency head of the Palm Beach County Planning, Zoning and Building Department.

Exfiltration system means any gallery, perforated or "leaky" pipe or similarly designed structure which is used to dispose of untreated stormwater by allowing the routed water to percolate by subsurface discharge directly or indirectly into the groundwater.

Expenditure means the irrevocable contractual obligation which requires the remittance of money by the applicant for services, goods, facilities, or fixtures, for the project; the post remittance of money for such.

External trip means any trip that either has its origin from or its destination to the development site and which impacts the major road network system.

FAC means the Florida Administrative Code.

Family means either a single person occupying a dwelling unit and maintaining a household, including not more than one (1) boarder, roomer, or lodger as herein described; or two (2) or more persons related by blood, marriage, or adoption occupying a dwelling, living together and maintaining a common household, including not more than one (1) such boarder, roomer, or lodger; or not more than four (4) unrelated persons occupying a dwelling, living together and maintaining a non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.

Farm residence means 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.

Farm structure means any building or structure used for agricultural purposes excluding those used for residences.

Farm workers quarters mean one (1) or more residential structures located on the site of a bona fide agricultural use and occupied by year-round farm workers employed by the owner of the farm.

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Feepayer means the person paying the impact fee associated with a building permit or change in use, pursuant to Art. 10, Impact Fees, or the feepayer's agent.

Filling means the placement of any material in, on, or over a jurisdictional wetland.

Final site plan means the most recent site plan approved by the Development Review Committee.

Final subdivision plan means the most recent subdivision plan approved by the Development Review Committee.

Financial institution means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machine and drive-thru facilities.

Fire-rescue facilities mean the planning, engineering for, preparation of acquisition documents for, acquisition of land for, or the construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS for fire-rescue facilities.

Firewall means a wall of incombustible construction which subdivides a building or separates buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all stories to and above the roof, except where the roof is of fireproof or fire-resistive construction and the wall is carried up tightly against the underside of the roof slab, pursuant to the Palm Beach County Building Code.

Fitness center means an enclosed building or structure generally containing multi-use facilities for conducting, including but not limited to, the following recreational activities: aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. 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 service, bathhouse, food service, and the serving of alcoholic beverages consumed on the premises. This use also includes dance studios and karate schools.

Fixed mechanical equipment means mechanical equipment, such as an air conditioning unit, water cooling tower, swimming pool pump, irrigation pump, well water pump, fan, power generator or other similar power source equipment, permanently affixed to land, as distinguished from temporary, portable, non-fixed mechanical equipment.

Fixed projecting sign means any sign which is attached to a building and extends beyond the wall of the building to which it is attached.

Flag means any freely waving fabric or material containing distinctive colors, patterns, or symbols.

Flea market, enclosed means 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.

Flea market, open means an outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source. Terms associated with flooding include:

1. **Frequent**, which means flooding which occurs more than once every two (2) years on the average;
2. **Ten (10) year flood elevation**, which means that flood elevation which has a ten (10) in one hundred (100) probability of being equaled or exceeded in any calendar year.

Flood Hazard Boundary Map (FHBM) means the official map of Palm Beach County, produced by the Federal Emergency Management Agency or by Palm Beach County, where the boundaries of the areas of special flood hazard have been designated as Zone A.

Floodplain means the land area adjacent to the normal limits of a watercourse or water body which is inundated during a flood event of specified magnitude or return period.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency that contains flood profiles, as well as the Flood Hazard Boundary Map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor means the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area means the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls or other type of enclosure, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

Floor area ratio (FAR) means the ratio of the gross floor area of all structures on a lot to the lot area.

Floor area, gross leasable means that portion of the total floor area designed and used for tenant occupancy and exclusive use, including any basements, mezzanines or upper floors but excluding stairwells, elevator shafts, equipment and utility rooms. The area shall be expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

Floor area, total leasable see Floor area, gross leasable.

Food service means at least one (1) full meal being provided to each resident, every day, in a central dining area.

Footcandle means a unit of illumination that is equal to one (1) lumen distributed evenly over a one (1) square foot area.

Fossil means a remnant or trace of an organism of a past geological age.

Freestanding sign means a detached sign which shall include any sign supported by uprights or braces placed upon or in or supported by the ground and not attached to any building.

Freeze damaged mangroves means mangroves that have suffered freeze damage but evidence of life still remains, such as green leaves. These mangroves would be characterized by having dead material on the ends of some of their branches or dead material on one side of the tree. In all cases freeze damaged mangroves will appear to still have a percentage of live material in their composition.

Freeze killed mangroves means mangroves that have suffered severe freeze damage, such that by October 1, following the last freeze, they show no sign of recuperation such as new leaf or branch growth or any evidence of live *caibium*.

Front facade means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), the wall of a building parallel with and facing a frontage line.

Fruit and vegetable market means an establishment engaged in the retail sale of fruits, vegetables and other agricultural food products.

Functions means the roles wetlands serve, including but not limited to flood storage, flood conveyance, ground water recharge and discharge, erosion control, wave attenuation, water quality enhancement and protection, nutrient removal, food chain support, wildlife habitat, breeding and habitat grounds for fishery species, and recreational values.

Funeral home or crematory means an establishment engaged in preparing the human deceased for burial and arranging and managing funerals.

Garage, private see Carport/Private garage.

Garage sale means the casual sale of household articles by occupants of private households.

Garden trash means waste consisting or accumulation of leaves, grass, shrubbery, vines and trees, or parts thereof.

Gas and fuel, wholesale means the use of a site for bulk storage and wholesale distribution of two thousand five hundred (2,500) gallons or more of flammable liquid, or two thousand (2,000) gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.

Generic substance list means those general categories of substances set forth in Appendix 9.4. Wellfield Protection attached hereto and incorporated herein. The generic substance list is provided for informational purposes and may be revised from time to time by the Department without further action by the Board of County Commissioners.

Glare means a discomforting condition which occurs when the brightness of a light contrasts with a low brightness background and makes it difficult for the human eye to adjust.

Golf course means a facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities, but excluding miniature golf.

Government services means buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. Typical uses include administrative offices of government agencies, public libraries, and police and fire stations.

Grade, finished means:

1. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street;
2. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining streets;
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
4. For structures that are not buildings, a reference plane representing the average of finished ground level adjoining the building or structures at all exterior sides.

Grain milling or processing means facilities for processing and storing grain or other nonperishable crops. Typical uses include cotton gins and grain mills.

Grassed parking means that portion of a development's required off-street parking requirement that meets the standards of Sec. 7.2. (Off-street parking regulations).

Grease trap means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a watertight receptacle or reservoir receiving wastewater from a kitchen or other source containing grease.

Greenhouse or nursery, retail means an establishment engaged in the retail sale of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes.

Greenhouse or nursery, wholesale means the cultivation for wholesale sale of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes.

Greenway means multi-purpose open space corridors of private and public lands, which may be located within a public right-of-way, an edge area, a landscape buffer, or an easement, and may contain pedestrian paths, bicycle facilities, jogging paths, equestrian paths and fitness trails. Greenways are employed to provide usable open space close to residential areas, and provide alternative access ways connecting a variety of uses, such as residential areas, parks, school, cultural facilities and employment centers. Greenways also provide aquifer recharge, preserve unique features or historic or archaeological sites, and can link urban rural areas.

Gross land area means the total area, including all public and private areas within the legal boundaries of a particular parcel of land or project.

Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four inches (24") at maturity.

Ground floor means a level of building, the floor of which is located not more than two (2) feet below nor more than six (6) feet above finished grade.

Ground sign see Freestanding sign.

Ground water means water beneath the surface of the ground within a zone of saturation where such water is at or above atmospheric pressure, whether within the voids between soil particles or within solution channels or fractures in rock.

Ground-level barrier means, for the purposes of Article 9, Environmental Standards, any natural or artificial structure rising above the ground which prevents beachfront lighting from shining directly onto the beach-dune system.

Grubbing means removal of vegetation from land by means of digging, raking, dragging or otherwise disturbing the roots of the vegetation and the soil in which roots are located.

Gun club, enclosed means an indoor facility used for the discharge of firearms or projectiles at targets.

Gun club, open means an outdoor facility used for the discharge of firearms or projectiles at targets.

Guaranty means sufficient funds over which the County has control irrevocably committed by written instrument to secure complete performance of a contract for required improvements, condition of a Development Order or Road Agreement.

Habitable room means a room occupied by one (1) or more persons for living, eating, sleeping, or working purposes. It does not include toilets, laundries, serving and storage pantries, corridors, cellars, and spaces that are not used frequently or during extended periods.

Handicapped person has the meaning given in Sec. 393.063(6) and Sec. 760.22(5)(a)(6) Fla. Stat.

Handicapped spaces means parking spaces designed, marked and reserved for exclusive use by persons properly registered as handicapped.

Hatchling means any specimen of sea turtle, within or outside of a nest, which has recently hatched from an egg.

Hatracking means the severe cutting back of branches, making internodal cuts to lateral limbs leaving branch stubs.

Health hazard means, for the purpose of Sec. 7.11 (Water Supply Systems), any condition, device, or practice in a water supply system or its operation which creates or may create an imminent or substantial danger to the health and well-being of the water consumer.

Heated or cooled area means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), that enclosed area of a dwelling unit, excluding the garage, carport, open or screened patios or decks, which is heated or cooled by mechanical systems designed to control or modify indoor temperature.

Heavy industry means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials; fat rendering plants; slaughterhouses and tanneries; steel works; and petroleum refineries.

Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs.

Helipad means an area designated for the landing and departure of helicopters.

Heliport means an area designated for the landing or departure of helicopters, and including any or all of the area or buildings which are appropriate to accomplish these functions, including refueling.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Home occupation means a business, profession, occupation or trade conducted within a dwelling unit for gain or support by a resident of the dwelling unit pursuant to the limits of this code.

Hospital or medical center means a facility licensed by the State of Florida which maintains and operates organized facilities for medical or surgical diagnosis, care, including overnight and outpatient care, and treatment of human illness. A hospital is distinguished from a medical center by the provision of surgical facilities.

Hotel or motel means a commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rent to tenants, in which rooms are furnished for the accommodation of such guests, which may have as an accessory use one or more dining rooms. Typical uses include hotels, motels, single room occupancy (SRO's) and rooming and boarding houses.

Identification sign means a sign, other than a bulletin board sign, or nameplate sign, indicating the name of the primary use, the name or address of a building, or the name of the management thereof.

Illuminated sign means a sign in which a source of light is used in order to make the message readable and shall include internally and externally lighted signs. Illuminated signs do not include signs that flash time and temperature.

Impact Fee Coordinator means the person responsible for the administration of the County's impact fee program.

Incinerator means a permanent facility operated alone or in conjunction with a resource recovery facility or landfill for the purpose of burning biohazardous waste, solid waste or trash to ash.

Incompatibility of land uses means the undesirable health and safety effects arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including aesthetics, noise, vibration, smoke, hazardous odors, radiations and other land use and environmental conditions such as the intensity, character, impact or amount of traffic.

Inconsistent use means for the purpose of Sec. 6.5, Property Development Regulations, any and all construction not related to the purpose of the easement, and any and all landscaping other than turf grass (seed/sod).

Independent calculation/independent analysis means the data, analysis and report prepared by a fee-payer for the purpose of establishing a different impact fee amount than the one set forth in Art. 10.

Industrial equipment/heavy machinery means farm tractors and implements, bulldozers, drag lines, cranes, derricks, heavy earth moving equipment normally used in farming, excavation or heavy construction activities. For the purposes of this definition, all machinery that uses steel tracks for traction shall also be considered heavy machinery.

Industrial waste means waste generated from commercial and industrial operations, other than agricultural, including but not limited to the processing, manufacturing, packaging, repair, maintenance or production of marketable goods. Construction and demolition debris shall be considered industrial waste.

Industrial wastewater means, wastewater generated by commercial or industrial establishments as a result of manufacturing, preparation, processing, or handling of materials, chemicals and/or food products, and from cleaning or washing operations. Laundromats, food service establishments, bakeries and car wash facilities are specifically included in this definition.

Ingress means entry.

In-kind contribution means the conveyance, dedication, construction, placement, delivery or remittance of land, buildings, improvements, fixtures, personal property or money to Palm Beach County or the Palm Beach County School Board for capital facilities for which impact fees are levied pursuant to Art. 10.

Instructional sign means a sign conveying instructions with respect to the premises on which it is maintained such as the entrance or exit of a parking area, a no trespassing sign, a danger sign, and similar signs.

Intensity means the number of square feet per acre and specific land use for non-residential uses.

Intensity entitlement means the amount of intensity granted by the County if a parcel cannot satisfy concurrency as stated in the Land Use element of the 1989 Comprehensive Plan, as amended.

Inundation means the presence of water, in motion or standing, of sufficient depth to damage property due to the mere presence of water or the deposition of silt or which may be a nuisance, hazard or health problem.

Invasive non-native plant species means any plant not indigenous to this state, which exhibits, or has the potential to exhibit, uncontrolled growth and invasion or alteration of the natural qualities of any native habitat. A list of invasive, non-native plant species shall be maintained by the Department of Environmental Resource Management.

Inventory of Native Ecosystems in Palm Beach County means reports and annotated aerials produced during the study with this title, which was conducted by consultants under contract to Palm Beach County.

Irrigation system means a system of pipes or other conduits designed to transport and distribute water to plants.

Jurisdictional boundaries mean the area between the mean high water line of the Atlantic Ocean as well as the Jupiter, Lake Worth, South Lake Worth, and Boca Raton Inlets and a line 500 feet inland for structures greater than two stories tall or a line 300 feet inland for all other structures.

Kennel, commercial means a commercial establishment, including any building or land used, for the raising, boarding, breeding, sale or grooming of such domesticated animals as dogs and cats, not necessarily owned by the occupants of the premises, for profit.

Kennel, private means any building used, designed or arranged to facilitate the non-commercial care of dogs cats owned by the occupants of the premises.

Kitchen means that portion of a structure used or designed to be used for the preparation of food, and including or designed to include a stove, refrigerator and sink.

Kitchen, estate means an accessory kitchen physically integrated within the principal dwelling.

Laboratory means a designated area or areas used for testing, research, experimentation, quality control, or prototype construction, but not used for repair or maintenance activities (excluding laboratory equipment), the manufacturing of products for sale, or pilot plant testing.

Laboratory, industrial research means an establishment engaged in research of an industrial or scientific nature, other than medical testing and analysis and routine product testing, which is offered as a service or which is conducted by and for a private profit-oriented firm.

Lake finger means that portion of a dead-end water body which is less than fifty (50) feet in width and longer than one and one-half (1/2) times its width, as measured from the point at which the dead-end water body is less than fifty (50) feet wide.

Lake maintenance easement see Easement, lake maintenance.

Land means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Land application means the application or disposal of effluent or sludge on, above or into the surface of the ground through spray irrigation, land spreading, or other methods.

Land development permit means, for the purposes of Art. 8, the development permit issued by the County authorizing construction of required improvements for a subdivision.

Land development regulations mean ordinances enacted by Palm Beach County for the regulation of any aspect of development and includes any zoning, rezoning, subdivision, health, environmental, or sign regulations controlling the development of land.

Land use activity generating traffic means the carrying out of any building activity or the making of any material change in the use or appearance of any structure or land that attracts or produces vehicular trips over and above that produced by the existing use of the land.

Landscape architect means any person authorized to prepare landscape plans or drawings by Chapter 481, Part II (Landscape Architecture) Fla. Stat.

Landscape barrier means a landscape design feature constructed within a landscape buffer that is intended to channel pedestrian movement and impede vehicular access and to provide an abrupt transition between otherwise incompatible uses. A landscape barrier may consist of living plants (such as a hedge), structures (such as a wall or fence), or changes in grade (such as a berm).

Landscape buffer means a continuous area of land which is required by Sec. 7.3, Landscape and buffering, to be set aside along the perimeter of a lot or parcel in which existing native vegetation, relocated native vegetation, and landscaping is used to provide a transition between and to reduce the negative environmental, aesthetic, compatibility and other impacts of one (1) use upon another. Buffers may contain both signage and pedestrian paths.

Landscape maintenance service means an establishment engaged in the provision of landscape installation or maintenance services, but excluding retail or wholesale sale of plants or lawn and garden supplies from the premises.

Landscaping means any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) or nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). Landscaping may include the preservation and incorporation of existing trees, vegetation, or ecosystems into site development.

Laundry service means an establishment that provides home-type washing, drying, drycleaning, or ironing machines for hire, to be used by customers on the premises, or that is engaged in providing household laundry and dry cleaning services with customer drop-off and pick-up.

Legal access See Access, legal.

Legal positive outfall means the permanently established connection of a stormwater discharge conveyance facility serving a development site to a watercourse or water body under the control and jurisdiction of one (1) or more public agencies, said connection being subject to all applicable agency permitting and approval requirements.

Level of Service (LOS) means an indicator of the extent or degree of service provided by, or proposed to be provided by a public facility or service based on and related to the operational characteristics of the public facility or service.

Library services mean those services provided by the Palm Beach County Library Taxing District.

Light cutoff means a luminaire with elements such as shields, reflectors or refractor panels which direct light and eliminate light spillover and glare.

Limb means the same as the definition for branch.

Limited access easement see Easement, limited access.

Limited access street see street, limited access.

Listed species see endangered species.

Litter means any garbage, rubbish, trash, refuse, can, bottle, box, container, paper, tobacco product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, or air pollution control facility, or substance in any form resulting from domestic, industrial, commercial, mining, or government operations.

Littoral Zone means that region of the shoreline beginning at the OHW and extending waterward to a maximum depth of minus three (-3) feet OHW.

Loading space means the off-the street area designated for loading and unloading of trucks, in the form which may include one (1) or more truck berths located either within a building or in an open area on the same lot.

Local government means Palm Beach County, or a municipality in Palm Beach County.

Local government development order means a Development Order properly issued by the County through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by the County of particular detailed development concept. It shall include Affidavits of Exemption and Subdivision approval. It typically involves the submission and review of a master plan, site plan, or building plans, but may not necessarily involve such. It shall not include land use designations established by a Local Government's Comprehensive Plan. It does not include comprehensive general rezoning/district boundary changes initiated by the County. It typically involves a petition of the land owner for his property alone and not adjoining properties. It does not include vegetative removal, clearing, grading or demolition permits.

Local government comprehensive plan means the Comprehensive Plan of a local government adopted pursuant to Sec. 163.3161, et. seq. Fla. Stat.

Local planning agency means the local planning agency designated by the Palm Beach County Board of County Commissioners to prepare the Comprehensive Plan pursuant to Sec. 163.3161, et. seq., Fla. Stat..

Local street see street, local.

LOS for Rural Service Area means the LOS established for the areas identified as the Rural Service Area in the Future Land Use Atlas of the Comprehensive Plan.

LOS for Urban Service Area means the LOS established for those areas identified as the Urban Service Area in the Future Land Use Atlas of the Comprehensive Plan.

Lot means the smallest division of land identified as a single unit of ownership for conveyance and legal development purposes, and delineated by a closed boundary which is either:

1. Depicted on a record plat;
2. Depicted on a survey, map, or drawing for which an affidavit or waiver or affidavit of exemption has been recorded; or
3. Described on a recorded deed or agreement for deed.

The total area of abutting lands joined pursuant to a recorded unity of title shall be deemed a single lot for the purposes of this code. As used herein, the term shall be synonymous with the terms "plot," "parcel," or "tract" when referring to lands within a closed boundary not further divided by one or more interior property lines.

Lot area means the total horizontal area included within lot lines.

Lot, corner means either a lot bounded entirely by streets, or a lot which adjoins the point of intersection of two (2) or more streets.

Lot depth means the horizontal length of a straight line drawn from the midpoint of the front property line of a lot to the midpoint of the rear property line.

Lot frontage means that side of the property line abutting a legally accessible street right-of-way. On a corner lot, the frontage may be designated by the owner, subject to the approval by the Zoning Division who will determine whether it is consistent with the orientation of the other lots and improvements on the same side of the accessible street right-of-way.

Lot, interior means any lot neither a corner lot nor a through lot.

Lot line, front means the lot line adjacent to a street.

Lot line, interior means any lot line not adjacent to a street.

Lot line, rear means that lot line which is opposite, generally parallel to, and most distant from the front lot line.

Lot, through (double frontage) means any lot having frontage on two (2) nonintersecting streets.

Lot width means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear property lines.

Lounge, cocktail means a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, lounges, 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 restaurant cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.

Luminaire means a complete lighting unit, consisting of a light source and all necessary mechanical, electrical and decorative parts.

Machine or welding shop means a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.

Machinery, heavy see Industrial equipment.

Major intersection means the intersection of two (2) or more major thoroughfares.

Major road network system means all expressway, arterial, and major collector roads under the jurisdiction of Palm Beach County, and State and Federal roadways within Palm Beach County. In determining whether a road is part of the major road network system, consideration shall be given to such factors as traffic volume, trip length, continuity, and access.

Major street see Street, major.

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

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

Mangrove stand means an assemblage of mangrove trees that is mostly low trees noted for a copious development of interfacing adventitious roots above the ground and that contain one (1) or more of the following species: black mangrove (Avicennia germinans); red mangrove (Rhizophora mangle); white mangrove (Laguncularia racemosa); and buttonwood (Conocarpus erecta).

Manufactured building means a closed structure, building assemble, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured with or without other specified components, as a finished building or as part of a finished building, which is used as a dwelling unit or residence or office. This above 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.

Manufacturing and processing means 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.

Map of known archaeological sites means a map adopted as part of this ordinance and updated as needed identifying known archaeological sites in the unincorporated areas of Palm Beach County.

Marginal access street see Street, marginal access.

Marina see Marine facility.

Marine facility means a commercial facility relating to boating. Typical uses include boatdocks, marinas, boatyards, yacht clubs and marina boatels.

Mass transit facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or the construction of or purchase of mass transit facilities and equipment necessary to meet the LOS for mass transit facilities.

Master property owner's association means a Property Owner's Association of which membership is mandatory with the ownership of property subject to the Master Property Owner's Association and which has the authority to represent the members and bind the members by such representation.

Material, excess means excavated material not required for backfill or grading of the premises as determined by a final site plan .

Material, extractive or excavated means earth, sand, gravel, rock, shellrock, muck, or other mineral or organic substance, other than vegetation, which naturally occurs upon a lot.

Maximum contaminant level means, for the purpose of Sec. 7.11 (Water Supply Systems), the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a water system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

Maximum day means, for the purpose of Sec. 7.11 (Water Supply Systems), the highest day of water consumption within any twenty-four (24) hour period from midnight without fire flow expected or recorded by the water supply system.

Mean high water means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the average height of tidal high water over a nineteen (19) year period.

Mean sea level means the average height of the sea for all stages of the tide based on the National Geodetic Vertical Datum.

Medical or dental office or clinic means an establishment where patients, who are not lodged overnight are admitted for examination and treatment by one (1) person or group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida.

Medical or dental laboratory means 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.

Meeting hall means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), a building designed for public assembly.

Menu board means an outdoor sign associated with restaurants with drive-thru windows, which gives a detailed list of foods served that are available at a restaurant and which may incorporate a speaker for voice communication.

Mezzanine means a low-ceilinged story between two (2) main stories of a building. A mezzanine shall be counted as one story if it covers more than one-third ($\frac{1}{3}$) of the area of the floor next below.

Migrant farm labor quarters means one (1) or more residential buildings occupied or intended for seasonal occupancy by transient farm workers who are employed by the owner of the farm.

Military installation means a facility designed for use by a branch of the Armed Forces.

Mined lake means a body of water, excluding canals of conveyance, greater than one (1) acre in size or greater than six (6) feet in depth from OHW and which will remain open for longer than one hundred eighty (180) days. Multiple (more than one) bodies of water constructed on a parcel or parcels of property under common ownership or control shall be considered a mined lake when such water bodies have a combined surface area greater than one (1) acre.

Mined lake, existing means a lake constructed, under construction or to be constructed under permit of a jurisdictional agency prior to the effective date of Sec. 7.6 (Excavation).

Mining operation means the extraction of subsurface materials for use at a location other than the immediate construction site.

Minor street see Street, minor.

Mitigation means an action or series of actions that will offset the adverse impacts to the native upland ecosystems in Palm Beach County that cause a project to be not approved.

Mixed use means, for the purposes of Article 10, Impact Fees, a group of different uses of land within a building for which applications for development permits are sought.

Mobile home means a detached, transportable single family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.

Mobile home dwelling means the use of a lot or a unit for one (1) mobile home.

Mobile home park means a planned development district approved according to Section 6.8, Planned Development District Regulations.

Mobile home subdivision means a subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Art. 8, Subdivision, Platting and Required Improvements.

Monument sales, retail means 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.

Monument sign means a freestanding, point of purchase sign, erected on the ground without a visible pole, and placed upon or supported by the ground.

Motion picture production studio means the use of a lot or building for the production of films or videotapes for exhibition or sale.

Motor vehicle shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.

Mound system means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a drainfield system in which the distribution pipe is installed in fill material above natural grade.

Moving sign means the signs that are moved by mechanical or natural means, such as wind. These signs including moving, revolving, rotating, and twirling signs.

Mulch means non-living organic material customarily used in landscape design to retard erosion and retain moisture.

Multi-family means the use of a structure designed for two (2) 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.

Municipality means a general purpose local governmental entity created by the State Legislature and governed by Sec. 166.01, et. seq., Fla. Stat..

Nameplate means a sign indicating the name, address, profession or occupation of an occupant or a group of occupants.

Native plant species see Plant species, native

Native upland vegetation means the plant component of a native Florida upland community (a characteristic assemblage of native plant and animal species which are interrelated and occupy predominantly upland terrain), which includes intact upland vegetation include, but are not limited to, Florida scrub, pine flatwoods, scrubby flatwoods, coastal dune and strand, hammocks (natural, tropical, mesic, and hydric), dry prairies, and drained cypress heads.

Natural area means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), waterways, wetlands, nature preserves, and other lands designated on the preliminary development plan to be preserved in perpetuity.

Neighborhood means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), the developed and undeveloped areas of a TND, including the "neighborhood proper", adjacent "edge areas", and adjacent through streets. A TND may consist of one or more neighborhoods.

Neighborhood park means the smallest class park that is less than ten (10) acres in size and usually less than five (5) acres. Recreational facilities are generally few in number due to size restraints and developed according to the demands and character of the neighborhood that they serve.

Neighborhood proper means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), the area of a neighborhood, including its blocks, streets, alleys, squares, and parks, but excluding adjacent edge areas and through streets.

Nest means the area in which sea turtle eggs are naturally deposited or relocated beneath the sediments of the beach-dune system.

Nesting season means the period from March 1 through October 31 of each year.

Net usable land means, for the purpose of Sec. 7.10 (Environmental Control Rule I), the total area of a parcel less all street, wet areas, canals, right-of-ways, drainage easements and other impairments to the owner's unrestricted use thereof as a building site.

New capital facilities means newly constructed, expanded or added capital facilities which provide additional capacity. New capital facilities shall not include that portion of reconstruction or remodeling of existing facilities that does not create additional capacity.

New construction means structures for which the start of construction commenced on or after the effective date of this code.

New manufactured home park or manufactured home subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, or the construction of streets) is completed on or after the effective date of this code.

Newsstand or gift shop means a small establishment, occupying no more than one thousand five hundred (1,500) square feet of gross floor area, primarily engaged in the retail sale of gifts, novelties, greeting cards, newspapers, magazines or similar items.

Noncombustible refuse means wastes that are unburnable at ordinary incinerator temperature (800 to 1800 degrees F) such as metals, mineral matter, appliances, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to operation of stores or offices.

Non-commencement means the failure to begin, or the discontinuation of, construction activity that would make a material change in a structure as evidenced by the cancellation, lapsing, or revocation of a building permit; or the failure to begin, or the discontinuation of, any other land use activity that would make a material change in the use of land. It shall include the overpayment of an impact fee due to miscalculation.

Non-community water supply means, for the purpose of Sec. 7.11 (Water Supply Systems), a water system for provision of piped water under pressure for human consumption, culinary, sanitary or domestic purposes that serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year but is not a community water system.

Nonconforming lot means a single lot, tract or parcel of land of record that was conforming at the time of its creation, but which fails to meet the requirements for area, width or depth under the current district regulations of this Code or the Comprehensive Plan.

Nonconforming sign means a sign or advertising structure or parts therein existing within the unincorporated area on the effective date of this code which, by its height, square foot area, location, use, operating characteristics or structural support does not conform to the requirements of Sec. 7.14, Signage.

Nonconforming structure means a structure that was lawfully established before this Code was adopted or amended, that does not conform to the property development regulations of area, height, lot coverage, yard setbacks, lot location, parking, or other dimensional requirements for the zoning district in which it is located.

Nonconforming use means a use that was lawfully established before this Code was adopted or amended which does not conform to the use regulations of the zoning district in which it is located.

Nonconformities mean uses of land, structures, lots and landscaping that were lawfully established before this Code was adopted or amended, that are not in conformity with the terms and requirements of this Code.

Nonplan collector street see Street, collector, nonplan.

Nonputrescible materials mean materials incapable of decomposition or causing environmental nuisances or obnoxious odors.

Nonresidential activity means any activity which occurs in any building, structure or open area which is not used primarily as a private residence or dwelling.

Nursery see Greenhouse.

Nursing or convalescent facility means an establishment where, for compensation pursuant to a previous arrangement, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) 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.

Parcel means a unit of land legally established property lines.

Parcel Control Number means a Palm Beach County identification number assigned for each parcel of land.

"O" Horizon means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the layer of organic matter on the surface of a mineral soil. This soil layer consists of decaying plant residues.

Off-premises sign means any framework for signs announcing or advertising merchandise, services, or entertainment available, sold, produced, manufactured, or furnished at a place other than the lot on which the sign is erected.

Off-site improvements means improvements constructed outside of the boundaries of the project which are required as a part of a development approval.

Owner means the owner of the freehold estates, as appears by deed of record, or agreement for deed. It shall not include short-term lessees, reversioners, remainderman, or mortgagees. It shall include lessees with a lease of more than twenty-five (25) years.

Office means for the purpose of Art. 10, Impact Fees, a building used primarily for conducting the affairs of or the administration of a business, organization profession, service, industry or similar activity.

Office, business or professional means an establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include property and financial management firms, employment agencies, 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.

Office of industrial nature means an establishment providing executive, management, or administrative support, but not involving medical or dental services, the sale of merchandise, or professional services (business or professional offices). Typical uses involve corporate headquarters or other similar offices whose function does not include frequent visits by the public or the provision of services.

Official Zoning Map means the official map upon which the boundaries of each district are designated and established as approved and adopted by the governing body, made a part of the official public records of Palm Beach County, Florida, and shall be the final authority as to amend zoning status of land and water areas, buildings, and other structures in the unincorporated area of the County and incorporated into this code by reference.

Off-street loading space means the stall and berth along with the apron or maneuvering area incidental thereto.

One-foot drawdown contour means the locus of points around a well or wellfield where the free water elevation is lowered by one (1) foot due to a specified pumping rate of the well or wellfield.

On-site sewage disposal system means, for the purpose of Sec. 7.10, a system of piping, tanks, or treatment devices and a drainfield for treatment and disposal of domestic sewage.

Operating permit means the permit required of certain activities to operate within wellfield zones, the criteria for which are set forth under Sec.9.4

Open space means unbuilt land reserved for but not limited to one or more of the following uses: conservation, passive recreation, protection, ornamentation (i.e., scenic corridor), linkage and buffer/development barrier use and water retention.

Open to the public means those park acres developed according to the Park and Recreation Department's adopted Park Master Plan and made available to the general public for specific recreational purposes whether for a fee or free of charge.

Ordinary High Water (OHW) means, for areas with an established control elevation, the control elevation will be the OHW. For areas without an established control elevation, the wet season water table prior to the mining activity will be OHW.

Original value of the structure means the value of the structure at the time it was issued a Certificate of Occupancy, based upon an appraisal by a Member of the Appraiser's Institute (MAI).

Outbuilding means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), a detached accessory building constructed on a residential lot housing a garage, accessory apartment or handicapped or elderly apartment.

Owner motor vehicle means the person to which the motor vehicle is registered on the motor vehicle certificate of title and shall include, if under lease, rental agreement or loan under any other type of arrangement, gratuitous or otherwise, the person having possession or control of the vehicle.

Package wastewater treatment facility means a facility consisting of a prefabricated wastewater treatment unit and on-site disposal system, intended to provide sewer service to a single development which does not have central sewer service available.

Package, water treatment facility means a facility consisting of a prefabricated water treatment unit, intended to provide water service to a single development which does not have central water service available.

Painted wall sign means any sign painted on any surface or roof of any building, visible from any public right-of-way.

Park means for the purpose of the Adult Entertainment Establishment provisions of this Code, a tract of land within a municipality or unincorporated area which is (1) kept for ornament and/or recreation, and which is open to the public, whether or not the land is publicly owned, or (2) land privately owned which is kept for ornament and/or recreation purposes and which is limited to surrounding landowners. A playground shall be considered a park.

Park means a developed or planned site owned by a governmental entity that offers the general public an opportunity to partake in a variety of recreational activities that may be active, passive, or special in nature in a safe and convenient manner that is compatible with its environs.

Park, neighborhood means, for the purpose of Sec. 6.8.C an open space area providing passive and active recreation and usable open green space within walking distance of housing.

Park, passive means a public or private outdoor recreational use 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 relates to the natural qualities of the area, and support facilities for such activities.

Park, public means a publicly-owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.

Parking garage, commercial means a building or other structure that provides temporary parking or storage for motor vehicles, where some or all of the parking spaces are not accessory to another principal use.

Parking lot means an off-street, private or public area constructed at grade which is used for the temporary parking of automobiles, motorcycles and trucks. Parking lots include access aisles, ramps, maneuvering and all vehicle use areas.

Parking lot, commercial means a paved area intended or used for the off-street parking or storage of operable motor vehicles on a temporary basis, other than accessory to a principal use.

Parking lot, shared or common means a parking lot or area that serves more than one (1) lot, use or residential dwelling.

Parking, off-street means the minimum number of parking spaces per land use as required by this section.

Parking space means a surfaced or grassed area, enclosed or unenclosed, sufficient in size and approved to store one (1) motor vehicle.

Parking tract means a parking lot delineated on a plat or otherwise created by instrument of record for the purpose of providing common vehicular parking and legal access for owners of abutting lots.

Patio means an open unoccupied space which may be partially enclosed by wall, fence, or building and not considered part of the residential living structure.

Patio home: See Zero lot line dwelling.

Peak nesting season means the period from May 1 through October 31 of each year.

Pennant see Flag.

Percolation pond means an artificial impoundment similar to a holding pond for which the design and operation provides for fluid losses through percolation of seepage.

Percolation test means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a test conducted in compliance with Section 11 hereof to determine the rate of percolation or seepage of water through soils in the area of the drainfield, the result of which test is expressed as time in minutes per one inch drop of water.

Performance security means funds irrevocably committed by written instrument that are sufficient to secure the complete performance of a contract or condition of a development order, Development Agreement, or covenant. Performance securities shall be denominated in United States dollars. The form of the security shall be approved by the County Attorney, and may include:

1. An irrevocable letter of credit;
2. An Escrow Agreement;
3. A Surety Bond;
4. A cash bond; or
5. Any other form of comparable security.

Permitted agent of the State means any qualified individual, group or organization possessing a permit from Florida Department of Natural Resources (FDNR) to conduct activities related to sea turtle protection and conservation.

Person means any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, property owners' association two (2) or more persons having a joint or common interest, governmental agency, or any other legal entity.

Person means for the purpose of the Adult Entertainment Establishment provisions of this Code, includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and all other or any other similar entity.

Personal services mean an establishment engaged in the provision of frequently or recurrently needed services of a personal nature, or the provision of informational, instructional, personal improvement or similar services, which may involve the limited accessory sale of retail products. Typical uses include art and music schools, beauty and barber shops, driving schools, licensed therapeutic massage studios, photography studios and tanning salons.

Phased development means development which is designed, permitted or platted in distinct, sequential stages to be developed over a specified period of time.

Plan means the 1989 Palm Beach County Comprehensive Plan as amended from time to time.

Plan collector street see street, plan collector.

Planned Development means, for the purposes of Article 10, Impact Fees, a land area under unified control that is designed and planned to be developed in a single operation or by a series of pre-scheduled Development phases according to a final master land use plan approved by the County pursuant to its zoning code.

Planning Director of PZB means the division head of the Palm Beach County Planning Division.

Plant species, controlled means those plant species, as listed in Sec. 7.3 (Landscaping and Buffering), that are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.

Plant species, native means any plant species with a geographic distribution indigenous to all or part of South Florida. Plant species which have been introduced by man are not native vegetation.

Plant species, prohibited means those species as defined in the landscape section of this code, as being demonstrably detrimental to native plants, wildlife, the ecosystem or public health, safety, or welfare.

Plastic sign means any sign, embellishment or sign area made of flat sheet, corrugated panels, formed or molded plastic on one (1) or more faces.

Plat means a map or delineated representation of the subdivision of lands, being a complete, exact representation of the subdivision and other information in compliance with the requirements of all applicable provisions of Art. 8 and Chapter 177, Fla. Stat., and may include the terms "replat", "amended plat", or "revised plat".

Plat, boundary means a map or delineated representation for recordation of a single lot for development purposes prepared, approved, and recorded in accordance with requirements and procedures for a boundary plat pursuant to Art. 8 and Chapter 177, Fla. Stat.

Plat, final means a finished plat including all signatures required for recordation except those signifying approval by the County.

Plat, preliminary means a copy of the plat in sufficient form to readily compare the plat with the subdivision plan and construction plans.

Plat of record means a plat which conforms to the requirements of the applicable state laws and Art. 8, Subdivision, which has been accepted by the Board of County Commissioners and placed in the official records of Palm Beach County.

Portable sign means any sign not permanently attached to the ground or other structure.

Project means a land use or group of land uses involving the development of a particular parcel of land at a particular density which was granted a Valid Local Government Development Order, or which substantially complies with applicable provisions of the Palm Beach County Subdivision Code as determined by the Director of the Land Development Division of the Palm Beach County Engineering Department.

Pneumatophore means the aerial root structure from the species Avicennia germinans (black mangrove), or Laguncularia racemosa (white mangrove).

Point of purchase sign means any structure with characters, letters or illustrations placed thereto, thereon, or thereunder by any method or means whatsoever where the matter displayed is used for advertising on the premises, a product actually or actively offered for sale or rent thereon or therein or services rendered.

Pole or ground sign See Freestanding sign

Pole trailer shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.

Political sign means any advertising structure used in connection with a local, state, or national election campaign.

Pollutant means any substance which is harmful or threatening to plant, animal or human life.

Porch means, for the purpose of Sec. 6.8 C (Traditional Neighborhood Development District), an unairconditioned, roofed structure attached to a dwelling unit.

Positive drainage means the provision of a stormwater management system which conveys stormwater runoff to a point of legal positive outfall.

Potable water facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of potable water facilities necessary to meet the LOS for potable water facilities.

Pottery shop, custom means an establishment engaged in the manufacture of products from clay.

Potting soil manufacturing means an establishment engaged in producing potting soil, including the use of incineration.

Preliminary development plan means a generalized depiction of use categories presented to the DRC, PC and BCC for planned development districts or conditional use A and B approvals.

Premises mean any lot, area, or tract of land whether used in connection with a building or not.

Preservation management plan means a plan that will provide for the perpetual viability of a designated preserve area including the ongoing control of invasive non-native plant species.

Preserve or preserve area means that portion of native vegetation which is required to be set aside from development or other alteration activities, protected from the removal of any native plant species, managed to maintain viability for wildlife habitat, and maintained free of non-native plant species.

Printing and copying services means an establishment engaged in retail photocopy, reproduction, or blueprinting services.

Privacy fence means a structural or natural physical barrier of an opaque quality, constructed such that the privacy of the area to be enclosed is enhanced.

Private street see Street, private.

Private water system means, for the purpose of Sec. 7.11 (Water Supply Systems), a well, spring, cistern or other similar source of water and appurtenances of piped water for human consumption and other domestic purposes used only by individual family units including private homes, duplexes and a building of four (4) family units or less.

Projecting sign means any sign viewed from directly overhead is affixed at an angle or perpendicularly to the wall of any building in such a manner to read perpendicularly or at an angle to the wall on which it is mounted and located under a canopy or cover.

Prop root means the structures originating below the lowest limbs of the red mangrove that are also known as still roots

Property owners' association means an organization recognized under the laws of the State, operated under recorded maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, home, property or any other interest, is automatically a voting member, and each such member is automatically subject to a charge for a prorated share of expenses, either direct or indirect, for maintaining common properties within the subdivision, such as roads, parks, recreational areas, common areas and other similar properties. Within the text of this Code, a property owners' association is considered to be a single entity for property ownership. As used in this Code, the term "property owners association" shall also be deemed to include a homeowners' association, condominium association or cooperative (apartment) association, as defined in Chapter 711, Fla. Stat., as amended, having a life tenure of not less than twenty (20) years, as well as a third party having an agreement with a condominium or cooperative association as permitted by Chapter 711, Fla. Stat., as amended.

Pruning means the removal of plant parts, dead or alive, in a careful and systematic manner so as to not damage other parts of the plant.

Public agency means any government or governmental agency, board, commission, authority or public body of Palm Beach County, the State of Florida, or of the United States government, or any legally constituted governmental subdivision or special district.

Public easement see Easement, public

Public facilities means capital facilities including but not limited to for roads, parks and recreation, fire-rescue, library, law enforcement, public buildings, and school sites.

Public Facilities Agreement means an agreement entered into by Palm Beach County or a Service Provider and a developer or landowner for the purpose of ensuring public facility capacity is reserved for a proposed development.

Public Health Unit means the HRS/Palm Beach County Public Health Unit.

Public school means a use and attendant buildings operated by the Palm Beach County School District for educational or training purposes, as follows:

1. an elementary school;
2. a middle school
3. a high school
4. a vocation or technical school.

Public street see Street, public.

Public utility means an entity owning, operating, managing or controlling a system or proposing construction of a system that is providing or proposing to provide water or sewer service, electricity, natural or manufactured gas, or any similar gaseous substance, telephone, telegraph or other communication service to the public for compensation.

Public works projects means projects that may be conducted by government agencies or are linear projects, such as pipelines, transmission lines, telephone lines, etc., that are constructed for no single property.

Quasi-public easement see Easement, quasi-public.

Quasi-public use means a use or group of uses open for general public use, such as stadiums, amphitheaters, civic centers, and colleges. It does not include shopping centers or other retail uses, and hotels.

Queuing area means a one-way aisle that provides a waiting area for a specified number of cars.

Raised basement means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), a semi-underground story of a building.

Real estate sign means any sign erected by the owner, or an agent, advertising the land upon which the sign is located for rent or for sale.

Reclamation means increasing land use capability to be made suitable for development, by changing the land's character or environment through drainage, fill or revegetation.

Recreation and park facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of buildings and park equipment necessary to meet the LOS for Urban Park and Recreation Facilities and Rural Park and Recreation Facilities.

Recreation facility, accessory means a facility designed and intended for use by occupants of a residential development and their non-paying guests. Typical uses include golf courses, swimming pools and tennis courts and required recreational areas.

Recreational vehicle means a truck, bus, automobile trailer, camp-car, trailer, pickup camper, bus, or other vehicle with or without motive power, converted or equipped with living or sleeping quarters, designed and constructed to travel on public thoroughfares without special permit in accordance with the provisions of the Vehicle Code of the State of Florida.

Recreational vehicle park means a land area under unified control designed and intended to accommodate short-term, overnight parking of recreational vehicles and not for permanent residential use.

Recycling center means a permanent facility designed and used for collecting, purchasing, storing and redistributing pre-sorted, recyclable materials that are not intended for disposal. A recycling center shall be used for limited processing of recyclable materials, such as can and glass crushing and sorting.

Recycling collection station means a mobile container designed and used for deposit of recyclable materials and typically monitored by a person.

Recycling drop-off station means a totally enclosed structure, containing no more than five hundred (500) square feet of gross floor area, within which pre-sorted, non-biodegradable recyclable materials are collected for redistribution or sale for the purpose of reuse.

Recycling plant means a permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching.

Regional park means the largest class park in Palm Beach County. It generally exceeds two hundred and fifty (250) acres in size and also provides access to a substantial resource base. Regional parks primarily provide passive recreational facilities and to a lesser degree active recreational facilities where no adverse impact on the resource base results. Recreational facilities in regional parks are primarily passive or resource based in nature with picnicking, camping, hiking, fishing, and boating as the main activities. Special facilities such as museums, golf courses, or water skiing facilities may also be included, as well as some of those active facilities often found in district parks.

Regulating plan means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), a graphic and written representation of the detailed land use and development regulations applicable to a particular TND.

Regulated Substances means:

1. Those deleterious substances and contaminants, including degradation and interaction products which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristic, may cause significant harm to human health and environment (including surface and groundwater, plants, and animals).
2. Those substances set forth in, but not limited to, the Lists of Hazardous Wastes (40 CFR Part 261, Subpart D), 40 CFR, Part 261, Appendix VIII-Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA (40 CFR 302, effective July 3, 1986); as amended from time to time provided, however, that this section shall only apply whenever the aggregate sum of all quantities of any one Regulated Substance at a given facility/building, at any one time, exceeds five (5) gallons where said substance is a liquid, or twenty-five (25) pounds where said substance is a solid. The section shall also apply if no single substance exceeds the above reference limits but the aggregate sum of all Regulated Substances present at one facility/building, at any one time, exceeds one hundred (100) gallons if said substances are liquids, or five hundred (500) pounds if said substances are solids.

Where Regulated Substances are dissolved in or mixed with other non-Regulated Substances, only the actual quantity of the Regulated Substance present shall be used to determine compliance with the provisions of this section. Where a Regulated Substance is a liquid, the total volume of the Regulated Substance present in a solution or mixture of said substance with other substances shall be determined by volume percent composition of the Regulated Substance, provided that the solution or mixture containing the Regulated Substance does not itself have any of the characteristics identified in paragraph one of this definition.

Religious activities means for the purpose of the Adult Entertainment Establishment provisions of this Code, means any daily, weekly, or periodic activity associated with or that occurs at a religious institution.

Religious institution means for the purpose of the Adult Entertainment Establishment provisions of this Code, a premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat, site, camp or similar facilities owned or operated by a bona fide religious group for religious activities shall be considered a religious institution.

Repair means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), modification or addition to a failing on-site sewage disposal system which are necessary to allow the system to function or which are necessary to eliminate a public health or pollution hazard. Pumping of septage from a system and making minor structural corrections to a tank or building sewer do not constitute repair.

Repair and maintenance, general means an establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, golf carts, mopeds, motorcycles and trucks, excluding paint and body work. Typical uses include automobile repair garages, automobile tune-up stations, automotive glass shops, quick-lubes and muffler shops.

Repair services, limited means an establishment engaged in the repair of personal apparel and household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, bicycle repair, lawnmower repair, clock and watch repair, and shoe repair shops.

Required recreation areas means recreational tracts of land with facilities required within a residential development, dedicated or reserved to a property owners association for the perpetual use by all residents of the development for recreation.

Residence: See dwelling unit.

Residential access street see Street, residential access.

Residential development means, for the purposes of Article 10, Impact fees, a building, or many buildings or dwelling units, or portion of a building or land used primarily for human habitation.

Residential district means any area that has a district classification of AR, CRS, RE, RT, RTS, RTU, RS, RM and RH, as well as residential pods of any Planned Development District. Any creation of an additional residential district by amendment to the Official Zoning Map which occurs shall automatically be included in the definition of residential district for the purposes of this Code.

Residential zoning district means for the purpose of the Adult Entertainment Establishment provisions of this Code. For the purpose of this section only, "residential zoning district" includes the following zoning districts which have not been designated in the comprehensive plan as commercial or industrial.

1. AR-Agricultural Residential
2. CRS-Country Residential
3. RE-Residential Estate
4. RT-Residential Transitional
5. RTS-Residential Transitional Suburban
6. RTU-Residential Transitional Urban
7. RS-Single-Family Residential
8. RM-Multiple-Family Residential (Medium Density)
9. RH-Multiple-Family Residential (High Density)
10. TND-Traditional Neighborhood Development
11. PUD-Planned Unit Development

Respondent/Alleged violator means those persons including both landowners and tenants who have been issued a Notice of Violation.

Restaurant, fast food means an establishment where the principal business is the sale of food and non-alcoholic beverages to the customer in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.

Restaurant, general means an establishment excluding drive-thrus, where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation consists of one or more of the following:

1. A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed; or
2. A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant; or
3. A restaurant, which may have characteristics of a fast food restaurant, having floor area exclusively within a shopping or office center, sharing common parking facilities with other businesses within the center, and having access to a common interior pedestrian access way.
4. This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use.

Restaurant, specialty means an establishment, excluding drive-throughs, engaged in the retail sale of a limited variety of baked goods, candy, coffee, ice cream or other specialty food items, which may or may not be prepared for on-premises sale and which may be consumed on the site.

Retail sales, bulky goods means an establishment providing retail sales or rental of large items, such as household or office furniture, major household appliances, mattresses; or retail sales or rental of small machines such as golf carts, golf cars, lawnmowers, mopeds, and motorcycles, including incidental repair services.

Retail sales, general means an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified in another use type. Typical uses include auto parts stores, bookstores, business machine sales, rental and accessory repair stores, clothing stores, department stores, discount stores, drug stores, electronic appliance stores, florists, food stores (excluding convenience stores), floor covering stores, garden supply stores, hardware stores, marine supply sales (excluding boat sales), office supply stores, optical retail sales, paint stores, toy stores and variety stores.

Retail sales, mobile or temporary means retail sales operations without a fixed or permanent location. Typical uses include roadside sales of flowers or similar products; transient sales operations which include travel to several locations in one day, such as lunch wagons, door-to-door salesmen or ice cream trucks; temporary seasonal sales, such as Christmas trees or fireworks; and special event sales which require a tent or temporary structure.

Retention means the collection and storage of a specific portion of stormwater runoff without subsequent direct release to surface waters of said portion or any part thereof.

Retention or detention pond means any pit, pond, or excavation excluding canals of conveyance which creates a body of water by virtue of its connection to groundwater, and which is intended to receive stormwater.

Right-of-way means a strip of land dedicated or deeded to the perpetual use of the public.

Road facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of roads on the major road network system necessary to meet the LOS for road facilities.

Roof sign means any sign affixed to the building which extends above the peak of the roof at the location of the sign.

Rooming house see boarding house.

Rubbish means waste consisting of any accumulation of paper, excelsior, rags, wooden or paper boxes or containers, sweeping, and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, and also any bottles, cans, container, or any other products which due to their ability to retain water may serve as breeding places for mosquitoes or other water-breeding insects; rubbish shall not include noncombustible refuse.

Rural subdivision means a division of land within an Agriculture Residential (AR), Country Residential (CRS), or Agricultural Production (AP) district.

Salvage or junk yard means a lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof.

Sand means sediments having a distribution of particle diameters between .074 and 4.76 millimeters, as defined in the Unified Soils Classification System. Sand grain analyses shall follow the methodology described in Folk, Robert L. 1980, **Petrology of Sedimentary Rocks** to determine grain size distribution.

Sand preservation/Sea turtle protection zone means an area of jurisdiction, established by Section 9.1, for the purpose of maintaining the volume of beach sand within the beach/dune system as well as regulating coastal lighting. This zone extends from the mean high water line of the Atlantic Ocean to a line six hundred (600) feet landward.

Sanitary hazard means any percolation pond for domestic wastewater effluent disposal, the land application of domestic wastewater sludge or domestic wastewater effluents that have not received high-level disinfection as defined in Florida Administrative Code Chapter 17-610, and any on-site sewage disposal system (septic tank).

Sanitary landfill means a permitted disposal facility employing an engineered method of disposing of solid waste on land in a manner which minimizes environmental hazards by spreading the solid wastes in thin layers, providing a sand fill or approved substitute cover.

Sanitary nuisance means any act, or the keeping, maintaining, propagation, existence or permission of anything, by an individual, municipality, organization or corporation, by which the health or life of an individual may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused.

Sanitary sewer facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of sanitary sewer facilities necessary to meet the LOS for sanitary sewer facilities.

Sanitary survey means, for the purpose of Sec. 7.11 (Water Supply Systems), on-site review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing drinking water meeting the quality standards of this regulation.

School, elementary or secondary means a premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes and courses of study required for accreditation as an elementary or secondary school by the State Department of Education of Florida.

School Board means the Palm Beach County School Board.

Screen enclosure means a structure, which may or may not be roofed, used to completely enclose an outdoor living space with screening.

Seagrasses means those submerged beds of the genera Halophila, Syringodium, Halodule, Thalassia, and/or the green algae Caulerpa spp.

Sector area means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), the boundaries of the geographic planning area served or impacted by a TND.

Sector area land uses means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), optional land use zones provided to lessen imbalances in employment or services that exist within a sector area.

Security or caretaker quarters mean a residence located on a site for occupancy by a caretaker or security guard.

Seedling, sapling, runner, or sucker means any young plant or tree in early stages of growth.

Self-service storage means an enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for dead storage of their household goods or personal property.

Sea turtle(s) means any specimen belonging to the species Caretta (loggerhead turtle), Chelonia mydas (green turtle), Dermochelys coriacea (leatherback turtle) or any other marine turtle using Palm Beach County beaches as a nesting habitat.

Semi-public water system means, for the purpose of Sec. 7.11 (Water Supply Systems), a water system for provisions of piped water under pressure for human consumption, culinary, sanitary or domestic purposes to:

1. Less than twenty-five (25) individuals daily at least sixty (60) days out of the year, or
2. At least twenty-five (25) individuals daily less than sixty (60) days out of the year.

Septage means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a mixture of sludge, fatty material and wastewater removed during the pumping of on-site sewage disposal systems, grease traps, laundry interceptors and portable toilets.

Septic tank means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a watertight receptacle constructed to promote separation of solid and liquid components of sewage, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a drainfield.

Septic tank system means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a building sewer, septic tank, distribution box and drainfield. When pump equipment is utilized, it is also considered part of the septic tank system.

Service Provider means any agency that is responsible for the provision of public facilities to development in Palm Beach County.

Service station: See automotive service station.

Service truck means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a vehicle used to pump out the contents of on-site sewage disposal systems, grease traps, laundry interceptors or portable toilets.

Setback means the required minimum horizontal distance between any structure and the related front, side, or rear property lot line or base building line.

Setback, front means the setback extending along the full length of the front lot line.

Setback, interior side means the setback extending along an interior side lot line between the front and rear setbacks.

Setback, rear means the setback extending along the full length of the rear lot line.

Setback, street side means the setback extending along a street side lot line between the front and rear setbacks.

Sewer system, central means a regional sewerage system, owned and operated by a municipal, county, special district or other governmental entity, which provides sewer service to several developments located within its service area.

Sewer system, individual means a privately owned sewerage system, which provides sewer service to a single development, because of unavailability of a central sewer system.

Shade tree means a tree that reaches a minimum height of fifteen (15) feet at maturity, provides relief from direct sunlight for at least six (6) months each year, and is indicated as a shade tree on the Recommended Tree List.

Shared parking means the approved use of the same off-street parking spaces for two (2) or more distinguishable uses where peak parking demand of the different uses occurs at different times of the day, or where various uses are visited without moving the automobile, and where the provision of parking spaces is a net decrease from the combined total of each use's individual off-street parking requirements if provided separately.

Shooting range, private means a private facility, not used for the general public or commercial purposes, for the discharging of firearms.

Shopping center means a group of commercial establishments planned, developed, managed and operated as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

Shrub means a self-supporting woody perennial plant more than thirty (30) inches in height at maturity, characterized by multiple stems and branches continuous from the base. It shall not include trees.

Sidewalk, curb or vehicular sign means signs placed on or affixed to vehicles or trailers which are parked on a public right-of-way, public land, or private land so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity, or direct people to a business or activity located on the same or nearby land.

Sight distance means the extent of unobstructed vision in a horizontal and vertical plane.

Sign means any character, letter, figure, symbol, design or device or combination of these used to attract attention or convey a message and which is visible to any area outside of a building. The term includes banners, pennants, streamers, moving mechanisms and lights.

Sign area means the background area upon which the advertising surface area is placed. Where the advertising surface area is attached directly to the wall of a building that wall shall not be construed to be the background sign area unless it is an integral part of the sign. (For painted wall signs, see surface area).

Sign, flashing means any illuminated sign, which exhibits changes in light or color. Illuminated signs which indicate the time, temperature, weather, or other similar information shall not be considered flashing signs.

Significant archeological value An archaeological site, fossil or artifact which could yield or has yielded information deemed by a qualified archaeologist to be of significant scientific, historical, ethnic or public significance to the history or prehistory of the County, State or Nation.

Single-faced sign means only one side of a double-faced sign.

Single-family means the use of a lot or a structure for one (1) detached dwelling unit, excluding a mobile home but including a manufactured building.

Single-family cluster means a dwelling unit which is part of a cluster of similar dwelling units within a planned development but which is separated from other similar units by common areas dedicated to a property owners' association.

Single-family district means the AR, CRS, RE, RT, RTS, RTU and RS districts, as well as single-family pods of Planned Development districts.

Site-related improvements mean road construction or road improvements at or near the development site which are necessary to interface the development's external trips with the major road network system, or which are necessary to interface the development's internal trips with the major road network system where a portion of the major road network system is included within the development.

Snipe sign means any sign made of any material, including paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which the sign is located.

Soil classification means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the soil mantle as classified in accordance with the U.S. Department of Agriculture Soil Classification Methodology.

Soil limitation ratings means , for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the three rating categories, which are:

1. **Slightly limited** means soils with favorable properties for the use of drainfield systems.
2. **Moderately imited** means soils that have properties moderately favorable for use of a drainfield system. Limitations in this category may be overcome by site alteration involving removal of impervious or too rapidly percolating soil layers, addition of fill, or lowering of high water table through approved drainage methods, or any combination of the above.
3. **Severely limited** means soils which have one(1) or more properties unsuitable for the use of a drainfield system.

Solid waste means garbage, rubbish, refuse, or other discarded solid liquid semisolid or gaseous materials, excluding hazardous waste, resulting from domestic, commercial, mining, industrial, agricultural activities or governmental operations excluding solids or dissolved material in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants. Solid waste does not include scrap, or new or used material, separated at a point of generation and held for purposes of recycling, subject to State and local public health and safety laws.

Solid waste facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of solid waste facilities necessary to meet the LOS for solid waste facilities.

Solid waste transfer station means a facility where solid waste from several relatively small vehicles is placed into one relatively large vehicle before being transferred to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at the transfer station.

Sound level means the weighted sound pressure obtained by use of a metering characteristic with an A-Weighting as specified in the ANSI specifications for sound level meters.

Sound level meter means an instrument that includes a microphone, amplifier, and output meter, and frequency weighting networks for the measurement of noise and sound levels in a manner to meet ANSI standards.

Source property means the land from which the subject sound is originating including public or private streets, sidewalks or other public or open space areas.

Special allocation means the assignment by the Board of County Commissioners of impact fee credits for in-kind contributions to a feepayer, or a portion of a development. It may involve the pro rating of impact fee credits for in-kind contributions.

Specified anatomical areas means less than completely and opaquely covered:

- a. Human genitals and pubic region; or
- b. The opening between the human buttocks, i.e., the anal cleft; or
- c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or
- d. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

1. Human genitals in a state of sexual stimulations, arousal or tumescence;
2. Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
4. Excretory functions as part of or in connection with any of the activities set forth in subsections 1. through 2.

Specimen tree means a tree that substantially contributes to the aesthetics of an area and which is protected through the permitting process, or which attains one-third (33%) or greater of the champion tree diameter at breast height (dbh). A specimen tree may be native or non-native and must be in good health.

Speculative clearing means the clear cutting of a site when no final site plan or approved vegetation management plan has been prepared for the site.

Spent means the commitment of funds to a particular capital facility acquisition by the awarding of a contract.

Spill means the unpermitted release or escape of a Regulated Substance, irrespective of the quantity thresholds identified in the definition of "Regulated Substance," directly or indirectly to soil, surface water or groundwater.

Spillover light means light that is distributed into areas where the illumination is not needed or intended.

Square means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), an outdoor civic tract located within a neighborhood to provide community services and usable open green space.

Square footage, for the purposes of Art. 10, Impact Fees, for non-residential uses means the gross constructed area of all buildings or structures covered by a roof that provides shelter or cover plus any area adjacent to but outside the enclosing exterior walls that has a constructed floor and is covered by a sheltering roof contiguous with the building. For residential development, square footage means the conditioned area of the building as established pursuant to the Florida Efficiency Code including all buildings or structures covered by a roof that provides shelter or cover. If the residential building does not have a conditioned area, it shall be the living area of the building. Square footage shall include the gross floor area of each floor of a multiple story building and is measured from the outside of the exterior walls or constructed floor. In the case of attached units the common wall shall be measured from the center of the wall. for primarily outdoor uses, such as retail nurseries, square footage consists of the total area of the portion of the land on which the use exists. Any space where the floor-to-ceiling height is less than six (6) feet and any accessory structures or buildings not intended for permanent occupancy are not included in this definition. Accessory structures include but are not limited to, utility buildings, freestanding sheds and carports, boathouses, farm buildings and temporary structures for construction purposes.

Stable, commercial means an commercial 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 equestrian arena.

Stable, private means the care of horses owned by the occupants or owners of the premises.

Stall or berth means the space within which vehicles are placed during actual loading or unloading operations.

Stand for sale of agricultural products means a roadside stand for the retail sale of fruit, vegetables, flowers, and house plants not necessarily grown on the site.

Standard subsurface means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), an on-site sewage disposal system consisting of a treatment receptacle, distribution box and a gravity-fed drainfield installed below the natural ground surface.

State standards, for the purpose of Art. 8, Subdivision, Platting and Required Improvements, means the various design and construction guidelines, policies and standards promulgated, and amended, by the departments and agencies of the State, including but not limited to the Policy and Guidelines for Vehicular Connections to Roads on the State Highway Systems, Manual of Uniform Traffic Control Devices for Streets and Highways (as adopted by the Department of Transportation), Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (a/k/a "The Greenbook"), Standard Specifications for Road and Bridge Construction, Roadway and Traffic Design Standards, and Handbook for Drainage Connection Permits.

Stormwater means the flow of water that results from and occurs immediately following a rainfall event.

Stormwater management plan means an engineering drawing and written report outlining the proposed secondary and tertiary stormwater management system needed for the proper development of a specific increment of the unincorporated area of Palm Beach County, including details of drainage-related conditions and characteristics of the existing development site and surrounding lands.

Stormwater management system means a comprehensive system designed and constructed or implemented to collect, convey, store, absorb, inhibit, treat, use or reuse stormwater in order to prevent or reduce inundation, flooding, over-drainage, environmental degradation, and water pollution, or otherwise affect the quantity and quality of stormwater runoff.

Stormwater runoff means that portion of stormwater which occurs either as overland surface flow or subsurface lateral flow through normally unsaturated soils, and which is neither intercepted by vegetation, evaporated, nor recharged to groundwater.

Stormwater system, primary means classified surface waters of the State which convey stormwater runoff toward the ocean or a major inland water body.

Stormwater system, secondary means that component of a stormwater management system which consists of facilities and features designed to provide for treatment and control of stormwater runoff generated by specifically delineated lands, in order to meet regulatory requirements governing the quality and quantity of stormwater discharged to the primary stormwater system.

Stormwater treatment means removal of pollutants, debris, and other undesirable materials from stormwater runoff by means of natural chemical, biological or physical processes, including, but not necessarily limited to, detention, retention, filtration, percolation, sedimentation, floatation, and skimming. This definition does not normally include active treatment processes, requiring the consumption of electrical or mechanical energy.

Stormwater system, tertiary means that component of a stormwater management system which consists of facilities and features designed to provide for rapid removal of stormwater from structures, building sites, streets, and other areas of development or uses sensitive to damage or disruption by inundation.

Story, building means that part of a building between the surface of a floor and the ceiling immediately above. The maximum height shall be fourteen (14) feet measured from the finished floor to the finished ceiling. Attics and raised basements shall not be included in calculations of a building story unless they are used for residential or parking purposes.

Stream means any river, creek, slough, or other natural watercourse whether or not the bed shall have been dredged or otherwise improved in whole or in part.

Street means a strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square, or however otherwise designated. Streets are further classified according to the function they perform.

Street, arterial means a major street of higher classification than a plan collector street, used primarily for traffic traveling considerable distance within or through an area not served by an expressway, of considerable continuity, and used primarily as a main traffic artery.

Street, collector means a street which carries traffic from local streets to arterial streets. Collector streets have more continuity, carry higher traffic volumes and may provide less access than local streets.

Street, collector, non-plan means a collector street which is not included on the Thoroughfare Plan and which is the highest classification of minor street.

Street, collector, plan means a collector street which is part of the Thoroughfare Plan, and which is the lowest classification of major street.

Street, dead-end means a street with only one (1) outlet.

Street, limited access means a street to which access from abutting property is under the control and jurisdiction of the county pursuant to a limited access easement or other regulatory access restriction.

Street, local means a street designed and maintained primarily to provide legal and vehicular access to abutting land. A local street is of limited continuity, is not for through traffic, and is the middle order street of minor streets, being of a higher classification than a residential access street.

Street, major means a street depicted on the adopted thoroughfare plan; a thoroughfare plan road. Major streets are further classified as collector street, arterial street, and expressway.

Street, marginal access means a special purpose local street which is parallel and adjacent to a plan collector street, expressway, arterial street or other limited access street and which has its principal purpose of relieving such streets from local service of abutting property by providing access to abutting property and separation from through traffic. A marginal access street may also be called a "frontage street".

Street, minor means any street not classified as a major street, and includes streets providing traffic circulation within the development.

Street, private means any street which:

1. Has not been dedicated for public use;
2. Is reserved to a property owners' association pursuant to recorded restrictions and covenants or a plat of record; or
3. Is dedicated for public use but has not been accepted for maintenance by the County, another local governmental entity, the State or a special district.

Street, residential access means the lowest order of minor street which is intended to carry the least amount of traffic at the lowest speed within a subdivision, particularly within subdivisions containing clustered lots.

Street, through means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), a street that serve more than one neighborhood, or that carries traffic between neighborhood proper.

Street frontage: See lot frontage.

Streetedge means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), a buffer used to define and continue a residential frontage line along the unbuilt portion of a lot.

Streetwall means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), a wall or fence creating a visual buffer built on and along a nonresidential lot frontage line.

Structure means that which is three feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels.

Subdivision means the division of land, whether improved or unimproved, whether previously platted or not, into two (2) or more contiguous lots for the purpose, whether immediate or future, of transfer of ownership. The term shall include any modification of legal boundaries for the purpose of redividing or combining any lot(s) depicted on a record plat, or on a certified survey or other map recorded pursuant to an affidavit of exemption or affidavit of waiver. When appropriate to the text, the term refers to the process of subdividing or the land proposed to be or which has been subdivided.

Substantial change in land use means either (1) a change in land use or site design that increases the intensity of land use, (2) a change in land use or site design that creates or increases incompatibility of adjacent land uses, or (3) an increase in the total floor area of multiple-family dwellings or nonresidential buildings which results in increased traffic.

Substantial improvement means any combination of repairs, reconstruction or improvement of a structure, where the improvement creates additional enclosed space that contains equipment or utilities relative to the primary structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any development for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Place.

Sugar mill or refinery means an establishment for the extraction and refining of sugar from agricultural products.

Superintendent means the Superintendent of the Palm Beach County School Board.

Supplier of water means, for the purpose of Sec. 7.11 (Water Supply Systems), any person who owns or operates a water supply system.

Surface area (of a sign) means the actual area of the letters or symbols applied to a background. For computation purposes, straight lines forming a regular polygon shall be drawn tangent to the extremities of the copy or graphics, encompassing all individual letters or symbols.

Surface water means water upon the surface of the earth whether contained within natural or artificial boundaries or diffused.

Surveyor means a land surveyor registered in the State of Florida.

Suspension Order means suspension of construction work directly over the potential archaeological find. During the initial site visit, a qualified archaeologist may extend the boundary of the suspension order based on the potential significance and geographic coverage of the find.

Swale means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a stabilized and graded depression designed to convey stormwater runoff and retain water for only a brief period following a rainfall event.

Swimming pool means any confined body of water, located either above or below the existing finished grade of the site, exceeding one hundred fifty (150) square feet in surface area, and two (2) feet in depth, designed, used, or intended to be used for swimming or bathing purposes.

Temporary means a single period or an accumulation of periods not exceeding ninety (90) days in any 365-day period unless further restricted.

Temporary sign means any sign erected and maintained for a specified length of time.

Theater, drive-in means an establishment for the outdoor viewing of motion pictures by patrons while in their automobiles.

Theater, indoor means an establishment for showing motion pictures or live performances in an enclosed theater.

Thoroughfare plan, thoroughfare right of way protection map or plan means that which is described in the Traffic Circulation Element of the Comprehensive Plan, III; Existing Conditions; D; Thoroughfare Right of Way Protection Map.

Through street see Street, through.

Tinted glass shall mean any window which has:

1. A visible light transmittance value of forty-five (45) percent or less;
2. A minimum five (5) year warranty; and
3. Performance claims which are supported by approved testing procedures and documentation.

Too numerous to count (TNTC) means, for the purpose of Sec. 7.11 (Water Supply Systems), equal to or greater than two hundred (200) non-coliform bacteria per one hundred (100) milliliters of sample.

Topping means undesirable pruning practices resulting in internodal cutting back of branches with little regard to the natural shape of the tree.

Towing service and storage means 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.

Town center means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), an optional sector area land use zone intended to provide an appropriate location for shopfront land uses that are more intensive in size than neighborhood shopfront uses.

Townhouse means a dwelling unit located on an individual lot and attached by at least one but no more than two (2) party wall(s) along fifty percent (50%) of the maximum depth of the unit, to one (1) 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.

Trailer coach shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida. The term shall also include all types of mobile homes and those types of self-propelled trucks or buses that have been converted or equipped with living or sleeping quarters, such as pick-up trucks with sleeping quarters installed, and converted buses. This definition shall exclude suburban, passenger vans and other types of automobiles for private use that have been equipped with camping equipment.

Transportation transfer facility (distribution) means an establishment providing for the transfer of transportation or other motorized vehicles, but not involving vehicle sales or rental (retail or wholesale). Typical uses include the transfer of automobiles, trucks, heavy equipment, or other motorized vehicles prior to distribution to retail dealers.

Transient occupancy means residential occupancy when it is the intention of the parties that the occupancy will be for less than one (1) month.

Transportation facility means 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.

Treatment receptacle means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), that part of an on-site sewage disposal system which provides treatment of sewage prior to its disposal into a drainfield.

Tree means a woody perennial plant commonly with a single stem having a more or less defined crown, that usually grows to at least four (4) meters, or thirteen (13) feet, in height at maturity.

Tree survey means a comprehensive survey document or site plan that provides the following information for trees greater than four (4) inches diameter at breast height (dbh), or palm trees with an overall height of eight (8) feet, that delineates the location and identifies the species of trees and vegetation upon a lot, and that meets the tree survey requirements of Sec. 7.3 (Landscaping and Buffering). The Department shall determine the applicability and the extent of each survey. The survey shall provide the following information:

1. The surveyed location, by a Florida licensed land surveyor, in relation to all proposed development, of all existing trees that are proposed to be destroyed, relocated or preserved.
2. The common and scientific name of each tree.
3. The diameter at breast height (DBH) of each tree, or, if a multiple trunk tree, the sum of the DBH of all trunks.

Trip means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

Trip generation means the attraction or production of trips caused by a given type of land development.

Truck shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida

Ultimate right-of-way means an area set aside for future road widening or used as means of ingress, egress or approach as determined by the Department of Transportation, the Office of the County Engineer, the Board of County Commissioners, or by this Code whichever provides the widest right-of-way.

Understory means the structural, component of a forest community below the canopy and above the ground layer composed of a complex of woody, fibrous or herbaceous plant species.

Unincorporated area, for the purposes of Art. 10, Impact Fees, means all of the area within the boundaries of Palm Beach County, Florida not within the boundaries of any municipality. For the purposes of park impact fees it excludes the Boca District.

Unincorporated area (law enforcement), for the purposes of Art. 10, Impact Fees, means the unincorporated area of Palm Beach County and the municipalities of Cloud Lake, Golfview, Haverhill, Glen Ridge and Village of Golf.

Unit means a building or portion of a building, or a mobile home used primarily for human habitation purposes with separate bathing, cooking and/or dining facilities. In the case of a hotel or motel, or a congregate living facility, it shall mean the room and bathrooms.

Unity of control means a covenant stipulating that a lot, lots, or project with different owners shall be developed according to a common site or master plan providing unified control and the combined lots shall meet land development requirements as if they are one (1) lot.

Unity of title means a document recorded in the office of the Clerk of the Circuit Court of Palm Beach County stipulating that a lot, lots or parcel of land shall be held under single ownership, shall not be eligible for further subdivision and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety.

Unmarked human burial means any human skeletal or fossilized remains discovered during any land development activity or archaeological excavation.

Unobstructed land means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), those areas on a lot or property not used for such purposes as pools, concrete slabs, buildings, driveways, parking, tennis courts, and similar areas which would prohibit, hinder or affect the installation, operation and/or maintenance of an on-site sewage disposal system.

Upholstery shop means an establishment engaged in furniture repair and reupholstery.

Urban service area means that portion of the unincorporated area of Palm Beach County designated as the "Urban Service Area" by the Palm Beach County Comprehensive Plan, as such area may change from time to time, pursuant to the procedures set forth within said plan.

Usable open green space means, for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District), pervious, vegetated areas in edge areas, parks and squares. This open space can be used for passive or active recreation. However, credit shall not be given for road right-of-ways, building setback areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, or any pervious green area not intended for passive or active recreation.

Use means any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, principal means the primary and major purpose for which land or building is used as allowed by the applicable zoning district.

Utility means a government or franchised provider of water, sewer, electric, gas, phone, cable television, or similar service.

Utility easement see easement, utility.

Utility, minor means elements of utility distribution, collection, or transmission networks, other than electrical generation and transmission voltage facilities, required by their nature to be relatively dispersed throughout the service area. Typical uses include gas and water regulations, electrical distribution substations, sewage lift stations, and telephone exchange buildings and substations.

Valid means, for the purposes of Article 10, Impact Fees, a development order or other authorization which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or canceled; or is not subject to such by the passage of time or the conduct of the owner or developer, and on which or for which all conditions of approval are satisfied that must be satisfied by the terms or conditions of approval.

Value means, in the case of land, the appraised value as determined by an appraiser from a list of approved appraisers of Palm Beach County. In the case of improvements to real property or chattel, it means the actual cost to the feepayer or developer of such improvements or chattel. In all cases, the values shall be established in or as if in an arm's length, bona fide transaction in a competitive market between a willing seller and a willing buyer, neither of whom are under any special circumstances, as approved by the Impact Fee Coordinator based upon the standards in Art. 10, Impact Fees. If the Impact Fee Coordinator rejects an appraised value, the Impact Fee Coordinator may obtain another appraisal using an appraiser from the approved list, in which case that appraisal shall prevail.

Variance means an abatement of the terms of the zoning ordinance, except for a use, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

Vegetation, native means any plant species with a geographic distribution indigenous to all or part of the State of Florida. Plant species which have been introduced by man are not native vegetation.

Vegetation, protected means all vegetation other than:

1. Prohibited plant species; or
2. Vegetation excluded from protection by Sec. 7.5 Vegetation Preservation and Protection.

Vegetation removal means:

1. The actual extraction of vegetation; or
2. Direct or indirect actions resulting in the effective removal of vegetation through damaging or poisoning; or
3. Similar actions directly or indirectly resulting in the death of vegetation.

Vegetation required to be preserved by law means areas of vegetation which are clearly delineated on a Site Plan/Plat, or in some other legally binding manner based upon which the lot area is being preserved.

Vehicle inspection center means an establishment engaged in vehicle inspection or the testing of motor vehicle emissions, but not engaged in any vehicle repair.

Vehicle sales and rental means an establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment or mobile homes, along with incidental service or maintenance. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home, manufactured housing and recreational vehicle sales, construction equipment rental yards, moving trailer rental, and farm equipment and machinery sales and rental.

Vehicular sign means a sign affixed to or painted onto a transportation vehicle or trailer, for the purposes of business advertising; however, or vehicular sign shall not include signs affixed to vehicles or trailers for identification purposes or signs required by licensing ordinances.

Vehicular use area means either: (1) an area designed or used for off-street parking; or (2) an area used for loading, circulation, access, storage, or display of motor vehicles. Designated parking areas on public or private streets shall not be considered a vehicular use area.

Vehicular use area, specialized means an area designed for storage of vehicles in operative condition, or for warehousing, transportation or trucking operations, and which is not open to the general public.

Vested means vested pursuant to the application of Florida law.

Veterinary clinic means an establishment engaged in providing medical care and treatment for animals.

Vine means a plant with a flexible stem which normally requires support to reach mature form.

Violator means a person who has been ordered by Code Enforcement to correct a violation.

Vocational school means an establishment, for profit or not, offering regularly scheduled instruction in technical, commercial, or trade skills such as, but not limited to business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology, or other types of vocational instruction.

Wall sign means any sign affixed to the building which shall not extend beyond the peak of the roof at the location of the sign. Wall graphics, murals and art work are considered as signs and shall be included when calculating the total permitted square footage.

Warehousing means an establishment engaged in the storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement, breaking of bulk and storage of products or equipment. Typical uses include motor freight transportation, moving and storage facilities, cold storage, warehousing and dead storage facilities, but exclude self-service storage facilities and office-warehouse combinations.

Waste means discarded material including but not limited to garbage, rubbish, yard trash, litter, non-combustible refuse and industrial wastes.

Wastewater treatment facility means a facility designed for treatment and disposal of more than five thousand (5,000) gallons per day of wastewater, including large regional plants and above ground package treatment facilities.

Water management tract means a parcel of land under single ownership, identified and created as a single unit on a plat or other instrument of record, established for the purpose of delineating a complete facility or unified area to be utilized for detention, retention, or groundwater recharge of stormwater runoff prior to discharge from a development site.

Water supply system or Water supply facility or Water system or Water facility means, for the purpose of Sec. 7.11 (Water Supply Systems), any or all works and auxiliaries for collection, treatment, storage and distribution of water from the source or sources of supply to the consumer or processing plants including ice-making vending machines and bottled water plants.

Water system, central means a regional water supply system owned and operated by municipal, county, special district or other governmental entity, which provides water service to several development located within its service area.

Water system, individual means a privately owned water supply system which provides water service to a single development because of unavailability of a central water system.

Water table elevation means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), the upper surface of the groundwater or that level below which the soil or underlying rock material is saturated with water. Water table elevation is measured from the soil surface down or up to the free water level.

Water treatment facility means a facility designed for treatment of ground or surface water for potable and sanitary purposes, with a design capacity of more than ten thousand (10,000) gallons per day.

Water well means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), a source of water used for drinking, culinary, sanitary and other domestic purposes. The following classifications of wells are used in this Section:

1. **Private well** means a well used to provide water only for residential purposes and serving no more than four (4) dwelling units;
2. **Semi-public well** means a well used to provide water for:
 - a. Less than twenty-five (25) individuals daily at least sixty (60) days out of the year, or
 - b. At least twenty-five (25) individuals daily less than sixty (60) days out of the year;
3. **Non-community well** means a well used to provide water to at least twenty -five (25) individuals daily at least sixty (60) days out of the year but is not a community water system;
4. **Community water well** means a well used to provide water to at least fifteen (15) service connections used by year-round residents or which regularly serves at least twenty-five (25) year-round residents;
5. **Non-potable well** means a well intended exclusively for irrigation purposes, or for supplying water to a heat pump system or a well for receiving discharge water from a heat pump system;

Watercourse means any stream, canal, ditch, or other natural or artificial channel in which water normally flows within a defined bed, banks, or other discernible boundaries, either continuously or seasonally, whether or not such flow is uniform or uninterrupted.

Waters of the state means waters, as defined in Sec. 403.031(12), Fla. Stat., subject to compliance with State Water Quality Standards adopted pursuant to Chapter 403, Fla. Stat., and set forth in Chapter 17-3, F.A.C.

Watershed means the land area which contributes to the total flow of water entering a receiving stream or water body.

Weighted sound pressure level means the sound pressure level as measured with a sound level meter using the A-Weighting Network. The standard notation is Db(A) or DBA.

Well means, for the purpose of Sec. 7.11 (Water Supply Systems), any opening in the ground designed to conduct water from a ground water supply to the surface by pumping or natural flow when water from such opening is used or is to be used for a drinking water supply system or irrigation purposes.

Wellfield means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), an area of land which contains more than one (1) potable well that is designed for a pumping rate of at least one hundred thousand (100,000) gallons per day.

Wellfield Zones 1 and 2 means zones of influence delineated by iso-travel time contours around public water supply wellheads. Zone 1 is identified as the land area within a thirty (30) day travel time and Zone 2 is the land area within a two hundred ten (210) day travel time. Zones of influence maps, including zones 3 and 4 are developed pursuant to the Wellfield Protection Section and are on file and maintained by ERM Department.

West County Agricultural Area (WCAA) means that area roughly bounded by Lake Okeechobee, Palm Beach County/Hendry County Line, South Florida Water Management District Levees L-4, L-5, L-6, L-7 and L-8 and is the agriculture production designation on the land use map of the land use element of the comprehensive plan, also known as the Everglades Agricultural Area (EAA).

Wet detention/retention means detention or retention in a storage facility not designed, constructed, and operated so as to provide dry detention/retention.

Wetland means any persistent or intermittent water body or area characterized by the dominance of those submerged or transitional wetland species listed in the Florida Administrative Code, Rule 17-301 or located within or up to three (3) miles directly offshore of Palm Beach County. Dominance shall be defined in accordance with Florida Administrative Code Rule 17-301 and shall be determined in the appropriate plant stratum (canopy, subcanopy, or ground cover) as outlined in Florida Administrative Code Rule 17-301.

Wettest season means, for the purpose of Sec. 7.10 (On-Site Sewage Disposal Systems), that period of time each year in which the groundwater table elevation can normally be expected to be at its highest elevation.

Wholesaling, general means an establishment primarily 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.

Wildlife corridor means a continuous corridor of habitat, with a width of at least one mile, that is established by linking conservation areas, wildlife preserves, sanctuaries, refuges, parks, open space areas, and agricultural areas to provide a pathway for wildlife movement.

Window sign means any sign, picture, symbol, or combination thereof, designed to communicate information about an activity business, commodity, event, sale or service, that is placed inside a window or upon the window.

Wood or lumber processing means an establishment engaged in the production of lumber or similar building material products from wood.

Woodworking or cabinetmaking means an establishment engaged in the production of finished products from wood.

Work means all required construction as shown on approved construction plans and specifications for all facilities and features of any kind which are required, related to the process of subdivision of land under Art. 8, Subdivision, Platting and Required Improvements.

Yard see Setback.

Zero lot line home means the use of a lot for one (1) detached dwelling unit with at least one (1) wall, but not more than two (2) walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building.

Zones of Influence means zones delineated by iso-travel time contours and the one (1) foot drawdown contour within cones of depression of wells which obtain water from the unconfined or surficial aquifer system. These zones are calculated, based on the rate of movement of groundwaters in the vicinity of wells at a specified pumping rate.

Zones of Influence Maps mean aerial photographs at scales determined by the Department showing the location on the ground of the outer limits of Zones of Influence for present and future public potable water supply wells and wellfields permitted for 100,000 gallons per day or more.

Zoning Director of PZB means the division head of the Palm Beach County Zoning Division.

Zoo means a place where animals are kept in captivity for the public to view.

SEC 3.3 ABBREVIATIONS AND ACRONYMS.

AADT	Average annual daily traffic
AASHTO	American Association of State Highway and Transportation Officials
ACLF	Adult Congregate Living Facility
ADT	average daily trips
ANSI	American National Standards Institute
BofA	Board of Adjustment
BCC	Board of County Commissioners
CEB	Code Enforcement Board
CIE	Capital Improvement Element
CO	Certificate of Occupancy
CRA	Community Redevelopment Association
CRALLS	Constrained Road At A Lower Lever of Service
CTF	Citizens Task Force
Db	decibel
dbh	diameter at breast height
DEPW	Department of Engineering and Public Works
DRAB	Development Review Appeals Board
DRC	Development Review Committee
DRI	Development of Regional Impact
EAA	Everglades Agricultural Area
EAC	Economic Activity Center
ECR I	Palm Beach County Environmental Control Rule I (On-Site Sewage Disposal Systems)
ECR II	Palm Beach County Environmental Control Rule II (Water Supply Systems)

ABBREVIATIONS AND ACRONYMS (cont).

ERM	Environmental Resource Management Department
ESL	Environmentally Sensitive Land
ESLO	Environmentally Sensitive Lands Ordinance
F.A.C.	Florida Administrative Code
FAR	floor area ratio
FIRM	Flood Insurance Rate Map
FDER	Florida Department of Environmental Regulation
FDOT	Florida Department of Transportation
FHBM	Flood Hazard Boundary Map
Fla. Stat.	Florida Statutes
GAE	Geographic Area of Exception
GOP's	Goals, Objectives and Policies of the Comprehensive Plan.
LUAB	Land Use Advisory Board
LOS	Level of Service
MAI	Member of the Appraiser's Institute
MPO	Metropolitan Planning Organization
NGVD	National Geodetic Vertical Datum
OHW	Ordinary High Water
OLW	Ordinary Low Water
PBC	Palm Beach County
PBIA	Palm Beach International Airport
PBCPHU	Palm Beach County Public Health Unit

ABBREVIATIONS AND ACRONYMS (cont).

PUD	Planned Unit Development
PZB	Planning Building and Zoning Department
SF	Single Family
SFWMD	South Florida Water Management District
SIC	Standard Industrial Code
SP/STPZ	Sand Preservation/Sea Turtle Protection Zone
SPRC	Site Plan Review Committee
TCRPC	Treasure Coast Regional Planning Council
TDR	Transfer of Development Rights
TND	Traditional Neighborhood Development
tnfc	too numerous to count
TFS	Traffic Performance Standards
v/c	Volume to capacity
VDRP	Voluntary Density Bonus Program
VPFO	Vegetation Preservation and Protection Ordinance
WCAA	West County Agricultural Area
WFZ	Wellfield Protection Zones
ZLL	Zero lot line

ARTICLE 4.

DECISIONMAKING, ADMINISTRATIVE AND ENFORCEMENT BODIES

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DECISIONMAKING AND ADMINISTRATIVE BODIES**

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Please Note

This document has been prepared to serve as the interim copy of the Unified Land Development Code, adopted on June 16, 1992 and effective on June 22, 1992. It has been prepared for use by staff and those persons who refer to the entire Code on a regular basis.

This document is not codified and may contain certain inconsistencies in construction. It should only be used as a guide until a codified copy of the Code is available.

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ARTICLE 4.

DECISIONMAKING AND ADMINISTRATIVE BODIES

SEC. 4.1 BOARD OF COUNTY COMMISSIONERS.

- A. **Powers and duties.** In addition to any authority granted the Board of County Commissioners by general or special law, the Board of County Commissioners shall have the following powers and duties under the provisions of this Code:
1. To serve as Land Development Regulation Commission (LDRC) as provided by Secs. 163.3174 and 163.3164, Fla. Stat.;
 2. To initiate, hear, consider and approve, approve with conditions, or deny applications to amend the text of the Comprehensive Plan;
 3. To initiate, hear, consider and approve, approve with conditions, or deny applications for Site Specific (Future Land Use Map) amendments to the Future Land Use Map of the Comprehensive Plan;
 4. To initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights and Voluntary Density Bonus Programs.
 5. To initiate, hear, consider and approve, approve with conditions, or deny applications for development permits to amend the text of this Code;
 6. To initiate, hear, consider and approve, approve with conditions, or deny applications for development permits to amend the Official Zoning Map of this Code;
 7. To hear, consider and approve, approve with conditions, or deny applications for development permits for Preliminary Development Plans for a Residential Planned Unit Development (RPUD), Traditional Neighborhood Development District (TND), Neighborhood Center Planned Development District (NCPD), Mixed Use Planned Development District (MXDD), Multiple Use Planned Development District (MUDD), Planned Industrial Park Development District (PIPD), Mobile Home Park Planned Development District (MHPD), Recreational Vehicle Park Planned Development District (RVPD), and Solid Waste Disposal Planned Development District (SWPD);
 8. To hear, consider and approve, approve with conditions, or deny applications for development permits for Class "A" Conditional uses;
 9. To hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission on applications for development permits for Class "B" Conditional uses;

10. To hear, consider, and approve, or approve with conditions development permits for Final Plats for Subdivision;
11. To designate and appoint hearing officers to make decisions as the Board of County Commissioners may deem appropriate;
12. To establish fees for the review of applications for development permits, and appropriate funds to defray the costs of administering this Code;
13. To act to ensure compliance with development orders or permits as approved and issued;
14. To take such other action not delegated to the Land Use Advisory Board, the Zoning Commission, the Development Review Committee, the Board of Adjustment, the Traffic Performance Standards Appeals Board, the Environmental Control Hearing Board, the Environmental Ordinance Appeals Board, the Development Review Appeals Board, the Impact Fee Review Committee, the Impact Fee Appeals Board, the Environmental Ordinance Appeals Board, the Code Enforcement Board, the Groundwater and Natural Resources Protection Board, the Hearing Officer, or the heads or other officials of County Departments, as the Board of County Commissioners may deem desirable and necessary to implement the provisions of the Comprehensive Plan and this Code; and
15. To appoint other advisory boards that are determined necessary to assist in the implementation of this Code or the Comprehensive Plan.

SEC. 4.2 LAND USE ADVISORY BOARD.

- A. **Establishment.** There is hereby established a Land Use Advisory Board.
- B. **Powers and duties.** The Land Use Advisory Board shall have the following powers and duties under the provisions of this Code:
 1. To serve as the Local Planning Agency (LPA) per sec. 163.3174, Fla. Stat. and to provide recommendations on the preparation of the Comprehensive Plan, or any element or portion thereof, and any amendments thereto to the Board of County Commissioners."
 2. To initiate, review, hear, consider and make recommendations to the Board of County Commissioners to approve, approve with conditions, or deny applications to amend the Comprehensive Plan, including Site Specific (Future Land Use Map) amendments to the Comprehensive Plan;
 3. To initiate, review, hear, consider and make recommendations to the Board of County Commissioners to approve, approve with conditions, or deny applications for Transfer of Development Rights or the Voluntary Density Bonus Programs;

4. To make its special knowledge and expertise available upon written request and authorization of the Board of County Commissioners to any official, department, board, commission or agency of the County, State or Federal governments;
5. To recommend to the Board of County Commissioners additional or amended rules of procedure not inconsistent with this section to govern the Land Use Advisory Board's proceedings;
6. To make studies of the resources, possibilities and needs of the County and to report its findings and recommendations, with reference thereto, from time to time, to the Board of County Commissioners;
7. To submit an Annual Report to the Board of County Commissioners summarizing its annual activities; and
8. To review and make recommendations to the Board of County Commissioners on Geographic Area of Exception (GAE) and Constrained Road at Lower Levels of Service (CRALLS) or a major thoroughfare on which a lower LOS is set pursuant to Sec. 7.9.

C. **Board membership.**

1. **Qualifications.** Members of the Land Use Advisory Board shall be qualified electors of Palm Beach County for two (2) years prior to appointment. No member of the Board of County Commissioners or a County employee, including a Board of County Commission aide, shall serve on the Land Use Advisory Board. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.
2. **Appointment.** The Land Use Advisory Board shall be composed of fifteen (15) members, to be appointed by the Board of County Commissioners. Each member of the Board of County Commissioners shall appoint two (2) members to the Land Use Advisory Board. One (1) member of the Land Use Advisory Board shall be appointed at large by a majority vote of the Board of County Commissioners.
3. **Terms of office.**
 - a. The term of office of each Land Use Advisory Board member shall be three (3) years. All members serving on the Land Use Advisory Board on the effective date of this Code shall complete their terms according to their prior appointments.
 - b. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.

- c. Members of the Land Use Advisory Board shall hold office until the first Tuesday after the first Monday in June of the year their term expires.
- d. There shall be no limit on the number of terms a person may serve on the Land Use Advisory Board.
- e. The maximum number of boards and commissions a person appointed to the Land Use Advisory Board by the Board of County Commissioners may serve on at one (1) time shall be three (3). Members affected by this provision shall be governed by Palm Beach County Resolution No. 91-1003, as amended.
- f. Land Use Advisory Board members shall not be prohibited from qualifying as a candidate for elected office.

4. Removal from office.

- a. A Land Use Advisory Board member shall serve at the pleasure of the member of the Board of County Commissioners who appointed that member, and may be removed by that Board of County Commission member without cause at any time.
- b. In the event that any Land Use Advisory Board member is no longer a qualified elector, or the member is convicted of a felony, or an offense involving moral turpitude while in office, the Board of County Commissioners shall automatically terminate the appointment of such person as a member of the Land Use Advisory Board.
- c. If any member of the Land Use Advisory Board fails to attend three (3) consecutive regular Land Use Advisory Board meetings without an excused absence, or one half (1/2) of the meetings within a calendar year, that member shall be automatically terminated. Participation for less than three-fourths (3/4) of a meeting shall constitute lack of attendance. A member of the Land Use Advisory Board who has been automatically removed for lack of attendance may be reappointed by the Board of County Commission member who originally appointed that person.
- d. Excused absence constitutes absence due to illness, absence from Palm Beach County, or personal hardship, if approved by majority vote of the membership of the Land Use Advisory Board. Excused absence shall be entered into the minutes at the next regularly scheduled meeting of the Land Use Advisory Board.

- e. Members removed from office shall be terminated immediately and not continue to serve until a new appointment is made by the Board of County Commissioners.
5. **Vacancy.** The Board of County Commission member who appointed the terminated or vacated member shall fill the vacancy within thirty (30) days after it occurs. The Board of County Commissioners shall fill the vacancy of the member appointed at large within thirty (30) days after it occurs.
6. **Conflict of Interest.**
- a. **General.** No Land Use Advisory Board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Land Use Advisory Board.
 - b. **Implementation.** To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Land Use Advisory Board are directed:
 - (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.
 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.
 - (3) To make known by written or oral disclosure, on the record at a Land Use Advisory Board meeting, any interest which the member has in any pending matter before the Land Use Advisory Board, before any deliberation on that matter.
 - (4) To abstain from using membership on the Land Use Advisory Board to secure special privileges or exemptions.
 - (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the Land Use Advisory Board not available to members of the general public, and to refrain from using such information for personal gain or benefit.
 - (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Land Use Advisory Board.

- (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Land Use Advisory Board.
- (8) To refrain from transacting any business in an official capacity as a member of the Land Use Advisory Board with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.
- (9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.

- c. **Board action.** Willful violation of this subsection which affects a vote of a Land Use Advisory Board member shall render that action voidable by the Board of County Commissioners.

D. Officers; quorum; rules of procedure.

1. **Chairman and vice-chairman.** At an annual organizational meeting, the members of the Land Use Advisory Board shall elect a Chairman and Vice-Chairman from among the members. The Chairman and Vice-Chairman's terms shall be for one (1) year. No member shall serve as Chairman for more than two (2) consecutive terms. The Chairman shall administer oaths, shall be in charge of all procedures before the Land Use Advisory Board, and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Land Use Advisory Board. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all the powers of the Chairman.
2. **Secretary.** The Planning Director of PZB shall serve as Secretary of the Land Use Advisory Board. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the Land Use Advisory Board, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the Land Use Advisory Board members voting. In addition, the Secretary shall maintain all records of Land Use Advisory Board meetings, hearings, proceedings, and the correspondence of the Land Use Advisory Board. The records of the Land Use Advisory Board shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.
3. **Staff.** The Planning Division of PZB shall be the professional staff of the Land Use Advisory Board.
4. **County attorney.** The County Attorney's Office shall provide counsel and interpretation on legal issues.

5. **Quorum and voting.** The presence of a majority of the members of the Land Use Advisory Board shall constitute a quorum of the Land Use Advisory Board necessary to take action and transact business. In addition, a simple majority vote shall be necessary in order to forward a formal recommendation of approval, approval with conditions, denial, or other recommendation to the Board of County Commissioners. In the event of a tie vote, the proposed motion shall be considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to this Article, or Sec. 112.01 et. seq., Fla. Stat.
 6. **Rules of procedure.** All meetings shall be governed by Robert's Rules of Order. The Land Use Advisory Board may, by a majority vote of the entire membership, adopt additional rules of procedure for the transaction of business, and shall keep a record of meetings, resolutions, findings and determinations.
- E. **Meetings.**
1. **General.** General meetings of the Land Use Advisory Board shall be held as needed to dispense of matters properly before the Land Use Advisory Board. Special meetings may be called by the Chairman or in writing by a majority of the members of the Land Use Advisory Board. Twenty four (24) hour written notice shall be given to each Land Use Advisory Board member before a special meeting.
 2. **Location.** The location of all Land Use Advisory Board meetings shall be in Palm Beach County, Florida.
 3. **Continuance.** If a matter is postponed due to lack of a quorum, the meeting shall be rescheduled to the next Land Use Advisory Board meeting.
 4. **Meetings open to public.** All meetings and public hearings of the Land Use Advisory Board shall be open to the public.
 5. **Notice.** Public meetings shall be set for a time certain after due public notice.
 6. **Annual Report.** The Land Use Advisory Board shall submit an Annual Report to the Board of County Commissioners. The form, substance, and submittal date for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).
- F. **Compensation.** The members of the Land Use Advisory Board shall receive no compensation for their services. Travel reimbursement for members of the Land Use Advisory Board shall be limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill the responsibilities of membership on the Land Use Advisory Board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to County staff that are necessary to fulfill the responsibility of membership on the Land Use Advisory Board.

SEC. 4.3 ZONING COMMISSION.

- A. Establishment.** There is hereby established a Zoning Commission.
- B. Powers and duties.** The Zoning Commission shall have the following powers and duties under the provisions of this Code:
1. To initiate, review, hear, consider, and make recommendations to the Board of County Commissioners to approve, approve with conditions, or deny applications for development permits to amend the text of this Code;
 2. To initiate, review, hear, consider, and make recommendations to the Board of County Commissioners to approve, approve with conditions, or deny applications for development permits to amend the Official Zoning Map of this Code;
 3. To review, hear, consider, and make recommendations to the Board of County Commissioners to approve, approve with conditions, or deny applications for development permits for Preliminary Development Plans for a Residential Planned Unit Development (RPUD), Traditional Neighborhood Development District (TND), Neighborhood Center Planned Development District (NCPD), Mixed Use Planned Development District (MXDD), Multiple Use Planned Development District (MUDD), Planned Industrial Park Development District (PIPDD), Mobile Home Park Planned Development District (MHPD), Recreational Vehicle Park Planned Development District (RVPD), and Solid Waste Disposal Planned Development District (SWPD);
 4. To review, hear, consider, and make recommendations to the Board of County Commissioners to approve, approve with conditions, or deny applications for development permits for Class "A" Conditional uses;
 5. To review, hear, consider, and approve, approve with conditions, or deny applications for development permits for Class "B" Conditional uses;
 6. To make its special knowledge and expertise available upon written request and authorization of the Board of County Commissioners to any official, department, board, commission or agency of the County, State or federal governments;
 7. To make studies of the resources, possibilities and needs of the County and to report its findings and recommendations, with reference thereto, from time to time, to the Board of County Commissioners; and
 8. To recommend to the Board of County Commissioners additional or amended rules of procedure not inconsistent with this section to govern the Zoning Commission's proceedings.

C. Commission membership.

1. **Qualifications.** Members of the Zoning Commission shall reside in and represent a separate and distinct County Commission district, shall be qualified electors of such district, and residents of Palm Beach County for two (2) years prior to appointment. No member of the Board of County Commissioners or a County employee including a Board of County Commissioners aide, shall serve on the Zoning Commission. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.
2. **Appointment.** The Zoning Commission shall be composed of seven (7) members, to be appointed by the Board of County Commissioners. One (1) member of the Zoning Commission shall be appointed from each County Commission district by the County Commissioner elected from that district. The Board of County Commissioners shall also appoint two (2) alternate members, a first alternate and a second alternate. The alternate members shall be appointed at large by a majority vote of the Board of County Commissioners. The alternate members shall vote only in the absence of regular members. The first alternate member shall have priority to vote in the absence of the first regular member's absence.
3. **Terms of office.**
 - a. The term of office of each member shall be three (3) years. All members serving on the Planning Commission on the effective date of this Code shall complete their terms as members of the Zoning Commission according to their prior appointments.
 - b. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.
 - c. Members of the Zoning Commission shall hold office until the first Tuesday after the first Monday in February of the year their term expires.
 - d. There shall be no limit on the number of terms a person may serve on the Zoning Commission.
 - e. The maximum number of boards and commissions that a person appointed by the Board of County Commissioners may serve on at one (1) time shall be three (3). Members affected by this provision shall be governed by Palm Beach County Ordinance No. 91-38, as amended.
 - f. Members of the Zoning Commission shall not be prohibited from qualifying as a candidate for elected office.

4. Removal from office.

- a. A member of the Zoning Commission shall serve at the pleasure of the member of the Board of County Commissioners who appointed that member, and may be removed by that Board of County Commission member without cause at any time.
- b. In the event that any Zoning Commission member is no longer a qualified elector, moves from the County Commission district the member represents, the County Commission district is altered so that the member no longer resides in the district, or the member is convicted of a felony, or an offense involving moral turpitude while in office, the Board of County Commissioners shall terminate the appointment of such person as a member of the Zoning Commission.
- c. If any member of the Zoning Commission fails to attend three (3) consecutive regular Zoning Commission meetings without an excused absence, or one half (½) of the meetings within a calendar year, the Board of County Commissioners shall automatically terminate the appointment of such person as a member of the Zoning Commission. Participation for less than three-fourths (3/4) of a meeting shall constitute lack of attendance. A member of the Zoning Commission who has been automatically removed for lack of attendance may be reappointed by the Board of County Commission member who originally appointed that person.
- d. Excused absence constitutes absence due to illness, absence from Palm Beach County, or personal hardship, if approved by a majority vote of the members of the Zoning Commission. Excused absence shall be entered into the minutes at the next regularly scheduled meeting of the Zoning Commission.
- e. Members removed from office shall be terminated immediately and not continue to serve until a new appointment is made by the Board of County Commissioners.

5. Vacancy.

- a. Whenever a vacancy occurs on the Zoning Commission, the full time member's position shall be served by an alternate member until a permanent member can be appointed by the Board of County Commissioners.
- b. The Board of County Commissioners shall fill a vacancy within thirty (30) days after it occurs.

6. Conflict of Interest.

- a. **General.** No Zoning Commission member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Zoning Commission.
- b. **Implementation.** To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Zoning Commission are directed:
- (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.
 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.
 - (3) To make known by written or oral disclosure, on the record at a Zoning Commission meeting, any interest which the member has in any pending matter before the Zoning Commission, before any deliberation on that matter.
 - (4) To abstain from using membership on the Zoning Commission to secure special privileges or exemptions.
 - (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of confidential information acquired by membership on the Zoning Commission not available to members of the general public, and to refrain from using such information for personal gain or benefit.
 - (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Zoning Commission.
 - (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Zoning Commission.
 - (8) To refrain from transacting any business in an official capacity as a member of the Zoning Commission with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.

(9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.

c. **Board Action.** Willful violation of this subsection which affects a vote of a Zoning Commission member shall render that action voidable by the Board of County Commissioners.

D. **Officers; quorum; rules of procedure.**

1. **Chairman and vice-chairman.** At an annual organizational meeting, the members of the Zoning Commission shall elect a Chairman and Vice-Chairman from among the members. The Chairman and Vice-Chairman's term shall be for one (1) year. No member shall serve as Chairman for more than two (2) consecutive terms. The Chairman shall administer oaths, shall be in charge of all procedures before the Zoning Commission, and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Zoning Commission. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all the powers of the Chairman.
2. **Secretary.** The Zoning Director of PZB shall serve as Secretary of the Zoning Commission. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the Zoning Commission, which shall include the vote of all members upon every question, and be attested to by the Secretary. If a member abstains from voting, the abstention and reason for abstention shall be stated in the minutes. The minutes shall be approved by a majority of the Zoning Commission members voting. In addition, the Secretary shall maintain all records of Zoning Commission meetings, hearings, proceedings, and the correspondence of the Zoning Commission. The records of the Zoning Commission shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.
3. **Staff.** The Zoning Division of PZB shall be the professional staff of the Zoning Commission.
4. **County attorney.** The County Attorney's Office shall provide counsel and interpretation on legal issues.
5. **Quorum and voting.** The presence of a majority of the members of the Zoning Commission shall constitute a quorum of the Zoning Commission necessary to take action and transact business. In addition, a simple majority shall be necessary in order to forward a formal recommendation of approval, approval with conditions, denial, or other recommendation to the Board of County Commissioners. A simple majority shall be necessary for the Zoning Commission to make a final decision approving an application for a development permit. In the event of a tie vote, the proposed motion shall be

considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to Sec. 4.3.C.6 of this Code, or Sec. 112.01, et. seq., Fla. Stat.

6. **Rules of procedure.** All meetings shall be governed by Robert's Rules of Order. The Zoning Commission may, by a majority vote of the entire membership, adopt additional rules of procedure for the transaction of business, and shall keep a record of meetings, resolutions, findings and determinations. The Zoning Commission may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

E. Meetings.

1. **General.** General meetings of the Zoning Commission shall be held as needed to dispense of matters properly before the Zoning Commission. Special meetings may be called by the Chairman or in writing by a majority of the members of the Zoning Commission. Twenty four (24) hour written notice shall be given to each Zoning Commission member before a special meeting.
2. **Location.** The location of all Zoning Commission meetings shall be in Palm Beach County, Florida.
3. **Continuance.** If a matter is postponed due to lack of a quorum, the meeting shall be rescheduled to the next regularly scheduled Zoning Commission meeting. The Secretary shall notify all members of the date of the meeting and also shall notify all parties.
4. **Meetings open to public.** All meetings and public hearings of the Zoning Commission shall be open to the public.
5. **Notice.** Public hearings shall be set for a time certain after due public notice.
6. **Annual Report.** The Zoning Commission shall submit an Annual Report to the Board of County Commissioners. The form, substance, and submittal dates for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).

- F. Compensation.** The members of the Zoning Commission shall receive no compensation for their services. Travel reimbursement for members of the Zoning Commission is limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill the responsibilities of membership on the Zoning Commission. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to County staff to fulfill the responsibilities of membership on the Zoning Commission.

SEC. 4.4 DEVELOPMENT REVIEW COMMITTEE.

- A. Establishment.** There is hereby established a Development Review Committee.
- B. Powers and duties.** The Development Review Committee shall have the following powers and duties under the provisions of this Code:
1. To hear, consider, and determine the sufficiency of applications for and make recommendations to approve, approve with conditions, or deny applications for development permits for Preliminary Development Plans for a Residential Planned Unit Development (RPUD), Traditional Neighborhood Development District (TND), Neighborhood Center Planned Development District (NCPD), Mixed Use Planned Development District (MXDD), Multiple Use Planned Development District (MUDD), Planned Industrial Park Development District (PIPDD), Mobile Home Park Planned Development District (MHPD), Recreational Vehicle Park Planned Development District (RVPD), and Solid Waste Disposal Planned Development District (SWPD);
 2. To hear, consider, and determine the sufficiency of applications for and recommendations to approve, approve with conditions, or deny applications for development permits for Class "A" Conditional uses and Class "B" Conditional uses;
 3. To hear, review, consider and approve, approve with conditions, or deny applications for development permits for Site Plans;
 4. To hear, review, consider and approve, approve with conditions, or deny applications for development permits for Final Subdivision Plans.
 5. To request other County officials and other agencies to comment on applications for development permits as is deemed appropriate.
 6. To recommend to the Board of County Commissioners additional or amended rules of procedure not inconsistent with this section to govern the Development Review Committee's proceedings.
- C. Committee membership.** The Development Review Committee shall consist of the following members:
1. The Zoning Director of PZB;
 2. The Planning Director of PZB;
 3. The Building Director of PZB;
 4. The Director of the Land Development Division of DEPW;
 5. The Director of the Survey Section of DEPW;

6. The Director of the Traffic Division of DEPW;
7. The Director of the Water Utilities Department;
8. The County Health Director;
9. The Chief of the Fire Rescue Department;
10. The Director of ERM;
11. The Director of the Parks and Recreation Department;
12. The Director of PREM; and
13. The Director of Housing and Community Development (HCD) when an affordable housing project is subject to review.

D. Officers; quorum; rules of procedure.

1. **Chairman and vice-chairman.** The Executive Director of PZB shall designate the Chairman and Vice Chairman of the Development Review Committee from among its members. The Chairman shall be in charge of all proceedings before the Development Review Committee, shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Development Review Committee. In the absence of the Chairman, the Vice Chairman shall act as the Chairman and shall have all the powers of the Chairman.
2. **Secretary.** The Executive Director of PZB shall designate a Secretary for the Development Review Committee from among its members. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the Development Review Committee, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the Development Review Committee members voting. In addition, the Secretary shall maintain all records of Development Review Committee meetings, hearings, proceedings, and the correspondence of the Development Review Committee. The records of the Development Review Committee shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.
3. **Staff.** The Zoning Division of PZB shall be the professional staff for the Development Review Committee.
4. **County attorney.** The County Attorney's Office shall provide counsel and interpretation on legal issues.

5. **Quorum and certification.** No meeting of the Development Review Committee shall be called to order, nor may any business be transacted by the Development Review Committee without a quorum consisting of a majority of members of the Development Review Committee being present. All actions shall require approval of all members of the Development Review Committee. A Development Review Committee member shall only withhold certification approval when a proposed project fails to meet a Code standard which that member is charged by the Code to administer.
6. **Rules of procedure.** The Development Review Committee shall, by a majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Development Review Committee may provide for transcription of such hearings and proceedings, or portions of meetings and proceedings, as may be deemed necessary.
7. **Appeal.** Appeal of any decision of the Development Review Committee shall be made to the Development Review Appeals Board within ten (10) working days after the notice indicating the decision is mailed to the applicant.

E. Meetings.

1. **General.** Meetings of the Development Review Committee shall be held no less frequently than two (2) times a month to dispose of matters properly before the Development Review Committee, and may be called by the Chairman or in writing by a majority of the members of the Development Review Committee.
2. **Location.** The location of all meetings shall be in Palm Beach County, Florida.
3. **Continuance.** If a matter is postponed due to lack of a quorum, the Chairman shall continue the meeting as a special meeting to the next regularly scheduled Development Review Committee meeting. The Secretary shall notify all members of the date of the continued meeting and also shall notify all parties.
4. **Meetings open to public.** All meetings and hearings of the Development Review Committee shall be open to the public.
5. **Notice.** Meetings shall be set for a time certain with due public notice.

- F. Compensation.** Development Review Committee members shall receive no additional compensation above their normal salaries for their services to the Development Review Committee.

SEC. 4.5 BOARD OF ADJUSTMENT.

- A. **Establishment.** There is hereby established a Board of Adjustment.
- B. **Powers and duties.** The Board of Adjustment shall have the following powers and duties under the provisions of this Code:
1. To hear, review, consider and approve, approve with conditions, or deny variances to the terms of sections of this Code as described in Sec. 5.7.
 2. To hear, review, consider and approve or reverse decisions of the Zoning Director on zoning matters, unless otherwise provided in this Code.
 3. To hear, review, consider and approve or reverse decisions of the County Engineer on matters relating to Subdivision requirements, unless otherwise provided in this Code.
 4. To make its special knowledge and expertise available upon written request and authorization of the Board of County Commissioners to any official, department, board, or commission of the County; and
 5. To recommend to the Board of County Commissioners additional or amended rules of procedure not inconsistent with this section to govern the Board of Adjustment proceedings.
- C. **Board membership.**
1. **Qualifications.** Members of the Board of Adjustment shall reside in and represent a separate and distinct County Commission district, shall be qualified electors of that district, and residents of Palm Beach County for two (2) years prior to appointment. No member of the Board of County Commissioners or a County employee including a Board of County Commission aide shall serve on the Board of Adjustment. Although no specific experience requirements shall be necessary as a pre-requisite to appointment, consideration shall be given to applicants who have experience in planning, the law, architecture, natural resource management, real estate and related fields. No two (2) members of the Board of Adjustment shall represent the same occupation or business.
 2. **Appointment.** The Board of Adjustment shall be composed of seven (7) members appointed by the Board of County Commissioners. One (1) member of the Board of Adjustment shall be appointed from each County Commission district by the County Commissioner elected from that district. The Board of County Commissioners shall also appoint two (2) alternate members, a first alternate and a second alternate. The alternates shall be appointed at large by a majority of the Board of County Commissioners. The alternates shall serve a three (3) year term. The alternate members shall vote only in the absence of regular members. The first alternate shall have priority to replace the first regular member that is absent.

3. Terms of office.

- a. The term of office of each member shall be three (3) years. All members serving on the Board of Adjustment on the effective date of this Code shall complete their terms according to their prior appointments.
- b. When a member is appointed to fill out the term of a departing member, that person's term will end at the time the departing member's term would have ended.
- c. Members of the Board of Adjustment shall hold office until the first Tuesday after the first Monday in February of the year their term expires.
- d. There shall be no limit on the number of terms a person may serve on the Board of Adjustment.
- e. The maximum number of boards and commissions that a person appointed by the Board of County Commissioners may serve on at one time shall be three (3). Members affected by this provision shall be governed by Palm Beach County Ordinance No. 91-38, as amended.
- f. Members of the Board of Adjustment shall not be prohibited from qualifying as a candidate for elected office.

4. Removal from office.

- a. A member of the Board of Adjustment shall serve at the pleasure of the Board of County Commission member who appointed the Board of Adjustment member, and may be removed by that Board of County Commission member without cause at any time.
- b. In the event that any Board of Adjustment member is no longer a qualified elector, moves from the County Commission district the member represents, the County Commission district is altered so that the member no longer resides in the district, or the member is convicted of a felony, or an offense involving moral turpitude in office, the Board of County Commissioners shall terminate the appointment of such person as a member of the Board of Adjustment.

- c. If any member of the Board of Adjustment fails to attend three (3) consecutive regular Board of Adjustment meetings without an excused absence, or one half (½) of the meetings within a calendar year, the Board of County Commissioners shall automatically terminate the appointment of such person as a member of the Board of Adjustment. Participation for less than three-fourths (¾) of a meeting shall constitute lack of attendance. A member of the Board of Adjustment who has been automatically removed for lack of attendance may be reappointed by the Board of County Commission member who originally appointed that Board of Adjustment member.
- d. Excused absence constitutes absence due to illness, absence from Palm Beach County, or personal hardship, if approved by a majority vote of the Board of Adjustment. Excused absence shall be entered into the minutes at the next regularly scheduled meeting of the Board of Adjustment.
- e. Members removed from office shall be terminated immediately and not continue to serve until a new appointment is made by the Board of County Commissioners.

5. Vacancy.

- a. When a member resigns or is removed, the first alternate member shall vote in the resigned or removed member's absence until a permanent member can be appointed.
- b. The Board of County Commissioners shall fill a vacancy within thirty (30) days after it occurs.

6. Conflict of Interest.

- a. **General.** No Board of Adjustment member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Board of Adjustment.
- b. **Implementation.** To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Board of Adjustment are directed:
 - (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.
 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.

- (3) To make known by written or oral disclosure, on the record at a Board of Adjustment meeting, any interest which the member has in any pending matter before the Board of Adjustment, before any deliberation on that matter.
 - (4) To abstain from using membership on the Board of Adjustment to secure special privileges or exemptions.
 - (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of confidential information acquired by membership on the Board of Adjustment not available to members of the general public, and refrain from using such information for personal gain or benefit.
 - (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Board of Adjustment.
 - (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Board of Adjustment.
 - (8) To refrain from transacting any business in an official capacity as a member of the Board of Adjustment with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.
 - (9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.
- c. **Violation voids vote.** Willful violation of this subsection which affects a vote of the Board of Adjustment member shall render that action voidable by the Board of County Commissioners.

D. Officers; quorum; rules of procedure.

1. **Chairman and vice-chairman.** At an annual organizational meeting, the members of the Board of Adjustment shall elect one (1) of their members as Chairman and one (1) as Vice-Chairman. The Chairman shall administer oaths, shall be in charge of all proceedings before the Board of Adjustment, shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Board of Adjustment. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all powers of the Chairman. The Chairman and Vice-Chairman shall serve terms of one (1) year. No member shall serve as Chairman for more than two (2) consecutive terms.
2. **Secretary.** The Zoning Director of PZB shall serve as Secretary for the Board of Adjustment. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the Board of Adjustment, which shall include the vote of all members upon every question, and be attested to by the Secretary. If a member abstains from voting, the abstention and reasons for abstention shall be stated in the minutes. The minutes shall be approved by a majority of the Board of Adjustment members voting. In addition, the Secretary shall maintain all records of Board of Adjustment meetings, hearings, proceedings, and the correspondence of the Board of Adjustment. The records of the Board of Adjustment shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.
3. **Staff.** The Zoning Division of PZB shall be the professional staff for the Board of Adjustment. In instances where relevant and appropriate, staff from DEPW, ERM, and the PBCPHU and other County departments shall also assist the Board of Adjustment.
4. **County attorney.** The County Attorney's Office shall provide counsel and interpretation on legal issues.
5. **Quorum and voting.** No meeting of the Board of Adjustment shall be called to order, nor may any business be transacted by the Board of Adjustment without a quorum consisting of a majority of the members of the Board of Adjustment being present. All actions shall require a simple majority of the members of the Board of Adjustment then present and voting, except that four (4) affirmative votes shall be necessary in order for any variance to be adopted by the Board of Adjustment. In the event of a tie vote, the proposed motion shall be considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to Sec 4.5.C.6 of this Code, or Sec 112.01 et. seq., Fla. Stat.

6. **Rules of procedure.** All meetings shall be governed by Robert's Rules of Order. The Board of Adjustment, by a majority vote of the entire membership, may adopt rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Board of Adjustment may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

E. Meetings.

1. **General.** General meetings of the Board of Adjustment shall be held at least once a month or more frequently as needed to dispose of matters properly before the Board. Special meetings may be called by the Chairman, or in writing by a majority of the members of the Board of Adjustment. Twenty four (24) hour written notice shall be given to each Board of Adjustment member before a special meeting.
2. **Location.** The location of all meetings shall be in Palm Beach County, Florida.
3. **Continuance.** If a matter is postponed due to lack of a quorum, the Chairman shall continue the meeting to the next regularly scheduled Board of Adjustment meeting. The Secretary shall notify all members of the date of the continued meeting and also shall notify all parties.
4. **Meetings open to public.** All meetings and public hearings of the Board of Adjustment shall be open to the public.
5. **Notice.** Public hearings shall be set for a time certain after due public notice.
6. **Annual Report.** The Board of Adjustment shall submit an Annual Report to the Board of County Commissioners. The form, substance, and submittal dates for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).

- F. Compensation.** The members of the Board of Adjustment shall receive no compensation for their services. Travel reimbursement for members of the Board of Adjustment is limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill the responsibilities of membership on the Board of Adjustment. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to County staff to fulfill the responsibilities of membership on the Board of Adjustment.

SEC. 4.6 TRAFFIC PERFORMANCE STANDARDS APPEALS BOARD.

- A. **Establishment.** There is hereby established a Traffic Performance Standards Appeals Board.
- B. **Powers and Duties.** The Traffic Performance Standards Appeals Board shall have the following powers and duties under the provisions of this Code.
1. To hear and decide appeals from decisions of the County Engineer or a Municipal Engineer pursuant to Sec. 7.9, Traffic Performance Standards; and
 2. To submit an Annual Report to the Board of County Commissioners summarizing its annual activities.
- C. **Board Membership.**
1. **Qualifications.** There shall be five (5) members of the Traffic Performance Standards Appeals Board. They shall consist of the Director of the Metropolitan Planning Organization, a professional Traffic Engineer employed by a municipality in Palm Beach County as a Traffic Engineer, a professional Traffic Engineer employed by another Florida County, a professional Traffic Engineer employed by FDOT District IV, and a professional Traffic Engineer who generally represents developers. Any person serving on the Traffic Performance Standards Appeals Board shall not be a person who participated in the decision being appealed, or shall not work for or be retained by a party to an appeal, or be a person who would be directly affected by the matter being appealed.
 2. **Appointment.** Except for the Metropolitan Planning Organization Director, members of the Traffic Performance Standards Appeals Board shall be appointed by the Board of County Commissioners.
 3. **Terms of office.** All Traffic Performance Standards Appeals Board members shall serve a term of four (4) years. There shall be no limit on the number of terms a person may serve. All members serving on the Traffic Performance Standards Appeals Board on the effective date of this Code shall complete their terms according to their prior appointments.

4. **Removal from office.** In the event that any Traffic Performance Standards Appeals Board member is convicted of a felony or an offense involving moral turpitude while in office, the Board of County Commissioners shall terminate the appointment of such person as a member of the Traffic Performance Standards Appeals Board. If any member of the Traffic Performance Standards Appeals Board fails to attend three (3) consecutive regularly scheduled meetings without an excused absence, or one-half (1/2) of the meetings within a calendar year, that member shall be automatically terminated and a new member shall be appointed to the Traffic Performance Standards Appeals Board. Participation for less than three-fourths (3/4) of a meeting shall constitute lack of attendance.

5. **Vacancy.**
 - a. When a Traffic Performance Standards Appeals Board member resigns or is removed, the Board of County Commissioners shall fill the vacancy within twenty (20) working days.

 - b. Any appointment to fill any vacancy shall be for the remainder of the unexpired term of office.

6. **Conflict of Interest.**
 - a. **General.** No Traffic Performance Standards Appeals Board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Traffic Performance Standards Appeals Board.

 - b. **Implementation.** To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Traffic Performance Standards Appeals Board are directed:
 - (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.

 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.

 - (3) To make known by written or oral disclosure, on the record at the Traffic Performance Standards Appeals Board meeting, any interest which the member has in any pending matter before the Traffic Performance Standards Appeals Board, before any deliberation on that matter.

- (4) To abstain from using membership on the Traffic Performance Standards Appeals Board to secure special privileges or exemptions.
 - (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the Traffic Performance Standards Appeals Board not available to members of the general public, and to refrain from using such information for personal gain or benefit.
 - (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Traffic Performance Standards Appeals Board.
 - (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Traffic Performance Standards Appeals Board.
 - (8) To refrain from transacting any business in an official capacity as a member of the Traffic Performance Standards Appeals Board with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.
 - (9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.
- c. **Board action.** Willful violation of this subsection which affects a vote of a Traffic Performance Standards Appeals Board member shall render that action voidable by the Board of County Commissioners.

D. **Officers.**

1. **Chairman and vice-chairman.** At an annual organizational meeting, the members of the Traffic Performance Standards Appeals Board shall elect one (1) of their members as Chairman and one (1) as Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all powers of the Chairman. The Chairman shall serve a term of one (1) year. No member shall serve as Chairman for more than two (2) consecutive terms. The Chairman shall administer oaths, shall be in charge of all proceedings before the Traffic Performance Standards Appeals Board, and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Traffic Performance Standards Appeals Board.

2. **Secretary.** The County Engineer shall serve as Secretary of the Traffic Performance Standards Appeals Board. The Secretary shall keep minutes of all proceedings of the Traffic Performance Standards Appeals Board, which minutes shall be a summary of all proceedings before the Traffic Performance Standards Appeals Board, attested to by the Secretary, which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members of the Traffic Performance Standards Appeals Board voting when a quorum is present. In addition, the Secretary shall maintain all records of the Traffic Performance Standards Appeals Board, meetings, and proceedings and the correspondence of the Traffic Performance Standards Appeals Board. The records of the Traffic Performance Standards Appeals Board shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.
3. **Staff.** The County Engineer's office shall be the professional staff of the Traffic Performance Standards Appeals Board.
4. **County attorney.** The County Attorney's Office shall provide counsel and interpretation on legal issues.
5. **Quorum and voting.** No meeting of the Traffic Performance Standards Appeals Board shall be called to order, nor may any business be transacted by the Traffic Performance Standards Appeals Board, without a quorum consisting of at least three (3) members of the Traffic Performance Standards Appeals Board being present. A majority of the quorum present shall be necessary for the Traffic Performance Standards Appeals Board to take action. In the event of a tie vote, the proposed motion shall be considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to this Article, or Sec. 112.01 *et. seq.*, Fla. Stat.
6. **Rules of procedure.** All meetings shall be governed by Robert's Rules of Order. The Traffic Performance Standards Appeals Board may, by a majority vote of the entire membership, adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Traffic Performance Standards Appeals Board may provide for transcription of such proceedings, or portions of proceedings, as may be deemed necessary.

E. **Meetings.**

1. **General or special meetings.** General meetings of the Traffic Performance Standards Appeals Board shall be held as needed to dispense of matters properly before the Traffic Performance Standards Appeals Board. Special meetings may be called by the Chairman of the Traffic Performance Standards Appeals Board, or in writing by three (3) members of the Board. Twenty four (24) hour written notice shall be given to each Traffic Performance Standards Appeals Board member for a special meeting.
2. **Location.** The location of meetings shall be in Palm Beach County, Florida.

3. **Continuance.** If a matter is postponed due to lack of a quorum, the Chairman shall continue the meeting to the next regularly scheduled Traffic Performance Standards Appeals Board meeting. The Secretary shall notify all members of the date of the continued meeting and also shall notify all parties.
 4. **Meetings open to public.** All meetings and public hearings of the Traffic Performance Standards Appeals Board shall be open to the public.
 5. **Notice.** Public hearings shall be set for a time certain after due public notice.
 6. **Annual Report.** The Traffic Performance Standards Appeals Board shall submit an Annual Report to the Board of County Commissioners. The form, substance, and submittal dates for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).
- F. **Compensation.** The members of the Traffic Performance Standards Appeals Board shall receive no compensation for their services. Travel reimbursements are limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill the responsibilities of membership on the Traffic Performance Standards Appeals Board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to County staff to fulfill the responsibilities of membership on the Traffic Performance Standards Appeals Board.

SEC. 4.7 DEVELOPMENT REVIEW APPEALS BOARD.

- A. Establishment.** There is hereby established a Development Review Appeals Board.
- B. Powers and duties.** The Development Review Appeals Board shall have the following powers and duties under the provisions of this Code.
1. To hear, consider and decide appeals, decisions of the Planning Director on applications for Certificates of Concurrence Reservation;
 2. To hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, Voluntary Density Bonus and Concurrence Exemption Extension; and
 3. To hear and decide appeals from, decisions of, and conditions imposed by the Development Review Committee with regard to action taken on an application for a development permit.
 4. To set policy for the Development Review Committee.
- C. Board membership.** The Development Review Appeals Board shall consist of the Executive Director of PZB, the County Engineer, and the County Attorney or Deputy County Attorney.
- D. Officers; quorum; rules of procedure.**
1. **Chairman and vice-chairman.** The Executive Director of PZB shall be the Chairman of the Development Review Appeals Board. The Chairman shall be in charge of all proceedings before the Development Review Appeals Board, shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Development Review Appeals Board.
 2. **Staff.** PZB staff shall be the professional staff for the Development Review Appeals Board. The staff shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the Development Review Appeals Board, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the Development Review Appeals Board members voting. In addition, the staff shall maintain all records of Development Review Appeals Board meetings, hearings, proceedings, and the correspondence of the Development Review Appeals Board. The records of the Development Review Appeals Board shall be stored with the agency serving as secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.
 3. **County attorney.** The County Attorney's Office shall provide counsel and interpretation on legal issues.

4. **Quorum and voting.** No meeting of the Development Review Appeals Board shall be called to order, nor may any business be transacted by the Development Review Appeals Board without a quorum consisting of at least two (2) members of the Development Review Appeals Board being present. All actions shall require a simple majority of the Development Review Appeals Board members present. In the event of a tie vote, the proposed motion shall be continued to the next meeting.
 5. **Rules of procedure.** The Development Review Appeals Board shall, by a majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a record of meetings, findings and determinations. No appeal shall be considered more than six (6) months after the issuance of the final decision of the Planning Director or the Development Review Committee.
- E. **Meetings.**
1. **General.** General meetings of the Development Review Appeals Board shall be held as needed to dispose of matters properly before the Development Review Appeals Board. Special meetings may be called by the Chairman or in writing by two (2) members of the Development Review Appeals Board. Twenty-four (24) hour written notice shall be given to all Development Review Appeals Board members.
 2. **Location.** The location of all meetings shall be in Palm Beach County, Florida.
 3. **Continuance.** If a matter is postponed due to lack of a quorum, the Chairman shall continue the meeting to the next regularly scheduled Development Review Appeals Board meeting. The Secretary shall notify all members of the date of the continued hearing and also shall notify all parties.
 4. **Meetings open to public.** All meetings and hearings of the Development Review Appeals Board shall be open to the public.
 5. **Notice.** Public meetings shall be set for a time certain with due public notice.
- F. **Compensation.** Development Review Appeals Board members shall receive no additional compensation above their normal salaries for their services to the Development Review Appeals Board.

SEC.4.8 IMPACT FEE REVIEW COMMITTEE.

- A. Establishment.** There is hereby created an Impact Fee Review Committee.
- B. Powers and duties.** The Impact Fee Review Committee shall have the following powers and duties under the provisions of this Code:
1. To submit Reports to the Board of County Commissioners by February 15 and August 15 of each year relating to:
 - a. The implementation of Art. 10, Impact Fees;
 - b. Actual levels of service for the impact fees exacted in Art. 10, Impact Fees;
 - c. The collection, encumbrance, and expenditure of all impact fees collected pursuant to Art. 10, Impact Fees; and
 - d. The validity of the assumptions in the technical memoranda used to support the impact fee schedules in Art 10, Impact Fees; and
 - e. Any recommended amendment to Art. 10, Impact Fees.
 2. To review amendments to Art. 10, Impact Fees, prior to their consideration by the Board of County Commissioners.
 3. To perform such other duties as the Board of County Commissioners deems appropriate.
- C. Board Membership.**
1. **Qualifications.** Members of the Impact Fee Review Committee shall be qualified electors of Palm Beach County for two (2) years prior to appointment. No member of the Board of County Commissioners or a County employee, including a Board of County Commission aide, except the Impact Fee Coordinator, shall serve on the Impact Fee Review Committee. The Impact Fee Review Committee shall be composed of twelve (12) members. The membership of the Impact Fee Review Committee shall include four (4) representatives from municipalities within the County, three (3) representatives from the business community, one (1) member of the Zoning Commission, three (3) representatives selected at large, and the Impact Fee Coordinator.
 2. **Appointment.** Members of the Impact Fee Review Committee shall be appointed by the Board of County Commissioners.

3. Terms of office.

- a. All Impact Fee Review Committee members shall serve a term of three (3) years. All members serving on the Impact Fee Review Committee on the effective date of this Code shall complete their terms according to their prior appointments.
- b. There shall be no limit on the number of terms a person may serve on the Impact Fee Review Committee.
- c. The maximum number of boards and commissions that a person appointed by the Board of County Commissioners may serve on at one (1) time shall be three (3). Members affected by this provision shall be governed by Resolution No. 91-1003.
- d. Members of the Impact Fee Review Committee shall not be prohibited from qualifying as a candidate for elected office.

4. Removal from office.

- a. In the event that any Impact Fee Review Committee member is convicted of a felony or an offense involving moral turpitude while in office, the Board of County Commissioners shall terminate the appointment of such person as a member of the Impact Fee Review Committee.
- b. Any member who fails to attend three (3) consecutive regular meetings without an excused absence or one-half (1/2) of the meetings within a calendar year shall automatically forfeit the appointment, and the Board of County Commissioners shall promptly fill such vacancy. Participation for less than three-fourths (3/4) of a meeting shall constitute lack of attendance.
- c. Excused absence constitutes absence due to illness, absence from Palm Beach County, or personal hardship, if approved by a majority vote of the membership of the Impact Fee Review Committee. Excused absence shall be entered into the minutes at the next regularly scheduled meeting of the Impact Fee Review Committee.
- d. Members removed from office shall be terminated immediately and not continue to serve until a new appointment is made by the Board of County Commissioners.

5. Vacancy.

- a. When an Impact Fee Review Committee member resigns or is removed, the Board of County Commissioners shall fill the vacancy within thirty (30) days.
- b. Any appointment to fill any vacancy shall be for the remainder of the unexpired term of office.

6. Conflict of Interest.

- a. General. No Impact Fee Review Committee member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Impact Fee Review Committee.
- b. Implementation. To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Impact Fee Review Committee are directed:
 - (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.
 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.
 - (3) To make known by written or oral disclosure, on the record at an Impact Fee Review Committee meeting, any interest which the member has in any pending matter before the Impact Fee Review Committee, before any deliberation on that matter.
 - (4) To abstain from using membership on the Impact Fee Review Committee to secure special privileges or exemptions.
 - (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the Impact Fee Review Committee not available to members of the general public, and to refrain from using such information for personal gain or benefit.
 - (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Impact Fee Review Committee.

- (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Impact Fee Review Committee.
- (8) To refrain from transacting any business in an official capacity as a member of the Impact Fee Review Committee with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.
- (9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.

c. **Board action.** Willful violation of this subsection which affects a vote of an Impact Fee Review Committee member shall render that action voidable by the Board of County Commissioners.

D. **Officers.**

1. **Chairman and vice-chairman.** At an annual organizational meeting, the members of the Impact Fee Review Committee shall elect one (1) of their members as Chairman and one (1) as Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all powers of the Chairman. The Chairman shall serve a term of one (1) year. No member shall serve as Chairman for more than two (2) consecutive terms. The Chairman shall be in charge of all proceedings before the Impact Fee Review Committee, and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Impact Fee Review Committee.
2. **Secretary.** The Impact Fee Coordinator shall serve as Secretary of the Impact Fee Review Committee. The Secretary shall keep minutes of all proceedings of the Impact Fee Review Committee, which minutes shall be a summary of all proceedings before the Committee, attested to by the Secretary, and which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members of the Impact Fee Review Committee voting when a quorum is present. In addition, the Secretary shall maintain all records of the Impact Fee Review Committee meetings, and proceedings and the correspondence of the Impact Fee Review Committee. The records of the Impact Fee Review Committee shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.
3. **Staff.** The staff of the Impact Fee Review Committee shall be the professional staff of the Impact Fee Coordinator.
4. **County attorney.** The County Attorney's Office shall provide counsel and interpretation on legal issues.

5. **Quorum and voting.** No meeting of the Impact Fee Review Committee shall be called to order, nor may any business be transacted by the Impact Fee Review Committee, without a quorum consisting of a majority of appointed members of the Impact Fee Review Committee being present. A majority of the quorum present shall be necessary for the Impact Fee Review Committee to take action. In the event of a tie vote, the proposed motion shall be considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to this Article, or Sec. 112.01 et. seq., Fla. Stat.
6. **Rules of procedure.** All meetings shall be governed by Robert's Rules of Order. The Impact Fee Review Committee may, by a majority vote of the entire membership, adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Impact Fee Review Committee may provide for transcription of such proceedings, or portions of proceedings, as may be deemed necessary.

E. Meetings.

1. **General or special meetings.** General meetings of the Impact Fee Review Committee shall be held no less frequently than once every three (3) months. Special meetings may be called by the Chairman of the Impact Fee Review Committee, or in writing by a majority of appointed members of the Impact Fee Review Committee. Twenty four (24) hour written notice shall be given to each Impact Fee Review Committee member for a special meeting.
2. **Location.** The location of meetings shall be in Palm Beach County, Florida.
3. **Continuance.** If a matter is postponed due to lack of a quorum, the Chairman shall continue the meeting to the next regularly scheduled Impact Fee Review Committee meeting. The Secretary shall notify all members of the date of the continued meeting.
4. **Meetings open to public.** All meetings of the Impact Fee Review Committee shall be open to the public.
5. **Annual Report.** The Impact Fee Review Committee shall submit an Annual Report to the Board of County Commissioners. The form, substance, and submittal dates for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).

- F. Compensation.** The members of the Impact Fee Review Committee shall receive no compensation for their services. Travel reimbursements are limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill responsibilities of membership on the Impact Fee Review Committee. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to the staff to fulfill the responsibilities of membership on the Impact Fee Review Committee.

SEC. 4.9 IMPACT FEE APPEALS BOARD.

- A. **Establishment.** There is hereby established an Impact Fee Appeals Board.
- B. **Powers and duties.** The Impact Fee Appeals Board shall have the following powers and duties:
1. To hear and decide appeals from decisions of the Impact Fee Coordinator on independent calculation studies pursuant to Art. 10, Impact Fees; and
 2. To hear and decide appeals from an interpretation of the Impact Fee Coordinator on Art. 10, Impact Fees.
- C. **Board membership.**
1. **Qualifications.** Members of the Impact Fee Appeals Board shall be qualified electors of Palm Beach County for two (2) years prior to appointment. No member of the Board of County Commissioners, or a County employee including a Board of County Commission aide shall serve on the Impact Fee Appeals Board. The Impact Fee Appeals Board shall be composed of five (5) members. There shall be one (1) traffic engineer, one (1) accountant, one (1) attorney, one (1) representative of the general public, and one (1) developer/builder on the Impact Fee Appeals Board.
 2. **Appointment.** The members of the Impact Fee Appeals Board shall be approved at large by a majority vote of the Board of County Commissioners. No member of the Impact Fee Review Committee may serve on the Impact Fee Appeals Board.
 3. **Terms of office.**
 - a. All Impact Fee Appeals Board members shall serve a term of three (3) years. All members serving on the Impact Fee Appeals Board on the effective date of this Code shall complete their terms according to their prior appointments.
 - b. There shall be no limit on the number of terms a person may serve on the Impact Fee Appeals Board.
 - c. The maximum number of boards and commissions a person appointed by the Board of County Commissioners may serve on at one time shall be three (3). Members affected by this provision shall be governed by Palm Beach County Ordinance No. 91-38 and Palm Beach County Resolution No. 91-1003, as amended.
 - d. Impact Fee Appeals Board members shall not be prohibited from qualifying as a candidate for elected office.

4. Removal from office.

- a. In the event that any Impact Fee Appeals Board member is no longer a resident of Palm Beach County, or the member is convicted of a felony or an offense involving moral turpitude while in office, the Board of County Commissioners shall terminate the appointment of such person as a member of the Impact Fee Appeals Board.
- b. Members of the Impact Fee Appeals Board shall be subject to removal from office by the Board of County Commissioners for nonfeasance, malfeasance, misfeasance, or for other good cause shown to the Board of County Commissioners.
- c. If any member fails to attend three (3) consecutive regular meetings without excuse and without providing prior notice to the Impact Fee Coordinator or the Chairman of the Impact Fee Appeals Board, the Impact Fee Appeals Board may declare the member's seat vacant.
- d. Excused absence constitutes absence due to illness, absence from Palm Beach County, or personal hardship, if approved by a majority vote of the membership of the Impact Fee Review Committee. Excused absence shall be entered into the minutes at the next regularly scheduled meeting of the Impact Fee Appeals Board.
- e. Members removed from office shall be terminated immediately and not continue to serve until a new appointment is made by the Board of County Commissioners.

5. Vacancy.

- a. When a member resigns or is removed, the Board of County Commissioners shall fill the vacancy within thirty (30) days.
- b. Any appointment to fill any vacancy shall be for the remainder of the unexpired term of office.

6. **Conflict of interest.** No member of the Impact Fee Appeals Board shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties in the public interest.
- a. **General.** No Impact Fee Appeals Board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Impact Fee Appeals Board.
- b. **Implementation.** To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Impact Fee Appeals Board are directed:
- (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.
 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.
 - (3) To make known by written or oral disclosure, on the record at a Impact Fee Appeals Board meeting, any interest which the member has in any pending matter before the Impact Fee Appeals Board, before any deliberation on that matter.
 - (4) To abstain from using membership on the Impact Fee Appeals Board to secure special privileges or exemptions.
 - (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the Impact Fee Appeals Board not available to members of the general public, and to refrain from using such information for personal gain or benefit.
 - (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Impact Fee Appeals Board.
 - (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Impact Fee Appeals Board.

- (8) To refrain from transacting any business in an official capacity as a member of the Impact Fee Appeals Board with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.
- (9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.

c. **Board action.** Willful violation of this subsection which affects a vote of a Impact Fee Appeals Board member shall render that action voidable by the Board of County Commissioners.

D. Officers; quorum; rules of procedure.

1. **Chairman and vice-chairman.** At an annual organizational meeting, the members of the Impact Fee Appeals Board shall elect one (1) of their members as Chairman and one (1) as Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all powers of the Chairman. The Chairman and Vice-Chairman shall serve a term of one (1) year, but may be re-elected at the discretion of the members of the Impact Fee Appeals Board. No member shall serve as Chairman for more than two (2) consecutive terms. The Chairman shall administer oaths, shall be in charge of all proceedings before the Impact Fee Appeals Board, and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Impact Fee Appeals Board.
2. **Secretary.** The Impact Fee Coordinator shall serve as Secretary of the Impact Fee Appeals Board. The Secretary shall keep minutes of all proceedings of the Impact Fee Appeals Board, which minutes shall be a summary of all proceedings before the Impact Fee Appeals Board, attested to by the Secretary, and which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members of the Impact Fee Appeals Board voting when a quorum is present. The Secretary shall maintain all records of the Impact Fee Appeals Board, meetings, hearings and proceedings, and the correspondence of the Impact Fee Appeals Board. The records of the Impact Fee Appeals Board shall be stored with the Impact Fee Coordinator, and shall be available for inspection by the public, upon reasonable request, during normal business hours.
3. **Staff.** The staff of the PZB Department shall be the professional staff of the Impact Fee Appeals Board. The County Attorney shall attend meetings to serve as counsel to the Impact Fee Appeals Board. The Impact Fee Coordinator shall represent Palm Beach County by presenting the County's position to the Impact Fee Appeals Board.
4. **County attorney.** The County Attorney's Office shall provide counsel and interpretation on legal issues.

5. **Quorum and voting.** No meeting of the Impact Fee Appeals Board shall be called to order, nor may any business be transacted by the Impact Fee Appeals Board, without a quorum consisting of a majority of members of the Impact Fee Appeals Board being present. A majority vote of the quorum present, plus one, shall be necessary for the Impact Fee Appeals Board to take action, except that at least three (3) members of the Impact Fee Appeals Board must vote for an action to be valid. In the event of a tie vote, the proposed motion shall be considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to this Article, or Sec. 112.01 et. seq., Fla. Stat.
6. **Rules of procedure.** All meetings shall be governed by Robert's Rules of Order. The Impact Fee Appeals Board may, by a majority vote of the entire membership, adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Impact Fee Appeals Board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

E. **Meetings.**

1. **General.** General meetings of the Impact Fee Appeals Board will be called as necessary to carry out business, but no more frequently than once a month. Special meetings may be called by the Chairman of the Impact Fee Appeals Board, or in writing by a majority of appointed members of the Board. Twenty four (24) hour written notice shall be given to each Impact Fee Appeals Board member for a special meeting.
2. **Location.** The location of meetings shall be in Palm Beach County, Florida.
3. **Operating procedures.** All cases brought before the Impact Fee Appeals Board shall be presented by the person making the appeal, or that person's agent.
4. **Continuance.** If a matter is postponed due to lack of a quorum, the Chairman shall continue the meeting to the next regularly scheduled Impact Fee Appeals Board meeting. The Secretary shall notify all members of the date of the continued meeting and also shall notify all parties.
5. **Meetings Open to public.** All meetings and public hearings of the Impact Fee Appeals Board shall be open to the public.
6. **Notice.** Public hearings shall be set for a time certain after due public notice.
7. **Annual Report.** The Impact Fee Appeals Board shall submit an Annual Report to the Board of County Commissioners on June 1. The form, substance, and submittal dates for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).

- F. Compensation.** The members of the Impact Fee Appeals Board shall receive no compensation for their services. Travel reimbursements are limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill the responsibilities of membership on the Impact Fee Appeals Board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to the County staff to fulfill the responsibilities of membership on the Impact Fee Appeals Board.

SEC. 4.10 ENVIRONMENTAL APPEALS BOARD.

- A. Establishment.** There is hereby established an Environmental Appeals Board.
- B. Powers and Duties.** The Environmental Appeals Board has the following powers and duties:
1. To hear appeals from certain requirements, interpretations or determinations of Sec. 7.10 and 7.11 (ECR I and II) of this Code, made by the PBCPHU or the Environmental Control Officer.
- C. Board Membership.**
1. **Qualifications.** Members of the Environmental Appeals Board shall be qualified electors of Palm Beach County for two (2) years prior to appointment. No member of the Board of County Commissioners or a County employee including a Board of County Commission aide shall serve on the Environmental Appeals Board. The Environmental Appeals Board shall be composed of five (5) members. The membership of the Environmental Appeals Board shall consist of one (1) professional engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one (1) water resource professional employed by SFWMD, one (1) drinking water engineer employed by the DER, one (1) member of the Palm Beach County Home Builders and Contractors Association, and one (1) attorney nominated by the Palm Beach County Bar Association.
 2. **Appointment.** Members of the Environmental Appeals Board shall be appointed by the Board of County Commissioners.
 3. **Terms of office.**
 - a. All Environmental Appeals Board members shall serve a term of three (3) years. All members serving on the Environmental Appeals Board on the effective date of this Code shall complete their terms according to their prior appointments.
 - b. There shall be no limit on the number of terms a person may serve.
 - c. The maximum number of boards and commissions a person appointed by the Board of County Commissioners may serve on at one (1) time shall be three (3). Members affected by this provision shall be governed by Palm Beach County Resolution No. 91-1003, as amended.
 - d. Environmental Appeals Board members shall not be prohibited from qualifying as a candidate for elected office.

4. Removal from office.

- a. Members of the Environmental Appeals Board may be suspended or removed by the Board of County Commissioners, with or without cause at any time.
- b. In the event that any Environmental Appeals Board member is convicted of a felony or an offense involving moral turpitude while in office, the Board of County Commissioners shall terminate the appointment of such person as a member of the Environmental Appeals Board.
- c. If any member of the Environmental Appeals Board fails to attend two (2) of three (3) consecutive meetings without an excused absence, the Chairman of the Environmental Appeals Board shall recommend to the Board of County Commissioners that the member's seat should be vacated . Participation for less than three-fourths (3/4) of a meeting shall constitute lack of attendance.
- d. Excused absence constitutes absence due to illness, absence from Palm Beach County, or personal hardship, if approved by a majority vote of the Environmental Appeals Board. Excused absence shall be entered into the minutes at the next regularly scheduled meeting of the Environmental Appeals Board.
- e. Members removed from office shall be terminated immediately and shall not continue to serve until a new appointment is made by the Board of County Commissioners.

5. Vacancy.

- a. When an Environmental Appeals Board member resigns or is removed, the Board of County Commissioners shall accept nominations and shall fill the vacancy within thirty (30) days.
- b. Any appointment to fill any vacancy shall be for the remainder of the unexpired term of office.

6. Conflict of interest.

- a. **General.** No Environmental Appeals Board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Environmental Appeals Board.

- b. **Implementation.** To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Environmental Appeals Board are directed:
- (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.
 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.
 - (3) To make known by written or oral disclosure, on the record at an Environmental Appeals Board meeting, any interest which the member has in any pending matter before the Environmental Appeals Board, before any deliberation on that matter.
 - (4) To abstain from using membership on the Environmental Appeals Board to secure special privileges or exemptions.
 - (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of confidential information acquired by membership on the Environmental Appeals Board not available to members of the general public, and to refrain from using such information for personal gain or benefit.
 - (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Environmental Appeals Board.
 - (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Environmental Appeals Board.
 - (8) To refrain from transacting any business in an official capacity as a member of the Environmental Appeals Board with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.
 - (9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.
- c. **Board action.** Willful violation of this subsection which affects a vote of an Environmental Appeals Board member shall render that action voidable by the Board of County Commissioners.

D. Officers.

1. Chairman and vice-chairman. At an annual organizational meeting, the members of the Environmental Appeals Board shall elect one (1) of their members as Chairman and one (1) as Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all powers of the Chairman. The Chairman shall serve a term of one (1) year. Any member may be re-elected as Chairman at the discretion of the Environmental Appeals Board. The Chairman shall administer oaths, shall be in charge of all proceedings before the Environmental Appeals Board, and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Environmental Appeals Board.
2. Secretary. The County Environmental Control Officer shall provide a staff person to the Environmental Appeals Board and that staff member shall be designated as Secretary of the Environmental Appeals Board. The Secretary shall keep minutes of all proceedings of the Environmental Appeals Board, which minutes shall be a summary of all proceedings before the Environmental Appeals Board, attested to by the Secretary, and which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members of the Environmental Appeals Board voting when a quorum is present. In addition, the Secretary shall maintain all records of the Environmental Appeals Board, meetings, hearings and proceedings and the correspondence of the Environmental Appeals Board. The records of the Environmental Appeals Board shall be stored in the Office of the Environmental Control Officer, and shall be available for inspection by the public, upon reasonable request, during normal business hours
3. Staff. The PBCPHU shall be the professional staff of the Environmental Appeals Board.
4. County attorney. The County Attorney's Office shall provide counsel and interpretation on legal issues.
5. and voting. No meeting of the Environmental Appeals Board shall be called to order, nor may any business be transacted by the Environmental Appeals Board, without a quorum consisting of a majority of the members of the Environmental Appeals Board being present. A majority of the quorum present shall be necessary for the Environmental Appeals Board to take action. In the event of a tie vote, the proposed motion shall be considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to this Article, or Sec. 112.01 et. seq., Fla. Stat.

6. **Rules of procedure.** All meetings shall be governed by Robert's Rules of Order. The Environmental Appeals Board may, by a majority vote of the entire membership, adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Environmental Appeals Board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

E. **Meetings.**

1. **General or special meetings.** General meetings of the Environmental Appeals Board shall be held no less frequently than once every sixty (60) days. Special meetings may be called by the Chairman of the Environmental Appeals Board, or in writing by a majority of the members of the Board. Twenty four (24) hour written notice shall be given to each Environmental Appeals Board member for a special meeting.
2. **Location.** The location of meetings shall be in Palm Beach County, Florida.
3. **Continuance.** If a matter is postponed due to lack of a quorum, the Chairman shall continue the meeting to the next regularly scheduled Environmental Appeals Board meeting. The Secretary shall notify all members of the date of the continued meeting and also shall notify all parties.
4. **Meetings open to public.** All meetings and public hearings of the Environmental Appeals Board shall be open to the public.
5. **Notice.** Public hearings shall be set for a time certain after due public notice.
6. **Annual Report.** The Environmental Appeals Board shall submit an Annual Report to the Board of County Commissioners. The form, substance, and submittal dates for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).

- F. **Compensation.** The members of the Environmental Appeals Board shall receive no compensation for their services. Travel reimbursements are limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill the responsibilities of membership on the Environmental Appeals Board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to the County staff, that are necessary to fulfill the responsibilities of membership on the Environmental Appeals Board.

SEC. 4.11 ENVIRONMENTAL ORDINANCE APPEALS BOARD.

- A. Establishment.** There is hereby established an Environmental Ordinance Appeals Board.
- B. Powers and Duties.** The Environmental Ordinance Appeals Board has the following powers and duties.
1. To hear and render decisions on appeals of final administrative determinations rendered under Sec. 9.2, Environmentally Sensitive Lands, and to have jurisdiction to conduct hearings and render decisions as required under applicable County environmental ordinances as may be provided by the Board of County Commissioners from time to time.
 2. The Environmental Ordinance Appeals Board hears and makes decisions on appeals of all the ordinances found within Article 9 and Sections 7.5 (Vegetation Preservation and Protection) and 7.6 (Excavation).
- C. Board Membership.**
1. **Qualifications.** Members of the Environmental Ordinance Appeals Board shall be qualified electors of Palm Beach County for two (2) years prior to appointment. No member of the Board of County Commissioners or a County employee including a Board of County Commission aide shall serve on the Environmental Ordinance Appeals Board. The Environmental Ordinance Appeals Board shall be composed of five (5) members. The membership of the Environmental Ordinance Appeals Board shall consist of one (1) attorney licensed by the Florida Bar; one (1) biologist with demonstrated technical environmental expertise; one (1) representative of the development community in Palm Beach County; one (1) representative of an environmental organization active in Palm Beach County; and one (1) citizen not holding elective office and not a member of any of the preceding categories.
 2. **Appointment.** Members of the Environmental Ordinance Appeals Board shall be appointed at-large by the Board of County Commissioners.
 3. **Terms of office.**
 - a. All Environmental Ordinance Appeals Board members shall serve a term of three (3) years. All members serving on the Environmental Ordinance Appeals Board on the effective date of this Code shall complete their terms according to their prior appointments.
 - b. There shall be no limit on the number of terms a person may serve on the Environmental Ordinance Appeals Board.

- c. The maximum number of boards and commissions a person appointed by the Board of County Commissioners may serve on at one (1) time shall be three (3). Members affected by this provision shall be governed by Palm Beach County Resolution No. 91-1003, as amended.
- d. Environmental Ordinance Appeals Board members shall not be prohibited from qualifying as a candidate for elected office.

4. Removal from office.

- a. Members of the Environmental Ordinance Appeals Board may be suspended or removed by the Board of County Commissioners, with or without cause.
- b. In the event that any Environmental Ordinance Appeals Board member is convicted of a felony or an offense involving moral turpitude while in office, the Board of County Commissioners shall terminate the appointment of such person as a member of the Environmental Ordinance Appeals Board.
- c. If any member of the Environmental Ordinance Appeals Board fails to attend two (2) of three (3) consecutive meetings without an excused absence, the Chairman of the Environmental Ordinance Appeals Board shall recommend to the Board of County Commissioners that the member's seat should be vacated. Participation for less than three-fourths (3/4) of a meeting shall constitute lack of attendance.
- d. Excused absence constitutes excused absence due to illness, absence from Palm Beach County, or personal hardship, if approved by a majority vote of the Environmental Ordinance Appeals Board. Excused absence shall be entered into the minutes at the next regularly scheduled meeting of the Environmental Ordinance Appeals Board.
- e. Members removed from office shall be terminated immediately and shall not continue to serve until a new appointment is made by the Board of County Commissioners.

5. Vacancy.

- a. When an Environmental Ordinance Appeals Board member resigns or is removed, the Board of County Commissioners shall accept nominations and shall fill the vacancy within thirty (30) days.
- b. Any appointment to fill any vacancy shall be for the remainder of the unexpired term of office.

6. Conflict of interest.

- a. **General.** No Environmental Ordinance Appeals Board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Environmental Ordinance Appeals Board.
- b. **Implementation.** To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Environmental Ordinance Appeals Board are directed:
- (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.
 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.
 - (3) To make known by written or oral disclosure, on the record at an Environmental Ordinance Appeals Board meeting, any interest which the member has in any pending matter before the Environmental Ordinance Appeals Board, before any deliberation on that matter.
 - (4) To abstain from using membership on the Environmental Ordinance Appeals Board to secure special privileges or exemptions.
 - (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of confidential information acquired by membership on the Environmental Ordinance Appeals Board not available to members of the general public, and to refrain from using such information for personal gain or benefit.
 - (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Environmental Ordinance Appeals Board.
 - (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Environmental Ordinance Appeals Board.
 - (8) To refrain from transacting any business in an official capacity as a member of the Environmental Ordinance Appeals Board with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.

(9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.

c. **Board action.** Willful violation of this subsection which affects a vote of an Environmental Ordinance Appeals Board member shall render that action voidable by the Board of County Commissioners.

D. **Officers.**

1. **Chairman and vice-chairman.** At an annual organizational meeting, the members of the Environmental Ordinance Appeals Board shall elect one (1) of their members as Chairman and one (1) as Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all powers of the Chairman. The Chairman shall serve a term of one (1) year. Any member may be re-elected as Chairman at the discretion of the Environmental Ordinance Appeals Board. The Chairman shall administer oaths, shall be in charge of all proceedings before the Environmental Ordinance Appeals Board, and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Environmental Ordinance Appeals Board.
2. **Secretary.** The Director of ERM shall serve as Secretary of the Environmental Ordinance Appeals Board. The Secretary shall keep minutes of all proceedings of the Environmental Ordinance Appeals Board, which minutes shall be a summary of all proceedings before the Environmental Ordinance Appeals Board, attested to by the Secretary, and which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members of the Environmental Ordinance Appeals Board voting when a quorum is present. In addition, the Secretary shall maintain all records of the Environmental Ordinance Appeals Board, meetings, hearings and proceedings and the correspondence of the Environmental Ordinance Appeals Board. The records of the Environmental Ordinance Appeals Board shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.
3. **Staff.** The ERM shall be the professional staff of the Environmental Ordinance Appeals Board.
4. **County attorney.** The County Attorney's Office shall provide counsel and interpretation on legal issues.

5. **Quorum and voting.** No meeting of the Environmental Ordinance Appeals Board shall be called to order, nor may any business be transacted by the Environmental Ordinance Appeals Board, without a majority of the members of the Environmental Ordinance Appeals Board being present. A majority of the quorum present shall be necessary for the Environmental Ordinance Appeals Board to take action. In the event of a tie vote, the proposed motion shall be considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to this Article, or Sec. 112.01 et. seq., Fla. Stat.
6. **Rules of procedure.** All meetings shall be governed by Robert's Rules of Order. The Environmental Ordinance Appeals Board may, by a majority vote of the entire membership, adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Environmental Ordinance Appeals Board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

E. **Meetings.**

1. **General or special meetings.** General meetings of the Environmental Ordinance Appeals Board shall be held no less frequently than once every three (3) months. Special meetings may be called by the Chairman of the Environmental Ordinance Appeals Board, or in writing by a majority of the members of the Board. Twenty four (24) hour written notice shall be given to each Environmental Ordinance Appeals Board member for a special meeting.
2. **Location.** The location of meetings shall be in Palm Beach County, Florida.
3. **Continuance.** If a matter is postponed due to lack of a quorum, the Chairman shall continue the meeting to the next regularly scheduled Environmental Ordinance Appeals Board meeting. The Secretary shall notify all members of the date of the continued meeting and also shall notify all parties.
4. **Meetings open to public.** All meetings and public hearings of the Environmental Ordinance Appeals Board shall be open to the public.
5. **Notice.** Public hearings shall be set for a time certain after due public notice.
6. **Annual Report.** The Environmental Ordinance Appeals Board shall submit an Annual Report to the Board of County Commissioners. The form, substance, and submittal dates for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).

- F.** **Compensation.** The members of the Environmental Ordinance Appeals Board shall receive no compensation for their services. Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill the responsibilities of membership on the Environmental Ordinance Appeals Board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to County staff to fulfill the responsibilities of membership on the Environmental Ordinance Appeals Board.

SEC. 4.12 ENVIRONMENTAL CONTROL HEARING BOARD.

- A. **Establishment.** There is hereby established an Environmental Control Hearing Board.
- B. **Powers and Duties.** The Environmental Control Hearing Board has the following powers and duties.
1. To hear and conduct hearings into the merits of alleged violations to sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and Palm Beach County Ordinance No. 78-5, as amended, and to issue injunctive and affirmative relief for violations; and
 2. After due public hearing upholding a violation, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform with either or both of the following requirements:
 - a. To refrain from committing, creating, maintaining, or permitting the violations;
 - b. To take such affirmative action as the Environmental Control Hearing Board deems necessary and reasonable under the circumstances to correct such violation;
 - c. To issue orders imposing civil penalties of up to five hundred (500) dollars for each day of violation.
 - d. To issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and
 - e. To administer oaths to any or all persons who are to testify before the Environmental Control Hearing Board.

C. **Board Membership.**

1. **Qualifications.** Members of the Environmental Control Hearing Board shall be qualified electors of Palm Beach County for two (2) years prior to appointment. No member of the Board of County Commissioners or a County employee including a Board of County Commission aide shall serve on the Environmental Control Hearing Board. The Environmental Control Hearing Board shall be composed of five (5) members. The membership of the Environmental Control Hearing Board shall consist of one (1) lawyer, recommended by the Palm Beach County Bar Association; one (1) medical doctor, recommended by the Palm Beach County Medical Society; one (1) engineer, recommended by the Palm Beach County chapter of the Florida Engineering Society; and two (2) citizens at large.
2. **Appointment.** Members of the Environmental Control Hearing Board shall be appointed by the Board of County Commissioners.
3. **Terms of office.**
 - a. All members serving on the Environmental Control Hearing Board on the effective date of this Code shall complete their terms according to their prior appointments.
 - b. There shall be no limit on the number of terms a person may serve on the Environmental Control Hearing Board.
 - c. The maximum number of boards and commissions that a person appointed by the Board of County Commissioners may serve on at one (1) time shall be three (3). Members affected by this provision shall be governed by Palm Beach County Ordinance No. 91-38, as amended.
 - d. An Environmental Control Hearing Board member shall not be prohibited from qualifying as a candidate for elected office.
4. **Removal from office.**
 - a. Members of the Environmental Control Hearing Board may be suspended or removed by the Board of County Commissioners, with or without cause.
 - b. In the event that any Environmental Control Hearing Board member is convicted of a felony or an offense involving moral turpitude while in office, the Board of County Commissioners shall terminate the appointment of such person as a member of the Environmental Control Hearing Board.

- c. If any member of the Environmental Control Hearing Board fails to attend two (2) of three (3) consecutive meetings without an excused absence, the Board of County Commissioners shall terminate that member. Participation for less than three-fourths (3/4) of a meeting shall constitute lack of attendance.
 - d. Excused absence constitutes absence due to illness, absence from Palm Beach County, or personal hardship, if approved by a majority vote of the Environmental Control Hearing Board. Excused absence shall be entered into the minutes at the next regularly scheduled meeting of the Environmental Control Hearing Board.
 - e. Members removed from office shall be terminated immediately and not continue to serve until a new appointment is made by the Board of County Commissioners.
5. **Vacancy.** When an Environmental Control Hearing Board member resigns or is removed, the Board of County Commissioners shall accept nominations, if relevant, and shall fill the vacancy within thirty (30) days.
6. **Conflict of interest.**
- a. **General.** No Environmental Control Hearing Board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Environmental Control Hearing Board.
 - b. **Implementation.** To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Environmental Control Hearing Board are directed:
 - (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.
 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.
 - (3) To make known by written or oral disclosure, on the record at an Environmental Control Hearing Board meeting, any interest which the member has in any pending matter before the Environmental Control Hearing Board, before any deliberation on that matter.
 - (4) To abstain from using membership on the Environmental Control Hearing Board to secure special privileges or exemptions.

- (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of confidential information acquired by membership on the Environmental Control Hearing Board not available to members of the general public, and to refrain from using such information for personal gain or benefit.
 - (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Environmental Control Hearing Board.
 - (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Environmental Control Hearing Board.
 - (8) To refrain from transacting any business in an official capacity as a member of the Environmental Control Hearing Board with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.
 - (9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.
- c. **Board action.** Willful violation of this subsection which affects a decision of an Environmental Control Hearing Board member shall render that action voidable by the Board of County Commissioners.

D. **Officers.**

1. **Chairman and vice-chairman.** At an annual organizational meeting, the members of the Environmental Control Hearing Board shall elect one (1) of their members as Chairman and one (1) as Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all powers of the Chairman. The Chairman shall serve a term of one (1) year. Any member shall serve as Chairman for any number of terms at the discretion of the Environmental Control Hearing Board. The Chairman shall administer oaths, shall be in charge of all proceedings before the Environmental Control Hearing Board, and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Environmental Control Hearing Board.

2. **Secretary.** The Environmental Control Officer shall serve as Secretary of the Environmental Control Hearing Board. The Secretary shall keep minutes of all proceedings of the Environmental Control Hearing Board, which minutes shall be a summary of all proceedings before the Environmental Control Hearing Board, attested to by the Secretary, and which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members of the Environmental Control Hearing Board voting when a quorum is present. In addition, the Secretary shall maintain all records of the Environmental Control Hearing Board, meetings, hearings and proceedings and the correspondence of the Environmental Control Hearing Board. The records of the Environmental Control Hearing Board shall be stored with the Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours
3. **Staff.** The PBCPHU shall be the professional staff of the Environmental Control Hearing Board.
4. **County attorney.** The County Attorney's Office shall provide counsel and interpretation on legal issues.
5. **Quorum and voting.** No meeting of the Environmental Control Hearing Board shall be called to order, nor may any business be transacted by the Environmental Control Hearing Board, without a quorum consisting of a majority of the members of the Environmental Control Hearing Board being present. A majority of the quorum present shall be necessary for the Environmental Control Hearing Board to take action. In the event of a tie vote, the proposed motion shall be considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to this Article, or Sec. 112.01 et. seq., Fla. Stat.
6. **Rules of procedure.** All meetings shall be governed by Robert's Rules of Order. The Environmental Control Hearing Board may, by a majority vote of the appointed membership, adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Environmental Control Hearing Board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

E. **Meetings.**

1. **General or special meetings.** General meetings of the Environmental Control Hearing Board shall be held no less frequently than every forty-five (45) days. The Environmental Control Hearing Board may set the date of a future meetings during any meeting. Special meetings may be called by the Chairman of the Environmental Control Hearing Board, or in writing by a majority of the members of the Board. Twenty four (24) hour written notice shall be given to each Environmental Control Hearing Board member for a special meeting.

2. **Location.** The location of meetings shall be in Palm Beach County, Florida.
 3. **Continuance.** If a matter is postponed due to lack of a quorum, the Chairman shall continue the meeting to the next regularly scheduled Environmental Control Hearing Board meeting. The Secretary shall notify all members of the date of the continued meeting and also shall notify all parties.
 4. **Meetings open to public.** All meetings and public hearings of the Environmental Control Hearing Board shall be open to the public.
 5. **Notice.** Public hearings shall be set for a time certain after due public notice.
 6. **Annual Report.** The Environmental Control Hearing Board shall submit an Annual Report to the Board of County Commissioners. The form, substance, and submittal dates for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).
- F. **Compensation.** The members of the Environmental Control Hearing Board shall receive no compensation for their services. Travel reimbursements are limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill the responsibilities of membership of the Environmental Control Hearing Board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to County staff to fulfill the responsibilities of membership on the Environmental Control Hearing Board.

SEC. 4.13 GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD.

- A. Establishment.** There is hereby established a Groundwater and Natural Resource Protection Board.
- B. Powers and duties.** The Groundwater and Natural Resource Protection Board shall have the following powers and duties:
1. To hold hearings and to make findings of fact and conclusions of law as are necessary to enforce Art. 9., Environmental Standards, (with the exception of Sec. 9.4, Wetlands), if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected.
 2. To adopt rules of procedure for the conduct of hearings.
 3. To issue subpoenas compelling the presence of persons at Board hearings. Subpoenas may be served by the Palm Beach County Sheriff's Department, or other authorized persons consistent with Rule 1.740(1), Fla.R.Civ.Proc.
 4. To issue subpoenas compelling the provision of evidence at Groundwater and Natural Resource Protection Board hearings.
 5. To take testimony under oath.
 6. To issue orders having the force of law commanding whatever steps are necessary to achieve compliance with the violation of Art. 9 of this Code.
 7. To levy fines not to exceed two hundred fifty dollars (\$250) for a first violation, or five hundred dollars (\$500) for a repeat violation, for each day a violation continues past the first day.
 8. To lien property.

C. Board membership.

1. **Qualifications.** Members of the Groundwater and Natural Resources Protection Board shall be qualified electors of Palm Beach County for two (2) years prior to appointment. No member of the Board of County Commissioners or a County employee including a Board of County Commission aide shall serve on the Groundwater and Natural Resources Protection Board. The Groundwater and Natural Resources Protection Board shall be composed of seven (7) members. The membership of the Board shall consist of a professional engineer registered by the State of Florida, an attorney licensed to practice in Florida, a hydrologist, a citizen possessing expertise and experience in managing a business, a biologist or a chemist, concerned citizen and a member of an environmental organization.
2. **Appointment.** Members of the Groundwater and Natural Resources Protection Board shall be appointed by the Board of County Commissioners.
3. **Terms of office.**
 - a. All members shall serve a term of three (3) years. All members serving on the Groundwater and Natural Resources Protection Board on the effective date of this Code shall complete their terms according to their prior appointments.
 - b. There shall be no limit on the number of terms a person may serve on the Groundwater and Natural Resources Protection Board.
 - c. The maximum number of boards and commissions that a person appointed by the Board of County Commissioners may serve on at one (1) time shall be three (3). Members affected by this provision shall be governed by Palm Beach County Ordinance No. 91-38, as amended.
 - d. Members of the Groundwater and Natural Resources Protection Board shall not be prohibited from qualifying as a candidate for elected office.
4. **Removal from office.**
 - a. In the event that any Groundwater and Natural Resources Protection Board member is convicted of a felony or an offense involving moral turpitude while in office, the Board of County Commissioners shall terminate the appointment of such person as a member of the Groundwater and Natural Resources Protection Board.

- b. Any member who fails to attend three (3) consecutive regular meetings without an excused absence and without prior approval of the Chairman, or one-half (1/2) of the meetings within a calendar year, shall automatically forfeit the appointment. Participation for less than three-fourths (3/4) of a meeting shall constitute lack of attendance.
- c. Excused absence constitutes absence due to illness, absence from Palm Beach County, or personal hardship, if approved by a majority vote of the Groundwater and Natural Resources Protection Board. Excused absence shall be entered into the minutes at the next regularly scheduled meeting of the Groundwater and Natural Resources Protection Board.
- d. Members removed from office shall be terminated immediately and shall not continue to serve until a new appointment is made by the Board of County Commissioners.

5. Vacancy.

- a. When a Groundwater and Natural Resources Protection Board member resigns or is removed, the Board of County Commissioners shall fill the vacancy within thirty (30) days.
- b. Any appointment to fill any vacancy shall be for the remainder of the unexpired term of office.

6. Conflict of interest.

- a. General. No Groundwater and Natural Resources Protection Board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Groundwater and Natural Resources Protection Board.
- b. Implementation. To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Groundwater and Natural Resources Protection Board are directed:
 - (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.
 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.

- (3) To make known by written or oral disclosure, on the record at a Groundwater and Natural Resources Protection Board meeting, any interest which the member has in any pending matter before the Groundwater and Natural Resources Protection Board, before any deliberation on that matter.
 - (4) To abstain from using membership on the Groundwater and Natural Resources Protection Board to secure special privileges or exemptions.
 - (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the Groundwater and Natural Resources Protection Board not available to members of the general public, and to refrain from using such information for personal gain or benefit.
 - (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Groundwater and Natural Resources Protection Board.
 - (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Groundwater and Natural Resources Protection Board.
 - (8) To refrain from transacting any business in an official capacity as a member of the Groundwater and Natural Resources Protection Board with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.
 - (9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.
- c. **Board action.** Willful violation of this subsection which affects a vote of a Groundwater and Natural Resources Protection Board member shall render that action voidable by the Board of County Commissioners.

D. Officers; quorum; rules of procedure.

1. Chairman and vice-chairman. At an annual organizational meeting, the members of the Groundwater and Natural Resources Protection Board shall elect one (1) of their members as Chairman and one (1) as Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all powers of the Chairman. The Chairman shall serve a term of one (1) year. No member shall serve as Chairman for more than two (2) consecutive terms. The Chairman shall administer oaths, shall be in charge of all proceedings before the Groundwater and Natural Resources Protection Board, and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Groundwater and Natural Resources Protection Board.
2. Secretary. The Director of ERM shall serve as Secretary of the Groundwater and Natural Resources Protection Board. The Secretary shall keep minutes of all proceedings of the Groundwater and Natural Resources Protection Board, which minutes shall be a summary of all proceedings before the Groundwater and Natural Resources Protection Board, attested to by the Secretary, and which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members of the Groundwater and Natural Resources Protection Board voting when a quorum is present. In addition, the Secretary shall maintain all records of the Groundwater and Natural Resources Protection Board, meetings, hearings and proceedings and the correspondence of the Groundwater and Natural Resources Protection Board. The records of the Groundwater and Natural Resources Protection Board shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.
3. Staff. ERM shall be the professional staff of the Groundwater and Natural Resources Protection Board.
4. County attorney. The County Attorney's Office shall provide counsel and interpretation on legal issues.
5. Quorum and voting. No meeting of the Groundwater and Natural Resources Protection Board shall be called to order, nor may any business be transacted by the Groundwater and Natural Resources Protection Board, without a quorum consisting of a majority of the members of the Groundwater and Natural Resources Protection Board being present. A majority of the quorum present shall be necessary for the Groundwater and Natural Resources Protection Board to take action. In the event of a tie vote, the proposed motion shall be considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to this Article, or Sec. 112.01 *et. seq.*, Fla. Stat.

6. **Rules of procedure.** All meetings shall be governed by Robert's Rules of Order. The Groundwater and Natural Resources Protection Board may, by a majority vote of the entire membership, adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Groundwater and Natural Resources Protection Board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.
- E. **Meetings.**
1. **General.** General meetings of the Groundwater and Natural Resources Protection Board shall be held no less frequently than once every two (2) months. Special meetings may be called by the Chairman of the Groundwater and Natural Resources Protection Board, or in writing by a majority of the members of the Board. Twenty four (24) hour written notice shall be given to each Board member prior to a special meeting.
 2. **Location.** The location of meetings shall be in Palm Beach County, Florida.
- F. **Operating procedures.** All cases brought before the Groundwater and Natural Resources Protection Board shall be presented by ERM. The County Attorney shall serve as legal counsel to the Groundwater and Natural Resources Protection Board.
1. **Continuance.** If a matter is postponed due to lack of a quorum, the Chairman shall continue the meeting to the next regularly scheduled Groundwater and Natural Resources Protection Board meeting. The Secretary shall notify all members of the date of the continued meeting and also shall notify all parties.
 2. **Meetings open to public.** All meetings and public hearings of the Groundwater and Natural Resources Protection Board shall be open to the public.
 3. **Notice.** Public hearings shall be set for a time certain after due public notice.
 4. **Annual Report.** The Groundwater and Natural Resources Protection Board shall submit an Annual Report to the Board of County Commissioners. The form, substance, and submittal dates for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).
- G. **Compensation.** The members of the Groundwater and Natural Resources Protection Board shall receive no compensation for their services. Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill the responsibilities of membership on the Groundwater and Natural Resources Protection Board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to County staff to fulfill the responsibilities of membership on the Groundwater and Natural Resources Protection Board.

SEC. 4.14 CODE ENFORCEMENT BOARD.

- A. Establishment.** There is hereby established a Palm Beach County Code Enforcement Board in accordance with the provisions of Sec. 162.01 et. seq., Fla. Stat..
- B. Powers and duties.** The Code Enforcement Board shall have the following powers and duties:
1. To hold hearings and to make findings of fact and conclusions of law as are necessary to enforce the provisions of this Code and the building, electrical, fire, gas, landscape, plumbing, and other codes of Palm Beach County if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected.
 2. To adopt rules of procedure for the conduct of hearings.
 3. To issue subpoenas compelling the presence of persons at Code Enforcement Board hearings. Subpoenas may be served by the Palm Beach County Sheriff's Department, or other authorized persons consistent with Rule 1.740(1), Fla.R.Civ.Pro..
 4. To issue subpoenas compelling the provision of evidence at Code Enforcement Board hearings.
 5. To take testimony under oath.
 6. To issue orders having the force of law commanding whatever steps are necessary to achieve compliance with the violation of this Code and the County's building, electrical, fire, gas, landscape, plumbing and other codes of Palm Beach County.
 7. To levy fines not to exceed two hundred fifty dollars (\$250) for a first violation, or five hundred dollars (\$500) for a repeat violation, for each day a violation continues past the first day.
 8. To lien property.

C. Board membership.

1. **Qualifications.** Members of the Code Enforcement Board shall be qualified electors of Palm Beach County. No member of the Board of County Commissioners, or a County employee including a Board of County Commission aide shall serve on the Code Enforcement Board. The Code Enforcement Board shall be composed of five (5) members and two (2) alternates. The membership of the Code Enforcement Board shall, to the maximum extent possible, include an architect, a business person, an engineer, a general contractor, a landscape architect, a subcontractor, a planner, a realtor, and an attorney.
2. **Appointment.** Members of the Code Enforcement Board shall be appointed by the Board of County Commissioners.
3. **Terms of office.**
 - a. All Code Enforcement Board members shall serve a term of three (3) years. All members serving on the Code Enforcement Board on the effective date of this Code shall complete their terms according to their prior appointments.
 - b. There shall be no limit on the number of terms a person may serve on the Code Enforcement Board.
 - c. The maximum number of boards and commissions that a person appointed by the Board of County Commissioners may serve on at one (1) time shall be three (3). Members affected by this provision shall be governed by Palm Beach County Ordinance No. 91-38, as amended.
 - d. Members of the Code Enforcement Board shall not be prohibited from qualifying as a candidate for elected office.
4. **Removal from office.**
 - a. A Code Enforcement Board member shall serve at the pleasure of the Board of County Commissioners, and may be removed by the Board of County Commissioners without cause at any time.
 - b. In the event that any Code Enforcement Board member is no longer a qualified elector, or the member is convicted of a felony or an offense involving moral turpitude while in office, the Board of County Commissioners shall terminate the appointment of such person as a member of the Code Enforcement Board.

- c. Any member who fails to attend two (2) of three (3) successive meetings without an excused absence and without prior approval of the Chairman shall automatically forfeit the appointment. Participation for less than three-fourths (3/4) of a meeting shall constitute lack of attendance. A member of the Code Enforcement Board who has been automatically removed for lack of attendance may be reappointed by the Board of County Commission member who originally appointed that person.
- d. Excused absence constitutes absence due to illness, absence from Palm Beach County, or personal hardship, if approved by a majority vote of the Code Enforcement Board. Excused absence shall be entered into the minutes at the next regularly scheduled meeting of the Code Enforcement Board.
- e. Members removed from office shall be terminated immediately and shall not continue to serve until a new appointment is made by the Board of County Commissioners.

5. Vacancy.

- a. When a member resigns or is removed, the Board of County Commissioners shall fill the vacancy within thirty (30) days.
- b. Any appointment to fill any vacancy shall be for the remainder of the unexpired term of office.

6. Conflict of Interest.

- a. **General.** No Code Enforcement Board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Code Enforcement Board.
- b. **Implementation.** To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Code Enforcement Board are directed:
 - (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.
 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.

- (3) To make known by written or oral disclosure, on the record at a Code Enforcement Board meeting, any interest which the member has in any pending matter before the Code Enforcement Board, before any deliberation on that matter.
 - (4) To abstain from using membership on the Code Enforcement Board to secure special privileges or exemptions.
 - (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the Code Enforcement Board not available to members of the general public, and to refrain from using such information for personal gain or benefit.
 - (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Code Enforcement Board.
 - (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Code Enforcement Board.
 - (8) To refrain from transacting any business in an official capacity as a member of the Code Enforcement Board with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.
 - (9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.
- c. **Board action.** Willful violation of this subsection which affects a vote of a Code Enforcement Board member shall render that action voidable by the Board of County Commissioners.

D. Officers; quorum; rules of procedure.

1. Chairman and vice-chairman. At an annual organizational meeting, the members of the Code Enforcement Board shall elect one (1) of their members as Chairman and one (1) as Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all powers of the Chairman. The Chairman shall serve a term of one (1) year. No member shall serve as Chairman for more than two (2) consecutive terms. The Chairman shall administer oaths, shall be in charge of all proceedings before the Code Enforcement Board, and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Code Enforcement Board.
2. Secretary. The Code Enforcement Director of PZB shall serve as Secretary of the Code Enforcement Board. The Secretary shall keep minutes of all proceedings of the Code Enforcement Board, which minutes shall be a summary of all proceedings before the Code Enforcement Board, attested to by the Secretary, and which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members of the Code Enforcement Board voting when a quorum is present. The Secretary shall maintain all records of the Code Enforcement Board, meetings, hearings and proceedings, and the correspondence of the Code Enforcement Board. The records of the Code Enforcement Board shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours
3. Staff. The Code Enforcement Division of PZB shall be the professional staff of the Code Enforcement Board.
4. County attorney. The County Attorney's Office shall provide counsel and interpretation on legal issues.
5. Quorum and voting. No meeting of the Code Enforcement Board shall be called to order, nor may any business be transacted by the Code Enforcement Board, without a quorum consisting of a majority of the members of the Code Enforcement Board being present. A majority vote of the quorum present shall be necessary for the Code Enforcement Board to take action. In the event of a tie vote, the proposed motion shall be considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to this Article, or Sec. 112.01 et. seq., Fla. Stat.
6. Rules of procedure. All meetings shall be governed by Robert's Rules of Order. The Code Enforcement Board may, by a majority vote of the entire membership, adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Code Enforcement Board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

E. Meetings.

1. **General.** General meetings of the Code Enforcement Board shall be held no less frequently than once every two (2) months. Special meetings may be called by the Chairman of the Code Enforcement Board, or in writing by a majority of the members of the Board. Twenty four (24) hour written notice shall be given to each Code Enforcement Board member for a special meeting.
2. **Location.** The location of meetings shall be in Palm Beach County, Florida.
3. **Operating procedures.** All cases brought before the Code Enforcement Board shall be presented by the Code Enforcement Director of PZB.
4. **Continuance.** If a matter is postponed due to lack of a quorum, the Chairman shall continue the meeting to the next regularly scheduled Code Enforcement Board meeting. The Secretary shall notify all members of the date of the continued meeting and also shall notify all parties.
5. **Meetings open to public.** All meetings and public hearings of the Code Enforcement Board shall be open to the public.
6. **Notice.** Public hearings shall be set for a time certain after due public notice.
7. **Annual Report.** The Code Enforcement Board shall submit an Annual Report to the Board of County Commissioners. The form, substance, and submittal dates for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).

- F. Compensation.** The members of the Code Enforcement Board shall receive no compensation for their services. Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill the responsibilities of membership on the Code Enforcement Board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to County staff to fulfill the responsibilities of membership on the Code Enforcement Board.

SEC. 4.15 HEARING OFFICER.

- A. **Creation and appointment.** The Board of County Commissioners may appoint one (1) or more hearing officers to hear and consider such matters as may be required under any provision of this Code or as may be determined to be appropriate by the Board of County Commissioners from time to time. Such hearing officers shall serve at the pleasure of the Board of County Commissioners for such period as is determined by the Board. Such hearing officers shall be compensated at a rate to be determined by the Board of County Commissioners. Whoever shall accept an appointment as a hearing officer shall, for a period of one (1) year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application or other matter before any decision-making body of Palm Beach County in any matter involving land that was the subject of a proceeding which was considered.
- B. **Minimum qualifications.** A hearing officer shall have the following minimum qualifications:
1. Be a graduate of a law school accredited by the American Bar Association;
 2. Demonstrated knowledge of administrative, environmental and land use planning and law and procedure; and
 3. Hold no other appointive or elective public office or position in Palm Beach County during the period of appointment.
- C. **Duties.** A hearing officer shall have the following duties:
1. To conduct hearings on such matters as may be requested by the Board of County Commissioners;
 2. To render to the Board of County Commissioners a written report containing a summary of the testimony and evidence given and findings and recommendations regarding the specific standards applicable to the particular application for development permit;
 3. To issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing; and
 4. To perform such other tasks and duties as the Board of County Commissioners may assign.

SEC. 4.16 CITIZENS TASK FORCE.

- A. Establishment.** There is hereby established a Citizens Task Force.
- B. Powers and duties.** The Citizens Task Force shall have the following powers and duties under the provisions of this Code:
1. To periodically review the provisions to this Code and make recommendations to the Board of County Commissioners for proposed amendments;
 2. To make its special knowledge and expertise available upon written request and authorization of the Board of County Commissioners to any official, department, board, commission or agency of the County, State or Federal governments; and
 3. To submit an Annual Report to the Board of County Commissioners summarizing its annual activities.
- C. Board membership.**
1. **Qualifications.** Members of the Citizens Task Force shall be qualified electors of Palm Beach County for two (2) years prior to appointment. No member of the Board of County Commissioners or a County employee including a Board of County Commission aide shall serve on the Citizens Task Force. The Citizen's Task Force shall consist of nineteen (19) members, and nineteen (19) alternates. One (1) member shall be appointed by each Board of County Commissioner, and shall serve at the pleasure of that County Commissioner. One (1) member shall be appointed from each of the following groups: the American Institute of Architects, the Associated General Contractors, the Homebuilders and Contractors of America, the Florida Engineering Society, the Florida Society of Professional Land Surveyors, the Palm Beach County Board of Realtors, the Palm Beach County Planning Congress, an environmental organization, the league of municipalities, a condominium association, the AFL-CIO, and a citizen at large.
 2. **Appointment.** Each member of the Board of County Commissioners shall appoint one (1) member and one (1) alternate to the Citizens Task Force. That member and alternate appointed by a specific County Commissioner shall serve at the pleasure of that County Commissioner. All of the organizations identified in Sec. 4.16.C.1 shall nominate a member to serve on the Citizen's Task Force to the Board of County Commissioners. All of the rest of the Citizen's Task Force shall be appointed by a majority vote of the Board of County Commissioners.

3. Terms of office.

- a. The term of office of each Citizens Task Force member shall be three (3) years. All members serving on the Citizens Task Force on the effective date of this Code shall complete their terms according to their prior appointments.
- b. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.
- c. Members of the Citizens Task Force shall hold office until the first Tuesday after the first Monday in February of the year their term expires.
- d. There shall be no limit on the number of terms a person may serve on the Citizens Task Force.
- e. The maximum number of boards and commissions a person appointed by the Board of County Commissioners may serve on at one (1) time shall be three (3). Members affected by this provision shall be governed by Palm Beach County Resolution No. 91-1003, as amended.
- f. Citizens' Task Force members shall not be prohibited from qualifying as a candidate for elected office.

4. Removal from office.

- a. A Citizen's Task Force member shall serve at the pleasure of the member of the Board of County Commissioners who appointed that member, and may be removed by that Board of County Commission member without cause at any time.
- b. In the event that any Citizens Task Force member is no longer a qualified elector, or the member is convicted of a felony, or an offense involving moral turpitude while in office, the Board of County Commissioners shall automatically terminate the appointment of such person as a member of the Citizens Task Force.
- c. If any member of the Citizens Task Force fails to attend three (3) consecutive regular Citizens Task Force meetings without an excused absence, or one half ($\frac{1}{2}$) of the meetings within a calendar year, that member shall be automatically terminated. Participation for less than three-fourths ($\frac{3}{4}$) of a meeting shall constitute lack of attendance. A district appointee who has been automatically removed for lack of attendance may be reappointed by the district Commissioner.

- d. Excused absence constitutes absence due to illness, absence from Palm Beach County, or personal hardship, if approved by a majority vote of the Citizens Task Force. Excused absence shall be entered into the minutes at the next regularly scheduled meeting of the Citizens Task Force.
 - e. Members removed from office shall be terminated immediately and not continue to serve until a new appointment is made by the Board of County Commissioners.
5. **Vacancy.** The Board of County Commission member who appointed a specific member who vacates or is terminated shall fill a vacancy within thirty (30) days after it occurs. The Board of County Commissioners shall fill any other vacancy consistent with the procedures in Sec. 4.16.C.1 and 4.16.C.2, within thirty (30) days after it occurs.
6. **Conflict of Interest.**
- a. **General.** No Citizens Task Force member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the Citizens Task Force.
 - b. **Implementation.** To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Citizens Task Force are directed:
 - (1) To be governed by the applicable provisions of the Palm Beach County Ethics Ordinance, upon adoption of such ordinance.
 - (2) Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties.
 - (3) To make known by written or oral disclosure, on the record at a Citizens Task Force meeting, any interest which the member has in any pending matter before the Citizens Task Force, before any deliberation on that matter.
 - (4) To abstain from using membership on the Citizens Task Force to secure special privileges or exemptions.
 - (5) To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of confidential information acquired by membership on the Citizens Task Force not available to members of the general public, and to refrain from using such information for personal gain or benefit.

- (6) To refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the Citizens Task Force.
- (7) To refrain from accepting or receiving any additional compensation from any source other than Palm Beach County for duties performed as a member of the Citizens Task Force.
- (8) To refrain from transacting any business in an official capacity as a member of the Citizens Task Force with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest.
- (9) To refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.

c. **Board action.** Willful violation of this subsection which affects a vote of a Citizens Task Force member shall render that action voidable by the Board of County Commissioners.

D. Officers; quorum; rules of procedure.

1. **Chairman and vice-chairman.** At an annual organizational meeting, the members of the Citizens Task Force shall elect a Chairman and Vice-Chairman from among the members. The Chairman and Vice-Chairman's terms shall be for one (1) year. No member shall serve as Chairman for more than two (2) consecutive terms. The Chairman shall administer oaths, shall be in charge of all procedures before the Citizens Task Force, and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Citizens Task Force. In the absence of the Chairman, the Vice-Chairman shall act as Chairman and shall have all the powers of the Chairman.
2. **Secretary.** The Zoning Director of PZB shall serve as Secretary of the Citizens Task Force. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the Citizens Task Force, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the Citizens Task Force members voting. In addition, the Secretary shall maintain all records of Citizens Task Force meetings, hearings, proceedings, and the correspondence of the Citizens Task Force. The records of the Citizens Task Force shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.

3. **Staff.** The Zoning Division of PZB shall be the professional staff of the Citizens Task Force.
4. **County attorney.** The County Attorney's Office shall provide counsel and interpretation on legal issues.
5. **Quorum and voting.** The presence of a majority of appointed members of the Citizens Task Force shall constitute a quorum of the Citizens Task Force necessary to take action and transact business. In addition, a simple majority vote shall be necessary in order to forward a formal recommendation to the Board of County Commissioners. In the event of a tie vote, the proposed motion shall be considered to have failed.
6. **Rules of procedure.** All meetings shall be governed by Robert's Rules of Order. The Citizens Task Force may, by a majority vote of the membership, adopt additional rules of procedure for the transaction of business, and shall keep a record of meetings, resolutions, findings and determinations.

E. Meetings.

1. **General.** General meetings of the Citizens Task Force shall be held as needed to dispense of matters properly before the Citizens Task Force. Special meetings may be called by the Chairman or in writing by a majority of the members of the Citizens Task Force. Twenty four (24) hour written notice shall be given to each Citizens Task Force member before a special meeting.
2. **Location.** The location of all Citizens Task Force meetings shall be in Palm Beach County, Florida.
3. **Continuance.** If a matter is postponed due to lack of a quorum, the meeting shall be rescheduled to the next Citizens Task Force meeting.
4. **Meetings open to public.** All meetings and public hearings of the Citizens Task Force shall be open to the public.
5. **Notice.** Public hearings shall be set for a time certain after due public notice.
6. **Annual Report.** The Citizens' Task Force shall submit an Annual Report to the Board of County Commissioners. The form, substance, and submittal dates for the Annual Report shall be established by a Policy and Procedure Memorandum (PPM).

- F. **Compensation.** The members of the Citizens Task Force shall receive no compensation for their services. Travel reimbursement for members of the Citizens Task Force is limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill the responsibilities of membership on the Citizens Task Force. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon the prior approval of the Board of County Commissioners. No other expenses are reimbursable except documented long distance telephone calls to County staff to fulfill the responsibilities of membership on the Citizens Task Force.

SEC. 4.17 **COUNTY ADMINISTRATOR.**

- A. **Creation and appointment.** The County Administrator shall be the head of the Palm Beach County staff, and shall be appointed and serve at the pleasure of the County Commissioners.
- B. **Jurisdiction, authority and duties.** In addition to the jurisdiction, authority, and duties which may be confirmed upon the County Administrator by other provisions of the County Code and County Charter, the County Administrator shall have the following jurisdiction and authority under this Code:
1. To review and render decisions on appeals of decisions of County administrative officials, except for appeals that have a venue of appeal to a specific board of commission; and,
 2. To administer the County administrative officials charged with regulatory authority under this Code.

SEC. 4.18 EXECUTIVE DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT.

- A. Creation and appointment.** The Executive Director of the Planning, Zoning, and Building (PZB) Department shall be the agency head of the Palm Beach County Planning, Zoning and Building Department, and shall be appointed and serve at the pleasure of the County Administrator.
- B. Jurisdiction, authority and duties.** In addition to the jurisdiction, authority, and duties which may be confirmed upon the Executive Director of PZB by other provisions of the County Code and the County Charter, the Executive Director of PZB shall have the following jurisdiction, authorities, and duties under this Code:
1. To review and render interpretations to all provisions of this Code and the Official Zoning Map, except for Sec. 7.7, Driveways and Access; Sec. 7.9, Traffic Performance Standards; Secs. 7.10 and 7.11, the Environmental Control Rules I & II; Sec. 7.12, Park and Recreation Standards; Art. 8, Subdivision; Art. 9, Environmental Standards; and Art. 10, Impact Fees;
 2. To administer the PZB Department, including the Planning Division, the Zoning Division, the Building Division, and the Code Enforcement Division; and
 3. Waive or modify development review fees upon demonstration that the applicant is indigent pursuant to PBCPHU standards, or the applicant can demonstrate review fees are in excess of actual staff costs.

SEC. 4.19 PLANNING DIRECTOR OF PZB.

- A. Creation and appointment.** The Planning Director of PZB shall be the division head of the Planning Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB.
- B. Jurisdiction, authority and duties.** In addition to the jurisdiction, authority and duties which may be conferred upon the Planning Director of PZB by other provisions of the County Code, the Planning Director of PZB shall have the following jurisdictions, authority and duties under this Code:
1. To undertake the current and long range comprehensive planning responsibilities of the County under Sec. 163.3161 *et. seq.* Fla. Stat., as amended;
 2. To review the Comprehensive Plan every five (5) years ;
 3. To recommend annually, any necessary amendments to the Comprehensive Plan;

4. To accept, review and prepare staff reports recommending approval, approval with conditions, or denial of applications for Site Specific (Future Land Use Map) amendments to the Comprehensive Plan;
5. To review and approve or deny applications for Adequate Public Facility Determinations;
6. To review and approve, approve with conditions, or deny applications of Conditional Certificates of Concurrency Reservation and Certificates of Concurrency Reservation; and
7. To administer the process of Development of Regional Impact (DRI) review for projects within municipalities in Palm Beach County.

SEC. 4.20 ZONING DIRECTOR OF PZB.

- A. **Creation and appointment.** The Zoning Director of PZB shall be the division head of the Zoning Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB.
- B. **Jurisdiction, authority and duties.** In addition to the jurisdiction, authority and duties which may be conferred upon the Zoning Director of PZB by other provisions of the County Code, the Zoning Director of PZB shall have the following jurisdictions, authority and duties under this Code:
 1. To coordinate all preapplication conferences;
 2. To accept, review, approve, and update General Application submissions;
 3. To review and approve or deny a Certificate of Threshold Review;
 4. To accept applications for, review and prepare staff reports recommending approval, approval with conditions, or denial of applications for the following development permits: amendments to the Official Zoning Map; Preliminary Development Plans for a Residential Planned Unit Development (RPUD), Traditional Neighborhood Development District (TND), Neighborhood Center Planned Development District (NCPD), Mixed Use Planned Development District (MXDD), Multiple Use Planned Development District (MUDD), Planned Industrial Park Development District (PIPD), Mobile Home Park Planned Development District (MHPD), Recreational Vehicle Park Planned Development District (RVPD), Solid Waste Disposal Planned Development District (SWPD), Class "A" Conditional uses, Class "B" Conditional uses, Site Plan/Plats, and Variances;
 5. To review and approve, approve with conditions, or deny applications for development permits for special use permits;

6. To review and approve, approve with conditions or deny applications for development permits for administrative variances;
7. To recommend annually, any necessary amendments to this Code; and
8. To administer the process of Development of Regional Impact (DRI) review in unincorporated Palm Beach County.

SEC. 4.21 BUILDING DIRECTOR OF PZB.

- A. **Creation and appointment.** The Building Director of PZB shall be the division head of the Building Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB, subject to the provisions of the Building Code Enforcement Administrative Code.
- B. **Jurisdiction, authority and duties.** In addition to the jurisdiction, authority and duties which may be conferred upon the Building Director of PZB by other provisions of the County Code, the Building Director of PZB shall have the following jurisdictions, authority and duties under this Code:
 1. To review and approve, approve with conditions, or deny applications for development permits for building permits.
 2. To review and approve, approve with conditions, or deny applications for development permits for certificates of occupancy or completion.

SEC. 4.22 CODE ENFORCEMENT DIRECTOR OF PZB.

- A. **Creation and appointment.** The Code Enforcement Director shall be the head of enforcement of this Code, and shall be appointed and serve at the pleasure of the Executive Director of PZB.
- B. **Jurisdiction, authority and duties.** In addition to the jurisdiction, authority and duties which may be conferred upon the Code Enforcement Director of PZB by other provisions of the County Code, the Code Enforcement Director of PZB shall have the following jurisdictions, authority and duties under this Code:
 1. To monitor and assist in the enforcement of this Code.
 2. To ensure compliance with conditions of a development order.

SEC. 4.23 IMPACT FEE COORDINATOR.

- A. **Creation and appointment.** The Impact Fee Coordinator shall be responsible for the administration of the County's impact fee program, and shall be appointed and serve at the pleasure of the Director of the Office of Financial Management and Budget.
- B. **Jurisdiction, authority and duties.** In addition to the jurisdiction, authority and duties which may be conferred upon the Impact Fee Coordinator by other provisions of the County Code, the Impact Fee Coordinator shall have the following jurisdictions, authority and duties under this Code:
1. To review and render interpretations to Art. 10, Impact Fees.
 2. To administrate Art. 10, Impact Fees.
 3. To review and approve or deny applications for independent calculation studies pursuant to Art. 10, Impact Fees.
 4. To review and approve or deny applications for credit pursuant to Art. 10, Impact Fees, with the input, assistance, and approval of the County department or agency receiving the impact fees for which the credit is sought.
 5. To provide assistance to the Impact Fee Committee.
 6. To present appeals to the Impact Fee Appeals Board.
 7. To coordinate the County, municipalities, and agencies receiving impact fee funds.
 8. To provide technical assistance and advice to the municipalities in their administration of Art. 10, Impact Fees.

SEC. 4.24 COUNTY ENGINEER.

- A. **Creation and appointment.** The County Engineer shall be the agency head of the Department of Engineering and Public Works (DEPW), and shall be appointed and serve at the pleasure of the County Administrator.
- B. **Jurisdiction, authority and duties.** In addition to the jurisdiction, authority and duties which may be conferred upon the County Engineer by other provisions of the County Code and County Charter, the County Engineer shall have the following jurisdictions, authority and duties under this Code:
1. To review and render interpretations to Sec. 7.7, Driveways and Access; Sec. 7.9, Traffic Performance Standards; and Art. 8, Subdivision;

2. To review and approve or deny applications for Technical Compliance for Subdivision;
3. To review and make recommendations to the Board of County Commissioners to approve Land Development Permits;
4. To review and acknowledge the completion of Required Improvements for Subdivision;
5. To review and make recommendations to the Board of County Commissioners to approve or deny applications for development permits for Final Plats for Subdivision; and
6. To make recommendations to the Board of County Commissioners to accept maintenance responsibility for County dedicated streets.

SEC. 4.25 DIRECTOR OF LAND DEVELOPMENT DIVISION OF DEPW.

- A. **Creation and appointment.** The Director of the Land Development Division of the DEPW shall be the division head of the Land Development Division of DEPW, and shall be appointed and serve at the pleasure of the County Engineer.
- B. **Jurisdiction, authority and duties.** In addition to the jurisdiction, authority and duties which may be conferred upon the Director of the Land Development Division by other provisions of the County Code, the Director of the Land Development Division shall have the jurisdiction, authority and duty under this Code to administer County staff review of Art. 8, Subdivision.

SEC. 4.26 DIRECTOR OF ERM.

- A. **Creation and appointment.** The Director of the Department of Environmental Resources Management (ERM) shall be the agency head of the ERM, and shall be appointed and serve at the pleasure of the County Administrator.
- B. **Jurisdiction, authority and duties.** In addition to the jurisdiction, authority and duties which may be conferred upon the Director of ERM by other provisions of the County Code and the County Charter, the Director of ERM shall have the following jurisdictions, authority and duties under this Code:
 1. To review, consider and render interpretations to Art. 9, Environmental Standards and Secs. 7.5 and 7.6;
 2. To review and approve, approve with conditions or deny applications for development or permits for coastal protection, sea turtle protection, environmentally sensitive lands, wetlands protection, wellfield protection, vegetation removal, excavation, and other ordinances as may be assigned by the Board of County Commissioners;

3. To initiate enforcement action pursuant to Article 9, Secs. 7.5 and 7.6 whenever evidence has been obtained or received establishing that a violation has been committed. The Director of ERM shall issue a notice to correct the violation, a citation to cease the violation, or a notice of violation and cause same to be served upon the violator;
4. To terminate an investigation or an enforcement action commenced under the provisions of Article 9, Secs. 7.5 and 7.6 and to resolve the alleged violations by execution of a written consent (settlement) agreement between the County and the person(s) who is(are) the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of the Code by said person(s). The consent agreement may, at the discretion of the Director of ERM, provide the following: remedial or corrective action; environmental mitigation; compensatory damages; punitive damages; civil penalties; costs and expenses of the County in tracing the source of any discharge, in controlling and abating the source of the pollutants and the pollutants themselves, and in restoring the waters and property, including animal, plant and aquatic life, of the County to their former conditions; and costs of the County for investigation, enforcement, testing, monitoring, and litigation Executed written consent agreements are hereby deemed to be lawful orders or contracts of the County; and
5. To refer unresolved violations to the appropriate enforcement board or to make recommendations to the Board of County Commissioners for initiation of suits in the appropriate courts of competent jurisdiction.

SEC. 4.27 COUNTY HEALTH DIRECTOR.

- A. **Creation and appointment.** The County Health Director shall be the agency head of the Palm Beach County Public Health Unit (PBCPHU) and shall be appointed by the Secretary of the Department of Health and Rehabilitative Services after consultation with the State Health Officer and the District Administrator, and concurrence by the Board of County Commissioners.
- B. **Jurisdiction, authority and duties.** In addition to the jurisdiction, authority and duties which may be conferred upon the County Health Director by other provisions of the County Code, the County Health Director shall have the following jurisdictions, authority and duties under this Code:
 1. To review, consider, enforce and render interpretations to Secs. 7.4, 7.8.A.10, 7.10 and 7.11, of this Code; and
 2. To review and approve, approve with conditions, or deny all applications for development permits pursuant to Secs. 7.10 and 7.11, the Environmental Control Rules I and II.

SEC. 4.28 **COUNTY ATTORNEY.** In addition to the jurisdiction, authority and duties which may be conferred upon the County Attorney by other provisions of the County Code and County Charter, the County Attorney and his/her designated staff shall have the following jurisdictions, authority and duties under this Code:

- A. To review and approve as to form all written findings of fact and resolutions drafted by the County Departments, Board of County Commissioners, Zoning Commission, Board of Adjustment, Land Use Advisory Board, Traffic Performance Standards Appeals Board, Concurrence Review Board, Environmental Appeals Board, Environmental Ordinance Appeals Board, Impact Fee Review Committee, Impact Fee Appeals Board, Code Enforcement Board, Groundwater and Natural Resources Protection Board, Environmental Control Board, Code Enforcement Board, and Development Review Committee, in connection with any requirement of this Code and other codes of Palm Beach County.
- B. To review and approve as to form all Development Agreements, PUD Agreements, easements, declarations of covenants, letters of credit, performance bonds or other such documentation in connection with any requirement of this Code; and
- C. To advise the Board of County Commissioners, the County Departments, and the review Boards and Commissions in regard to the legal issues which may arise in the implementation of this Code and the Comprehensive Plan.

SEC. 4.29 **DIRECTOR OF PARKS AND RECREATION.**

- A. **Creation and appointment.** The Director of the Parks and Recreation Department shall be the agency head of the Palm Beach County Parks and Recreation Department and shall be appointed and serve at the pleasure of the County Administrator.
- B. **Jurisdiction, authority and duties.** In addition to the jurisdiction, authority, and duties which may be confirmed upon the Director of Parks and Recreation by other provisions of the County Code and the County Charter, the Director of Parks and Recreation shall have the following jurisdiction, authorities, and duties under this Code:
 - 1. To review and render interpretations on park related land development regulations and to assure park related land development regulations are met.
 - 2. To administer the Parks and Recreation Department, including the Parks Division and the Recreation Division.

ARTICLE 5.

DEVELOPMENT REVIEW PROCEDURES

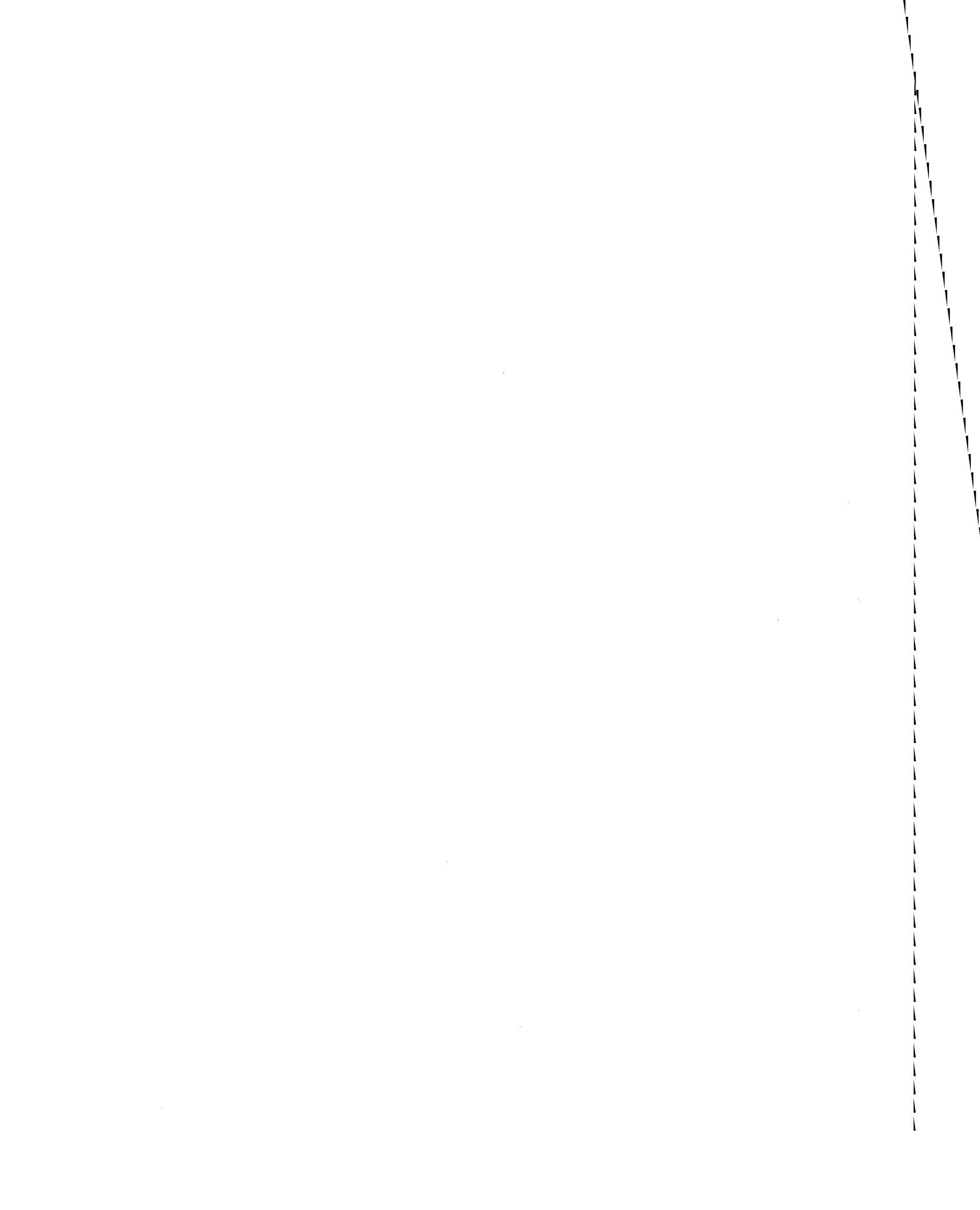


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Please Note

This document has been prepared to serve as the interim copy of the Unified Land Development Code, adopted on June 16, 1992 and effective on June 22, 1992. It has been prepared for use by staff and those persons who refer to the entire Code on a regular basis.

This document is not codified and may contain certain inconsistencies in construction. It should only be used as a guide until a codified copy of the Code is available.

ARTICLE 5.

DEVELOPMENT REVIEW PROCEDURES

SEC. 5.1 GENERAL APPLICABILITY.

- A. **Applicability.** The provisions of this section shall apply to every application for a development permit. Unless otherwise specified, development orders and permits are transferable to new owners and run with the land.

- B. **Applications, fees and deadlines.** Every application for a development permit shall be in a form specified by the County official responsible for reviewing the application and shall be accompanied by a nonrefundable fee as is established from time to time by the Board of County Commissioners to defray the actual cost of processing the application. Unless a delay is requested or caused by a governmental agency with no fault of the applicant, an additional fee may be charged for all postponed and continued applications, including petitions postponed at the request of an applicant or due to submission of incomplete or inaccurate information. Annually, the Zoning Director shall promulgate a calendar, as may be amended, showing application dates and deadlines consistent with the specifications of this Code. This calendar shall govern all dates in the development review procedure

- C. **Mandatory Preapplication conference and General Application submission.**
 - 1. **General Overview.** An initial preapplication conference and submission of a general application are mandatory prior to the submission of the initial application for development permit for land, except for an application for development permit for a site specific comprehensive land use amendment, a special permit use, a variance, or a building permit. A preapplication conference is optional for site plan or subdivision plan certification if the project was previously the subject of a preapplication conference, or if the site plan or subdivision plan has a previous site plan or subdivision approval and the proposed change is deemed necessary by the Zoning Director, or the project requires a building permit subject to Development Review Committee site plan certification. The purpose of the preapplication conference is to familiarize the applicant and Palm Beach County with the applicable County Codes and processes required to completely permit the development proposed by the applicant.

2. **Initiation of request and submission of General Application submission.** Prior to submitting the initial application for development permit, a potential applicant shall request in writing a preapplication conference with the Zoning Director, and other applicable agencies. Accompanying the request shall be a General Application submission in a form established by the Zoning Director or the County Engineer, as applicable, and made available to the public, and a nonrefundable application fee that is established from time to time by the Board of County Commissioners to defray the actual cost of processing the General Application submission and holding the preapplication conference.

3. **Contents of General Application submission.** The General Application submission shall include the following.
 - a. The name, address and telephone number of the land owner of record.
 - b. The name, address and telephone number of the applicant.
 - c. A list of all land use, environmental, economic, engineering, legal, or other professionals assisting in the application.
 - d. The property tag for the land subject to development, that includes the property control number, a legal description of the land, and the street address, if applicable.
 - e. A survey, legal sketch or tax map with the property highlighted, and conceptual site plan of the land proposed for development, including, but not limited to, the proposed use, square footage by use type, and lot layout. However, the square footage by use type and conceptual site plan are not required if the General Application submission occurs prior to a proposed application for development permit for an amendment to the Official Zoning Map.
 - f. A short description of the existing site conditions of the land, including its Future Land Use Atlas designation and existing zoning district classification.
 - g. The date of the creation of the lot such as plat book and page number or deed, as applicable.
 - h. The existing utilities on the land, and any on-site sewage and water facilities.

- i. A history of previous development orders approved for the land, including but not limited to, Site Specific (Future Land Use Atlas) Comprehensive Plan amendments, amendments to the Official Zoning Map, conditional uses, special exceptions, special uses, variances, site plans, final subdivision plans, plats, environmental permits, concurrency permits, building permits, and lot clearing permits.
 - j. A location map of the land showing its proximity or location with respect to local jurisdictional boundaries within one (1) mile of the proposed development and any municipal annexation areas within one-quarter (1/4) mile of the proposed development, the airport zone, any wellfield protection zones, any flood zone, any drainage districts, any coastal zones and any overlay districts.
 - k. A statement of intent to participate in any special density programs, such as a Traditional Neighborhood District (TND), or a Transfer of Development Rights (TDR) or Voluntary Density Bonus Program (VDBP). The indication shall include a short description of reasons why the proposed development is eligible for the special density programs.
 - l. A statement whether or not the applicant has any ownership interest in contiguous parcels.
 - m. A statement of whether any Development of Regional Impact (DRI) binding letters have been requested or received on the proposal.
4. **Determination of sufficiency and scheduling of preapplication conference.** The Zoning Director shall initiate review of a General Application submission upon receipt of the request for preapplication conference and General Application submission, and within five (5) working days determine whether the General Application submission is sufficient.
- a. If it is determined that the General Application submission is not sufficient, written notice shall be sent to the applicant specifying the deficiencies. The Zoning Director shall take no further action on the General Application submission until the deficiencies are remedied. If the applicant fails to correct the deficiencies within twenty (20) working days of the date it was determined insufficient, the General Application submission and request for preapplication conference shall be considered withdrawn.
 - b. If or when the General Application submission is determined sufficient, the Zoning Director shall schedule a preapplication conference with the applicant within ten (10) working days.

5. **Scheduling of preapplication conference.** The preapplication conference shall be scheduled with the applicant, and the Preapplication Conference Committee established for the purpose of providing input at a preapplication conference. The Preapplication Conference Committee shall consist of the Zoning Director, and representatives from the Zoning Division of PZB, the Planning Division of PZB, the Building Division of PZB, the Traffic and Land Development Divisions of DEPW, the DERM, the Parks and Recreation Department, the Property and Real Estate Management Department (PREM), and the PBCPHU, as applicable. The Preapplication Conference Committee shall meet at least twice a month. The applicant shall be notified in advance by the Zoning Director about the preapplication conference, and the time, date, and place of the conference.

6. **Preapplication conference issues.** At the preapplication conference, the applicant and the Preapplication Conference Committee shall discuss the proposed development and, based upon the information provided by the applicant and the provisions of this Code in effect at the time of the preapplication conference, determine in general what provisions of this Code and development review procedures apply to the proposed development. Review time may vary based on the simplicity or the complexity of a proposed project. The preapplication conference shall not be used to critique the design of the proposed development. For applications to modify development orders or applications for approval of site plans pursuant to an approved master plan or develop order issued pursuant to Ordinance 73-2, the Zoning Director shall determine what portions of the project shall be subject to this Code using the standards contained in Article 1. The County shall determine what County permits are required and the required sequence of approvals.

All non-subdivision projects shall be reviewed for the requirement to submit a boundary plat when there is a possibility the proposed development will include any of the following: multiple access, preservation/conservation areas, water management tracts, shared parking, shared stormwater facilities, or other infrastructure. The County Engineer shall determine at preapplication conference if recordation of a boundary plat shall be required, pursuant to the procedures of Article 8, prior to the issuance of a building permit.

7. **Written Summary.** Within five (5) working days of the preapplication conference, the Zoning Director shall provide the applicant with a written summary of the preapplication conference. The written summary shall identify, based upon the information and materials provided by the applicant and the provisions of this Code in effect at the time of the preapplication conference, the provisions of this Code and development review procedures that generally apply to the proposed development. The Zoning Director and Palm Beach County staff shall use the summary of the preapplication conference and the General Application submission to create a tracking form which shall be used to monitor the proposed development through to its last necessary development order.

D. Threshold Review.**1. General.**

- a. **Purpose.** The purpose of threshold review is to provide information to the applicant and the County on the carrying capacity of the land prior to site design. In this way, project limitations and opportunities resulting from the land's environmental characteristics, public facility capacity, and allowable density or intensity will be understood prior to site design.
- b. **Procedure.** Prior to, simultaneous with, or subsequent to submission of the General Application submission and completion of the mandatory preapplication conference, but prior to submission of the initial application for development permit, a Threshold Review shall be completed pursuant to the procedures and standards of this section. Applications for site specific Comprehensive Plan amendments, official Zoning Map amendments, special permits, variances, or building permits not subject to DRC approval do not require threshold determination. Modifications to previously approved development orders do not require threshold review if:
 - (1) The project has a valid certificate of concurrency reservation or exemption; and
 - (2) The modification has no new public facilities demands, no increase in intensity or density, and no impact on the natural environment.

2. **Submission of application.** An application for Threshold Review shall be submitted to the Zoning Director along with a non-refundable application fee that is established by the Board of County Commissioners from time to time to defray the actual cost of processing the application.

3. **Contents of application.** The application shall be submitted in a form established by the Zoning Director and made available to the public and shall include:

- a. The information required in the General Application submission.
- b. Except for an amendment to the Official Zoning Map, evidence that an application for an Adequate Public Facilities Determination or a Certificate of Concurrency Reservation has been submitted pursuant to Art. 10, Adequate Public Facilities Standards.
- c. The data and materials needed to conduct an Environmental Evaluation, including but not limited to:

- (1) An aerial photograph of the land proposed for development at a maximum scale of 1" = 200';
 - (2) A quadrangle map of the land proposed for development;
 - (3) A copy of the FEMA maps or flood zone certification by a registered surveyor or engineer of the land proposed for development;
 - (4) A soils map of the land proposed for development; and
 - (5) Information sufficient to judge compliance with ECR I and ECR II.
- d. Requested density for the project and, if relevant, information sufficient to judge whether the applicant would qualify for participation in a special density program such as a Traditional Neighborhood District (TND), a Transfer of Development Rights program or a Voluntary Density Bonus Program.
 - e. A recorded warranty deed or other proof of ownership acceptable to the County Attorney.
 - f. Consent forms.
 - g. Any other materials or information the Zoning Director determines is necessary to conduct the Threshold Review.
4. **Determination of sufficiency.** The Zoning Director shall determine if the application is complete and includes data necessary to evaluate the application within four (4) working days of its receipt.
- a. If the Zoning Director determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within twenty (20) working days, the application shall be considered withdrawn.
 - b. When the application is determined complete, the Zoning Director shall prepare and post a list of complete applications, thereby indicating that the applications are ready for review pursuant to the procedures and standards of this section.

5. Review and decision of ERM, PBCPHU, and Planning Director.

- a. **General.** Within three (3) working days after the Zoning Director determines the application is sufficient, the relevant portions of the application shall be forwarded to the Director of ERM and the County Health Director, and the Adequate Public Facilities and density components of the application shall be forwarded to the Planning Director. If during the review of the application, the Planning Director, Director of ERM, or the County Health Director determine the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within twenty (20) working days, the application shall be considered withdrawn.
- b. **Environmental Evaluation.** Within fifteen (15) working days of receipt of the Environmental Evaluation component of the application, the Director of ERM and the County Health Director shall submit an Environmental Evaluation to the Zoning Director. The Environmental Evaluation shall determine, based upon the information provided by the applicant, whether or not and to what extent it reasonably appears the proposed development is subject to Art. 9, Environmental Standards, including but not limited to the wellfield protection standards, the wetland protection standards, the environmentally sensitive land standards, the sea turtle protection standards, the coastal protection standards, and Secs. 7.10 and 7.11, the Environmental Control Rules I and II.
- c. **Adequate Public Facilities.** Within fifteen (15) working days of receipt of the adequate public facilities component of the application, the Planning Director shall notify the Zoning Director whether an appropriate application has been submitted that complies with application requirements of Art. 11, Adequate Public Facility Standards.
- d. **Density Determination.** Within fifteen (15) working days, the Planning Director shall certify that the density proposed in the development is consistent with the Comprehensive Plan. If the proposed development includes participation in any special density bonus program, it may be delayed to verify eligibility to qualify for the requested density and seek approval from any applicable agency or board.

6. **Issuance of Certificate of Threshold Review.** Within two (2) working days of receipt of the Environmental Evaluation from the Director of ERM and the County Health Director, and notification from the Planning Director that an appropriate application has been submitted that complies with the application requirements of Art. 11, Adequate Public Facility Standards, and that the density of the proposed development is consistent with the Comprehensive Plan, a Certificate of Threshold Review shall be issued by the Zoning Director. Receipt of a Certificate of Threshold Review shall mean that the applicant has completed an Environmental Evaluation and that the appropriate application has been submitted to the Planning Director to initiate review pursuant to Art. 11, Adequate Public Facility Standards. For the purpose of applying for a development permit, a Certificate of Threshold Review shall remain valid for either one (1) year from the date of issuance of the certificate provided the project does not change or the life of the review process, whichever is greater.

- E. **Applications for Development Permits.** Staff shall accept complete applications for development permits for land development activities regulated by this Code. Unless otherwise specified in each section describing particular development review procedures, applications for development permits require sufficiency certification by the Development Review Committee prior to being agendaed for a public hearing or meeting or proceeding to the subsequent step in the development review process.

- F. **Public Hearing procedures for application for development permit.**
 1. **General.** For each type of development permit governed by this Code, the County official responsible for the permit shall create an application form and set the appropriate fee to cover the cost of processing the application.

 2. **Setting the hearing.** When the County official responsible for reviewing the application determines that an application for a development permit is sufficient and that a public hearing is required by this Code, the County official shall consult with the decision making bodies required to conduct the hearing and shall select a place and time certain for the required hearing, and shall cause the public hearing to be scheduled.

 3. **Examination and copying of application and other documents.** At any time upon reasonable request, and during normal business hours, any person may examine an application for development permit and materials submitted in support of or in opposition to an application for development permit in the offices of the County official responsible for reviewing the application. Copies of such materials shall be made available at the fee permitted by law.

4. **Conduct of hearing.**

- a. **Oath or affirmation.** Testimony and evidence shall be given under oath or by affirmation to the body conducting the hearing.
- b. **Rights of all persons.** Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Anyone representing an organization shall present evidence of their authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of an organization, state the name and mailing address of the organization.
- c. **Due order of proceedings.** The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. The order of the proceedings shall be as follows:
 - (1) The County official responsible for reviewing the application shall present a narrative and graphic description of the application for development permit.
 - (2) The County official responsible for reviewing the application shall present a written and oral recommendation, including any report prepared, if relevant. This recommendation shall address each factor required to be considered by this Code prior to approval of the application for development permit. The recommendation of the County official, if relevant, shall be made available to the applicant at least five (5) working days prior to the public hearing.
 - (3) The applicant shall present any information the applicant deems appropriate.
 - (4) Public testimony shall be heard.
 - (5) The Zoning Director, the Executive Director of PZB, the County Engineer, the Director of ERM, the County Health Director, the County Attorney, and any other County staff may respond to any statement made by the applicant or any public comment.
 - (6) The applicant may respond to any testimony or evidence presented by the County staff or public.

- d. **Testimony.** In the event any testimony or evidence is excluded as irrelevant, immaterial or unduly repetitious, the person offering such testimony or evidence shall have an opportunity to make a proffer in regard to such testimony or evidence for the record. Such proffer shall be made at the public hearing.

- e. **Continuance of public hearing or meeting.** The body conducting the public hearing or meeting may, on its own motion or at the request of any applicant, continue the public hearing or meeting to a fixed date, time and place. An applicant shall have the right to request and be granted one (1) entitlement continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. Any request for continuance shall be submitted in writing five (5) working days prior to the hearing and shall extend the hearing no longer than to the next subsequent hearing. In addition to the entitlement continuance, no application for a development shall be continued greater than six (6) months.

- f. **Withdrawal of application.** An applicant shall have the right to withdraw an application for development permit at any time prior to the final action on the application by the decision making body. Requests for withdrawal received by the Zoning Director five (5) working days prior to the meeting shall be granted without prejudice as a matter of right. Applicants shall not be entitled to the return of application fees. Thereafter, the governing body may accept the withdrawal without prejudice or with prejudice. With prejudice bars the filing of a successive application which is not materially different, as defined in section 5.1.J.1, for one (1) calendar year.

- g. **Record.**
 - (1) The body conducting the public hearing shall record the proceedings by any appropriate means, including an audio record or transcription. A copy of the public hearing record may be acquired by any person upon application to the Executive Director of PZB, and payment of a fee to cover the cost of duplication of the audio record, tape or transcription, whichever is appropriate.

 - (2) The record of oral proceedings, including testimony and statements of personal opinions, the minutes of the Secretary, all applications, exhibits and papers submitted in any proceeding before the decision-making body, the report and recommendation of the County official responsible for making the recommendation, or other member of the County staff, and the decision and report of the decision making body shall constitute the record.

- (3) All records of decision making bodies shall be public records, open for review or inspection at the PZB Department during normal business hours upon reasonable notice.
- (4) It is the responsibility of any person appealing a decision of any body conducting a public meeting or hearing pursuant to this Code, to ensure a verbatim record of the proceeding shall be made, including the testimony and evidence on which the appeal is to be based.

G. Actions by decision-making persons and bodies.

- 1. **General.** All decision-making persons and bodies shall act in accord with the time limits established in this Code. Action shall be taken as promptly as possible in consideration of the interests of the citizens of Palm Beach County.
- 2. **Findings.** All decisions shall be in writing and shall include at least the following elements:
 - a. A summary of the information presented before the decision making body;
 - b. A summary of all documentary evidence submitted into the record to the decision making body and which the decision making body considered in making its decision;
 - c. A statement of specific findings of fact and a statement of the basis upon which such facts were determined, with specific reference to the relevant standards set forth in the Comprehensive Plan and this Code; and
 - d. A statement of approval, approval with conditions, or denial.
- 3. **Notification.** Notification of a decision-making body's decision shall be provided by the County official responsible for reviewing and processing the application to the applicant. A copy of the decision shall also be made available to the applicant at the PZB Department, the office of DEPW, or the ERM Department, whichever is appropriate, during normal business hours, within a reasonable period of time after the decision.

H. Development Order Amendments.

1. **General.** Several sections of this article provide criteria to determine whether or not staff may approve minor amendments to previously approved development orders. Proposed amendments which do not qualify for staff approval shall be submitted and considered based on the applicable development review procedures stated herein, except that certain amendments may be considered in an Expedited Application Consideration process.

2. **Expedited Application Consideration.** It is the intent of this subsection to provide for a fast consideration and review process for certain minor development order amendment proposals. These amendments are ones which fail to meet the criteria for staff review and approval or denial, or by law must return to the body which issued the development order for the project. These amendments have no impact on surrounding property. It is the finding that because of the minor nature of these projects, one or more of the development review steps are unnecessary. Examples of amendments likely to be adequately reviewed in an expedited application consideration process include deletion of land area where the resultant land area may or may not require rezoning, condition modification, corrective resolutions, and reclassification of land use zones in planned development districts.
 - a. **Criteria.** Applications shall meet the following criteria in order to be reviewed, approved, approved with conditions, or denied in an expedited application consideration process. All of the following criteria shall be met to participate in an expedited consideration process:
 - (1) Approval of the Zoning Director and the County Engineer shall be obtained. The Zoning Director and the County Engineer shall consult with any other department responsible for the conditions and review and approve or deny the request to obtain expedited consideration based on compatibility of the request with the area surrounding the proposal and, if a portion of a large development, on the area surrounding the development. The magnitude of the change requested shall also be considered. The County Engineer and the Zoning Director shall only permit expedited consideration for proposals which have minimal site design impact, no increase in impacts beyond the project's boundary and which, if approved, will be compatible with surrounding areas;
 - (2) The proposed application, if approved, will not increase intensity or density of the project;
 - (3) Evidence of compliance with all conditions of development approval required to be satisfied to date is provided by the applicant;

- (4) No change to the threshold certificate, except alternation of legal description, shall occur;
- (5) The proposed amendment is not made to the land area within a Development of Regional Impact (DRI); and
- (6) Any impacts shall be internal to the project or area applying for modification.

b. **Procedures.** After approval of the County Engineer and the Zoning Director to participate in an expedited application consideration process, the application shall be submitted and review pursuant to the applicable development approval procedure, except that:

- (1) No new threshold certification shall be required; and
- (2) The proposal for modification to a class "A" conditional use or planned development district may proceed directly to the Board of County Commissioners after the application is certified by the Development Review Committee.

I. **Consolidated applications.** To the extent practicable, applications for development permits may be consolidated for review pursuant to an agreement between the applicant and the Zoning Director as part of the preapplication conference. When applications for development permits are consolidated pursuant to this section, the time periods for review shall be no less than those established for the application for development permit with the longest review period.

J. **Successive applications.**

- 1. **Application for development permit.** Whenever any application for a development permit is denied, an application for a development permit for all or a part of the same land shall not be considered for a period of one (1) year after the date of denial unless the subsequent application involves a development proposal that is materially different from the prior proposal, or unless the person or a majority of the members of the decision making body that made the final decision on the application determines that the prior denial was based on a material mistake of fact. For the purposes of this section, an application for a development permit shall be considered materially different if it involves a change in use, or a change in intensity or density of use of twenty five (25) percent or more. The body charged with conducting the initial public hearing under such successive application shall resolve any question concerning the similarity of a second application or other questions that may develop under this section.

- 2. **Site Specific (Future Land Use Atlas) amendment to comprehensive plan.**
Whenever an application for a Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan is denied, an application for a Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan for all or a portion of that land shall not be considered for two (2) years after the decision.

- K. **Suspension of development review proceedings.** In the discretion of the Executive Director of PZB, any application for a development permit may be suspended during the pendency of a code enforcement proceeding pursuant to Art. 14, Enforcement Proceedings and Penalties, involving all or a portion of the land proposed for development, if it is demonstrated that continuation of development review processing could be adverse to the public interest.

- L. **Violation of condition of development order.** A violation of any condition of any development order shall be considered a violation of this Code and shall be rectified prior to any public hearing or meeting on the issuance of any subsequent development order or permit. Unless otherwise specified in the development order, an approved use must comply with all conditions prior to implementing the approval.

- M. **Misrepresentation.** If there is evidence that an application for a development order was considered wherein there was misrepresentation, fraud, deceit, or a deliberate error of omission, the County shall initiate a rehearing to reconsider the development order. The County shall re-approve, approve with new conditions, or deny the development order at the rehearing based on the standards in this Article. If evidence of misrepresentation or neglect is discovered during the application review and approval process, the application shall be decertified and remanded to sufficiency review.

SEC. 5.2 SITE SPECIFIC (FUTURE LAND USE ATLAS) COMPREHENSIVE PLAN AMENDMENTS.

- A. **Purpose.** The purpose of this section is to provide a means for changing the boundaries or designations of the Future Land Use Atlas of the Comprehensive Plan (Site Specific Comprehensive Plan amendment). It is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the Board of County Commissioners shall consider, in addition to the factors set forth in this section, the consistency of the proposed amendment with the intent of the Palm Beach County Comprehensive Plan, Treasure Coast Regional Policy Plan, State of Florida Comprehensive Growth Management Plan, Chapter 163, F.S., and Rule 9J-5 FAC.

- B. **Authority.** The Board of County Commissioners may amend the boundaries or designations of the Future Land Use Atlas of the Comprehensive Plan upon compliance with the provisions of this section.

- C. **Initiation.** Amendments may be proposed by the Board of County Commissioners, the Executive Director of PZB, or the owner or another person having a contractual interest in land to be affected by a proposed amendment, or their agent with submission of appropriate consents.
- D. **Procedure.**
1. **Preapplication conference.** A potential applicant for a Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan may request in writing an optional preapplication conference with the Planning Director. Prior to the optional preapplication conference, the applicant shall provide to the Planning Director a description of the character, location and magnitude of the proposed amendment and any other information the potential applicant deems relevant. The purpose of the preapplication conference is to acquaint the potential applicant with the requirements for a Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan. The substance of the optional preapplication conference shall be recorded in a summary prepared by the Planning Director. The letter shall be mailed to the applicant by the Planning Director within seven (7) working days after the optional preapplication conference. The summary shall set forth the subjects discussed at the preapplication conference and the County's position in regard to the subject matters discussed.
 2. **Timing.** An application by a property owner for a Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan shall be accepted for review and processing once each year. That date shall be announced four (4) months in advance by the Board of County Commissioners. There shall be two (2) exceptions to this timing requirement. An amendment shall be considered at any time if it is directly related to a development of regional impact (DRI), including a substantial deviation for a DRI. A small scale development shall also be considered at any time if it is administered to promote a public purpose. Nothing in this section shall be deemed to require favorable consideration of the amendment solely because it is related to a development of regional impact or because it is a small scale development amendment. The Board of County Commissioners may initiate a Site Specific (Future Land Use Atlas) amendment at any time.
 3. **Submission of application.** An application for a Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan shall be submitted to the Planning Director along with a nonrefundable application fee that is established by the Board of County Commissioners from time to time to defray the actual cost of processing the application.
 4. **Contents of application.** The application shall be submitted in a form established by the Planning Director and made available to the public.

5. **Determination of sufficiency.** The Planning Director shall determine whether the application is sufficient and includes data necessary to evaluate the application prior to the closing date of the application window.
 - a. If it is determined that the application is not sufficient, written notice shall be sent to the applicant specifying the application's deficiencies. The Planning Director shall take no further action on the application until the deficiencies are remedied. The applicant shall be notified that for the application to be reviewed for that year, the application must be determined sufficient by the date established by the Planning Director for the review of Site Specific (Future Land Use Atlas) amendments to the Comprehensive Plan.
 - b. When the application is determined sufficient, the Planning Director shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this section. The Planning Director shall request additional information from the applicant when necessary pursuant to a determination of sufficiency in order to facilitate adequate review of the application.

6. **Review, report and recommendation by Planning Director.** If the application is determined sufficient (as long as it is determined sufficient by the date established by the Planning Director for the review of Site Specific (Future Land Use Atlas) amendments to the Comprehensive Plan), the Planning Director shall review the application, consult with other agencies, prepare a staff report (which incorporates the comments of the other agencies), and a recommendation of approval, approval with conditions, or disapproval based on the standards in Sec. 5.2.D.11. The Planning Director shall send a copy of the staff report to the applicant by mail on the day the staff report is completed, along with written notification of the time and place the application will be considered by the Land Use Advisory Board.

7. **Public hearings.**
 - a. The Land Use Advisory Board sitting as the Local Planning Agency shall hold at least one (1) public hearing on a proposed Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan, and make recommendations regarding the proposed amendments to the Board of County Commissioners. The Local Planning Agency public hearings shall be advertised by means of publication of a notice of the time, place and purpose of the public hearing at least twice in a newspaper of general circulation in the County, with the first publication not less than fourteen (14) days prior to the date of the hearing and the second to be at least five (5) days prior to the hearing.

- b. The Board of County Commissioners shall hold at least one (1) public hearing on a proposed Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan, prior to the proposed amendment's transmittal to DCA pursuant to Sec. 163.3184(3), Fla. Stat., for written comment. The transmittal public hearings shall be held on a weekday approximately seven (7) days after notice is published pursuant to this section. An intention to hold adoption public hearings shall be announced at the transmittal public hearing. The Planning Director shall, at the same time ten (10) copies of the proposed amendments are transmitted to DCA, transmit a copy to any other local government or governmental agency in the state that has filed a written request for a copy with the Executive Director of PZB, and paid a fee to defray the costs of mailing.
 - c. **Adoption public hearings.** Upon receipt of written comments from DCA on the proposed amendment, the Board of County Commissioners shall have sixty (60) calendar days to each hold at least one (1) more public hearing and adopt the proposed amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. Palm Beach County shall in writing invite DCA to participate in the public hearings held after written comments have been received from DCA. The public hearings held after Palm Beach County's receipt of DCA's written comments shall be on a weekday approximately five (5) working days after the day the notice for the public hearing is published.
8. **Notice.** Notice of a proposed amendment for any public hearing shall be provided by publication of advertisement, mailed notice and posting as pursuant to the terms of this section.
- a. **Advertisement.** If the proposed amendment changes the permitted uses of land or changes land-use categories, the required advertisement shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in Palm Beach County and of general interest and readership in the community, not one of limited subject matter or limited distribution, pursuant to Chapter 50, Fla. Stat. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) working days a week, unless the only newspaper in the county is published less frequently. The advertisement shall be in substantially the following form:

NOTICE OF CHANGE OF LAND USE

Palm Beach County proposes to change the use of land within the area shown in the map in this advertisement.

A public hearing on the proposal will be held on (date and time) at (place).

- b. **Mailing.** A courtesy notice of a proposed Plan Amendment shall be mailed to all owners of real property located within five hundred (500) feet of the periphery of the land to be affected by the requested change, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that when real property consists of a condominium, notice shall be given to the condominium association and all real property owners living in a building within five hundred (500) feet. If the area within five (500) feet is owned by the applicant or partner in interest, the five hundred (500) foot notification boundary shall be extended from these parcels. All property owners associations and cooperatives within this area shall also be notified. The notice shall state the substance of the proposal and shall set a date, time and place for the public hearing. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the first public hearing by depositing such notice in the mail by certified mail, return receipt requested, properly addressed and postage prepaid, to each owner as the ownership appears on the last approved tax roll. A copy of such notice shall be kept available for public inspection during regular business hours at the office of the Board of County Commissioners.

- c. **Posting.** The land subject to the application shall be posted with a notice of the public hearing on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) notice shall be posted for each five hundred (500) feet of property line along a public street. Notice shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public on each street side of the land subject to the application. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. The signs shall be removed after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.

- d. **Other.** The advertisement and mailed notice shall also contain a geographic location map that clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area. The advertisement shall also state the places within the boundary of Palm Beach County where the proposed amendment may be inspected by the public. The advertisement and mailed notice shall also advise that interested parties may appear at the meeting and be heard regarding the transmittal or adoption of the amendment.
9. **Action by the Land Use Advisory Board at the Local Planning Agency public hearing.** The Land Use Advisory Board sitting as the Local Planning Agency shall conduct a public hearing on the application pursuant to the procedures in Sec. 5.1.F. At the public hearing, the Local Planning Agency shall review the application, the staff report, the relevant support materials, and public testimony given at the hearings. At the close of the public hearing, the Local Planning Agency shall vote on its recommendations and findings based on the standards in Sec. 5.2.D.11.
10. **Action by Board of County Commissioners.**
- a. **Transmittal public hearing.** After the receipt of the recommendation of the Local Planning Agency, the Board of County Commissioners shall conduct one (1) transmittal public hearing on the application pursuant to the procedures in Sec. 5.1.F. At the public hearing, the Board of County Commissioners shall consider the application, the staff report, the relevant support materials, the recommendations of the Land Use Advisory Board sitting as the Local Planning Agency, and the public testimony given at the public hearing, and based on the standards in Sec. 5.2.D.11, and by an affirmative vote of a majority of its total membership, vote to approve, approve with conditions, or deny for transmittal the application. Failure of a majority of the total membership of the Board of County Commissioners to approve the transmittal of an application for a Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan at the public hearing shall be deemed a denial of the proposed Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan.
- b. **Adoption public hearing.** After receipt of the DCA comments on an application for a Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan, the Board of County Commissioners shall conduct at least one (1) adoption public hearing on the application. At the public hearing, the Board of County Commissioners shall consider the application, the staff report, the relevant support materials, the DCA comments, and the public testimony given at the public hearing, and based on the standards in Sec. 5.2.D.11, vote to adopt or not to adopt an ordinance making a Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan. A decision to adopt an ordinance making a Site Specific (Future Land Use

Atlas) amendment to the Comprehensive Plan shall require a majority vote of the total membership of the Board of County Commissioners.

11. **Standards.** The adoption of an ordinance to make a Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan, shall be based on one (1) or more of the following factors, and a demonstrated need to amend the Future Land Use Atlas, as long as the Comprehensive Plan maintains its internal consistency.
 - a. **Changed projections.** Changed projections (e.g., regarding public service needs) in the Comprehensive Plan or boundaries of the Future Land Use Atlas, including but not limited to amendments that would ensure provision of public facilities;
 - b. **Changed assumptions.** Changed assumptions (e.g., regarding demographic trends or land availability) in the Comprehensive Plan, including but not limited to the fact that growth in the area, in terms of the development of vacant land, new development, and the availability of public services has altered the character such that the proposed amendment is now reasonable and consistent with the land use characteristics;
 - c. **Data errors.** Data errors, including errors in mapping, vegetative types and natural features in the Comprehensive Plan;
 - d. **New issues.** New issues that have risen since adoption of the Comprehensive Plan;
 - e. **Additional detail or comprehensiveness.** Recognition of a need for additional detail or comprehensiveness in the Comprehensive Plan; or
 - f. **Data updates.** Data updates.

SEC. 5.3 OFFICIAL ZONING MAP AMENDMENTS.

- A. **Purpose.** The purpose of this section is to provide a means for changing the boundaries of the Official Zoning Map and applying the special provisions of overlay districts, except that Planned Development boundary changes shall be approved pursuant to the procedures and standards of Sec. 6.8, Planned Development District Regulations. This section is not intended to relieve particular hardships, or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the Board of County Commissioners shall consider, in addition to the factors set forth in this section, the consistency of the proposed amendment with the intent of the Comprehensive Plan.
- B. **Authority.** The Board of County Commissioners may amend the boundaries of the Official Zoning Map upon compliance with the provisions of this section.

- C. **Initiation.** An application for a development permit for an amendment to the Official Zoning Map may be proposed by the Board of County Commissioners, the Zoning Commission, the Executive Director of PZB, or the owner or another person having a contractual interest in the land affected by a proposed amendment, or their agent with submission of proper consents.
- D. **Procedure.**
1. **Preapplication Conference.** A preapplication conference is mandatory pursuant to Sec. 5.1.C, prior to the submission of the initial application for development permit for land, except for special uses and building permits. A potential applicant for an application for development permit for an amendment to the Official Zoning Map that has already completed a mandatory preapplication conference may request in writing an optional preapplication conference with the Zoning Director. Prior to the optional preapplication conference, the applicant shall provide to the Zoning Director a description of the character, location and nature of the proposed amendment, that information required in Sec. 5.1.C.3, and any other information the potential applicant deems relevant. The purpose of the preapplication conference is to acquaint the potential applicant with the requirements for an amendment to the Official Zoning Map. The substance of the optional preapplication conference shall be recorded in a summary prepared by the Zoning Director. The letter shall be mailed to the applicant by the Zoning Director within seven (7) working days after the optional preapplication conference. The summary shall set forth the subjects discussed at the preapplication conference and the County's position in regard to the subject matters discussed.
 2. **Submission of application.** An application for a development permit for an amendment to the Official Zoning Map shall be submitted to the Zoning Director along with a nonrefundable application fee that is established by the Board of County Commissioners from time to time to defray the actual cost of processing the application.
 3. **Contents of application.** The application shall be submitted in a form established by the Zoning Director and made available to the public. The application shall include a certificate of concurrency reservation or a certificate of concurrency exemption issued pursuant to Article 11 (Adequate Public Facilities Standards).
 4. **Determination of sufficiency.** The Zoning Director shall determine if the application is sufficient and includes data necessary to evaluate the application within five (5) working days of its receipt.
 - a. If it is determined that the application is not sufficient, written notice shall be delivered to the applicant specifying the deficiencies. The Zoning Director shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within twenty (20) working days, the application shall be considered withdrawn.

- b. If or when the application is determined sufficient, the Zoning Director shall place the application on the agenda of the next available hearing consistent with the Zoning Director's calendar.

5. Review, report and recommendation.

- a. Within twenty (20) working days after the application is determined sufficient, the Zoning Director shall review the application, consult with the other relevant County agencies about the application, and prepare a staff report (which incorporates the comments of the other agencies) recommending approval, approval with conditions, or disapproval based on the standards in Sec. 5.3.D.10.
- b. The Zoning Director shall make available a copy of the staff report to the applicant within three (3) working days from the date the staff report is completed.
- c. The public hearing on the application shall then be scheduled for the first available regularly scheduled Zoning Commission meeting by which time the public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and the Zoning Director.

6. Public hearings.

- a. Less than five (5) percent of land in unincorporated County. The Zoning Commission and the Board of County Commissioners each shall hold at least one (1) public hearing on a proposed amendment to the boundaries of the Official Zoning Map when that amendment would affect less than five (5) percent of the total land area in the unincorporated County.
- b. Five (5) percent or more of land in unincorporated County. The Zoning Commission shall hold one (1) public hearing and the Board of County Commissioners shall hold two (2) public hearings on a proposed amendment to the boundaries of the Official Zoning Map when the amendment would affect five (5) percent or more of the total land area of the unincorporated County. The Board of County Commissioners public hearings shall be held after 5:00 p.m. on a weekday. The first shall be held approximately seven (7) calendar days after the day the first advertisement for the public hearing is published. The second public hearing shall be held approximately two (2) calendar weeks after the first public hearing, and notice shall be published approximately five (5) calendar days prior to the public hearing. The day, time, and place which the second public hearing will be held shall be announced at the first public hearing.

7. **Notice.** Notice of the public hearing shall be made pursuant to the following standards.

a. **Less than five (5) percent of land in unincorporated County.**

- (1) **Publication.** There shall be published fifteen (15) calendar days in advance of the initial public hearing and approximately five (5) working days prior to the second public hearing on an application for development permit for a map amendment, a notice of such hearing in a newspaper of general circulation in Palm Beach County. The notice of the public hearing shall state the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.
- (2) **Mailing.** A courtesy notice of a proposed amendment to the boundaries of the Official Zoning Map affecting less than five (5) percent of the total land area of the unincorporated County shall be mailed to all owners of real property located within three hundred (300) feet of the periphery of the land to be affected by the requested change, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that when real property consists of a condominium, notice shall be given to the condominium association and all real property owners living in a building within three hundred (300) feet. If the area within three hundred (300) feet is owned by the applicant or partner in interest, then the three hundred (300) foot notification boundary shall be extended from these parcels. All property owners associations and cooperatives within this area shall also be notified. The notice shall state the substance of the proposal and shall set a date, time and place for the public hearing. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the first public hearing by depositing such notice in the mail by certified mail, return receipt requested, properly addressed and postage prepaid, to each owner as the ownership appears on the last approved tax roll. A copy of such notice shall be kept available for public inspection during regular business hours at the office of the Board of County Commissioners. Certified, mailed notice shall be given to the property owner of the land proposed for the amendment. This notice shall be given at least thirty (30) days prior to the hearing before the Board.

- (3) **Posting.** The land subject to the application shall be posted with a notice of the public hearing on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) notice shall be posted for each one hundred (100) feet of property line along a public street. For projects over five (5) acres, one (1) notice shall be posted for each five hundred (500) feet of property line. Notice shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public on each street side of the land subject to the application. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. The signs shall be removed after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.
 - (4) **Other notice.** Notice of all public hearings shall be mailed to all organizations, associations and other interested persons or groups that have registered with the Executive Director of PZB and paid an annual fee to defray the cost of mailing.
- b. **Five (5) percent or more of land in unincorporated County.**
- (1) **Publication.**
 - a. **General.** Notice of a proposed amendment to the Official Zoning Map affecting five (5) percent or more of the total land area of the unincorporated County shall be provided by publication of advertisement.
 - b. **Form.** Advertisements of all required public hearings shall be no less than one-quarter (1/4) page in a standard size or a tabloid size newspaper, and the headline in the advertisements to be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in Palm Beach County and of general interest and readership in the community pursuant to Chapter 50, F.S., not one of limited subject matter or limited distribution. It is the intent that, whenever

possible, advertisements shall appear in a newspaper published at least five (5) days a week.

Advertisements for amendments to the Official Zoning Map shall be in the following form:

NOTICE OF ZONING CHANGE
Application No. _____

Palm Beach County proposes to rezone the land within the area shown in the map in this advertisement from (existing district) to (proposed district).

Public hearings on the proposal will be held on dates and times at (meeting places)

Advertisements for amendments to the text of this Code shall be in the following form:

**NOTICE OF ESTABLISHMENT OF CHANGE
OF A
REGULATION AFFECTING THE USE OF
LAND**

Palm Beach County proposes to adopt or change a regulation affecting the use of land for land in the area shown in the map in this advertisement.

A public hearing on the regulation affecting the use of land will be held on (date and time) at (meeting place).

Advertisements shall contain a brief explanation of the subject matter of the proposed ordinance or regulation and shall also contain a geographic location map that clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.

- (2) **Mailing.** In lieu of publishing the advertisements set out in Sec. 5.3.D.7.a.(1) or 5.3.D.7.b.(1), notices may be mailed to each person owning land within the area covered by the proposal. Such notice shall be pursuant to Sec. 5.3.D.7.a.(2) and shall clearly explain the proposal and shall notify the person of the date, time, place and location of the public hearing(s).
 - (3) **Other notice.** Notice of all public hearings shall be mailed to all organizations, associations and other interested persons or groups that have registered with the Executive Director of PZB and paid an annual fee to defray the cost of mailing.
8. **Action by Zoning Commission.** The Zoning Commission shall conduct a public hearing on the application pursuant to the procedures in Sec. 5.1.F. At the public hearing, the Zoning Commission shall consider the application, the staff report, the relevant support materials, and public testimony given at the hearing. After close of the public hearing, the Zoning Commission shall recommend to the Board of County Commissioners approval, approval with conditions, or disapproval of the application based upon the standards in Sec. 5.3.D.10.
9. **Action by Board of County Commissioners.**
- a. **Scheduling of public hearing(s).** After the review and recommendation of the Zoning Commission, the application shall be scheduled for consideration at a public hearing(s) by the Board of County Commissioners at the first available regularly scheduled public hearing by which time the public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and the Zoning Director.
 - b. **The public hearing(s).** At the public hearing(s), the Board of County Commissioners shall consider the application, all relevant support materials, the staff report, the recommendation of the Zoning Commission, and the testimony given and evidence introduced into the record at the public hearing(s).
 - c. **Decision.** At the conclusion of the final public hearing, the Board of County Commissioners shall decide to adopt or not to adopt the proposed amendment based on the standards in Sec. 5.3.D.10, thereby adopting a resolution enacting or denying a proposed amendment by not less than a majority of a quorum present. The resolution shall be filed with the Clerk of the Circuit Court.

10. **Standards.** In adopting a proposed amendment, the Board of County Commissioners shall consider the following factors, provided however, that in no event shall an amendment be approved that shall result in an incompatibility with the area in which the proposed development is located. Failure of any proposed amendment to meet any standard below shall be deemed adverse to the public interest and the amendment may not be approved.
- a. **Consistent with Comprehensive Plan.** Whether the proposed amendment is consistent with the Comprehensive Plan;
 - b. **Consistent with this Code.** Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code;
 - c. **Compatible with surrounding uses and zones.** Whether and the extent to which the proposed amendment is compatible as defined in this Code and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land. In making this finding, the Board may apply the appropriate zoning district;
 - d. **Changed conditions.** Whether and the extent to which there are any changed conditions that require an amendment;
 - e. **Effect on natural environment.** Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
 - f. **Development patterns.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern;
 - g. **Consistency with neighborhood plan.** Whether and to what extent the proposed district is consistent with applicable neighborhood plans, pursuant to the Comprehensive Plan; and
 - h. **Adequate public facilities.** The proposed rezoning complies with Article 11, Adequate Public Facilities.

E. Effect of approval of a map amendment.

- 1. **General.** Approval of a Map Amendment shall be deemed to authorize only the particular zone district for which it is approved. A Map Amendment shall run with the land.

2. **Time Limitations.** A rezoning shall be subject to the time limitations and review requirements of Sec. 5.8 of this Article.

F. **Appeal.**

Any affected person aggrieved by a decision of the Board of County Commissioners on an application for development permit for an amendment to the Official Zoning Map, may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, within thirty (30) calendar days of the date the zoning resolution is filed with the Clerk of the Circuit Court, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. If the challenge involves the consistency of the development order with the Comprehensive Plan, judicial relief shall be by the filing of a verified complaint with Palm Beach County pursuant to Sec. 163.3215, Fla. Stat.

SEC. 5.4 **CONDITIONAL USES.**

- A. **Purpose.** Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use, structures, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location.

B. **Authority.**

1. **Class "A" conditional uses.** The Board of County Commissioners, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a Class "A" conditional use after certification by the Development Review Committee and recommendation by the Zoning Commission.
2. **Class "B" conditional uses.** The Zoning Commission, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a Class "B" conditional use after certification by the Development Review Committee. The Zoning Commission's decision on a Class "B" conditional use may be appealed, pursuant to the standards and procedures in to Sec. 5.4.F.10.a. and b.

- C. **Initiation.** An application for a development permit for a Class "A" conditional use or Class "B" conditional use shall be submitted by the owner, or any other person having a written contractual interest in the land for which the conditional use is proposed, or their authorized agent.

D. **Preapplication conference.** A preapplication conference is mandatory pursuant to Sec. 5.1.C, prior to the submission of the initial application for a conditional use development permit . A potential applicant for an application for development permit for a Class "A" conditional use or a Class "B" conditional use that has already completed a mandatory preapplication conference for the proposed development may request in writing an optional preapplication conference with the Zoning Director. Prior to the optional preapplication conference, the applicant shall provide to the Zoning Director a description of the character, location and magnitude of the proposed development, that information required in Sec. 5.1.C.3, and any other information the potential applicant deems relevant. The purpose of the optional preapplication conference is to acquaint the potential applicant with the requirements for a Class "A" conditional use or a Class "B" conditional use, whichever is appropriate. The substance of the optional preapplication conference shall be recorded in a summary prepared by the Zoning Director. The letter shall be mailed to the applicant by the Zoning Director within seven (7) working days after the optional preapplication conference. The summary shall set forth the subjects discussed at the preapplication conference and the County's position in regard to the subject matters discussed.

E. **Class "A" conditional use.**

1. **Authorized Class "A" conditional use.** Only those uses that are authorized as Class "A" conditional uses in Table 6.4-1, Use Regulations Schedule, may be approved as Class "A" conditional uses. The designation of a use as a Class "A" conditional use in a district in Table 6.4-1, Use Regulations Schedule, does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Rather, each proposed Class "A" conditional use shall be evaluated by the Development Review Committee, the Zoning Commission, and the Board of County Commissioners for compliance with the standards set forth in this section and the applicable district.
2. **Submission of application.** An application for a development permit for a Class "A" conditional use shall be submitted to the Zoning Director along with a nonrefundable application fee that is established by the Board of County Commissioners from time to time to defray the actual cost of processing the application.
3. **Contents of application.** The application shall be submitted in a form established by the Zoning Director and made available to the public.
4. **Determination of sufficiency.** The Zoning Director shall determine if the application is sufficient and includes data necessary to evaluate the application within ten (10) working days of its receipt.

- a. If it is determined that the application is not sufficient, written notice shall be served on the applicant specifying the deficiencies. The Zoning Director shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within twenty (20) working days after it is determined sufficient, the application shall be considered withdrawn.
- b. If or when the application is determined sufficient, the Zoning Director shall place the application on the agenda of the next available hearing consistent with the Zoning Director's calendar.

5. Review and certification by DRC.

- a. Within seven (7) working days after the application is determined sufficient, staff of the Development Review Committee shall provide the applicant with a draft list of issues, if any, and then shall convene the Development Review Committee within three (3) working days of notification of issues to review the application and determine whether it should be certified. An application shall not be certified unless it meets the minimum standards for that use pursuant to Article 6 and Sec. 5.4.E.9. The decision by the Planning Director on whether to issue an Adequate Public Facilities Determination, a Certificate of Concurrency Reservation, a Certificate of Concurrency Reservation with conditions, or a Conditional Certificate of Concurrency Reservation, whichever is appropriate, pursuant to Art. 11, Adequate Public Facility Standards, shall be made prior to the Development Review Committee's decision on whether to certify an application. If a decision on adequate public facilities shall be delayed pursuant to the procedures and standards of Art. 11, Adequate Public Facilities Standards, the time for completion of the Development Review Committee decision shall be delayed so that the Planning Director's decision pursuant to Art 11, Adequate Public Facility Standards, is made prior to the Development Review Committee's decision on whether to certify the application. An application shall not be forwarded to the Zoning Commission for review until it has been certified by the Development Review Committee.
- b. At the Development Review Committee meeting, the Zoning Director shall advise the applicant of the Development Review Committee's decision and any steps necessary to comply with this Code and make available a copy of the decision to the applicant within three (3) working days of the day of the Development Review Committee's decision. An applicant shall be provided one (1) working day after DRC to satisfy any requirements without returning to a subsequent DRC meeting. If the applicant returns to a second or more DRC meeting, an additional fee as provided by law may be assessed.

- c. If the application is certified, the public hearing on the application shall then be scheduled for the first available regularly scheduled Zoning Commission meeting in accordance with the Zoning Director's established calendar and by the time the public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and the Zoning Director.
 - d. An appeal of a decision not to certify an application for a Class A Conditional Use may be made to the Board of County Commissioners using the form and procedures established by the Zoning Director.
6. **Public hearings.** The Zoning Commission and the Board of County Commissioners shall each hold at least one (1) public hearing on a weekday, on an application for development permit for a Class "A" conditional use.
- a. **Notice.** Notice of the public hearing shall be made, pursuant to the following standards.
 - (1) **Publication.** There shall be published fifteen (15) calendar days in advance of the initial public hearing and approximately five (5) working days prior to the second public hearing on an application for development permit for a Class "A" conditional use, a notice of such hearing in a newspaper of general circulation in Palm Beach County. The notice of the public hearing shall state the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.
 - (2) **Mailing.** A courtesy notice shall also be provided by certified mail, return receipt requested, to all owners of land within three hundred (300) feet of the periphery of the land subject to the application, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that when an owner of real property consists of a condominium, notice shall be given to the condominium association and all real property owners living in a building within three hundred (300) feet. If the area within three hundred (300) feet is owned by the applicant or partner in interest, then the three hundred (300) foot notification boundary shall be extended from these parcels. All property owners associations and cooperatives within this area shall also be notified. The notice shall state the substance of the application and shall set a time and place for the public hearing on such application. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the first public hearing on an application for a development permit.

- (3) **Posting.** The land subject to the application for development permit for a Class "A" conditional use shall be posted with a notice of the public hearing on a sign provided by the County at least fifteen (15) calendar days in advance of any public hearing. One (1) notice shall be posted for each one hundred (100) feet of property line along a public street. For projects over five (5) acres, one (1) notice shall be posted for each five hundred (500) feet of property line. Notice shall be set back no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public on each street side of the land subject to the application. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. The signs shall be removed after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.
7. **Review and recommendation by Zoning Commission.** The Zoning Commission shall conduct a public hearing on the application for development permit for a Class "A" conditional use pursuant to the procedures in Sec. 5.1.F. At the public hearing, the Zoning Commission shall consider the application, the relevant support materials, the Development Review Committee certification, and public testimony given at the hearing. If at any time during the public hearing the Zoning Commission determines that the application is based upon incomplete, inaccurate information or misstatements of fact, it may refer the application back to the Development Review Committee for further review and a revised staff report. After close of the public hearing, the Zoning Commission shall recommend to the Board of County Commissioners approval, approval with conditions, or disapproval of the application based upon the standards in Article 6 and Sec. 5.4.E.9.
8. **Public hearing before the Board of County Commissioners.**
- a. **Scheduling the hearing.** After the review and recommendation of the Zoning Commission, the Board of County Commissioners shall conduct a public hearing on the application pursuant to the procedures in Sec. 5.1.F

- b. **Public hearing.** At the public hearing, the Board of County Commissioners shall consider the application, the relevant support materials, the Development Review Committee certification, the Zoning Commission recommendation, and public testimony given at the hearing. An application for a development permit for a class "A" conditional use which fails to receive required rezoning shall be decertified. If at any time during the public hearing the Board of County Commissioners determines that the application is based upon incomplete, or inaccurate information or misstatements of fact, it may refer the application back to the Development Review Committee for further review and a revised staff report, or to the Zoning Commission for revised recommendations.
 - c. **Decision.** At the close of the public hearing, the Board of County Commissioners by not less than a majority of a quorum present shall approve, approve with conditions, or deny the application based on the standards in Secs. 5.4.E.9 and 5.4.E.10, and any standards specifically applicable to the use, as required in Art. 6, Zoning Districts, thereby adopting a resolution authorizing, authorizing with conditions or denying the proposed use. The resolution shall be filed with the Clerk of the Circuit Court.
9. **Standards applicable to all Class "A" conditional uses.** When considering an application for development permit for a Class "A" conditional use, the Board of County Commissioners shall consider the following factors. In no event, however, shall a Conditional Use Class "A" be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest.
- a. **Consistent with Comprehensive Plan.** The proposed Class "A" conditional use is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
 - b. **Complies with supplementary use standards.** The proposed Class "A" conditional use complies with all relevant and appropriate portions of Article 6;
 - c. **Compatibility.** The proposed Class "A" conditional use is compatible as defined in this Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;
 - d. **Design minimizes adverse impact.** The design of the proposed Class "A" conditional use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;

- e. **Adequate public facilities.** The proposed Class "A" conditional use complies with Art. 11, Adequate Public Facility Standards;
 - f. **Design minimizes environmental impact.** The proposed Class "A" conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
 - g. **Development patterns.** Whether and the extent to which the proposed development will result in logical, timely and orderly development patterns.
 - h. **Other relevant standards of Code.** The proposed Class "A" conditional use complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics.
 - i. **Consistency with neighborhood plans.** Whether and to what extent the proposed development is consistent with applicable neighborhood plans adopted pursuant to the Comprehensive Plan.
10. **Conditions.** The Development Review Committee and Zoning Commission may recommend, and the Board of County Commissioners may impose, such conditions in a development order for a Class "A" conditional use that are necessary to accomplish the purposes of the Comprehensive 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 and location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration of the permit, and hours of operation. Conditions are not intended to repeat express Code provisions, but shall be included if conventional standards are inadequate to protect the public interest, surrounding land uses or if additional improvements are needed to facilitate a more graceful transition between different uses. Fixed time periods may be set for compliance with conditions and shall be governed by Sec. 5.8? of this Article.
11. **Effect of issuance of a development order for Class "A" conditional use.**
- a. **General.** Issuance of a development order for a Class "A" conditional use shall provide the property owner with the option to develop the use and, if used, shall be deemed to authorize only the particular site configuration which was approved pursuant to this Code. Permitted uses may occur in conjunction with or in place of the Class "A" conditional use. A development order for a Class "A" conditional use shall run with the land.

b. Time limitations.

- (1) Unless otherwise specified in the development order for the Class "A" conditional use, an application for a development permit for a Site Plan or Final Subdivision Plan shall be approved within twelve (12) months of the date of the approval of the development order for the Class "A" conditional use;
- (2) Development shall commence as provided for in Table 5.8-1 of this Code. Class "A" conditional uses shall be subject to the time limitation and review requirements of Sec. 5.8 of this Code;
- (3) Phased projects must include twenty-five (25) percent of the project's land area in the development of the first phase.

c. Subsequent development order(s). Development of the Class "A" conditional use shall not be carried out until the applicant has secured all other development orders required by this Code. A development order for a Class "A" conditional use shall not ensure that the development approved as a Class "A" conditional use shall receive subsequent approval for other applications for development permits unless the relevant and applicable portions of this Code are met.**12. Appeal.**

Any aggrieved or adversely affected person aggrieved by a decision of the Board of County Commissioners on an application for development permit for a Class "A" conditional use, shall apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, within thirty (30) calendar days of the date the resolution is filed with the Clerk of the Circuit Court, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. If the challenge involves the consistency of the development order with the Comprehensive Plan, judicial relief shall be by the filing of a verified complaint with Palm Beach County pursuant to Sec. 163.3215, Fla. Stat.

13. Minor deviations. Minor deviations from a development order for a Class "A" conditional use shall be approved by the Development Review Committee. Deviations in excess of the limits in this section shall be approved, approved with conditions, or denied by the Board. Minor deviations that are authorized are those that appear necessary in light of considerations not reasonably anticipated during the initial approval process. Minor deviations shall be limited to the following:

- a. The relocation of no more than twenty-five (25) percent of the total area indicated as being covered by structures to portions of the site not previously covered, as long as it complies with the standards of this Code. Specific uses shown on Conditional Use A site plans which were approved by the Board of County Commissioners may be relocated only through a Board approved revision to the site plan, unless the Board expressly permits relocation of the uses as a condition of approval;
 - b. Redesign or change in use, where there is no increase in total external traffic impact;
 - c. Redesign, where there is an increase in traffic impact, as long as the modification complies with Sec. 7.9, Traffic Performance Standards, and Art. 11, Adequate Public Facility Standards;
 - d. The reduction or relocation of areas set aside for community open space, provided that such changes do not result in a substantial change in the amount, configuration, or character of open space provided;
 - e. An increase of no more than five (5) percent in the total floor area of any building, provided that no increase shall exceed one thousand (1,000) square feet as long as it complies with the requirements of this Code, including Article 11, Adequate Public Facility Standards, except that in industrial zones increases up to fifteen hundred (1,500) square feet shall be permitted;
 - f. An overall increase of no more than five (5) percent in the total ground area covered by any building as long as it complies with the requirements of this Code, including Art. 11, Adequate Public Facility Standards; or
 - g. An overall increase of not more than five (5) percent of the height of any building as long as it complies with the requirements of this Code, including Art. 11, Adequate Public Facility Standards;
14. **Amendment to development order for Class "A" conditional use.** A development order for a Class "A" conditional use 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.

F. Class "B" conditional uses.

1. **Authorized Class "B" conditional use.** Only those uses that are authorized as Class "B" conditional uses in Table 6.4-1, Use Regulations Schedule, may be approved as Class "B" conditional uses. The designation of a use as a Class "B" conditional use in a district in Table 6.4-1, Use Regulations Schedule, does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Rather, each proposed Class "B" conditional use shall be evaluated by the Development Review Committee and the Zoning Commission for compliance with the standards and conditions set forth in this section and the applicable district.
2. **Submission of application.** An application for a development permit for a Class "B" conditional use shall be submitted to the Zoning Director along with a nonrefundable application fee that is established by the Board of County Commissioners from time to time to defray the actual cost of processing the application.
3. **Contents of application.** The application shall be submitted in a form established by the Zoning Director and made available to the public.
4. **Determination of sufficiency.** The Zoning Director shall determine if the application is sufficient and includes data necessary to evaluate the application within ten (10) working days of its receipt.
 - a. If it is determined that the application is not sufficient, written notice shall be delivered to the applicant specifying the deficiencies. The Zoning Director shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within twenty (20) working days, the application shall be considered withdrawn.
 - b. If or when the application is determined sufficient, the Zoning Director shall place the application on the agenda of the next available hearing consistent with the Zoning Director's calendar.
5. **Review and certification by DRC.**
 - a. Within seven (7) working days after the application is determined sufficient, the Development Review Committee shall provide the applicant with a draft list of issues, if any, and then shall convene within three (3) working days of notification of issues to review the application and determine whether it should be certified. An application shall not be certified unless it complies with the minimum standards for that use pursuant to Article 6 and Sec. 5.4.F.8. The decision by the Planning Director on whether to issue an Adequate Public Facilities Determination, a Certificate of Concurrency Reservation, a Certificate of Concurrency Reservation with conditions, or a Conditional Certificate of Concurrency Reservation, whichever is appropriate,

pursuant to Art. 11, Adequate Public Facility Standards, shall be issued prior to the Development Review Committee's decision on whether to certify the application. If a decision on adequate public facilities shall be delayed pursuant to the procedures and standards of Art. 11, Adequate Public Facilities Standards, the time for completion of the Development Review Committee's decision shall be delayed so that the Planning Director's decision pursuant to Art. 11, Adequate Public Facility Standards, is made prior to the Development Review Committee's decision on whether to certify the application. An application shall not be forwarded to the Zoning Commission for review until it has been certified by the Development Review Committee.

- b. At the Development Review Committee meeting, the Zoning Director shall advise the applicant of the Development Review Committee's decision and any steps necessary to comply with this Code and mail a copy of the decision to the applicant within three (3) working days of the day of the Development Review Committee's decision. Any applicant shall be provided one (1) working day after DRC to satisfy any requirement without returning to a subsequent DRC meeting. If the applicant returns to a second or more DRC meeting, an additional fee as provided for by law may be assessed.
 - c. If the application is certified, the public hearing on the application shall then be scheduled for the first available regularly scheduled Zoning Commission meeting by the time the public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and the Zoning Director.
 - d. An appeal of a decision not to certify an application for a Class "B" conditional use may be made to the Zoning Commission using the form and procedures established by the Zoning Director.
6. **Public hearings.** The Zoning Commission shall hold one (1) public hearing on an application for development permit for a Class "B" conditional use.
- a. **Notice.** Notice of the public hearing shall be made pursuant to the following standards.
 - (1) **Publication.** There shall be published, approximately fifteen (15) calendar days in advance of a public hearing on an application for development permit for a Class "B" conditional use, a notice of such hearing in a newspaper of general circulation in Palm Beach County. The notice of the public hearing shall state the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested

parties may appear at the public hearing and be heard with respect to the application.

- (2) **Mailing.** A courtesy notice shall also be provided by certified mail, return receipt requested, to all owners of land within three hundred (300) feet of the periphery of the land subject to the application, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that when an owner of real property consists of a condominium, notice shall be given to the condominium association and all real property owners living in a building within three hundred (300) feet. If the area within three hundred (300) feet is owned by the applicant or partner in interest, then the three hundred (300) foot notification boundary shall be extended from these parcels. All property owners associations and cooperatives within this area shall also be notified. The notice shall state the substance of the application and shall set a time and place for the public hearing on such application. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the first public hearing on an application for a development permit.
- (3) **Posting.** The land subject to the application for development permit for a Class "B" conditional use shall be posted with a sign of the public hearing at least fifteen (15) calendar days in advance of any public hearing. One (1) notice shall be posted for each one hundred (100) feet of property line along a public street. For projects over five (5) acres, one (1) notice shall be posted for each five hundred (500) feet of property line. Notice shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public on each street side of the land subject to the application. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. The signs shall be removed after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Zoning Commission.

7. **Public hearing before the Zoning Commission.**
- a. **Scheduling the hearing.** The Zoning Commission shall conduct a public hearing on a Class "B" Conditional use pursuant to the procedures in Sec. 5.1.F.
 - b. **Public hearing.** At the public hearing, the Zoning Commission shall consider the application, the relevant support materials, the Development Review Committee certification, and the public testimony given at the hearing. An application for a development permit for a class "B" conditional use which fails to receive required rezoning shall be withdrawn. If at any time during the public hearing the Zoning Commission determines the application is based upon incomplete, inaccurate information or misstatements of fact, it may refer the application back to the Development Review Committee for further review and a staff report.
 - c. **Decision.** At the close of the public hearing, the Zoning Commission shall by not less than a majority of a quorum present approve, approve with conditions, or deny the application based on the standards in Sec. 5.4.F.8, and any standards specifically applicable to the use as required in Art. 6, Zoning Districts, thereby adopting a resolution authorizing, authorizing with conditions, or denying the proposed use. The resolution shall be filed with the Clerk of the Circuit Court.
8. **Standards applicable to all Class "B" conditional use.** When considering an application for development permit for a Class "B" conditional use, the Zoning Commission shall consider the following factors. In no event, however, shall a Conditional Use Class "B" be approved which fails to meet any standard below. Failure to comply with any standard shall be deemed adverse to the public interest.
- a. **Consistent with Comprehensive Plan.** The proposed Class "B" conditional use is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
 - b. **Complies with supplementary use standards.** The proposed Class "B" conditional use complies with all relevant and appropriate portions of Article 6;
 - c. **Compatibility.** The proposed Class "B" conditional use is compatible as defined in this Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;

- d. **Design minimizes adverse impact.** The design of the proposed Class "B" conditional use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;
 - e. **Adequate public facilities.** The proposed Class "B" conditional use complies with Art. 11, Adequate Public Facility Standards;
 - f. **Design minimizes environmental impact.** The proposed Class "B" conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
 - g. **Development patterns.** Whether and the extent to which the proposed development will result in logical, timely and orderly development patterns.
 - h. **Other relevant standards of Code.** The proposed Class "B" conditional use complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics.
 - i. **Consistency with neighborhood plans.** Whether and to what extent the proposed development is consistent with applicable neighborhood plans adopted pursuant to the Comprehensive Plan.
9. **Conditions.** The Development Review Committee may recommend and the Zoning Commission may impose, such conditions in a development order for a Class "B" conditional use that are necessary to accomplish the purposes of the Comprehensive Plan and this Code to prevent or minimize adverse effects upon the public, the environment, and the neighborhood, and to ensure compatibility, including, but not limited to limitations on function, size, bulk and location, standards for landscaping, buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration, and hours of operation. Conditions are not intended to repeat express Code provisions, but shall be included if conventional standards are inadequate to protect the public interest, surrounding land uses or if additional improvements are needed to facilitate a more graceful transition between different uses. Fixed time periods may be set for compliance with conditions and shall be governed by section 5.8 of this Article.
10. **Appeal.**
- a. **General.** The applicant and, in cases where the Zoning Commission does not follow staff's recommendation for approval or denial, the Zoning Director may appeal any decision of the Zoning Commission on an application for development permit for a Class "B" conditional use to the Board of County Commissioners, by filing an appeal petition with the Zoning Director within ten (10) working days of the decision.

- b. **Automatic Appeal.** Any decision of the Zoning Commission shall be automatically appealed to the Board of County Commissioners when any person goes on record at the Zoning Commission hearing as opposing the proposed development. Specifically, an appeal is initiated by either submitting a letter of objection to the Zoning Commission prior to or at the hearing, or by making comments at the Zoning Commission hearing opposing the proposed development.
 - c. **Procedure.** The Board of County Commissioners shall consider the appeal petition within forty-five (45) working days of its filing. The Zoning Director shall notify the petitioner, applicant (if the petitioner is not the applicant) within ten (10) working days of the hearing and invite them to attend the hearing. At the hearing, the Board of County Commissioners shall provide the petitioner, the applicant (if the applicant is not the petitioner) and County staff an opportunity to present arguments and testimony. In making its decision, the Board of County Commissioners shall consider only the record before the Zoning Commission at the time of the decision, and the testimony of the petitioner, the applicant (if the petitioner is not the applicant) and County staff. The notice and hearing provisions for a class "A" conditional use shall govern the appeal.
 - d. **Standards.** The Board of County Commissioners shall reverse the decision of the Zoning Commission only if there is substantial competent evidence in the record that the decision failed to comply with the standards of Sec. 5.4.F.8.
11. **Effect of development order for a Class "B" conditional use.**
- a. **General.** Issuance of a development order for a Class "B" conditional use shall provide the property owner with the option to develop the use and, if used, shall be deemed to authorize only the particular site configuration and layout which was approved pursuant to this Code. Permitted uses may occur in conjunction with or in place of the Class "B" conditional use. A development order for a Class "B" conditional use shall run with the land.
 - b. **Time limitation.**
 - (1) Unless otherwise specified in the development order for the Class "B" conditional use, an application for a development permit for a Site Plan or Final Subdivision Plan shall be approved within twelve (12) months of the date of the approval of the development order for the Class "B" conditional use;

- (2) Development shall commence as provided for in Table 5.8-1 of this Code. Class "B" conditional uses shall be subject to the time limitations and review requirements of Sec. 5.8 of this Code;
 - (3) Phased projects must include twenty-five (25) percent of the project's land area in the development of the first phase.
- c. **Subsequent development order(s).** Development of the use shall not be carried out until the applicant has secured all other development orders required by this Code, and regional, state and federal approvals, if applicable. A development order for a Class "B" conditional use shall not ensure that the development approved as a Class "B" conditional use shall receive subsequent approval for other applications for development permits unless the relevant and applicable portions of the Code are met.
12. **Exhaustion of non-judicial remedies and judicial review.**
- a. **Exhaustion of non-judicial remedies.** Any person aggrieved by a decision of the Zoning Commission on an application for development permit for a Class "B" conditional use shall appeal the decision to the Board of County Commissioners as provided by this Code prior to applying to the courts for judicial relief.
 - b. **Judicial relief; petition for writ of certiorari.** After appeal of a development order for a class "B" conditional use to the Board of County Commissioners, as provided by this Code, any person aggrieved by the decision on an application for development permit for a Class "B" conditional use, may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. If the challenge involves the consistency of the development order with the Comprehensive Plan, judicial relief shall be by the filing of a verified complaint with Palm Beach County pursuant to Sec. 163.3215, Fla. Stat.
13. **Minor deviations.** Minor deviations from a development order for a Class "B" conditional use shall be approved by the Development Review Committee. Deviations in excess of the limits of this section shall be approved, approved with conditions, or denied by the Board of County Commissioners. Minor deviations that are authorized are those that appear necessary in light of considerations not reasonably anticipated during the initial approval process. Minor deviations shall be limited to the following:

- a. The relocation of no more than twenty-five (25) percent of the total area indicated as being covered by structures to portions of the site not previously covered, as long as it complies with the standards of this Code;
 - b. Redesign or change in use, where there is no increase in traffic impact;
 - c. Redesign, where there is increase in traffic impact, as long as the modification complies with Sec. 7.9, Traffic Performance Standards, and Art. 11, Adequate Public Facility Standards.
 - d. The reduction or relocation of areas set aside for community open space, provided that such changes do not result in a substantial change in the amount, configuration, or character of open space provided;
 - e. An increase of no more than five (5) percent in the total floor area of a non-residential building, provided that no increase shall exceed one thousand (1,000) square feet and as long as it complies with the standards of this Code, including Article 11, Adequate Public Facility Standards, except that in industrial zones increases up to fifteen hundred (1,500) square feet shall be permitted;
 - f. An overall increase of no more than five (5) percent in the total ground area covered by any non-residential building as long as it complies with the standards of this Code, including Article 11, Adequate Public Facility Standards; or
 - g. An overall increase of not more than five (5) percent of the height of any building as long as it complies with the standards of this Code, including Article 11, Adequate Public Facility Standards.
- G. Amendments to development order for Class "B" conditional use. A development order for a Class "B" conditional use 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.

SEC. 5.5 SPECIAL PERMIT USES.

- A. Purpose. Special permit uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use, buildings and structures, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location. These uses are generally temporary for a specified, fixed period of time.

- B. Authority.** The Zoning Director, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a special permit use after review by applicable agencies.
- C. Authorized special permit use.** Only those uses that are authorized as special permit uses in Table 6.4-1, Use Regulations Schedule and corresponding substantive regulations, shall be approved as special permit uses. The designation of a use as a special permit use in a district as shown in Table 6.4-1, Use Regulations Schedule, does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Rather, each proposed special permit use shall be evaluated by the Zoning Director for compliance with the standards and conditions set forth in this section and the applicable district.
- D. Initiation.** An application for a development permit for a special permit use shall be submitted by the owner, or any other person having a written contractual interest in the land for which the special permit use is proposed, or their authorized agent.
- E. Procedure.**
- 1. Submission of application.** An application for a development permit for a special permit use shall be submitted to the Zoning Director along with a nonrefundable application fee that is established by the Board of County Commissioners from time to time to defray the actual cost of processing the application.
 - 2. Contents of application.** The application shall be submitted in a form established by the Zoning Director and made available to the public.
 - 3. Determination of sufficiency.** The Zoning Director shall determine if the application is sufficient and includes data necessary to evaluate the application within three (3) working days of its receipt.
 - a.** If it is determined that the application is not sufficient, written notice shall be sent to the applicant specifying the deficiencies. The Zoning Director shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within ten (10) working days, the application shall be considered withdrawn.
 - b.** If or when the application is determined sufficient, the Zoning Director shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this section.
 - 4. Decision by Zoning Director.** Within ten (10) working days after the application is determined sufficient, the Zoning Director shall review the application and approve, approve with conditions, or deny the application based upon the standards in Sec. 5.5.E.5.

5. **Standards applicable to all special permit uses.** When considering an application for development permit for a special permit use, the Zoning Director shall consider whether and the extent to which:
- a. **Consistency with Comprehensive Plan.** The proposed special permit use is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan;
 - b. **Complies with supplementary use standards.** The proposed special permit use complies with all relevant and appropriate portions of Sec. 6.6, Supplementary Regulations;
 - c. **Compatibility.** The proposed special permit use is consistent with the character of the immediate vicinity of the land proposed for development;
 - d. **Design minimum adverse impact.** The design of the proposed special permit use minimizes adverse effects, including visual impact, of the proposed use on adjacent lands;
 - e. **Duration.** The length of time the proposed use will occur will minimize impacts.
 - f. **Health and sanitation.** The PBCPHU has determined that the proposed use complies with all relevant standards related to health and sanitation.
 - g. **Traffic considerations.** The County Engineer has determined the proposed use complies with all relevant transportation standards.
 - h. **Other relevant standards of Code.** The proposed special permit use complies with all additional standards imposed on it by all other applicable provisions of this Code.
 - i. **Compliance with adequate public facilities ordinance.** Permanent structures must comply with Article 11, Adequate Public Facilities Standards.
6. **Conditions.** The Zoning Director shall have the authority to impose such conditions in a development order for a special permit use that are necessary to accomplish the purpose of this section, this Code, and the Comprehensive Plan to prevent or minimize adverse effects upon the public and the neighborhood, including, but not limited to limitations on size, bulk and locations, standards for landscaping, buffering, lighting, adequate ingress, egress and other on-site improvements, duration, and hours of operation. Appeal of staff imposed conditions or a denial of the special permit shall be made to the Board of Adjustment after submitting the required fee and by using the form and procedures established by the Zoning Director.

7. **Mailing decision to applicant.** Within three (3) working days, the Zoning Director shall mail a copy of the Zoning Director's decision on the application to the applicant.

F. Exhaustion of non-judicial remedies and judicial review.

1. **Exhaustion of non-judicial remedies.** Except for a special permit for an adult entertainment establishment, any person aggrieved by a decision of the Zoning Director on an application for development permit for a special permit use shall appeal to the Board of Adjustment using the form and procedure established by the Zoning Director prior to applying to the courts for judicial relief using the standards and procedures in Article 2.
2. **In General: judicial relief; petition for writ of certiorari.** After appeal to the Board of Adjustment, any person aggrieved by a decision on an application for development permit for a special permit use, may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. If the challenge involves the consistency of the development order with the Comprehensive Plan, judicial relief shall be by the filing of a verified complaint with Palm Beach County pursuant to Sec. 163.3215, Fla. Stat.
3. **Judicial relief for applications for adult entertainment establishments.** An aggrieved party has the right to immediately appeal a denial of application sufficiency of a special permit, denial of a special permit or revocation or suspension of a permit for an adult entertainment establishment by a filing of a petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure.

SEC. 5.6 SITE PLAN OR FINAL SUBDIVISION PLAN.

- A. **Purpose.** A final Site Plan or Final Subdivision Plan review shall be required in accordance with the provisions of this section in order to ensure that the proposed development complies with the ULDC and to otherwise protect the public health, safety and general welfare of the citizens of Palm Beach County.
- B. **Applicability.**
 1. **General.** A Site Plan shall not be required when a Final Subdivision Plan is required for the same project, unless there are amendments to the development order, at which time the applicable provisions of this section shall apply. Submittal requirements for final Subdivision Plans shall be augmented to include graphic tabular information. A boundary plat may be required in addition to a Site Plan for commercial development that does not create any outparcel(s), pursuant to the standards in Sec. 5.1.C.6.

2. **Development requiring a Development Review Committee approved Site Plan.** All approved conditional or planned development district uses, all uses designated with a "D" in Table 6-4.1, all development in any overlay, CN, or CLO zone, all new construction that creates, meets or exceeds the thresholds in Table 6.4-2, any amendment to any previously approved master plan, or site plan, and any class "B" nonconforming use governed by Sec. 13.2.B.2.b. shall be required to obtain a development order for a site plan prior to approval for a development order for a building permit.
 3. **Development requiring a Development Review Committee approved final Subdivision Plan.** All subdivision of land for which a plat waiver has not been granted pursuant to Article 8 shall be required to receive a development order for a Final Subdivision Plan prior to submission to the Land Development Division for Plat or other approval required by Article 8 of this Code and pursuant to the procedures and standards of this section.
- C. **Preapplication conference.** A preapplication conference is mandatory or optional pursuant to Sec. 5.1.C, prior to the submission of the initial application. A potential applicant for an application for development permit for a Site Plan/Final Subdivision Plan that has already completed a mandatory preapplication conference or an applicant for a building permit subject to DRC site plan certification may request in writing an optional preapplication conference with the Zoning Director. Prior to the optional preapplication conference, the potential applicant shall provide to the Zoning Director a description of the character, location and magnitude of the proposed development, that information required in Sec. 5.1.C.3. and any other information the potential applicant deems relevant. The purpose of the preapplication conference is to acquaint the potential applicant with the requirements for the application for development permit for the Site Plan or Final Subdivision Plan. The substance of the optional preapplication conference shall be recorded in a summary prepared by the Zoning Director. The letter shall be mailed to the applicant by the Zoning Director within three (3) working days after the optional preapplication conference. The summary shall set forth the subjects discussed at the preapplication conference and the County's position in regard to the subject matters discussed.
- D. **Procedures.**
1. **Initiation.** An application for a development permit for Site Plan or Final Subdivision Plan may only be submitted by the owner, or any other person having a contractual interest in the land, or their authorized agent.
 2. **Submission of application.** An application for development permit for a Site Plan or Final Subdivision Plan shall be submitted to the Zoning Director along with a nonrefundable application fee that is established by the Board of County Commissioners from time to time to defray the actual cost of processing the application.

3. **Contents of application.** The application shall be submitted in a form established by the Zoning Director and made available to the public.
4. **Determination of sufficiency.** The Zoning Director shall determine if the application is sufficient and includes data necessary to evaluate the application within ten (10) working days of its receipt.
 - a. If it is determined that the application is not sufficient, written notice shall be served on the applicant specifying the deficiencies. The Zoning Director shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within twenty (20) working days, the application shall be considered withdrawn.
 - b. If or when the application is determined sufficient, the Zoning Director shall post a list of sufficient applications, thereby indicating that the applications are ready for review pursuant to the procedures and standards of this section.
5. **Action by DRC.** Within seven (7) working days after the application is determined sufficient, the Development Review Committee shall provide the applicant with a list of issues, if any, then shall convene within three (3) working days of notification of issues to review the application at a meeting and approve, approve with conditions or deny the application based on the standards in Sec. 5.6.D.6. No Site Plan or Final Subdivision Plan shall be certified until it meets all certification standards. Any applicant shall be provided with one (1) working day to satisfy any certification requirements without returning to the subsequent Development Review Committee meeting, however, shall be responsible for obtaining all necessary signature/sign-offs from all applicable DRC committee members. If the applicant returns to a second or more DRC meeting an additional fee as provided for by law may be charged. The decision of the Planning Director on whether to issue an Adequate Public Facilities Determination, a Certificate of Concurrency Reservation, a Certificate of Concurrency Reservation with conditions, or a Conditional Certificate of Concurrency Reservation, whichever is appropriate, pursuant to Article 11, Adequate Public Facility Standards, shall be issued prior to the Development Review Committee's decision on the application for development permit for Site Plan or Final Subdivision Plan. If an application for development permit is delayed pursuant to the procedures and standards of Art. 11, Adequate Public Facility Standards, the time for the Development Review Committee's recommendation shall be delayed so that the Planning Director's decision pursuant to Art. 11, Adequate Public Facility Standards, can be issued prior to the decision on the application for development permit for Site Plan or Final Subdivision Plan. At the Development Review Committee meeting, the Zoning Director shall advise the applicant of steps necessary to comply with this Code if the application is not certified. A copy of the decision shall be mailed to the applicant within three (3) working days of the day of the Development Review Committee's decision.

6. **Certification Standards.** A Site Plan or Final Subdivision Plan shall comply with all of the following standards:
- a. **Consistency with Comprehensive Plan.** The Site Plan or Final Subdivision Plan shall be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan.
 - b. **Adequate public facility standards.** The Site Plan or Final Subdivision Plan shall comply with Art. 11, Adequate Public Facility Standards.
 - c. **Environmental standards.** The Site Plan or Final Subdivision Plan shall comply with Art. 9, Environmental Standards.
 - d. **Site Development Standards.** The Site Plan or Final Subdivision Plan shall comply with Art. 7, Site Development Standards.
 - e. **Subdivision.** The Final Subdivision Plan shall comply with Sec. 8.12, Final Subdivision Plan, and all other relevant portions of Art. 8, Subdivision.
 - f. **Consistency with neighborhood plans.** Whether and to what extent the proposed development is consistent with applicable neighborhood plans.
 - g. **Other relevant standards of this Code.** The Site Plan or Final Subdivision Plan shall comply with the County's health, fire and building standards and all other relevant and applicable provisions of this Code.
7. **Conditions.** The Development Review Committee shall have the authority to impose conditions in a development order for a Site Plan or Final Subdivision Plan specifically as follows:
- a. Those conditions that are necessary to accomplish the provisions of this Code and to assure compatibility of the proposed development with surrounding land uses. Such conditions shall be limited to execution of unity of control or unity of title, location of uses on the site to minimize adverse off-site impacts and ensure on-site safety and compliance with Code requirements. Conditions shall not restrict land uses otherwise permitted by the Code, or required payment of any fees not otherwise required. Further, conditions may be imposed to provide road construction required to meet the Traffic Performance Standards. Site related conditions such as drainage improvements, turn lanes and signalization may be imposed. Conditions shall be reasonable, not be contrary to law, limited to on-site impacts, except for off-site public road or improvements or conveyances specifically attributable to the project's impact. Conditions shall not amend Board imposed condition, effect previously approved conditions, or exceed this Code.

- b. Those conditions that allow the landowner to proceed to the subsequent stage of development review, providing assurance that the condition will be met prior to issuance of the next development order; and
 - c. Conditions where the Code expressly allows terms of the Code to be waived, provided the proposed development meets those specific requirements for the waiver.
8. **Appeals.** Appeals of decisions of the Development Review Committee may be made to the Development Review Appeals Board after submitting the required fee and using the form and procedures established by the Zoning Director, pursuant to Article 2 of this Code.
9. **Mailing of decision.** The Zoning Director shall mail a copy of the Development Review Committee's decision to the applicant, within three (3) working days of the decision.
10. **Effect of development order for Site Plan or Final Subdivision Plan.**
- a. **General.** Issuance of a development order for a site plan or subdivision plan shall provide the property owner the option to develop the use and, if used, shall be deemed to authorize only the particular site configuration and layout which was approved pursuant to this Code. Permitted uses may occur in conjunction with or in place of the approved use. A development order for a site plan or a subdivision plan shall run with the land. The certified site plan or subdivision plan shall serve as the project's development order.
 - b. **Subsequent development orders.** Issuance of a development order for a Final Subdivision Plan shall be deemed to authorize the County Engineer to accept an application for technical compliance approval required pursuant to Art. 8, Subdivision. Issuance of a development order for a Site Plan shall be deemed to authorize the Building Director to approve an application for a building permit if other relevant portions of this Code and the Building Code are complied with by the application.

11. **Site Plan or Final Subdivision Plan general time limitation.** Unless otherwise specified in the development order for a class "A" or class "B" conditional use, or in the development order for a planned development district, a development order for a site plan or final subdivision plan shall be subject to the time limitations of Table 5.8-1 of this Code.
 12. **Minor deviations.** Minor corrections may be made from the development order for a site plan or final subdivision plan upon written approval of the Zoning Director or the Director of Land Development, as appropriate. Minor corrections or changes not significant enough to warrant Development Review Committee approval, require administrative approval to ensure that plans are updated and distributed to appropriate agencies. No changes or corrections may be made which contradict a Board imposed condition. Upon application of a letter explaining the need for corrections and payment of the fee established by the adopted fee schedule, minor corrections to a site plan may be made. Minor corrections include but are not limited to: a change in sign location, minor modifications to parking areas (such as the relocation or addition of a handicapped parking spaces), relocation of terminal islands to accommodate trees or utility lines, addition of phase lines that correspond to proposed plat or building construction and which are unrelated to traffic performance requirements, reduction in building footprint size, addition of small canopies, removal of excess parking for additional open space (i.e., not required by this Code), minor revisions to lot lines to be consistent with a recorded plat, temporary sales and construction trailers, and satellite dish location.
 13. **Amendments to development order for Site Plan or Final Subdivision Plan.** Except as provided above, a development order for a Site Plan or Final Subdivision Plan may be amended only pursuant to the procedures and standards established for its original approval.
- E. Exhaustion of non-judicial remedies and judicial review.**
1. **Exhaustion of non-judicial remedies.** Any person aggrieved by a decision of the Development Review Committee on an application for development permit for a Site Plan or Final Subdivision Plan shall appeal to the Development Review Appeals Board as provided by this Code prior to applying to the courts for judicial relief.
 2. **Judicial relief; petition for writ of certiorari.** After appeal to the Development Review Appeals Board, as provided by this Code, any person aggrieved by a decision regarding an application for development permit for a Site Plan or Final Subdivision Plan, may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. If the challenge involves the consistency of the development order with the Comprehensive

Plan, judicial relief shall be by the filing of a verified complaint with Palm Beach County pursuant to Sec. 163.3215, Fla. Stat.

SEC. 5.7 VARIANCES.

- A. **Purpose.** Variances are deviations from the terms of this Code that would not be contrary to the public interest when owing to special circumstances or conditions, the literal enforcement of the provisions of this Code would result in undue and unnecessary hardship.
- B. **Authority.** The Board of Adjustment, in accordance with the procedures, standards and limitations of this section shall approve, approve with conditions, or deny an application for development permit for a variance only to Art. 6 (except for Sec. 6.2, District Purposes and Table 6.4-1. Use Regulation Schedule), Article 7, Site Development Standards (except for Sec. 7.9, Traffic Performance Standards, and Secs. 7.10 and 7.11, the Environmental Control Rule I and II), and Art. 8, Subdivision, Platting, and Required Improvements after recommendation by the Zoning Director, or County Engineer, whichever is appropriate. The Board of Adjustment shall hear and decide appeals from interpretation or decisions of the Zoning Director or the County Engineer regarding provisions of this Code, unless otherwise provided for in this Code, pursuant to the procedures and standards in Article 2 of this Code.
- C. **Initiation.** An application for a development permit for a variance shall be submitted by the owner, an agent authorized in writing to act on the owner's behalf, or another person having a written contractual interest in the land for which the variance is proposed.
- D. **Procedure.**
1. **Submission of application.** An application for a development permit for a variance, except a variance to Art 8, Subdivision, shall be submitted to the Zoning Director along with a nonrefundable application fee that is established by the Board of County Commissioners from time to time to defray the actual cost of processing the application. An application for a development permit for a variance to Art. 8, Subdivision, shall be submitted to the County Engineer along with a nonrefundable application fee that is established by the Board of County Commissioners from time to time to defray the actual cost of processing the application.
 2. **Contents of application.** The application shall be in a form established by the Zoning Director or County Engineer, whichever is appropriate. Applications shall demonstrate compliance with Article 11, Adequate Public Facilities Standards.
 3. **Determination of sufficiency.** The Zoning Director or County Engineer, whichever is appropriate, shall determine if the application is sufficient and includes data necessary to evaluate the application within five (5) working days of its receipt.

- a. If the Zoning Director, or County Engineer, whichever is appropriate, determines that the application is not sufficient, a written notice shall be served on the applicant specifying the application's deficiencies. The Zoning Director or County Engineer, whichever is appropriate, shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within twenty (20) working days, the application shall be considered withdrawn.
 - b. If the Zoning Director or County Engineer, whichever is appropriate, determines the application is sufficient, the Zoning Director or County Engineer, whichever is appropriate, shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this section.
- 4. Review and recommendation by the Zoning Director, or County Engineer.**
- a. Within fifteen (15) working days after the application is determined sufficient, the Zoning Director or County Engineer, whichever is appropriate, and the other appropriate County Departments shall review the application and shall forward a staff report, including recommended findings of fact and conclusions of law, either recommending approval, approval with conditions, or disapproval of the application based upon the standards in Sec. 5.7.E. Prior to issuance of a staff report, the Zoning Director or County Engineer, whichever is appropriate, shall ensure that the application is in compliance with Art 11, Adequate Public Facility Standards. If the decision on adequate public facilities is delayed pursuant to the procedures and standards of Art. 11, Adequate Public Facilities Standards, the time for completion of the staff report shall be delayed so that the staff report is issued subsequent to the adequate public facilities decision.
 - b. The Zoning Director or County Engineer, whichever is appropriate, shall mail a copy of the staff report to the applicant within three (3) working days of its completion and a minimum of ten (10) working days prior to the public hearing.
 - c. The public hearing on the application shall then be scheduled for the first available regularly scheduled Board of Adjustment meeting, by which time the public notice requirements can be satisfied, or such time as it is mutually agreed upon between the applicant and Zoning Director or County Engineer, whichever is appropriate.
- 5. Public hearing.** The Board of Adjustment shall hold one (1) public hearing on an application for development permit for a variance. Notice of the public hearing shall be pursuant to the following standards.

- a. **Publication.** There shall be advertised public notice in a newspaper of general circulation published in the Palm Beach County at least fifteen (15) calendar days prior to the public hearing.
 - b. **Mailing.** Notice shall be sent by certified mail, return receipt requested, to all land owners within three hundred (300) feet of the periphery of the land subject to the application, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser, except that when an owner of real property consists of a condominium, notice shall be given to the condominium association and all real property owners living in a building within three hundred (300) feet. All property owners associations and cooperatives within this three hundred (300) foot area shall also be notified. If the area within three hundred (300) feet is owned by the applicant or partner in interest, then the three hundred (300) foot notification boundary shall be extended from these parcels. Such notice shall be given approximately fifteen (15) to thirty (30) calendar days prior to the date set for the public hearing.
 - c. **Posting.** The land subject to the application for a development permit for a variance shall be posted with a sign of the public hearing at least fifteen (15) calendar days in advance of any public hearing. One (1) notice shall be posted for each one hundred (100) feet of property line along a public street. For projects over five (5) acres, one (1) notice shall be posted for each five hundred (500) feet of property line. Notice shall be setback no more than twenty five (25) feet from the street. All signs shall be erected in full view of the public on each street side of the land subject to the application. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application. The signs shall be removed after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of Adjustment.
6. **Public hearing on application for variance.** The Board of Adjustment shall hold a public hearing on the application pursuant to the provisions established in Sec. 5.1.F. At the public hearing, the Board shall consider the application, the staff report, the relevant support materials, and the public testimony given at the public hearing. After the close of the public hearing, the Board of Adjustment shall approve, approve with conditions, or deny the application for development permit for variance pursuant to the standards of Sec. 5.7.E.

E. Standards.

1. **General.** In order to authorize any variance from the terms of this Code, the Board of Adjustment must find that:
 - a. **Special conditions and circumstances exist.** Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district;
 - b. **Not result of applicant.** Special circumstances and conditions do not result from the actions of the applicant;
 - c. **No special privilege conferred.** Granting the variance shall not confer upon the applicant any special privilege denied by the Comprehensive Plan and this Code to other parcels of land, buildings, or structures, in the same district;
 - d. **Literal interpretation constitutes unnecessary and undue hardship.** Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;
 - e. **Minimum variance.** Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure; and
 - f. **Consistent with Comprehensive Plan.** Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code.
 - g. **Not a use variance.** The approval of the variance would not permit to be established or re-established any use prohibited in that district.
 - h. **Not detrimental.** The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
2. **Supplemental standards of variances in flood hazard.** In addition, to authorize any variance in areas defined on the Flood Hazard Boundary Map (FHBM) as Flood Zone A, the following standards must be met.
 - a. There shall be no danger that materials may be swept onto other lands to the injury of others;

- b. There shall be no danger of life and property due to flooding or erosion damage;
- c. There shall be minimum susceptibility of the proposed facility and its contents to flood damage;
- d. The development subject to the variance shall be of some importance to the community;
- e. There are no alternative locations for the proposed development, that are not subject to flooding or erosion damage;
- f. The proposed development is compatible with existing and anticipated development;
- g. The proposed use is compatible and consistent with the Comprehensive Plan and floodplain management program for that area;
- h. There is safe access from the land in times of flood for ordinary and emergency vehicles;
- i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site will not destroy the development;
- j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges is minimal;
- k. There shall be within any designated floodway no increase in flood levels during the base flood discharge;
- l. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and in the instance of an historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
- m. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

- n. The base flood elevation and the elevation to which the structure with a variance is to be built shall be determined and the landowner shall provide a written statement recognizing that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - o. The variance shall be reported to the Federal Emergency Management Agency.
3. **Noise violations.** To authorize any variance to Sec. 7.8.D, Noise, only the following standards must be met.
- a. Additional time is necessary to alter the activity to comply with Sec. 7.8.D, Noise.
 - b. The activity, operation, or noise source will be of temporary duration and cannot be done in a manner that would comply with Sec. 7.8.D, Noise.
 - c. No reasonable alternative is available. Any variance granted pursuant to this section contains all conditions upon which the variance has been granted, including but not limited to the effective date, time of day, location, sound level, limit or equipment limitation and duration of the variance.
- F. **Conditions.** The Zoning Director or County Engineer, whichever is appropriate, may recommend, and the Board of Adjustment may impose, such conditions in a development order for a variance as are necessary to accomplish the goals, objectives and policies of the Comprehensive Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. Any violation of the variance or condition shall be a violation of this Code.
- G. **Administrative variance.** Notwithstanding the other provisions of Sec. 5.7, the Zoning Director shall issue two (2) types of administrative variance.
- 1. **Enlargement or expansion of minor nonconforming use.** The Zoning Director may issue an administrative variance for the enlargement, expansion, or rebuilding of a minor nonconforming use pursuant to Article 13, Nonconforming use, on one (1) occasion, provided that the extent of the improvement does not exceed ten (10) percent of the floor area of that individual structure.
 - 2. **Structural encroachments into setbacks of no more than five (5) percent.** The Zoning Director may also issue an administrative variance for structural encroachments into a setback of no more than five (5) percent of the setback if the structural encroachment does not enter an easement nor is greater than two (2) inches on a zero lot line zero side.

3. **Conditions.** The Zoning Director may impose such conditions in a development order for an administrative variance as are necessary to accomplish the goals, objectives and policies of the Comprehensive Plan and this Code, including but not limited to limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress.

H. Effect of development order.

1. **General.** Issuance of a development order for a variance shall be deemed to authorize only the particular use and site plan for which it is issued. A development order for a variance shall run with the land.
2. **Time limitation.** Unless otherwise specified in the development order for the variance, an application for a building permit shall be made within twelve (12) months of the date of the approval of the development order for the variance, or the development order for the variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, an extension of time for the variance or any condition thereof may be granted only by the Board of Adjustment for a period not to exceed six (6) months for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Zoning Director or County Engineer, whichever is appropriate, no later than twenty (20) working days prior to the date the development order is to expire. Failure to submit an application for an extension within the time limits established by this section shall render the development order for the variance null and void.
3. **Subsequent development order(s).** Development of the use shall not be carried out until the applicant has secured all other development orders required by this Code, and regional, state and federal approvals, if applicable. A development order for a variance shall not ensure that the development approved as a variance shall receive subsequent approval for other applications for development permits unless the relevant and applicable portions of this Code are met.

I. Appeal.

Any person aggrieved by a decision of the Board of Adjustment on an application for development permit for a variance, may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. If the challenge involves the consistency of the development order with the Comprehensive Plan, judicial relief shall be by the filing of a verified complaint with Palm Beach County pursuant to Sec. 163.3215, Fla. Stat.

- J. Amendment to development order for variance.** A development order for a variance may be amended only pursuant to the procedures and standards established for its original approval, or as is otherwise set forth in this section.

SEC. 5.8 COMPLIANCE WITH TIME LIMITATIONS.

A. General: Purpose and intent.

1. It is the intent of the Board of County Commissioners to provide for the public health, safety and welfare by establishing procedures for mandatory review of development approvals. Chapter 163, part II, Florida Statutes, entitled "Local Government Comprehensive Planning and Land Development Regulations Act" provides that all development regulations shall be consistent with the adopted comprehensive plan. Chapter 163 further provides that public facilities and services shall be available concurrent with the impacts of development. Pursuant to Chapter 163, the 1989 Palm Beach County Comprehensive Plan requires that the applicant for all development orders or permits must demonstrate that the necessary public facilities and services are available. To ensure the equitable distribution of facilities and services to proposed developments, it is necessary that developments which have reserved capacity proceed in the prescribed time. Systematic monitoring and subsequent review of approved development permits will help implement the goals within the comprehensive plan by:
 - a. Preserving the availability of public facilities and services for proposed development by removing capacity reserved for inactive development.
 - b. Minimizing the creation of an artificially inflated inventory of residential, commercial, and industrial development.
 - c. Enhancing the value and use of land in unincorporated Palm Beach County by identifying and providing a system to eliminate obsolete approvals which distort the official land use inventory.
 - d. Encouraging compliance with improved performance and site design standards by providing a system whereby approved, but unbuilt, developments are subject to periodic review.
2. It is the intent of the Board of County Commissioners to ensure compliance with the standards of this Code, conditions of development approvals and with specific time requirements for the completion of activities associated with said approvals or with this Code. The Board of County Commissioners recognizes that unforeseen factors may interfere with the established schedule. This section creates an administrative program to monitor and provide extensions for activities which must be completed within a certain time period pursuant to a development approval or pursuant to this Code.

3. The Board of County Commissioners recognizes that development is a complicated process. Despite efforts on the part of developers to proceed according to plans, unforeseen factors may interfere with the schedule of development and compliance with conditions of approval. Administrative reviews must be flexible enough to accommodate unforeseen circumstances. The review procedure created in this section establishes a flexible system for administrative review and monitoring of the progress of development and approval of time extensions.
4. To meet the intent of this section, the Board of County Commissioners may review development approvals issued prior to the adoption of this Code for compliance with the time requirements of this Code and for compliance with conditions of approval.
5. When the Board of County Commissioners or any provision of this Code has imposed a condition of development approval or time limit for the completion or duration of a specific activity or phase of development, the property owner shall be responsible for complying with the time limit.

B. Applicability.

1. This section shall apply to:
 - a. All development orders with a time requirement for completing any activity or the next step in the development process as required by conditions of approval or specific sections of this Code.
 - b. All development orders with conditions of approval. If a condition of development approval does not have a specific time for compliance, the condition and all minimum Code requirements shall be met prior to the time that impacts are generated from the project.
2. The following are exempt from this section:
 - a. Any development order for rezoning to the PO-Public Ownership District which does not have an approved conditional use.
 - b. Any development order initiated by staff at the direction of the Board of County Commissioners after a review pursuant to this section.
 - c. Developments of Regional Impact.
3. Effect of this section on Planned Unit Developments approved pursuant to the requirements of Section 500.21 of Ordinance 73-2, as amended. If on the effective date of this Code:

- a. A property owner has 1) received a time extension to record a plat, or 2) a review for such pending and an extension is subsequently approved, then prior to the expiration of the extension, an application for one additional time extension not to exceed twelve (12) months may be submitted by the property owner to the executive director or designee. The application shall then be subject to the requirements of this section, or
- b. Less than twelve months has elapsed since the adoption of the resolution which approved a Planned Unit Development, or amended the master plan for the Planned Unit Development, then the original one year due date to record the first plat shall be automatically extended for one year. Prior to the expiration of the automatic one year extension, one additional extension may be requested by the property owner as permitted by this section.

Upon expiration of any time extension granted under a. or b. above, or failure to apply for and receive a time extension, the Planned Unit Development shall be subject to the provisions of this section.

C. Procedures.

- 1. Suspension of development permits upon failure to comply with time requirement or failure to comply with condition of development approval.
 - a. Upon expiration of any time period established by this Code or for any failure to comply with a condition of development approval, no new development permits affecting the property shall be issued by Palm Beach County until a final determination is made by the executive director, or designee, or Board of County Commissioners pursuant to subsections C.2. and C.5. herein. There will be no suspension of development rights if the only recommendation in the status report to the Board of County Commissioners is to delete a condition of approval.
 - b. If the Board of County Commissioners:
 - 1) Permits the property owner to file a petition for a modification or a new petition, no new development permits shall be issued until the completion of the zoning process.
 - 2) Directs staff to cite the property owner for violating the provisions of the Code, no new development permits shall be issued until the alleged violation has been acted upon by the code enforcement board, and any penalty is satisfied.

- c. Upon the expiration of any time period or upon reasonable cause to believe that a condition of development approval has been violated, a document shall be filed with the clerk of the circuit court to be placed with the records governing title to the affected property except as provided in subsection C.1.a. herein. The document shall give record notice that:
 - 1) A condition of development has been violated or a time certain activity has not proceeded as required;
 - 2) A review of the project will be conducted pursuant to the terms of this section;
 - 3) Until the review is completed, no new development permits shall be issued by Palm Beach County; and,
 - 4) Such other information as may be reasonable and necessary to afford adequate record notice of the effect of this section on the rights of property owners.

- d. If the Board of County Commissioners or the executive director approves further development pursuant to subsection C.2. or C.5., herein, a second document shall be filed with the clerk of the circuit court to be placed with the records governing title to the property indicating:
 - 1) That the rights to develop have been restored; and,
 - 2) Such other information as may be reasonable and necessary to afford adequate record notice of the effect of this section on the rights of property owners.

This document shall only be recorded upon payment of all status report fees as established from time to time by the Board of County Commissioners.

2. Administrative extension of time.

- a. The owner of record, the current agent, or mortgagee demonstrating a secured interest in the property which is not being protected by the owner may file an application with the executive director of planning, zoning and building for an administrative extension of time. The application shall be made upon such forms and in such a manner, including payment of fees, as prescribed by the planning, zoning and building department.

- b. Upon the filing of an application for an administrative extension of time, the executive director, or other person designated by this Code, may grant an extension of time to comply with a requirement. A time extension shall commence upon the expiration of the date to comply with the time requirement, or the expiration of the last extension, whichever is applicable.

The maximum duration of an administrative time extension is as follows:

- 1) For each development order governed by this Code, the Code imposes unique time requirements, pursuant to subsection D., herein.
 - 2) Conditions of approval: Twelve (12) months. Subsequent applications may be filed; however, the total administrative extensions approved shall not exceed twenty-four (24) months except when government caused delays can be documented as the reason for failure to meet required deadlines. The executive director, or a designee, may grant such extensions as necessary to offset government caused delays, not necessarily equal to the time of delay. If the Board of County Commissioners has previously approved a time extension, any administrative extensions of time shall not extend more than twenty four (24) months from the original date for compliance except when there have been government caused delays.
- c. In reviewing applications for administrative time extensions for requirements other than conditions of approval, the executive director or designee shall determine whether there is documentation of efforts to comply with the requirement, or circumstances beyond the control and cause of the property owner, other than economic conditions, which have prevented compliance. If such documentation exists and the efforts or circumstances are deemed sufficient by the executive director or designee to warrant the granting of an administrative time extension, then the application shall be approved.
 - d. In reviewing applications for administrative time extensions for compliance with conditions of approval, the executive director, or designee, shall identify:
 - 1) Attempts by the applicant to complete the unfulfilled condition;
 - 2) The reliance by other parties on the timely performance of the activity;
 - 3) Any changed circumstances which may have interfered with the ability of the property owner to meet the time certain requirement;

- 4) Actions of other parties that may have precluded compliance;
 - 5) The existence of extraordinary mitigating factors.
- e. When the extension of time is for the payment of money, the amount due shall increase by an interest payment equal to twelve (12) percent a year. If the extension covers a period less than a year, then the interest shall be prorated.
 - f. When the executive director or designee approves an extension of time for completion of a time certain requirement, he/she may require the property owner to guarantee the completion by furnishing a cash deposit, letter of credit, or surety bond.
3. An appeal of a denial of an administrative time extension may be made to the Board of County Commissioners. An appeal shall be made upon forms and in such a manner, including payment of fees, as prescribed by the department within thirty (30) days of the mailing of the notice that the request for an administrative extension has been denied. The appeal shall be set on the zoning authority agenda within sixty (60) days of receipt by the department. The Board of County Commissioners shall either affirm the decision of the department or grant an extension of time. An extension of time may be granted only upon a finding by the Board of County Commissioners that the requirements of subsection C.2.c. or C.2.d., as appropriate, have been satisfied.
 4. Failure to comply with conditions or time requirements.
 - a. In the event that a property owner fails to comply with any time requirement and has not received a time extension or a property owner violates a condition of approval, staff shall advertise a status report public hearing for the agenda of the Board of County Commissioners or Zoning Commission. The hearing shall be held within ninety (90) days of the filing of the notice required by subsection C.1.a. herein. Staff may delay the scheduling of the status report public hearing if, prior to the most recent deadline for compliance, the property owner files for an amended or new development approval which may affect the time requirement. If the new petition is approved and the time requirement has not been affected, or if the petition is denied, staff will place the status report on a Board of County Commissioners' or Zoning Commission agenda within sixty (60) days.

b. The status report shall contain a description of the development approval, a summary of the background and current status of the development, a description of any uncompleted conditions or time certain requirements, and a recommendation to the Board of County Commissioners or Zoning Commission based on the criteria set forth in subsection C.2.c. herein for failure to comply with a time requirement, or C.2.d. herein for failure to comply with a condition of approval, as well as:

- 1) Consistency with the Palm Beach County Comprehensive Plan; and
- 2) The development's ability to meet current performance standards.

Staff shall make a recommendation for one (1) or more of the actions identified in subsection C.5.b. herein.

c. An administrative status report fee shall be established by the Board of County Commissioners in order to provide for this process.

d. Prior to consideration of the matter by the Board of County Commissioners or Zoning Commission, notice to the owner of record and advertisement of the proceedings shall occur in the following manner:

1) **Mail notice.** The owner of record shall be notified in writing of the executive director's status report and recommendation to the Board of County Commissioners or Zoning Commission. Written notice shall consist of a letter sent at least fourteen (14) calendar days prior to the hearing by certified mail, return receipt requested, to the last known address of the owner of record as it appears in the official records of the Palm Beach County Property Appraiser's Office. Proof of the receipt shall be presented at the hearing. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include:

- a) A statement that the time period has expired or that a condition of approval has been violated and that the development shall be subject to review;
- b) The executive director's recommendation to the Board of County Commissioners or Zoning Commission;
- c) A statement that review may result in one (1) or more of the actions identified in subsection C.5.b., herein;

- d) Notice of the date, time, and place of the hearing before the Board of County Commissioners or Zoning Commission, during which the report and recommendation of the executive director will be heard;
 - e) A statement of the owner's right to appear and to present relevant information to rebut or to supplement the report of the executive director; and
 - f) Such other information as may be necessary and appropriate to accomplish the goals of this section.
- 2) **Newspaper Publication.** In addition to the notice mailed to the owner of record, notice of the time, place and purpose of the hearing shall be published in a newspaper of general circulation in the area, with the first such publication at least fifteen (15) days prior to the date of the hearing and the second such publication at least five (5) days prior to the hearing. Proof of the required publication shall be presented at the hearing.

5. Decision by the Board of County Commissioners or Zoning Commission.

- a. The Board of County Commissioners or Zoning Commission shall consider the factors enumerated in subsection C.4.b., above, and the recommendation of the department.
- b. After deliberation, the Board of County Commissioners or Zoning Commission shall take one (1) or more of the following actions:
 - 1) Direct staff to submit to the Board of County Commissioners or Zoning Commission a resolution which will rezone the property to an appropriate zoning district.
 - 2) Direct staff to submit to the Board of County Commissioners or Zoning Commission a resolution which will revoke the approval for the conditional use or special exception.
 - 3) Direct staff to submit to the Board of County Commissioners or Zoning Commission a resolution which will impose a limit such that no development order shall be issued permitting construction which exceeds entitlement density or entitlement intensity. Entitlement density and entitlement intensity are established by the Palm Beach County Comprehensive Plan, Land Use Element.

- 4) Direct staff to submit to the Board of County Commissioners or Zoning Commission a resolution which will impose additional or modified conditions or permit the property owner to initiate a petition to add or modify conditions, as directed by the board. New or modified conditions may include bringing the development into conformity with current codes and regulations.
 - 5) Direct staff to cite the property owner for violating the provisions of this Code.
 - 6) Grant a time extension for a period not to exceed twelve (12) months during which time the property owner shall comply with the time requirement. 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. When the board approves an extension of time for the payments of fees, the amount due shall increase by an interest payment equal to twelve (12) percent a year. If the extension covers a period less than year, the interest shall be prorated.
 - 7) If a portion of a project is developed, and subsequent development orders have not been issued as required by this Code, the Board of County Commissioners or Zoning Commission can amend or revoke the development order or map amendment for the undeveloped portion of the project.
- c. If the Board of County Commissioners or Zoning Commission fails to act on staff recommendations within the prescribed time period, or if the executive director or designee grants an administrative time extension, the issuance of new development permits shall immediately resume.
 - d. The decision of the Board of County Commissioners or Zoning Commission shall be rendered within sixty-five (65) days of the public hearing, provided that the property owner has not requested a postponement of the matter. A postponement approved at the request of the property owner may not exceed twelve (12) months from the due date for compliance.
6. Expiration of time extensions granted by the Board of County Commissioners. In the event that the property owner has not complied with the condition of development approval or time certain activity at the expiration of a time extension, the development permit shall be subject to the requirements of subsections C.2., or C.4. and C.5. herein, as appropriate.

D. Supplementary regulations for classes of development permits.

1. General. For specific types of development approvals, this section:
 - a. Designates the next required development permit or action and minimum time period for receipt of permit or commencement of action;
 - b. Provides the maximum time to obtain a permit or commence action;
 - c. Provides the maximum length of an administrative time extension for commencing the next required action or receiving the next required development permit;
 - d. Designates the staff person who may approve an administrative extension of time; and
 - e. Provides for action upon failure to comply with the time requirement without an approved time extension.
2. Classes of development approvals. Unless otherwise established in the development order, the time frames provided in Table 5.8-1 apply. Permitted time frames do not change with successive owners.
3. Effect of phasing on time frames for receipt of a required permit or commencement of a required action.
 - a. Planned Unit Development Districts. The development order and master plan or final subdivision plan for the planned unit development may provide for phasing. If the development order specifies phasing, a master plan shall provide the order in which plats will be recorded. If there will be more than one phase, no more than two (2) years shall elapse between the recording of subsequent plats, unless an administrative extension of time is approved by the Executive Director pursuant to subsection C.2.c., herein. A maximum of one twelve (12) month extension of time may be approved for the recording of a plat for each phase.
 - b. Planned Development Districts other than Planned Unit Development Districts. The development order and final master plan for the planned development may provide for phasing. If the development order specifies phasing, a master plan shall provide a phasing order in which development will commence. If there will be more than one phase, no more than two (2) years shall elapse between the commencement of development for all of each phase, unless an administrative extension of time is approved by the Executive Director pursuant to subsection C.2.d. herein. A maximum of one

twelve (12) month extension of time may be approved for the commencement of development of all of each phase.

4. Effect of modification to a development order on the time requirement for receiving next required permit or commencement of required action.
 - a. Planned development district or conditional use:
 - 1) Administrative modification of site plan does not alter original time certain requirement.
 - 2) Modifications to development orders by the Board of County Commissioners may provide a new time to proceed if the modification is determined to be materially different as defined in Article 5.1.J.1.

TABLE 5.8-1

Time Limitations of First Development Permit

Type of Development Order	Next required action or development permit	Maximum time to receive development permit or commence development	Maximum length of administrative time extension	Staff person who may approve administrative time extension	Action upon failure to comply with time requirement without an approved time extension	
Rezoning to standard zoning district	Commence development ¹	two (2) years from resolution adoption date	twelve (12) months	PZB Executive Director	BCC review pursuant to subsections C.1 and C.5 herein	
Conditional Uses Class "A" and Class "B"	Commence development ¹ or Conditional Use	two (2) years from resolution adoption date	twelve (12) months	PZB Executive Director	Class "A": BCC Review pursuant to subsections C.4 and C.5 herein Class "B": Zoning Commission review pursuant to subsections C.4 and C.5 herein	
Planned Development District: Planned Unit Development	Record plat	two (2) years from resolution adoption date	one (1) year	PZB Executive Director	BCC review pursuant to subsections C.4 and C.5 herein	
Planned Development District: Non Planned Unit Development When:	Site plan certification or final subdivision certification	one (1) year from resolution adoption date	six months	PZB Executive Director	BCC review pursuant to subsections C.4 and C.5 herein	
	If site plan was certified or	Commence development ¹	one (1) year from site plan certification date	one year	PZB Executive Director	BCC review pursuant to subsections C.4 and C.5 herein
	If final subdivision plan is certified	Commence development ¹	two (2) years from final subdivision plan certification date	one year	PZB Executive Director	BCC review pursuant to subsections C.4 and C.5 herein

TABLE 5.8-1

Time Limitations of First Development Permit					
Site plan certification	Commence development ¹	one (1) year from site plan certification date	six months	PZB Executive Director	Site plan null and void
Final subdivision plan certification	Record plat	two (2) years from final subdivision plan certification date	two one-year	PZB Executive Director	Final subdivision plan null and void

Commencement of development shall consist of:

1. Receipt of a building permit and first inspection approval for the entire development unless otherwise provided by a condition of approval; or
2. The initiation of significant site improvements such that the activities would only permit the development of the approved project, and any other pattern of development would require extensive changes to the installed improvements.

Commencement of development shall not consist of:

1. The dividing of land into parcels, unless the determination commencement is to be made for property with straight residential zoning and this division is accomplished through the recordation of a plat or plat waiver; or
2. Demolition of a structure; or
3. Deposit of refuse, solid or liquid waste, or fill on the parcel unless the development order is exclusively and specifically for such; or
4. Clearing of land.

ARTICLE 6.

ZONING DISTRICTS

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ARTICLE 6.
ZONING DISTRICTS

Please Note

This document has been prepared to serve as the interim copy of the Unified Land Development Code, adopted on June 16, 1992 and effective on June 22, 1992. It has been prepared for use by staff and those persons who refer to the entire Code on a regular basis.

This document is not codified and may contain certain inconsistencies in construction. It should only be used as a guide until a codified copy of the Code is available.

SEC. 6.1 DISTRICTS ESTABLISHED.

- A. **Purpose and intent.** In order to ensure that all development in unincorporated Palm Beach County is consistent with the Comprehensive Plan, it is necessary and proper to establish a series of districts to ensure that each use is compatible with surrounding uses, served by adequate public facilities, and sensitive to natural and coastal resources. Each district has its own purpose and has permitted uses, conditional uses, special uses and other regulations that control the use of land in each district. All development within each district shall be consistent with the purposes stated in this article.
- B. **Zoning districts established.** In order to carry out and implement the Comprehensive Plan, the following thirty-eight (38) districts are hereby established.
1. PC, Preservation/Conservation District
 2. AGR, Agricultural Reserve District
 3. AP, Agricultural Production District
 4. SA, Special Agricultural District
 5. RSER, Rural Services District
 6. AR, Agricultural Residential District
 7. CRS, Country Residential District
 8. RE, Residential Estate District
 9. RT, Residential Transitional District
 10. RTS, Residential Transitional Suburban District
 11. RTU, Residential Transitional Urban District
 12. RS, Single-Family Residential District
 13. RM, Multi-Family Residential (Medium Density) District
 14. RH, Multi-Family Residential (High Density) District
 15. CN, Neighborhood Commercial District
 16. CLO, Limited Office Commercial District
 17. CC, Community Commercial District
 18. CHO, Commercial High Intensity Office District
 19. CG, General Commercial District
 20. CRE, Commercial Recreation District
 21. IL, Light Industrial District
 22. IG, General Industrial District
 23. PO, Public Ownership District
 24. NE-O, Native Ecosystem Overlay District
 25. WCRA-O, Westgate/Belvedere Homes Overlay District
 26. R&T-O, Research and Technology Overlay District
 27. GA-O, Glades Area Economic Development Overlay District
 28. PBIA-O, Palm Beach International Airport Overlay District
 29. PUD, Residential Planned Unit Development District
 30. TND, Traditional Neighborhood Development District
 31. MXPDP, Mixed Use Planned Development District
 32. MUPDP, Multiple Use Planned Development District
 33. PIPDP, Planned Industrial Park Development District
 34. MHPDP, Mobile Home Park Planned Development District

35. RVPD, Recreational Vehicle Park Planned Development District
36. SWPD, Solid Waste Disposal Planned Development District
37. IOZ, Indiantown Road Overlay District
38. COZ, Conditional Overlay District

SEC. 6.2 **DISTRICT PURPOSES.** The thirty-eight (38) districts established to implement the Comprehensive Plan have the following purposes.

A. **Conservation district.**

1. **PC, Preservation/Conservation District.** The purpose and intent of the PC district is to protect lands that provide habitats for endangered species of wildlife, fish, or flora, that are important habitats for the production of fish and wildlife, or that are sites of historical or archaeological significance. The PC district corresponds to the Conservation land use designation in the Future Land Use Element of the Comprehensive Plan.

B. **Agricultural districts.**

1. **AGR, Agricultural Reserve District.** The purpose and intent of the AGR district is established to identify lands presently used for predominantly agricultural production as an ecologically and economically valued resource. The purpose and intent of the AGR District is to assure that these lands have the opportunity to remain in agricultural production as long as economically feasible, particularly where soil and water conditions favor continued agricultural production. The AGR District corresponds to the Agricultural Reserve (AGR) land use designation of the land use element of the comprehensive plan and recognizes the study of the long-term viability of agriculture in the agricultural reserve to area to be conducted beginning in 1990. The results of the study will require the revision of policies and regulations related to the agricultural reserve area in both the Palm Beach County Comprehensive Plan and the Unified Land Development Code. Until such time as the study is complete, certain uses which are recognized in the AGR District may not be developed pursuant to the requirements of the comprehensive plan.

2. **AP, Agricultural Production District.** The purpose and intent of the AP district is to conserve and protect areas for exclusive, bona fide agricultural and farming related operations, particularly where soil and water conditions favor continued agricultural production. The AP district corresponds to the Agricultural Production (AP) land use designation in the Future Land Use Element of the Comprehensive Plan. A wide range of agricultural activities and their accessory uses shall be permitted in the AP district in order to maintain the vitality of the agricultural industry in Palm Beach County.
3. **SA, Special Agricultural District.** The purpose and intent of the SA district is to provide a transitional district that allows for more intensive agricultural uses and related services, and for limited commercial activities that provide convenience services to the rural community. The SA district corresponds to the Special Agriculture (SA) and Agricultural Production (AP) land use designations in the Future Land Use Element of the Comprehensive Plan, and the Rural Residential 10 (RR10) land use designation only when determined to be consistent with the Future Land Use Element of the Comprehensive Plan.
4. **RSER, Rural Services District.** The purpose and intent of the RSER district is to provide for the clustering of service uses intended to serve predominantly rural residential communities. To receive the RSER district designation, lands shall lie within one half mile of the intersection of two (2) existing arterials, excluding easement type roads in the Rural Service Area. The RSER district corresponds to the Rural Residential 10 (RR10) land use designation in the Future Land Use Element of the Comprehensive Plan.

C. **Rural residential districts.**

1. **AR, Agricultural Residential District.** The purpose and intent of the AR district is to protect and enhance the rural lifestyle and quality of life of residents in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes. The AR district corresponds with the Rural Residential 10 (RR10) and Rural Residential 20 (RR20) land use designations in the Future Land Use Element of the Comprehensive Plan.

2. **CRS, Country Residential District.** The purpose and intent of the CRS district is to provide for a primarily rural residential environment that is also conducive to the keeping of horses and livestock, to protect watersheds and water supplies, wilderness and scenic areas, and conservation and wildlife areas, and to permit a limited number of activities that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes. The CRS district corresponds with the Rural Residential 10 (RR10) and Rural Residential 20 (RR20) land use designation in the Future Land Use Element of the Comprehensive Plan, and may apply in existing low density neighborhoods within the Low Residential 1 (LR1) land use designation in the Future Land Use Element of the Comprehensive Plan.

D. **Urban residential districts.**

1. **RE, Residential Estate District.** The purpose and intent of the RE district is to provide a transition between the agricultural and conservation areas and the more urban residential communities, and to create a residential environment wherein natural constraints applicable to development can be recognized and protected in a manner compatible with the needs of residents. The RE district corresponds with the Low Residential 1 (LR1) land use designation in the Future Land Use Element of the Comprehensive Plan.
2. **RT, Residential Transitional District.** The purpose and intent of the RT district is to provide a transition between a suburban single-family atmosphere and that which is provided by estate development. The promotion of active recreational facilities within the privacy of an individual lot, along with attention to natural environmental considerations will create an atmosphere compatible with residential needs. The RT district corresponds with the Low Residential 1 (LR1) and Low Residential 2 (LR2) land use designations in the Future Land Use Element of the Comprehensive Plan.
3. **RTS, Residential Transitional Suburban District.** The purpose and intent of the RTS district is to provide lands for low intensity single-family development at or near the fringe of urban development. The provision of active recreational facilities within the privacy of an individual lot and the preservation of natural site features is encouraged in the RTS district to minimize the impact of such development upon the community. The RTS district corresponds with the Low Residential 3 (LR3) land use designation in the Future Land Use Element of the Comprehensive Plan.
4. **RTU, Residential Transitional Urban District.** The purpose and intent of the RTU district is to provide areas for single-family dwelling units at a moderate density. The RTU district corresponds to the Medium Residential 5 (MR5) land use designation in the Future Land Use Element of the Comprehensive Plan.

5. **RS, Single-Family Residential District.** The purpose and intent of the RS district is to recognize the need to provide areas for moderately high density single-family dwelling units. The RS district corresponds with the High Residential 8 (HR8), High Residential 12 (HR12), and High Residential 18 (HR18) land use designations in the Future Land Use Element of the Comprehensive Plan.
6. **RM, Multi-Family Residential (Medium Density) District.** The purpose and intent of the RM district is intended primarily for the development of multiple family dwelling units and affordable housing. The RM district corresponds with the High Residential 8 (HR 8), High Residential 12 (HR12) and the High Residential 18 (HR18) land use designations in the Future Land Use Element of the Comprehensive Plan.
7. **RH, Multi-Family Residential (High Density) District.** The purpose and intent of the RH district is intended primarily for the development of concentrated residential densities and affordable housing. The RH district corresponds with the High Residential 8 (HR 8), High Residential 12 (HR 12), High Residential 18 (HR18) land use designation in the Future Land Use Element of the Comprehensive Plan.

E. Commercial districts.

1. **CN, Neighborhood Commercial District.** The purpose and intent of the CN district is to provide a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half (1/2) mile radius, located on a local, collector or an arterial road, with a total lot area of not less than one (1) acre or larger than three (3) acres, that is planned and developed as an integral unit. The CN district corresponds to the Commercial High Intensity (CH) and the Commercial Low Intensity (CL) land use designations in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied.
2. **CLO, Limited Office Commercial District.** The purpose and intent of the CLO district is to encourage development of low-intensity business offices and the integration of other complementary uses within the local environment where located on a local, collector, or an arterial road. The CLO district shall also serve as a transition between residential areas and intense commercial development. The CLO district corresponds to the Commercial Low Intensity-Office Only (CL-O) and the Commercial and the Commercial High Intensity Office (CHO), Commercial Low Intensity (CL), and Commercial High Intensity (CH) land use designations in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied.

3. **CC, Community Commercial District.** The purpose and intent of the CC district is to provide a commercial facility of a community nature that services residential neighborhoods within a three (3) to five (5) mile radius, located on a collector or an arterial road, with a total lot area of not less than one (1) acre, that is planned and developed as an integral unit. The CC district corresponds to the Commercial Low Intensity (CL) and Commercial High Intensity (CH) land use designation in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied.
4. **CHO, Commercial High Office District.** The purpose and intent of the CHO district is to encourage development of business office parks and the integration of other complementary uses within the business environment. The CHO district corresponds to the previous Specialized Commercial District and the Commercial High Intensity-Office Only (CH-O), and the Commercial High Intensity (CH) land use designations in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied.
5. **CG, General Commercial District.** The purpose and intent of the CG district is to encourage the development of an intensive commercial use providing a wide range of goods and services, located adjoining at least one (1) major collector or arterial road that services a consumer market of at least a three (3) mile radius. The CG district corresponds to the Commercial High Intensity (CH) land use designation in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied.
6. **CRE, Commercial Recreation District.** The purpose and intent of the CRE district is to provide lands for major commercial recreation uses that are either publicly or privately operated, that require large amounts of land and have major effects on adjacent uses. The CRE district corresponds to the Commercial Recreation land use designation in the Future Land Use Element of the Comprehensive Plan, and can be applied only to those areas designated Commercial Recreation (CR), or Industrial (IND) in the Future Land Use Element of the Comprehensive Plan. In some cases the CRE district may be applied in the Rural Residential 10 (RR10) land use designation for those uses identified in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied.

F. Industrial districts.

1. **IL, Light Industrial District.** The purpose and intent of the IL district is to provide sufficient lands in appropriate locations for certain types of business, light manufacturing, or processing uses likely to cause undesirable effects upon nearby or adjacent residential or commercial lands. The IL district corresponds to the Industrial (IND) land use designation in the Future Land Use Element of the Comprehensive Plan.
2. **IG, General Industrial District.** The purpose and intent of the IG district is to provide lands in appropriate locations for those uses with one (1) or more of the following characteristics: industrial processes that involve significant amounts of heat, mechanical and chemical processing; large amounts of material transfer; and large scale structures. The IG district provides for those industrial uses that are not located in a planned industrial park, as well as permitting such planned uses. Such industrial uses are to be located with convenient access to transportation facilities. The IG district corresponds to the Industrial (IND) land use designation in the Future Land Use Element of the Comprehensive Plan.

G. Public ownership district.

1. **PO, Public Ownership District.** The purpose and intent of the PO district is to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. Notwithstanding those public uses permitted elsewhere in this Code, the PO district is primarily concerned with, although not limited to, the enlightened planning of parks and recreation areas, public buildings and facilities, and other capital improvements of a distinctly significant nature. The PO district corresponds to all land use categories in the Future Land Use Element of the Comprehensive Plan.

H. Overlay districts.

1. **NE-O, Native Ecosystem Overlay District.** The purpose and intent of the NE-O district is to ensure the protection of environmentally sensitive lands while ensuring development options by permitting flexibility in development regulations.
2. **WCRA-O, Westgate/Belvedere Homes Overlay District.** The Westgate/Belvedere Homes Community Redevelopment Agency (Westgate/Belvedere Homes CRA) was created pursuant to Sec. 163.330, et. seq., Fla. Stat., to remove blight conditions, enhance the County's tax base, improve the living conditions, and preserve areas of low and moderate cost housing in the Westgate/Belvedere Homes area. The use of community redevelopment powers enables the Board of County Commissioners and the Westgate/Belvedere Homes CRA to make public improvements which encourages and enhances private investment and neighborhood stability, prevents continuation of inefficient and incompatible land use patterns, and assists revitalization and rehabilitation of older commercial and residential areas in the Westgate/Belvedere Homes area. In recognition of the special needs of the Westgate/Belvedere Homes area, the WCRA-O district is established with the purpose and intent of encouraging development and redevelopment of the Westgate/Belvedere Homes area through regulatory incentives; arresting deterioration of property values; preserving existing, viable affordable housing and providing opportunity for the future development of affordable housing; implementing the Westgate/Belvedere Homes Community Redevelopment Plan; and under certain circumstances, providing for increased residential densities and an increase of up to twenty (20) percent in the amount of land designated as commercial on the Land Use Atlas Map without amendment to the Comprehensive Plan.
3. **R&T-O, Research and Technology Overlay District.** The purpose and intent of the R&T-O district is to protect critical manufacturing employers from the encroachment of incompatible uses and activities; provide opportunities to locate accessory, auxiliary and supporting industrial land uses in close proximity to existing manufacturing facilities; and ensure the location of compatible adjacent uses and activities in the district that complement manufacturing and high-tech operations that are related to the continuation and future development of the County's manufacturing and industrial base. The R&T-O district implements the Comprehensive Plan provisions related to the Pratt-Whitney Overlay. Additionally, all development within the R&T-O district shall promote efficient and economical industrial uses; promote compatible industrial use linkages by process, production or service; be compatible with surrounding uses and activities; preserve and protect natural features and native vegetation so as to prevent ecological damage in part through the location of buildings and land use intensities; and encourage the continuation and future development of the County's manufacturing and industrial base.

4. **GA-O, Glades Area Economic Development Overlay District.** The purpose and intent of the GA-O district is to provide flexibility in the range of uses and land development regulations allowed in the underlying districts in the Glades area and to accommodate uses which, if deemed appropriate, will increase job opportunities and improve the economic vitality of the area. In addition, the GA-O district shall provide a set of regulations that recognize the character of the area.
5. **PBIA-O, Palm Beach International Airport Overlay District.** The PBIA-O district recognizes that lands surrounding the Palm Beach International Airport are most suitable for campus-style industrial development over the long-term. The purposes and intent of the PBIA-O district are to protect neighborhoods surrounding the Palm Beach International Airport from incompatible land development; to protect airport operations from incompatible land development, and provide regulations that will assure safe, unobstructed access for all aircraft which enter and exit the airport; to allow land owners to initiate conversion to industrial uses where appropriate; and to allow land owner participation in the land use decision-making process.
6. **IOZ, Indiantown Road Overlay District.** The purpose and intent of the Indiantown Road Overlay Zoning District (IOZ) is intended to implement the site development regulations of uses within the established Indiantown Road Corridor Study Area pursuant to the interlocal agreement adopted between Palm Beach County and the Town of Jupiter. The Town has adopted the IOZ pursuant to the recommendation of the Indiantown Road corridor Study and Chapter 163, Part II Florida Statutes. The purpose of the IOZ is to protect residential neighborhoods, limit uses, improve the overall aesthetics of the Indiantown Road corridor, and establish development incentives to accomplish the various objective of the corridor study. Through the interlocal agreement the Town and County have provided for a means of intergovernmental cooperation in implementing the IOZ standards throughout all appropriate incorporated and unincorporated portions of the Indiantown Road corridor and in accordance with Florida Statutes Chapter 163, Part IV. The Town and County agree to use a joint review process to advance the public health, safety, and general welfare and adopt procedures for the joint administration of land development regulations.

7. **COZ, Conditional Overlay District.** The purpose and intent of the COZ district is to modify and restrict the use and site development regulations otherwise authorized in the base district. All requirements of a COZ district are in addition to and supplement all other applicable requirements of this Land Development Code. Restrictions imposed by the COZ district shall mitigate potential impact and assure compatibility to surrounding land uses.

I. Planned development districts.

1. **PUD, Residential Planned Unit Development District.** The purpose of the PUD district is to offer a residential development alternative which: allows an opportunity for a limited amount of commercial uses; and, corresponds to a range of residential land use categories on the Comprehensive Plan Land Use Atlas.

The intent of the PUD is to promote the design of largely residential living environments which provide enlightened and imaginative approaches to community planning and shelter design. These approaches include but are not limited to:

- a. The preservation of natural features and scenic areas;
 - b. The integration and connection of land uses with perimeter landscape areas which provide vegetation preservation, buffering, and circulation areas;
 - c. The creation of a continuous non-vehicular circulation system;
 - d. The establishment of civic, commercial and recreation land uses;
 - e. The reduction of land consumption by roads; and,
 - f. The provision for flexible property development regulations to promote innovative and quality site design.
2. **TND, Traditional Neighborhood Development District.** The purpose and intent of the TND district is to implement the Traditional Neighborhood Development Land Use Category of the Comprehensive Plan and to:
 - a. Provide a range of residential, commercial, and light industrial land uses;
 - b. Lessen existing imbalances in land uses within a specified planning area;
 - c. Encourage internal automobile trip capture;
 - d. Offer a range of housing opportunities;
 - e. Introduce a variety of architectural solutions for current development problems;
 - f. Preserve natural features and scenic areas;

- g. Design safe and efficient circulation systems for pedestrians, non-motorized vehicles, and automobiles;
 - h. Utilize perimeter landscape and edge areas to connect the various land uses and land use zones within neighborhoods, edge areas and the surrounding communities; and,
 - i. Establish a neighborhood identity and focus.
3. **MXPD, Mixed-Use Planned Development District.** The purpose of the MXPD district is twofold: 1. Promote the design of mixed-use developments for land which has a commercial designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories or a commercial land use zone designation within a PUD or PIPD; and, 2. Provide for the compatible integration of residential uses and commercial uses into a unified development.

The intent of the MXPD is to provide for the compatible development and integration of nonresidential uses and residential uses with enlightened and imaginative approaches to community planning, including but not limited to:

- a. The use of vertical or horizontal integration with residential and commercial uses;
- b. The selection of land uses which encourages internal automobile trip capture and compatibility with residential uses;
- c. The design of a site development plan which provides for the compatible cohabitation of residential and commercial uses;
- d. The use of flexible property development regulations;
- e. The design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles;
- f. The utilization of multiple family homes to provide a transition area between commercial uses and adjacent residential development; and,
- g. The incorporation of perimeter landscape areas into the site development plan to connect, buffer and define the various land uses and land use zones within a MXPD.

4. **MUPD, Multiple Use Planned Development District.** The purpose of the MUPD district is twofold: 1. to promote the design of unified, multiple use developments for land which has a rural residential 10, commercial, industrial, or commercial recreation designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories; and, 2. to provide for the efficient use of land by the integration of multiple uses within a single development.

The intent of the MUPD is to provide for the development of multiple nonresidential uses with enlightened and imaginative approaches to community planning, including but not limited to:

- a. Allowing flexibility of certain property development regulations;
 - b. Applying certain property development regulations to the entire MUPD rather than individual lots, such as but not limited to:
 - (1) Access;
 - (2) Parking;
 - (3) Lot size and dimensions;
 - (4) Lot frontage;
 - (5) Landscaping; and
 - c. Designing for architectural compatibility between land uses for buildings and signage.
5. **PIPD, Planned Industrial Park Development District.** The purpose of a PIPD is to offer an industrial development alternative which: provides employment opportunities; and, encourages internal automobile trip capture by offering justifiable amounts of commercial and residential uses.

The intent of the PIPD is to promote the design of planned industrial developments which provide enlightened and imaginative approaches to community planning and site design. These approaches, include but are not limited to:

- a. The preservation of natural features, scenic areas and native vegetation;
- b. The promotion of efficient and economical industrial land use districts;
- c. The encouragement of industrial linkages by process, product, or service;
- d. The provision of on-site essential services for industries, employees, and clients;

- e. The protection of nearby existing and future non-industrial land uses and activities;
- f. The arrangement of buildings and land use intensities, as they relate to surrounding land uses to minimize and mitigate negative impacts;
- g. The location of the PIPD near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping and/or railroad lines; and,
- h. The encouragement of industrial expansion to the County's economic base through new investment.

6. **MHPD, Mobile Home Park Planned Development District.** The purpose of the MHPD district is to offer a mobile home residential development alternative which: 1. Allows a limited amount of commercial uses; and, 2. Corresponds to a range of residential land use designations on the Land Use Atlas.

The intent of the MHPD is to promote the efficient design of mobile home communities which provide enlightened and imaginative approaches to community planning and, accommodate the housing needs of those residents who prefer mobile home living and of those who desire an economic alternative to conventional dwellings. These approaches, include but are not limited to:

- a. The preservation of natural features and scenic areas;
- b. The reduction of land consumption by roads;
- c. The creation of a continuous non-vehicular circulation systems;
- d. The designation of perimeter landscape areas which provide preservation, buffering, and circulation areas; and,
- e. The establishment of neighborhood commercial service uses and recreation areas.

7. **RVPD, Recreational Vehicle Park Planned Development District.** The purpose of the RVPD district is twofold: 1. Promote the design of unified, recreational use developments for land which has a commercial, industrial or commercial recreation designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories.

The intent of the RVPD is to provide for the development of recreational vehicle parks which offer limited habitation on site (no permanent residence) and which provide enlightened and imaginative approaches to community planning, including but not limited to:

- a. Providing a tourist oriented, park-like environment; and,
- b. Locating near an established recreational resource to allow convenient access for tourists.

8. **SWPD, Solid Waste Disposal Planned Development District.** The purpose of the SWPD district is twofold: 1. Regulate the placement of developments designed to store, process, transfer or dispose of solid waste in any land use category, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories; and, 2. Permit only those land uses which are consistent with the County-wide Solid Waste Management Plan.

The intent of the SWPD is to ensure the development of solid waste facilities which mitigate negative impacts and incorporate enlightened and imaginative approaches to community planning, including but not limited to:

- a. The protection of the public health, safety and welfare regarding air, noise and water pollution;
- b. The prevention of the use of the land as an uncontrolled receptacle for improperly treated wastes;
- c. The conservation of the value of land, buildings and resources;
- d. The protection of the character and maintenance of the stability of residential, agricultural, business and industrial areas;
- e. The provision of the appropriate and best use of land;
- f. The provision for preservation, protection, development and conservation of the natural resources of land, water and air;
- g. The provision for convenience of traffic and circulation of people and goods;

- h.** The enhancement of the environment; and,
- i.** The recovery of resources that have the potential of further use.

SEC. 6.3 ZONING MAP AND DISTRICT BOUNDARIES.

- A. **Establishment of Official Zoning Map.** The location and boundaries of the districts established in this article shall be set forth on the Official Zoning Map of Palm Beach County which is incorporated herein by reference into this article as if fully described and set forth herein. A copy of the Official Zoning Map shall be located at all times for inspection by the general public during regular business hours in the offices of the PZB Department.

- B. **Amendment to the Official Zoning Map.** If pursuant to the terms of this Code, amendments are made to the boundaries of the Official Zoning Map, such amendments shall be entered on the Official Zoning Map by the Zoning Director within twenty (20) working days after the amendment.

- C. **Replacement of Official Zoning Map.**
 - 1. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of County Commissioners shall adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map.

 - 2. The new Official Zoning Map may correct drafting and clerical errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or subsequent amendments thereto without a duly noticed public hearing pursuant to the procedures and standards of this Code.

SEC. 6.4 USE REGULATIONS AND DEFINITIONS.

- A. **General.** Uses permitted by right, permitted subject to Site Plan/Final Subdivision Plan, as a Special use or as a Conditional use in each district shall be determined from the Use Regulations Schedule (Table 6.4-1). The use regulations within overlay districts shall be determined by the uses allowed in the underlying base districts, as may be modified by Sec. 6.7 (Overlay District Regulations). Additional use regulations for the Planned Development districts are specified in Sec. 6.8 (Planned Development District Regulations).
- B. **Use classification.** The list of use classifications included in the Use Regulations Schedule (Table 6.4-1) and defined in this subsection is intended to classify uses on the basis of common functional characteristics and land use compatibility. Other uses not specifically listed in the Use Regulations Schedule, but exhibiting similar characteristics to a listed use shall be so classified by the interpretation of the Executive Director of PZB pursuant to the procedures and standards of Art. 2, Interpretation.

1. Residential Uses.

Single-family means the use of a lot or a structure, for one (1) detached dwelling unit with open yards on all sides, excluding a mobile home but including a manufactured building.

Zero lot line home means the use of a lot for one (1) detached dwelling unit with at least one (1) wall, but not more than two or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building.

Townhouse means a dwelling unit located on an individual lot and attached by at least one but no more than two (2) party walls along fifty per cent (50%) of the maximum depth of the unit, to one (1) or more other dwelling units, has a continuous foundation, each on its own lot, with said party walls being centered on the common property line between adjacent lots.

Multi-family means the use of a structure designed for two (2) 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.

Mobile home dwelling means the use of a lot or a unit, for one mobile home.

Accessory apartment means a secondary dwelling unit either in or added to an existing single-family dwelling, or in an accessory structure on the same lot as the principal single-family dwelling. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping.

Congregate living facility means a residential land use consisting of any building or section thereof, residence, private home, boarding home, home for the aged, or any other residential structure, whether or not operated for profit, which undertakes, for a period exceeding twenty-four (24) hours, housing, food service, and one (1) or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, the term shall include rehabilitative home care development service housing, and adult congregate living facilities for the physically impaired, mentally retarded, developmentally disabled persons, or persons sixty (60) years of age or older. The term shall not mean "nursing home," "intermediate care facility," or similar facility which provides medical care and support services to persons not capable of independent living.

Congregate living facility, Type 1 means a congregate living facility that provides a residence for no more than six (6) residents.

Congregate living facility, Type 2 means a congregate living facility that provides a residence for more than six (6) but less than fifteen (15) persons.

Congregate living facility, Type 3 means a congregate living facility that provides a residence for more than fourteen (14) persons.

Farm residence means 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.

Farm worker quarters means one (1) or more residential structures located on the site of a bona fide agricultural use and occupied by year-round farm workers employed by the owner of the farm.

Garage sale means the casual sale of household articles by occupants of a residence.

Home occupation means a business, profession, occupation or trade conducted within a dwelling unit for gain or support by a resident of the dwelling unit.

Migrant farm labor quarters means one (1) or more residential buildings located on the site of a bona fide agricultural use and occupied or intended for occupancy by transient farm workers who are employed by the owner of the farm.

Nursing or convalescent facility means an establishment where, for compensation pursuant to a previous arrangement, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) 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.

Security or caretaker quarters means a residence, , located on a site for occupancy by a caretaker or security guard.

2. Agricultural uses.

Agricultural research and development means the use of land and/or buildings for agriculture research and the cultivation of new agricultural products.

Agricultural sales and service means an establishment primarily engaged in the sale or rental of farm tools and small implements, feed and grain, tack, animal care products, farm supplies and the like, excluding large implements, and including accessory food sales and machinery repair services.

Agricultural transshipment means packing, crating or shipping of agricultural products not grown or raised on site, and specifically excluding slaughterhouses and fish processing.

Agriculture, bona fide means any plot of land used for a bona fide agricultural use, including the raising of crops or animals or production of animal products such as eggs or dairy products, on an agricultural or commercial basis. Accessory agricultural uses that are customarily incidental to a bona fide agricultural activity and are located on the site may include "U-Pick-Em" operations, grading, packing and shipping and of agricultural products, corrals, dipping vats, and equipment storage sheds. In determining whether the use of land for agriculture is bona fide, the following factors may be taken into consideration:

- (1) Whether the use has been continuous;
- (2) Whether an effort has been demonstrated to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, but not limited to, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices;
- (3) Whether the property has received a qualified agricultural classification pursuant to Sec. 193.461, Fla. Stat.;
- (4) The length of time the land will be used for agricultural production;
- (5) The size of the land area, as it relates to a specific agricultural use;
- (6) Whether such land is under lease, and if so, the effective length, terms and conditions of the lease;
- (7) The intent of the landowner to sell or convert the land for nonagricultural purposes;
- (8) The proximity of the property to existing urban or metropolitan development;
- (9) The productivity of land in its present use; and
- (10) The Comprehensive Land Use Plan Designation. Newly established permanent bona fide agricultural uses shall occur on property with a land use designation of AP, AGR, RR10, and in some instances LR1.

Equestrian arena means an establishment engaged in commercial spectator activities involving horse racing or equestrian shows, but excluding any establishment engaged in pari-mutual betting.

Kennel, commercial means a commercial establishment, including any building and/or land used, for the raising, boarding, breeding, sale, or grooming of such domesticated animals as dogs and cats, not necessarily owned by the occupants of the premises, for profit.

Kennel, private means any building used, designed or arranged to facilitate the non-commercial care of dogs or cats owned by the occupants of the premises.

Potting soil manufacturing means an establishment engaged in producing potting soil, including the use of incineration.

Stable, commercial means an commercial 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 equestrian arena.

Stable, private means the care of horses owned by the occupants or owners of the premises.

Stand for sale of agricultural products means a roadside stand for the retail sale of fruits, vegetables, flowers, and house plants, not necessarily grown on the site.

Sugar mill or refinery means an establishment for the extraction and refining of sugar from agricultural products.

a. **Public and civic uses.**

Airplane landing strip, accessory means a private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners, farm operators, or commercial dusting operations.

Airport means any public or privately owned or operated ground facility designed to accommodate landing and take-off operations of aircraft.

Assembly, nonprofit means the principal use of a site or facility owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business. Typical uses include fraternal organizations and union halls.

Cemetery means land used or intended to be used for human commercial burial, including a chapel, mausoleum or columbarium.

Church or place of worship means a premises or site used primarily or exclusively for religious worship and related religious services or established place of worship, retreat site, camp, convent, seminary or similar facilities owned or operated by a tax exempt religious group or community group.

College or university means 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.

Day care center, general means an establishment, licensed by the Department of Health and Rehabilitative Services, which provides daytime or nighttime care, protection and supervision for twenty-one (21) or more children or adults for a period of less than twenty-four (24) hours per day on a regular basis.

Day care center, limited means an establishment, licensed by the Department of Health and Rehabilitative Services, which provides daytime care, protection and supervision for five (5) to twenty (20) children or one (1) to twenty (20) adults for a period of less than thirteen (13) hours per day on a regular basis. Limited day care centers do not provide nighttime care.

Government services means buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. Typical uses include administrative offices of government agencies, public libraries, and police and fire stations.

Heliport or helipad means an area used or to be used for landing or take-off of helicopters, and including any or all of the area or buildings which are appropriate to accomplish these functions, including refueling.

Hospital or medical center means a facility licensed by the State of Florida which maintains and operates organized facilities for medical or surgical diagnosis, care, including overnight and outpatient care, and treatment of human illness. A hospital is distinguished from a medical center by the provision of surgical facilities.

Park, public means a publicly-owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.

School, elementary or secondary means a premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes and courses of study required for accreditation as an elementary or secondary school by the State Department of Education of Florida.

Transportation facility means 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.

b. Utilities.

Air curtain incinerator means the installation or use of a portable or stationary combustion device that is designed and used to burn trees and brush removed during land clearing by directing a plane of high-velocity, forced air through a manifold into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

Air curtain incinerator, permanent means an air curtain incinerator that: (1) exists on a site for more than six (6) months from the date that a vegetation removal permit is issued for the site; or, (2) receives debris from any other site not owned by the applicant or not covered by the development permit applicable to the site on which the air curtain incinerator is located.

Air curtain incinerator, temporary means the installation or use of an air curtain incinerator that is located on site that is undergoing permitted land clearing activity and that does not meet the criteria for permanent installation.

Chipping and mulching means a permanent facility designed to cut tree limbs and brush into small pieces for use as mulch. Clean wood is also chipped at recycling plants for use as mulch or fuel for boilers.

Communication tower, commercial means commercial or public agency AM/FM radio, television, microwave and cellular telephone transmission and reception towers and accessory equipment and buildings.

Composting facility means a facility that is designed and used for transforming, through biological decomposition, food, yard wastes and other organic material into soil or fertilizer. This use does not include backyard composting bins serving individual families.

Electrical power facility means a principal use of property for an electrical generation, , or transmission voltage switching station.

Incinerator means a permanent facility operated alone or in conjunction with a resource recovery facility or landfill for the purpose of burning biohazardous waste, solid waste or trash to ash.

Recycling center means a permanent facility designed and used for collecting, purchasing, storing and redistributing pre-sorted, recyclable materials that are not intended for disposal. A recycling center shall be used for limited processing of recyclable materials, such as can and glass crushing and sorting.

Recycling collection station means a mobile container designed and used for deposit of recyclable materials and typically monitored by a person.

Recycling drop-off bin means a totally enclosed structure, containing no more than five hundred (500) square feet of gross floor area, within which pre-sorted, non-biodegradable recyclable materials are collected for redistribution or sale for the purpose of reuse.

Recycling plant means a permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching.

Sanitary landfill means a disposal facility employing an engineered method of disposing of solid waste on land in a manner which minimizes environmental hazards by spreading the solid wastes in thin layers, providing a sand fill or approved substitute cover.

Solid waste transfer station means a facility where solid waste from several relatively small vehicles is placed into one relatively large vehicle before being transferred to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at the transfer station.

Utility, minor means elements of utility distribution, collection, or transmission networks, other than electrical generation and transmission voltage facilities, required by their nature to be relatively dispersed throughout the service area. Typical uses include gas and water regulations, electrical distribution substations, sewage lift stations, and telephone exchange buildings and substations.

Water or wastewater plant means a facility designed for treatment and disposal of more than five thousand (5,000) gallons per day of wastewater, including large regional plants and above ground package treatment facilities.

c. **Recreational uses.**

Amusements, temporary means an activity which includes the provision of rides, amusements, food, games, crafts or performances outside of permanent structures. Typical uses include carnivals, circuses, auctions, and tent revivals.

Arena, auditorium or stadium means an open, partially enclosed or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, sports arenas, jai alai frontons, amphitheaters and race tracks.

Campground means a plot of ground established as a commercial campsite for recreational use and not as living quarters.

Entertainment, indoor means an establishment offering entertainment or games of skill to the general public for a fee or charge and wholly enclosed in a building, excluding fitness centers and gun clubs. Typical uses include bowling alleys, bingo parlors, movie theaters, pool halls, billiard parlors and video game arcades.

Entertainment, outdoor means an establishment offering entertainment or games of skill to the general public for a fee or charge wherein 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, go-cart track, golf driving ranges and miniature golf courses, jet skiing, swimming pools, tennis courts and wind surfing.

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

Golf course means a facility providing a private or public golf recreation area designed for executive or regulation play along with a golf support facility, but excluding miniature golf.

Gun club, enclosed means an indoor facility used for the discharge of firearms or projectiles at targets.

Gun club, open means an outdoor facility used for the discharge of firearms or projectiles at targets.

Marine facility means a commercial facility relating to boating. Typical uses include boatdocks, marinas, boatyards, yacht clubs and marina boatels.

Shooting range, private means a private facility not used for the general public or commercial purposes for the discharging of firearms.

Zoo means a place where animals are kept in captivity for the public to view.

d. Commercial uses.

Adult entertainment means 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 chapter 480, Florida Statutes, tanning salon, modeling studio, or lingerie studio.

Auction, enclosed means an establishment engaged in the public sale of goods to the highest bidder, with all of the activity and display of merchandise occurring inside an enclosed building.

Auction, outdoor means an establishment engaged in the public sale of goods to the highest bidder, with all or a portion of the activity and display of merchandise occurring outside of an enclosed building.

Automotive service station means an establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of accessories or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles, or the sale of convenience food items. Typical uses include gas stations, with or without accessory convenience food sales.

Automotive paint or body shop means an establishment engaged in the painting, repainting, or retouching of motor vehicles, or performance of major external repairs of a non-mechanical nature.

Bed and breakfast means an owner occupied single-family dwelling that offers lodging for paying guests and which serves breakfast to these guests.

Broadcasting studio means an establishment engaged in the provision of commercial broadcasting services accomplished through the use of electronic mechanisms. Typical uses include radio and television broadcasting studios.

Building supplies, retail means an establishment engaged in the retail sale of building supplies and home improvement products.

Building supplies, wholesale means an establishment engaged in the sale, fabrication, and outdoor storage of lumber and allied products to contractors for the construction, maintenance, repair and improvement of real property. Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.

Car wash or auto detailing means an establishment primarily engaged in the washing or detailing of 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, window tinting, striping, and interior cleaning.

Contractor's storage yard means accessory office and storage activities performed by building trade and service contractors on lots other than construction sites.

Convenience store means an establishment, not exceeding three thousand five hundred (3,500) square feet of gross floor area, serving a limited market area and engaged in the retail sale or rental, from the premises, of food, beverages, and other frequently or recurrently needed items for household use, excluding gasoline sales.

Convenience store with gas sales means an establishment, not exceeding three thousand five hundred (3,500) square feet of gross floor area, serving a limited market area and primarily engaged in the retail sale or rental, from the premises, of food, beverages, and other frequently or recurrently needed items for household use, including accessory gasoline sales.

Day labor employment service means an establishment engaged in providing temporary day labor services for the construction or industrial trades.

Dispatching office means an establishment principally involved in providing services off-site to households and businesses. Typical uses include janitorial services, pest control services, and taxi, limousine, and ambulance services.

Financial institution means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines, and drive-through facilities.

Flea market, enclosed means 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.

Flea market, open means an outdoor retail sales area in which parcels of land are rented to individual merchants, to display and sell goods.

Fruit and vegetable market means an establishment engaged in the retail sale of fruits, vegetables and other agricultural food products.

Funeral home or crematory means an establishment engaged in preparing the human deceased for burial and arranging and managing funerals.

Gas and fuel, wholesale means the use of a site for bulk storage and wholesale distribution of two thousand five hundred (2,500) gallons or more of flammable liquid, or two thousand (2,000) gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.

Greenhouse or nursery, retail means an establishment engaged in the retail sale of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes.

Greenhouse or nursery, wholesale means the cultivation for wholesale sale of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes.

Hotel or motel means a commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rent to tenants, in which rooms are furnished for the accommodation of such guests, which may have as an accessory use of one or more dining rooms. Typical uses include hotels, motels, SRO (single room occupancy), and rooming and boarding houses.

Landscape maintenance service means an establishment engaged in the provision of landscaping installation or maintenance services, but excluding sale of plants or lawn and garden supplies from the premises.

Laundry service means an establishment that provides home-type washing, drying, drycleaning, or ironing machines for hire, to be used by customers on the premises, or that is primarily engaged in providing household laundry and dry cleaning services with customer drop-off and pick-up.

Lounge, cocktail means a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, lounges, 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 restaurant cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.

Medical or dental office or clinic means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropractists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida.

Medical or dental laboratory means 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.

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

Newsstand or gift shop means a small establishment, occupying no more than one thousand five hundred (1,500) square feet of gross floor area, primarily engaged in the retail sale of gifts, novelties, greeting cards, newspapers, magazines or similar items.

Office, business or professional means an establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include property and financial management firms, employment agencies, travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, agents, brokers, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations.

Parking garage, commercial means a building or other structure that provides temporary parking or storage for motor vehicles, where some or all of the parking spaces are not accessory to another principal use.

Parking lot, commercial means a paved area intended or used for the off-street parking or storage of operable motor vehicles on a temporary basis, other than accessory to a principal use.

Personal services means an establishment engaged in the provision of frequently or recurrently needed services of a personal nature, or the provision of informational, instructional, personal improvement or similar services, which may involve the limited accessory sale of retail products. Typical uses include art and music schools, beauty and barber shops, driving schools, licensed therapeutic massage studios, photography studios and tanning salons.

Printing and copying services means an establishment engaged in retail photocopy, reproduction, or blueprinting services.

Recreational vehicle park means a land area under unified control designed and intended to accommodate short-term, overnight parking of recreational vehicles and not for permanent residential use.

Repair and maintenance, general means an establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles and trucks, excluding paint and body work. Typical uses include automobile repair garages, automobile tune-up stations, automotive glass shops, quick-lubes and muffler shops.

Repair services, limited means an establishment engaged in the repair of household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include small appliance repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.

Restaurant, fast food means an establishment where the principal business is the sale of food and non-alcoholic beverages to the customer in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.

Restaurant, general means an establishment, excluding drive throughs, where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation consists of one or more of the following:

A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed; or

A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant; or

A restaurant, which may have characteristics of a fast food restaurant, having floor area exclusively within a shopping or office center, sharing common parking facilities with other businesses within the center, and having access to a common interior pedestrian accessway.

This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use, excluding drive throughs.

Restaurant, specialty means an establishment primarily engaged in the retail sale of a limited variety of baked goods, candy, coffee, ice cream or other specialty food items, which may or may not be prepared for on-premises sale which may be consumed on the site and excludes any drive through services. .

Retail sales, bulky goods means an establishment providing retail sales or rental of large items, such as household or office furniture, major household appliances, mattresses; or retail sales or rental of small machines such as golf carts, golf cars, lawnmowers, mopeds, and motorcycles, including incidental repair services.

Retail sales, general means an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified in another use type. Typical uses include auto parts stores, bookstores, business machine sales, rental and accessory repair stores, clothing stores, department stores, discount stores, drug stores, electronic appliance stores, florists, food stores (excluding convenience stores), floor covering stores, garden supply stores, hardware stores, marine supply sales (excluding boat sales), office supply stores, optical retail sales, paint stores, toy stores and variety stores.

Retail sales, mobile or temporary means retail sales operations without a fixed or permanent location. Typical uses include roadside sales of flowers or similar products; transient sales operations which include travel to several locations in one day, such as lunch wagons, door-to-door salesmen or ice cream trucks; temporary seasonal sales, such as Christmas trees or fireworks; and special event sales which require a tent or temporary structure.

Self-service storage means an enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for dead storage of their household goods or personal property.

Theater, drive-in means an establishment for the outdoor viewing of motion pictures by patrons while in their automobiles.

Towing service and storage means 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.

Upholstery shop means an establishment engaged in furniture repair and reupholstery.

Vehicle inspection center means an establishment engaged in vehicle inspection or the testing of motor vehicle emissions, but not engaged in any vehicle repair.

Vehicle sales and rental means an establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment or mobile homes, along with incidental service or maintenance. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home, manufactured housing and recreational vehicle sales, construction equipment rental yards, moving trailer rental, and farm equipment and machinery sales and rental.

Veterinary clinic means an establishment engaged in providing medical care and treatment for animals.

Vocational school means an establishment, for profit or not, offering regularly scheduled instruction in technical, commercial, or trade skills such as, but not limited to business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology, or other types of vocational instruction.

Wholesaling, general means 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.

e. **Industrial uses.**

Asphalt or concrete plant means an establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.

Excavation, Type III means the mining, quarrying, developing of mines or exploration for nonmetallic minerals, except fuels, or other extractive materials primarily for commercial purposes, including but not limited to treating, crushing, or processing the material or off-site disposition for fill.

Grain milling or processing means facilities for processing and storing grain or other nonperishable crops. Typical uses include cotton gins and grain mills.

Heavy industry means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials; fat rendering plants; slaughterhouses and tanneries; steel works; and petroleum refineries.

Laboratory, industrial research means an establishment engaged in research of an industrial or scientific nature, other than medical testing and analysis and routine product testing, which is offered as a service or which is conducted by and for a private profit-oriented firm.

Machine or welding shop means a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.

Manufacturing and processing means 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 food processing (excluding slaughterhouses and rendering plants) and beverage bottling, large-scale bakeries, breweries, electronics assembly, pharmaceutical, monuments, tobacco products, dry cleaning plants, boat building and repair, and printing and publishing.

Motion picture production studio means the use of a lot or building for the production of films or videotapes for exhibition or sale.

Pottery shop, custom means an establishment engaged in the manufacture of products from clay.

Data and information processing means the use of an establishment for business offices of an industrial nature, including corporate operations centers, mail processing, data processing and telemarketing centers. Such uses are not frequented by the general public.

Salvage or junk yard means a lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof.

Warehousing means an establishment engaged in the storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement breaking of bulk, and storage of products or equipment. Typical uses include motor freight transportation, moving and storage facilities, cold storage, warehousing and dead storage facilities, but exclude self-service storage facilities.

Wood or lumber processing means an establishment engaged in the production of lumber or similar building material products from wood.

Woodworking or cabinetmaking means an establishment engaged in the production of finished products from wood.

1. **Use regulations schedule.** The Use Regulations Schedule contained in Table 6.4-1 shall be interpreted as follows.
 - a. **Permitted by right.** Uses identified in a particular district column with a "P" are "permitted by right" and shall be permitted in such district, subject to such supplementary use standards as may be indicated in the "Note" column and subject to the other requirements of this Code. Uses identified with a "P" may be subject to Site Plan/Final Subdivision Plan review if specifically required by other provisions of this Code.
 - b. **Site plan/final subdivision plan.** Uses identified in a particular district column with a "D" are "permitted subject to Site Plan/Final Subdivision Plan review" and shall be permitted in such district only if a Site Plan/Final Subdivision Plan is submitted and approved in compliance with the provisions of this Code for the use by the Development Review Committee in accordance with the procedures and standards of Sec. 5.6, Site Plan/Final Subdivision Plan, subject to such supplementary use standards as may be indicated in the "Note" column of the Use Regulations Schedule tables of Secs. 6.4 and 6.8, and the other standards of this Code.
 - c. **Special use.** Uses identified in a particular district column with an "S" are "special uses" and shall be permitted in such district only if they meet the supplementary use standards indicated in the "Note" column for the use and are approved by the Zoning Director in accordance with the procedures and standards of Sec. 5.5 (Special Permit Uses), and subject to the other standards of this Code.
 - d. **Conditional use, Class B.** Uses identified in a particular district column with a "B" are "Class B conditional uses" and shall be permitted in such district only if they are approved by the Zoning Commission in accordance with the procedures and standards of Sec. 5.4.F (Class "B" Conditional uses), subject to such supplementary use standards as may be indicated in the "Note" column, and the other standards of this Code.
 - e. **Conditional use, Class A.** Uses identified in a particular district column with a "A" are "Class A conditional uses" and shall be permitted in such district only if they are approved by the Board of County Commissioners in accordance with the procedures and standards of Sec. 5.4.E (Class "A" Conditional uses), subject to such supplementary use standards as may be indicated in the "Note" column, and the other standards of this Code.
 - f. **Prohibited uses.** Uses not identified in a particular district column as permitted by right, as a Conditional use, or a Special use, are not allowed in such district unless otherwise expressly permitted under this Code.

- g. Supplementary use standards. A number in the "Note" column refers to supplementary use standards applicable to a particular use in one (1) or more of the districts in which such use is allowed. The referenced standards appear in Sec. 6.4.D (Supplementary use standards). For example, note 53 refers to Sec. 6.4.D.53.

**TABLE 6.4-1
USE REGULATIONS SCHEDULE**

Use Type	Zoning District														NOTE											
	Agriculture/ Conservation					Residential						Commercial				Indust/ Public										
	P C	A G	A P	S A	R S E R	A R	C R	R E	R T	R T	R T	R S	R M	R H		C N	C L	C C	C H	C G	C R	E	I L	I G	P O	
Residential uses¹																										
Single-family	P					P	P	P	P	P	P	P	P	P												88
Zero lot line home													D	D	D	D										103
Townhouse													D	D	D	D										95
Multi-family														P	P										65	
Mobile home dwelling						S	S																		62	
Accessory dwelling	S	S	S			S	S	S	S	S	S	S	S	S											1	
Congregate living facility, Type 1						P	P	P	P	P	P	P	P	P											24	
Congregate living facility, Type 2				D		A	A						A	B	B	B									24	
Congregate living facility, Type 3													A	A	A	A	A		B						24	
Farm residence	P	P	P																						36	
Farm tenant quarters	P	P	P																						37	
Garage sale	P	P	P			P	P	P	P	P	P	P	P	P											44	
Home occupation	P	P	P			P	P	P	P	P	P	P	P	P											50	
Migrant farm labor quarters	D	D	D																						61	
Nursing or convalescent facility				A									A	A	A	A	A	A		B					67	
Security or caretaker quarters	S	S	S	S		S										S		S	S		S	S	S		86	

¹ New construction which creates development exceeding thresholds set forth in Tables 6.4-2 and 6.4-3 shall be required to be reviewed pursuant to the processes described in the applicable table.

P = Permitted S = Special Use D = Permitted Subject to DRC Site Plan
 B = Conditional Use, Class B (ZC Approval) A = Conditional Use, Class A (BCC Approval)
 NOTE = Supplementary Use Regulations, Sec. 6.4.D.(Note Number)

**TABLE 6.4-1
USE REGULATIONS SCHEDULE**

Use Type	Zoning District															NOTE									
	Agriculture/Conservation					Residential						Commercial					Indust/Public								
	P C R	A G P	A P	S A	R S E R	A R	C R S	R E T	R T	R T	R T	R S	R M	R H	C N		C L O	C C H	C O	C G	C R E	I L	I G	P O	
Agricultural uses¹																									
Agricultural research/development		D	D	D																		P	P	3	
Agricultural sales and service		B	B	A	B															P				4	
Agricultural transshipment		D	D	A																		D	P	5	
Agriculture, bona fide		P	P	P		P	P																	6	
Equestrian arena		D		D	D	B															P			34	
Kennel, commercial				A	D														B			B		53	
Kennel, private				P		D	D	D																54	
Potting soil manufacturing		D	D	A																		B	D	D	73
Stable, commercial		D	D	D	D	D	B														P			90	
Stable, private		P	P	P	P	P	P	P																91	
Stand for the sale of ag. products		S	S	S	S	S	S								D	D	S							92	
Sugar mill or refinery			P	B																		P		93	
Public and civic uses																									
Airplane landing strip, accessory		B	B		B	B															B		B	9	
Airport																					A		A	A	9
Assembly, nonprofit					B	A									A	B	D				P			12	
Cemetery			D	B		A	A	A	A	A	A	A	A	A						B			B	19	
Church or place of worship			B	A	B	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B				21	
College or university					A	A	A									A	A	A					P		
Day care center, general					A							A	A	A	A	A	A	B	B	D	B	B	D	28	

¹ New construction which creates development exceeding thresholds set forth in Tables 6.4-2 and 6.4-3 shall be required to be reviewed pursuant to the processes described in the applicable table.

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**TABLE 6.4-1
USE REGULATIONS SCHEDULE**

Use Type	Zoning District																NOTE							
	Agriculture/ Conservation					Residential						Commercial						Indust/ Public						
	P C	A G	A P	S A	R S E R	A R	C R	R E	R T	R T	R T	R S	R M	R H	C N	C L		C C	C H	C G	C R	I L	I G	P O
Day care center, limited		D	D	B	D	A	A	A	A	A	A	A	B	B	B	B	D	D	D	D	D	D	D	28
Government services		D	D	B	B	A	A	A	A	A	A	A	A	A	D	D	D	D	D	D	P	P	P	46
Helipad or helipad		D	D			A		A	A	A		A					D	D	D	D	D	P	9	
Hospital or medical center				A	A											A	A	A				P	52	
Park, public	D	B	B	D	D	B	B	A	A	A	A	A	B	B	B	D		D	D	D	D	P	70	
School, elementary or secondary			A	A	A	A	A	A	A	A	A	A	A	A			A	A					P	85
Transportation facility																	B			D	D	P		
Utilities																								
Air curtain incinerator, permanent		A	A	A																A	A	A	7	
Air curtain incinerator, temporary		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	8	
Chipping and mulching		B	B	A																B	D	D	20	
Communication tower, commercial	A	B	D	A	B	A	A	A	A	A	A	A	A	A	A	B	B	B	B	D	D	D	22	
Composting facility		D	D	B																D	D	D	23	
Electrical power facility		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	31	
Incinerator																							84	
Recycling center														A	B	D				P	P	P		
Recycling collection station				S										D	S	S				S	S		74	
Recycling drop off bin		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	75	
Recycling plant																				B	D	B	76	
Sanitary landfill																							84	
Solid waste transfer station		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	B	B	89	
Utility, minor		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	96	
Water or wastewater		B	B	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	D	D	P	101	

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 NOTE = Supplementary Use Regulations, Sec. 6.4.D.(Note Number)

**TABLE 6.4-1
USE REGULATIONS SCHEDULE**

Use Type	Zoning District														NOTE							
	Agriculture/ Conservation					Residential						Commercial				Indust/ Public						
	P C	A G	A P	S A	R S E R	A R	C R S	R R E	R R T	R R T	R R T	S M	H	C N		C L	C C O	C H O	C G E	I L	I G	P O
Recreational uses																						
Amusements, temporary				S	S	S									S	S	S	S	S			10
Arena, auditorium or stadium				A												A	A	A			D	11
Campground	D			D	D													D			P	17
Entertainment, indoor															A	A	B	D	D			32
Entertainment, outdoor				A												A	A	D	D			33
Fitness center												B	B	B	D	P	P	P	P			39
Golf course				A		A	A	A	A	A	A	A	A			A	B	D	D			45
Gun club, enclosed				D													B	P	D	P		48
Gun club, open				A														A				49
Marine facility																B	B	B	P	P	D	59
Park, passive	P	P	P	P	P	D	D	D	D	D	D	D	D	D	D	P	P	P	P	P	P	69
Zoo				B	B	A											B	D			P	104
Commercial uses¹																						
Adult entertainment																	S		S	S		2
Auction, enclosed				A												B	D					13
Auction, outdoor				A													A	B				13
Automotive paint or body shop																	A	P	P			14
Automotive service station																A	A	B	D			15
Bed and Breakfast				A	S	S	S	S	S	S	S	S	S									16
Broadcasting studio																B	D	D	P			

¹ New construction which creates development exceeding thresholds set forth in Tables 6.4-2 and 6.4-3 shall be required to be reviewed pursuant to the processes described in the applicable table.

P = Permitted S = Special Use D = Permitted Subject to DRC Site Plan
 B = Conditional Use, Class B (ZC Approval) A = Conditional Use, Class A (BCC Approval)
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**TABLE 6.4-1
USE REGULATIONS SCHEDULE**

Use Type	Zoning District																NOTE							
	Agriculture/ Conservation					Residential							Commercial					Indust/ Public						
	P C	A G	A P	S A	R S E R	A R	C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C L O		C C O	C H O	C G	C R E	I L	I G	P O
Building supplies, retail					B										B				B		D			
Building supplies, wholesale																			A		D	P		
Car wash and auto detailing																	A		B		D			18
Contractor's storage yard					D																D	P		25
Convenience store, no gas sales															A		A		B					26
Convenience store with gas sales																	A		A					27
Day labor employment service																			A		D	P		29
Dispatching office					D														B		P	P		30
Financial institution															B	D	B	B	B					38
Flea market, enclosed																			B					40
Flea market, open																			A		B			41
Fruit and vegetable market		D		P	P										D		P		P					42
Funeral home or crematory					B										A		A		A		D			43
Gas and fuel, wholesale					B																B	D		
Greenhouse or nursery, retail		P		D	P												D		P					
Greenhouse or nursery, wholesale		P	P	D	P	D															P			47
Hotel or motel													A					B	B	D				51
Landscape maintenance service		B		A	B	A													B		P			55
Laundry services															B	D	D	P	P					56
Lounge, cocktail															A		A	A	P					57
Medical office or dental clinic		B	B	B	B										A	A	B	D	D					60
Medical or dental laboratory																		B	P		P			
Monument sales, retail																			P		P			
Newsstand or gift shop															D	P	P	P	P	P				66
Office, business or professional															B	P	P	P	P		P	P		68

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**TABLE 6.4-1
USE REGULATIONS SCHEDULE**

Use Type	Zoning District																NOTE										
	Agriculture/ Conservation				Residential								Commercial					Indust/ Public									
	P C	A G	A P	S A	R S	A R	C R	R R	R R	R R	R R	R R	R R	R R	H	C N		C L	C C	C H	C G	C R	E	I L	I G	P O	
Parking garage, commercial																				A			P			71	
Parking lot, commercial																		B	B	D	P			P	P	71	
Personal services																D	D	P	P	P						72	
Printing and copying services																D	P	P	P	P				P			
Repair and maintenance, general					A															A			P	P		77	
Repair services, limited					B											D	P	P	P	P			P	P		78	
Restaurant, fast food																		A	A	A						79	
Restaurant, general																D	B	P	B	P	P		P	P		80	
Restaurant, specialty																D	D	P	P	P	P					81	
Retail sales, general																D		P	P							82	
Mobile or temporary retail sales				S		S											S	S					S			83	
Self-service storage																		A	A				D	D		87	
Theater, drive-in																				A	P					94	
Towing service and storage																							P	P			
Upholstery shop																				D			P	P			
Vehicle inspection center																		A	B				P	P			
Vehicle sales and rental																		A	A				A			97	
Veterinary clinic		B	P	B	D	B										A	A	P	B	P						98	
Vocational school					B													B	P	P			P	P		99	
Wholesaling, general																							P	P		102	
Industrial uses¹																											
Asphalt or concrete plant																									D		
Data Information Processing																D		P	P				P	P			
Excavation, Type III			A	A															A	A			A	A	A		35
Grain milling or processing		B	P	P																			P	P			

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**TABLE 6.4-1
USE REGULATIONS SCHEDULE**

Use Type	Zoning District															NOTE										
	Agriculture/ Conservation					Residential						Commercial					Indust/ Public									
	P C	A G	A P	S A	R S E R	A R	C R	R E	R T	R T	R T	R S	R M	R H	C N		C L	C C	C H	C G	C R	C E	I L	I G	P O	
Heavy industry																							A	D		
Laboratory, industrial research																								B	P	
Machine or welding shop																								P	P	58
Manufacturing and processing																								P	P	
Motion picture production studio																						A		P	P	64
Pottery shop, custom																			P					P	P	
Salvage or junk yard																								A		
Warehousing																								P	P	100
Woodworking or cabinetmaking																			B					P	P	

P = Permitted S = Special Use D = Permitted Subject to DRC Site Plan
 B = Conditional Use, Class B (ZC Approval) A = Conditional Use, Class A (BCC Approval)
 NOTE = Supplementary Use Regulations, Sec. 6.4.D.(Note Number)

Table 6.4-2

THRESHOLDS FOR PROJECTS REQUIRING DEVELOPMENT REVIEW COMMITTEE (DRC) APPROVAL	
ZONING DISTRICTS	MAXIMUM NUMBER OF S.F. OR UNITS
RM	20 du
RH	20 du
CN	All
CLO	All
CC	8,000 sf
CHO	8,000 sf
CG	15,000 sf
CRE	15,000 sf
IL	20,000 sf
IG	25,000 sf
PO	25,000 sf
ALL OVERLAY DISTRICTS	All new construction

Projects requiring Development Review Committee (DRC) Approval:

1. **Projects requiring DRC site plan certification prior to submittal of a building permit application.** Pursuant to the procedures of Article 5, DRC site plan certification is required for projects as follows:
 - a. Any proposed development with a "D" in Table 6.4-1, Use Regulation Schedule;
 - b. Any development in an Overlay Zone;
 - c. Any development in the CN or CLO districts;
 - d. Development which received conditional use or planned development district approval;
 - e. Any amendment to a previously approved site plan; and
 - f. New construction that creates, meets or exceeds the Maximum Intensity Thresholds as shown in Table 6.4-2.

2. **Projects requiring Subdivision plan certification prior to submission to the Land Development Division for Plat or other approval required by Article 8 of this Code.** Pursuant to the procedures of Article 5, Subdivision plan certification is required for all subdivision of land for which a plat waiver has not been granted pursuant to Article 8.

Table 6.4-3

THRESHOLDS FOR PROJECTS REQUIRING BOARD OF COUNTY COMMISSIONERS' APPROVAL		
ZONING DISTRICTS	MAXIMUM NUMBER OF S.F. OR UNITS	MAXIMUM ACREAGE
RS	250 du	50 ac
RM	300 du	50 ac
RH	300 du	50 ac
CN	20,000 sf	3 ac
CLO	20,000 sf	3 ac
CC	30,000 sf	5 ac
CHO	50,000 sf	10 ac
CG	50,000 sf	10 ac
CRE	100,000 sf	12 ac
IL	100,000 sf	30 ac
IG	100,000 sf	30 ac
PO	100,000 sf	20 ac
SA	50,000 sf	20 ac
All new construction of residential, commercial, or industrial development that meets, exceeds, or creates development in excess of either the acreage requirement or maximum number square footage or units in Table 6.4-3 shall be reviewed for approval as a planned development district and shall receive approval, approval with conditions, or denial, pursuant to the procedures and standards of Sec. 6.8.		

- D. Supplementary use standards.** This section contains supplementary standards for specific uses. In the case of conflict with district or other regulations of this Code, the more restrictive requirement shall apply, unless otherwise specifically provided or clearly intended. Projects approved as Conditional Use "A" may not receive any variances from these requirements unless specifically approved by the Board of County Commissioners.
1. **Accessory dwelling.** An accessory dwelling use shall comply with the following supplementary use standards.
 - a. **Approval.** Applicant shall obtain a special permit from the Zoning Division
 - b. **Occupancy.** Occupancy of accessory dwelling shall be limited to a household that includes at least one (1) member who is physically disabled or elderly, or that meets the low-income standards specified in affordable housing as defined in Article 3.
 - c. **Number of units.** A maximum of one (1) dwelling may be permitted as an accessory use to a principal single-family dwelling unit. The accessory dwelling may be attached to the principal dwelling unit or may be freestanding.
 - d. **Floor area.** The accessory dwelling shall not exceed eight hundred (800) square feet gross floor area, except when located on a lot that is at least one (1) acre in size, in which case the dwelling shall not exceed one thousand (1,000) square feet gross floor area.
 - e. **Number of bedrooms.** No accessory dwelling shall contain more than one (1) bedroom.
 - f. **Architecture.** The accessory dwelling shall be constructed of materials substantially equivalent to either the principal dwelling unit or other permanent accessory structure on the lot, provided that such materials comply with all other applicable standards of the building code.
 - g. **Compatibility.** The accessory dwelling shall be compatible in character and subordinate in size to the principal dwelling unit.
 - h. **Setbacks.** The accessory dwelling shall comply with the minimum yard setbacks applicable to the principal single-family dwelling unit.
 - i. **No separate ownership.** The accessory dwelling shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and shall not be subdivided or sold as a condominium.

2. **Adult entertainment.** An adult entertainment use shall comply with the following supplementary use standards. A special permit for an adult entertainment establishment shall be issued or denied within twenty-one (21) days of a determination of application sufficiency pursuant to the standards and procedures in Article 5 and the requirements of the Code. An aggrieved party has the right to immediately appeal a denial of application sufficiency for a special permit, denial of a special permit, or revocation or suspension of a permit by the filing of a petition for Writ of Certiorari in the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure.
- a. **Purpose and intent.** This section is 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 Palm Beach County that results from the concentration of these uses and their patrons. It is the intent of this section to limit the secondary effects of adult entertainment uses. The standards in this section are intended to ensure that residential districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of adult entertainment uses. The location of residential districts, religious uses, educational uses, parks and other commercial uses within viable, unblighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public.
- b. **Specified anatomical areas: Means:**
- (1) Less than completely and opaquely covered:
- (a) Human genitals and pubic region; or
- (b) The opening between the human buttocks, i.e., the anal cleft; or
- (c) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or
- (d) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

- (2) **Specified sexual activities:** Means:
- (a) Human genitals in a state of sexual stimulations, arousal or tumescence;
 - (b) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
 - (c) Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
 - (d) Excretory functions as part of or in connection with any of the activities set forth in subsections 1. through 2.

c. **Findings of fact.** Based on the evidence and testimony presented at the public hearings before the Board of County Commissioners and on the findings incorporated in the United States Attorney General's Commission on Pornography (1986), "A Summary of a National Survey of Real Estate Appraisers Regarding the Effect of Adult Bookstores on Property Values," conducted by the Division of Planning, Department of Metropolitan Development, City of Indianapolis, January, 1984, the Board of County Commissioners hereby finds the following:

- (1) Commercial uses exist or may exist within unincorporated Palm Beach County where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and/or other devices that depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold.
- (2) Commercial uses exist or may exist within unincorporated Palm Beach County:
- (3) 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;
- (4) 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
- (5) Where lap dancing occurs.
- (6) 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 Palm Beach County.

- (7) When the activities described in Sec. 6.4.D.2.b.(1) and 6.4.D.2.b.(2) above 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.
- (8) When the activities described in Sec. 6.4.D.2.b.(1) and 6.4.D.2.b.(2) above are present in commercial uses within Palm Beach County, 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.
- (9) There is a direct relationship between the display or depiction of specified anatomical areas as described in Sec. 6.4.D.2.b.(2) above 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 is hazardous to the health and safety of those persons in attendance and tends 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 Palm Beach County.
- (10) Based upon these findings, it is in the interest of the health, safety, morals, and general welfare of the citizens of Palm Beach County that adult entertainment uses are regulated pursuant to the following standards.

d. **Nonconformity.**

- (1) **Establishment of Nonconformity.** Any adult entertainment use shall be deemed a nonconforming use and the standards of this section shall not apply if the adult entertainment use on November 28, 1988:
 - (a) Was in operation as an adult entertainment use, was generally known and held out in the neighborhood and community as an adult entertainment establishment, and was open to the public as an adult entertainment establishment use; and
 - (b) Possessed a valid and current occupational license authorizing the general type of use which would correspond to the adult entertainment use being claimed as nonconforming on November 28, 1988;

- (c) Any establishment seeking to establish nonconforming status as an adult entertainment use under the terms of this Code, shall submit an application for an adult entertainment license pursuant to the Palm Beach County Adult Entertainment Code, Chapter 17, Article V of the Palm Beach County Code, as may be amended, with appropriate filing fees by August 15, 1992.
- (2) **Standards for nonconformance.** A nonconforming adult entertainment use as determined in Sec. 6.4.D.2.c.(1) above shall be subject to the following supplementary standards, in addition to Art. 13 (Nonconformities).
- (a) The adult entertainment use located within the distances set forth in Sec. 6.4.D.2.d shall not increase the gross floor area or square footage of the structure by more than ten (10) percent over a fifteen (15) year period, beginning November 28, 1988.
 - (b) The adult entertainment use shall construct and install Alternative Landscape Strip Number 2, as defined in Sec. 7.3.E.3.b (Compatibility landscape buffer strips), along any property line that abuts a residential district, within ninety (90) days of the date of issuance of the adult entertainment license by the occupational licensing department.
 - (c) If a building permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the adult entertainment use, the requirements of Sec. 7.3 (Landscaping and Buffering) shall apply to the entire site of the adult entertainment use.

e. **Location.**

- (1) **General.** An adult entertainment use shall be located the following minimum distances from the following uses.
- (a) Another adult entertainment use: two thousand (2,000) feet.
 - (b) A church or place of worship: one thousand (1,000) feet.
 - (c) An educational institution: one thousand (1,000) feet.
 - (d) A public park: five hundred (500) feet.

- (e) A residential zoning district (which is designated as residential by the Palm Beach County Comprehensive Plan): five hundred (500) feet.
- (2) **Measurement of distance.** The distance set forth in this section shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed adult entertainment use to the nearest point on the property line of the relevant church or place of worship, educational institution, public park, residential zoning district. For the purpose of measuring the distance between adult entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing adult entertainment establishment and the nearest point on the exterior wall or bay of another adult entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects.
- (3) **No variance.** There shall be no variance to the locational standards of this section.
- (4) **Subsequent development within locational standards.** The subsequent approval of a development order for a church or place of worship, elementary or secondary school, public park or residential district within the distances outlined in this section shall not change the status of the adult entertainment use to that of a nonconforming use.
- f. **Screening.** An Alternative Landscape Strip Number 1, pursuant to Sec. 7.3.E.3.b (Compatibility landscape buffer strips), shall be installed along any property line that abuts a residential district.
- g. **Lighting.** Outdoor low-intensity lighting shall be provided that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures that do not exceed sixteen (16) feet in height from finished grade.

3. **Agricultural research and development.**

- a. **SA district.** In the SA district an agricultural research and development facility shall have a fifty (50) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks. Agricultural research and development in the SA district may exceed a height of thirty-five (35) feet, provided that the minimum yard setback standard shall be met, and in addition a three (3) foot setback shall be added for every ten (10) feet in height the structure is above thirty-five (35) feet. Agricultural research and development shall be a condition Type "A" in the RR10 land use designation in the Future Land Use Element of the Comprehensive Plan.

4. **Agricultural sales and service.** Agricultural sales and service uses shall comply with the following supplementary use standards.

- a. **SA district.** In the SA district, agricultural sales and service uses shall not be permitted on lands designated RR10 in the Future Land Use Element of the Comprehensive Plan.
- b. **RSER and AR district.** In the RSER and AR districts the following supplementary standards shall apply to agricultural sales and service uses.
- (1) **Enclosed storage.** All outdoor storage areas for agricultural sales and service uses shall be enclosed or completely screened from view.
 - (2) **Grocery sales.** Up to five (5) percent or five hundred (500) square feet, whichever is less, of the merchandise sales area of an agricultural sales and service use may be devoted to retail grocery sales, provided that the grocery display space is limited to one (1) discrete area of the establishment. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale.
 - (3) **Repair services.** Service of small implements shall only be permitted in enclosed areas of an agricultural sales and service use that is completely screened from the roadway and adjacent lands. Repair activities shall occur only between the hours of 7:00 AM and 9:00 PM.
 - (4) **Sale of large implements.** Sale of large farm implements shall be permitted at an agricultural sales and service use only for an establishment existing on February 1, 1990, and located on a State maintained road.

5. **Agricultural transshipment.** In the SA district an agricultural transshipment facility shall have a fifty (50) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks. The use shall not be permitted on lands designated RR10 in the Future Land Use Element of the Comprehensive Plan.
6. **Agriculture.** Agricultural uses shall comply with the following supplementary use standards.
 - a. **SA district.** In an SA district located in an RR10 land use designation in the Future Land Use Element of the Comprehensive Plan, citrus packing and grading plants, forage drying facilities and precooling/packing plants shall be allowed only for existing farm operations.
 - b. **AR district.** In the AR district, dipping vats shall not be allowed unless approved as a Class "B" Conditional use.
 - c. **AR district.** In the AR district the following supplementary regulations shall apply.
 - (1) **Exotic animals.** Exotic animal (imported, or nonnative animal species) care for commercial breeding purposes shall be on a minimum lot size of five (5) acres. Pens, cages or structures associated with the exotic animal care use shall be setback a minimum of fifty (50) feet of any property line.
 - (2) **Game animals** Game farms or game animal care for private or commercial purposes shall be regulated by the Florida Game and Fresh Water Fish Commission (FGFWC). Minimum lot size for game animal care shall be five (5) acres.
 - (a) Structures, cages, or enclosures designed to contain dangerous animals or Class I animals as defined by the Florida Game and Fresh Water Fish Commission, shall be approved subject to a Conditional Use Type "A". Pens, cages or structures associated with the game animal care use shall be setback a minimum of fifty (50) feet from any property line.

- d. **CRS district.** In the CRS district, livestock raising shall be subject to the following supplementary use standards.
- (1) **Large animals.** The maximum number of large animals permitted for each acre shall not exceed five (5). For the purposes of this provision, large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure is required for each large animal when the total number of large animals exceeds three (3). In addition, the following limitation on the number of specific types of large animals shall apply: horses: five (5); swine: one (1); cattle: two (2); goats: two (2); sheep: two (2).
 - (2) **Small animals.** For the purposes of this provision, small animals shall include rabbits and fowl, excluding peafowl. The maximum number of small animals permitted for each acre shall be fifty (50) fowl and one hundred (100) rabbits. These numbers are permitted in addition to the five (5) large animals for each acre. For each two (2) large animals less than the maximum permitted, an additional fifty (50) small animals shall be permitted, not to exceed one hundred (100) additional small animals.
- e. **Accessory towers.** Communication towers accessory to a bona fide agricultural use are permitted subject to Sec. 6.6.A.3 (Accessory radio tower).
- f. **TAO - Temporary Agricultural Operation.** TAO - Temporary Agricultural Operation is permitted in all zoning districts except Preservation Conservation (PC) and is subject to the following conditions.
- (1) Obtain a special permit from the Zoning Division.
 - (2) The applicant shall submit a completed application with necessary documents and drawings for review and certification by the Development Review Committee (DRC). The DRC may impose conditions including but not limited to: controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and/or limits of operation or any additional information deemed necessary by the DRC.
 - (3) The use is temporary and shall not be classified as a "bona fide agricultural activity".
 - (4) A minimum of five (5) acres total property area shall be required for a TAO.
 - (5) The duration of any TAO shall not exceed a period of five (5) years from the date the special permit is issued.

- (6) TAO shall conform with all preservation, and vegetation removal requirements of the Zoning Code for the underlying permitted use, and shall conform with the provisions of Secs. 9.2 (Environmentally Sensitive Lands) and 9.4 (Wetlands Protection) of this Code.
 - (7) A minimum setback (buffer) of thirty five (35) feet along the entire perimeter of the subject area and surrounding all upland areas designated for preservation by special permit shall be provided. A minimum setback (buffer) of one hundred (100) feet surrounding all designated wetland areas.
 - (8) TAO shall be totally contained by a suitable fence no greater than six (6) feet in height. All areas designated for preservation by the DRC, including the required buffer, shall remain protected and be fenced out of TAO.
 - (9) No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.
 - (10) The Petitioner shall obtain a surface water management permit/certification from the Palm Beach County Engineering and Public Works Department and South Florida Water Management District for a suitable collection and treatment facility capable of containing and treating 100% of the runoff from the designated TAO.
 - (11) No permanent irrigation structures or wells shall be allowed on site. Further development of the property shall be prohibited until all wells, or other irrigation structures are capped or removed from the site.
 - (12) Approval by the Palm Beach County Animal Control Department in the event that the TAO will include livestock.
7. **Air curtain incinerator, permanent.** Permanent air curtain incinerator uses shall comply with the following supplementary use standards. If an air curtain incinerator facility also includes chipping and mulching or composting, adherence to the supplementary use conditions applicable to such uses shall also be required.
- a. **Setback from residential districts and uses.** A permanent air curtain incinerator use shall be set back a minimum of five hundred (500) feet from any property line abutting a residential district or use. The setback distance may be reduced to a minimum of three hundred (300) feet for a permanent air curtain incinerator use if it is determined that the associated debris, storage, traffic, and potential smoke and odor are not incompatible with the surrounding uses and the PBCPHU has determined that the smoke or odor does not have the potential to create a health threat or nuisance condition.

- b. **Health and environmental regulations.** In addition to a permit from the Florida Department of Environmental Regulation (FDER) and conformance with requirements of Chapter 17-2, F.A.C., a permanent air curtain incinerator use shall be subject to all applicable rules and regulations and require a sign-off from the PBCPHU, the Solid Waste Authority (within 60 days of zoning approval) and the Fire Rescue Department.
- c. **Access.** An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include residential streets.
- d. **Storage.** On site storage of unprocessed material shall be limited to forty-five (45) days and pile height shall be limited to fifteen (15) feet. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use. Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts.
- e. **Landscaping and buffering.** An Alternative Landscape Strip Number 3 conforming to the provisions of Sec. 7.3.E.3.b (Compatibility landscape buffer strips) shall be provided along property lines adjacent to residential zoning districts or uses. The standards shall be waived for any portion of the required landscape buffer that is not visible from adjacent lots or rights-of-way.
- f. **Supplemental application requirements.** The applicant shall provide the following information:
 - (1) A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, incinerator and storage piles;
 - (2) A statement specifying the hours of operation;
 - (3) An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day; and
 - (4) The applicant shall provide a notarized letter of approval from the property owner verifying consent to use the property for an air curtain incinerator.

- g. Accessory to nursery. An air curtain incinerator accessory to a wholesale greenhouse or nursery is permitted subject to Sec. 5.6 (Site Plan/Final Subdivision Plan) and the following standards.
- (1) The facility shall receive no more than twenty (20) tons or one hundred twenty (120) cubic yards of yard trash for incineration per day. Yard trash is composed of vegetative matter resulting from landscape maintenance or landscape clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.
 - (2) A notarized letter of approval from the property owner shall be provided verifying consent to use the property for an air curtain incinerator.
 - (3) A site plan shall be provided illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, incinerator and storage piles.
 - (4) A permit from the FDER shall be received prior to receiving approval for an amendment to the Official Zoning Map.
 - (5) An air curtain incinerator shall be set back a minimum of five hundred (500) feet from any property line abutting a residential district or use. The setback distance may be reduced to a minimum of two hundred (200) feet for an air curtain incinerator accessory to a wholesale nursery use if it is determined that the associated debris, storage, traffic, and potential smoke and odor are not incompatible with the surrounding uses and the PBCPHU has determined that the smoke or odor does not have the potential to create a health threat or nuisance condition.
 - (6) On site storage of unprocessed material shall be limited to forty-five (45) days and pile height shall be limited to fifteen (15) feet. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use. Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts.
 - (7) The accessory air curtain incinerator operation shall be subject to the compatibility requirements of Sec. 7.3.E.3.b (Compatibility landscape buffer strips).

8. **Air curtain incinerator, temporary.** Temporary air curtain incinerator uses shall comply with the following supplementary use standards. If an air curtain incinerator facility also includes chipping and mulching or composting, adherence to the supplementary use conditions applicable to such uses shall be required.
- a. **Approval.** Applicant shall obtain a special permit from the Zoning Division.
 - b. **Setback from residential districts and uses.** A temporary air curtain incinerator use shall be set back a minimum of five hundred (500) feet from any property line abutting a residential district or use. The setback distance may be reduced to a minimum of two hundred (200) feet for a temporary air curtain incinerator use if it is determined that the associated debris, storage, traffic, and potential smoke and odor are not incompatible with the surrounding uses and the PBCPHU has determined that the smoke or odor does not have the potential to create a health threat or nuisance condition.
 - c. **Health and environmental regulations.** A temporary air curtain incinerator use shall be subject to all applicable rules and regulations of the FDER (including Chapter 17-2, F.A.C.), the PBCPHU, the Solid Waste Authority and the Fire Rescue Department.
 - d. **Permitting.** The temporary air curtain incinerator shall require approval by the PBCPHU, the Solid Waste Authority, and the Fire Rescue Department, and shall obtain a special permit from the Zoning Division.
 - e. **Duration.** The use shall be permitted on the site, with a special permit approval, for a period of 6 (six) months or less.
9. **Airport, landing strip or heliport.** All private airports, landing strips, and heliports or helipads not owned and operated by the State of Florida, Palm Beach County, or a hospital shall comply with the following supplementary use standards.
- a. **AGR and AR districts.** In the AGR and AR districts, only airplane landing strips, airplane hangars, and heliports and helipads accessory to a bona fide agricultural use shall be permitted.
 - b. **CRE district.** In the CRE district, an airport, accessory landing strip or heliport or helipad shall not be located in an RR10 land use designation of the Comprehensive Plan.
 - c. **Airspace analysis and preliminary Airport License Report.** All private airports, landing strips, and heliports or helipads shall demonstrate that an airspace analysis has been conducted by the Federal Aviation Administration (FAA), and a preliminary Airport License Report has been prepared by the FDOT. Any alteration in ground facilities or the addition of navigation aids designed to facilitate an instrument approach capability shall require a new application if the original approval was granted for Visual Flying Rules (VFR).

- d. **Minimum required landing area.** Private airports and landing strips shall comply with the minimum required dimensions listed in the FDOT Chapter 14-60, F.A.C. Heliports and helipads shall comply with the Heliport Design Guide as required by the FAA.
 - e. **Minimum area.** Heliports and helipads accessory to residential farm use shall be located on parcels containing a minimum of five (5) acres. Rural airplane landing strips and hangars accessory to agricultural use shall be located on parcels containing a minimum of twenty (20) acres.
 - f. **Setbacks.** No structure or navigation aid shall be located within fifty (50) feet of any property line. In addition, there shall be a hundred (100) foot setback between the edge of the runway primary surface area as defined by the FDOT Chapter 14-60, F.A.C., and the property line, unless the landing strip facility is a major recreation facility located within a PUD or subdivision. In such cases, there shall be a fifty (50) foot setback between the edge of the runway primary surface area and any residential structure.
 - g. **Building height.** Requirement for a variance for a structure to exceed the height limit for the district in which the use is located shall be waived if the additional height is required by Federal law or the Florida Statutes.
 - h. **Fencing and screening.** Where deemed necessary to protect the general public, safety fences up to a height of six (6) feet shall be required. Additionally, screening of at least seventy-five (75) percent opacity shall be required if determined necessary to protect neighboring property from potential loss of use or diminishment of land value.
10. **Amusements, temporary.** A temporary commercial amusement use shall comply with the following supplementary use standards.
- a. **Approval.** Applicant shall obtain a special permit from the Zoning Division.
 - b. **Duration.** The temporary commercial use shall not be permitted for a period exceeding seven (7) consecutive calendar days, except that one (1) administrative extension of time shall be issued upon request that shall not exceed an additional seven (7) calendar days. If the use is proposed to exceed fourteen (14) days, approval of a Class "A" Conditional use pursuant to Sec. 5.4.F. shall be required.
 - c. **Setbacks.** No building, mobile home, trailer, vehicle, tent, mechanical device, or animal related to a commercial use shall be located within two hundred (200) feet of any property line.
 - d. **Frontage.** The minimum frontage on the land when the temporary commercial amusement use is located shall be five hundred (500) feet on a public road.

- e. **Access.** The primary access for the temporary commercial amusement use shall be from an arterial road and shall not cause traffic to flow through nearby residential areas. Backout parking directly onto a public street shall be prohibited.
 - f. **Events per year.** Except for auctions, and regional recreational attractions, there shall be no more than two (2) such temporary commercial amusement use events for a property in any one (1) year. Auctions shall be permitted to operate four (4) times per year subject to all other code requirements.
 - g. **Performance standards.** All temporary amusements shall be subject to performance standards relating to noise and lighting according to Sec. 7.8.
 - h. **Locational requirements.**
 - (1) Temporary commercial amusement permits shall not be issued for the same dates for two (2) or more events unless they are located more than one-half (1/2) mile from each other.
 - (2) Temporary commercial amusements shall not be permitted where the frontage of the subject property abuts a right-of-way under major construction, such as a road widening project.
 - i. **Compliance.** If a special permit for a temporary amusement is found in violation of any provision of the terms of the permit or of this Code, the Zoning Director may withhold future special permits from the applicant for a period of eighteen (18) months.
11. **Arena, auditorium or stadium.** All arena, auditorium or stadium uses shall comply with the following supplementary use standards.
- a. **CRE district.** In the CRE district, an arena, auditorium or stadium use shall not be located in an RR10 land use designation of the Comprehensive Plan.
 - b. **Minimum lot area.** The minimum lot area required for arena, auditorium or stadium uses shall be no less than five (5) acres.
 - c. **Frontage.** The minimum required frontage on a public street for arena, auditorium or stadium uses at the primary point of access shall be a minimum of four hundred (400) feet in length.
 - d. **Access.** All points of vehicular access for arena, auditorium or stadium uses shall be from an arterial road. The access points shall be located to minimize vehicular traffic to and through local streets in residential neighborhoods.

- e. **Fencing and screening.** Safety fences up to a height of six (6) feet shall be required, if determined appropriate, to protect the general health, safety and welfare. Landscape screens of at least seventy-five (75) percent opacity shall also be required if it is determined they are necessary to ensure compatibility with surrounding uses and to protect neighboring land values. The operation is subject to compatibility requirements of Sec. 7.3. However, an alternative type four (4) landscape strip is required along property lines adjacent to a residential zoning district.
12. **Assembly, nonprofit.** A nonprofit assembly use shall comply with the following supplementary use standards.
- a. **Location.** The use shall be located on a major arterial.
 - b. **AR District.** In the AR district, a nonprofit assembly use shall be located on a major arterial, and shall have a one hundred (100) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks.
 - c. **Screening.** The use is subject to compatibility requirements of Sec. 7.3.
13. **Auction.** An auction use shall comply with the following supplementary use standards.
- a. **Duration.** The auction use shall not be permitted for a period exceeding seven (7) consecutive calendar days. If the use is proposed to exceed seven (7) days, approval of a Class "B" Conditional use pursuant to Sec. 5.4.F shall be required.
 - b. **Landowner consent.** The landowner on which the auction shall be held shall consent to the auction and agree to return the land to an orderly and sanitary condition.
 - c. **Access.** The primary access from an auction use shall be from an arterial road and shall not cause traffic to flow through nearby residential areas. Back-out parking directly onto a public street shall be prohibited.
14. **Automotive paint and body shop.** An automotive paint and body shop use shall comply with the following supplementary use standards.
- a. **CG district.** All activities related to an automotive paint and body shop in the CG district shall be conducted within an enclosed structure.

15. **Automotive service station.** An automotive service station use shall comply with the following supplementary use standards.
- a. **Location criteria.** Automotive service stations and related uses and facilities with gasoline sales create intensities which may permanently and substantially alter the character of an area. Prior to approving a conditional use for an automotive service station or other facility with gasoline pumps, the Board of County Commissioners shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the Board of County Commissioners shall consider the following guidelines in their review:
 - (1) Proper functioning of the site as related to vehicle stacking, circulation and turning movements;
 - (2) Adequate buffering from residential areas;
 - (3) Application of the Major Intersection Criteria as defined in Art. 7; and
 - (4) Provision of adequate access.
 - (5) Number of other fueling stations in the vicinity to safeguard against potential harm from explosion.
 - b. **Enclosed repair activities.** All accessory repair activities shall be conducted within an enclosed structure. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
 - c. **No vehicle testing on residential streets.** Vehicles shall not be tested off-site on residential streets.
 - d. **Water recycling.** Any accessory automatic car wash facility shall utilize a water recycling system.
 - e. **Loudspeakers.** No outdoor speaker or public address systems which are audible off-site shall be permitted.
 - f. **In the IL and IG Districts.** In the IL and IG Districts, gasoline sales shall be accessory to vehicle repair activities, and convenience store sales area shall be limited to five hundred (500) square feet.
16. **Bed and breakfast.** A bed and breakfast use shall comply with the following supplementary use standards.
- a. **Approval.** Obtain a special permit from the Zoning Division.
 - b. **Resident owner.** The owner operator shall reside on the premises.

- c. **No adverse effect.** The proposed use of the property shall not adversely affect the immediate neighborhood.
 - d. **No nuisance or hazard.** The proposed use of the property shall not create noise, light or traffic conditions detrimental to the neighboring residents.
 - e. **Exterior alterations.** Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing a bed and breakfast.
 - f. **Breakfast only.** No meals other than breakfast shall be served to paying guests.
 - g. **Guest register.** The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
 - h. **Building code requirements.** The building shall comply will all requirements of dwelling units included in the Standard Building Code.
 - i. **Outdoor advertising.** Generally, outdoor advertising shall be prohibited. However, a variance for a small sign shall be granted if the petitioner demonstrates that there are particular circumstances that would find the sign to be compatible with the surrounding neighborhood. All other conditions of this Code for a variance and signage must be met.
17. **Campground.** A campground use shall comply with the following supplementary use standards.
- a. **Minimum lot area.** A campground use shall have a minimum lot area of at least five (5) acres or the minimum required by the district, whichever is greater.
 - b. **SA district.** In the SA district a campground shall have a one hundred (100) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks.
 - c. **Fencing and screening.** A landscape screen of at least seventy-five (75) percent opaqueness shall be required around a recreation facility use if it is deemed necessary to protect neighboring property from potential loss of use or diminishment of land value. The operation is subject to compatibility requirements of Sec. 7.3. However, an alternative type four (4) landscape strip is required along property lines adjacent to a residential zoning district.
 - d. **Setbacks.** No campground use shall be located within one hundred (100) feet of any property line.

18. **Car wash or auto detailing.** Car wash and auto detailing uses shall comply with the following supplementary use standards.
- a. **Location.**
 - (1) In the CC district, a Conditional use for a car wash or auto detailing use shall not be approved unless the Automotive service station—location criteria standards of Sec. 6.4.D are met.
 - (2) In the CG district, a use for a car wash or auto detailing shall be permitted pursuant to Article 5, Development Review Committee, if car washing and auto detailing is limited to hand washing/waxing and all work is done inside.
 - (3) In the IL district, a car wash or auto detailing use shall be permitted by right if limited to hand washing/waxing.
 - b. **Accessory to service station.** An automatic car wash shall be considered an accessory use to an automotive service station use when it is located on the same lot, and shall be governed by the use and property development regulations applicable to the service station use.
 - c. **Water recycling.** The car wash facility shall utilize a water recycling system.
 - d. **Loudspeakers.** No outdoor speaker or public address systems which are audible off-site shall be permitted.
19. **Cemetery.** A cemetery use shall comply with the following supplementary use standards.
- a. **Site area.** In accordance with the requirements of Sec. 497.027, Fla. Stat., a cemetery shall be located on a site with a minimum contiguous area of fifteen (15) acres.
 - b. **Water supply and sewage disposal.** Potable water supply and sewage disposal systems for a cemetery use shall be provided in accordance with the requirements of the PBCPHU.
 - c. **CG and SA** In the CG and SA district a cemetery for pets is permitted with a conditional use type B. The pet cemetery use includes an accessory office and mausoleum however an accessory crematory is permitted in the CG district only. The accessory crematory must be approved by the DER. The minimum lot size of fifteen (15) acres is not applicable for pet cemeteries.
 - d. **RM and RH** In the RM and RH districts funeral homes accessory to cemeteries are permitted subject to conditional use Type A. In all residential zoning districts, a cemetery shall be located on a collector or arterial street only."

20. **Chipping and mulching.** A chipping and mulching use shall comply with the following supplementary use standards.
- a. **Setback from residential districts and uses.** A chipping or grinding machine shall be set back a minimum of three hundred (300) feet from any property line abutting a residential district or use if it is determined that the associated debris, storage, noise, dust and traffic are not incompatible with the surrounding uses. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential zoning district or use.
 - b. **Permits required.** The operation shall receive and maintain a permit with the Solid Waste Authority within sixty (60) days of approval of the amendment to the Official Zoning Map. A chipping and mulching facility use is subject to all applicable regulations of the Solid Waste Authority and FDER.
 - c. **Odor and dust reduction.** A chipping and mulching facility use shall be designed and operated to restrict objectionable odor and dust from entering adjacent properties.
 - d. **Access.** An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include local streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.
 - e. **Storage.** On-site storage of unprocessed material shall be limited to forty-five (45) days and the pile height of storage material shall be limited to fifteen (15) feet. Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts.
 - f. **Landscaping and buffering.** The operation shall be subject to the compatibility requirements of Sec. 7.3.E.3.b (Compatibility landscape buffer strips). However, an Alternative Landscape Strip Number 3 shall be required along property lines adjacent to a residential zoning district. The standards shall be waived for any portion of the required landscape buffer that is not visible from adjacent lots or rights-of-way.
 - g. **Chipping and grinding hours.** Hours of operation of chipping and grinding machine are limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if adjacent to residential zoned property.

- h. **Supplemental application requirements.** The applicant shall provide the following information:
- (1) A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, chipper and storage piles; and
 - (2) A statement specifying the hours of operation;
 - (3) An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day;
 - (4) A notarized letter of approval shall be provided from the property owner verifying consent to use the property for chipping and mulching; and
 - (5) A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.
- i. **Accessory to nursery.** Chipping and mulching shall be permitted as an accessory use to a wholesale greenhouse or nursery, subject to Article 5, Development Review Committee and the following standards.
- (1) A notarized letter of approval shall be provided from the property owner verifying consent to use the property for chipping and mulching.
 - (2) A site plan shall be provided illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, chipper and storage piles.
 - (3) The facility shall be limited to the processing of yard trash, and no more than twenty (20) tons or one hundred twenty (120) cubic yards of yard trash or composting material shall be received per day. Yard trash is composed of vegetative matter resulting from landscape maintenance or landscape clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.
 - (4) A chipping and mulching facility use shall be designed and operated to restrict dust from entering adjacent properties.
 - (5) A chipping or grinding machine shall be set back a minimum of three hundred (300) feet from any property line abutting a residential district or use. A chipping or grinding machine shall only be operated during week days between the hours of 9:00 AM and 5:00 PM.

- (6) On-site storage of unprocessed material shall be limited to forty-five (45) days and pile height of storage material shall be limited to fifteen (15) feet. Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district.
 - (7) The accessory chipping and mulching operation shall be subject to compatibility requirements of Sec. 7.3.E.3.b (Compatibility landscape buffer strips).
 - j. **Fire Prevention.** Chipping and mulching facilities shall be located within ten (10) miles of a full service fire station or have and maintain on-site fire fighting equipment acceptable to the Palm Beach County Fire Marshall."
21. **Church or place of worship.** A church or place of worship shall comply with the following supplementary use standards.
- a. **Temporary sales.** Temporary sales events, such as rummage or bake sales, shall be allowed as an accessory use, subject to the Temporary Retail Sales standards of Sec. 6.4.D and Sec. 5.5 (Special Use Permits).
 - b. **CN, CC and CG districts.** In the CN, CC and CG districts, a church or place of worship not exceeding one thousand five hundred (1,500) square feet of gross floor area shall be a permitted use, subject to site plan certification approved by the DRC and pursuant to Sec. 5.6 (Site Plan/Final Subdivision Plan).
 - c. **Institutional land use plan classification.** In the institutional land use plan classification accessory affordable housing shall be permitted subject to Class "A" conditional use. Such use shall be requested only by a nonprofit organization or community based group. This type of residential development would be under the direct supervision of a sponsoring nonprofit organization or community based group. Such housing shall be provided at below market rental and not for resale.
 - d. **Location.** All places of worship which include a rectory, shall front on a collector or arterial street. All places of worship which include a day care, school, academy, congregate living facility, cemetery, community center or other similar accessory facilities shall front on an arterial street and in no case shall be located on residential or local streets."

22. **Communication tower, commercial.** A commercial communication tower use shall comply with the following supplementary use standards. Upon a declaration by the BCC that a requirement of this code prohibits a government owned tower and that the specific location is required in order to protect the public welfare or safety, the applicable criteria of this section may be amended.
- a. **All Districts.** Communication towers over two hundred fifty (250) feet in height shall be approved as Conditional Use, Class "A".
 - b. **In CG and CLO Districts.** Monopole towers not exceeding one hundred fifty (150) feet in height in the CG and CHO Zoning Districts shall be approved subject to DRC. Monopole towers not exceeding one hundred fifty (150) feet in height in the CN-Neighborhood Commercial and CLO-Commercial Low Intensity Office Zoning Districts shall be approved as Conditional Use, Class "B".

TABLE 6.4-4
 SUPPLEMENTAL COMMUNICATION TOWER SETBACKS

ZONING DISTRICTS	SELF SUPPORT TOWERS	MONOPOLE TOWERS	GUYED TOWERS	GUY ANCHORS AND SUPPORTS
AR-Agricultural Residential	100' or 20% of height ¹	100' or 20% of height ¹	100' or 20% of height ²	20'
Other Residential	50' or 20% of height ¹	50' or 20% of height ¹	50' or 20% of height ²	20'
Commercial	20% of height	Dist. or 20% of height ³	20% of height ⁴	5'
Industrial	Dist. or 20 % of height ³	Dist. or 20% of height ³	Dist. or 20 % of height ³	5'
From Right-Of-Way ⁵	50'	50' ⁶	50'	50' ⁶

¹Whichever is greater.

²Whichever is greater, provided 100% break point calculations.

³District setbacks apply to towers not exceeding 150 feet.

⁴Provided 100% break point calculations.

⁵Setbacks from existing or planned street rights-of-way apply if greater than district setbacks.

⁶Setbacks from existing or planned street rights-of-way may be lowered to 20' provided a "Jersey barrier" or a similar barrier, based on probable area of attack, is installed.

- c. **Setbacks.** The principal support structures of communication towers shall conform to the minimum setback standards of the district in which the use is located. However, the supplemental setback standards in Table 6.4-4 shall apply to all communication towers if greater than the minimum setback standards of the district.
- (1) Guyed communication towers shall be certified by a registered engineer in the State of Florida, who shall submit calculations substantiating the position of the one-hundred-percent break point, or the guyed tower shall be located on the site so as to provide a minimum distance equal to one hundred (100) percent of the height of the communication tower from all property lines. However, with the submission of break point calculations, the setback requirements of Table 6.4-4 still apply.
- (2) Communication towers shall be set back a minimum of fifty (50) feet from any property line adjacent to a residential district or one hundred (100) feet for communication towers in or adjacent to AR zoned parcels.
- d. **Anchor location.** Except as specified in Table 6.4-4, communication tower peripheral supports and guy anchors may be located within required setbacks provided they shall be located entirely within the boundaries of the property on which the communication tower is located.
- e. **Location of accessory structures.** All structures accessory to communication towers, other than peripheral supports and guy anchors, shall conform to the setback standards for the district in which the use is located.
- f. **Fencing.** A fence or wall not less than eight (8) feet in height from finished grade shall be constructed around each communication tower and around each guy anchor, if used. Access to the communication tower shall be through a locked gate. Barbed wire shall be used along the top of the fence or wall if it is necessary to preclude unauthorized access to the tower.
- g. **High voltage signs.** If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE-DANGER".
- h. **Landscaping and buffering.** The following landscaping and buffering of communication towers shall be required around the perimeter of the tower and any accessory structures, including guy anchors, except that the standards shall be waived when the proposed landscaping would not be visible from adjacent lots or rights-of-way. Landscaping shall be installed on the outside of fences. Landscaping may be installed on the inside of fences upon approval by the Zoning Director, where viability, survivability or utility of landscaping on the exterior is at question.

- (1) **Adjacent to residential uses or residential districts.** An Alternative Landscape Strip Number 4, as described in Sec. 7.3.E.3.b (Compatibility landscape buffer strips) shall be required between communication towers and adjacent lots with existing residential uses or residential future land use plan designations.
 - (2) **Not adjacent to residential.** In all other instances, communication towers shall comply with the compatibility landscape buffer standards of Sec. 7.3.E.3.b (Compatibility landscape buffer strips).
- i. **Additional uses permitted on lot.** Communication towers may be located on lots containing another principal use and may occupy a leased parcel on a lot meeting the minimum lot size requirement of the district in which it is located. The County shall require execution of a unity of title and may require separation between communication towers and other uses on the lot to assure compatibility. Communication towers may occupy a leased portion of a valid lot.
 - j. **Aircraft hazard.** Communication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA). To verify compliance with FAA requirements, the applicant shall complete one of the following two processes:
 - (1) Prior to site plan certification, the applicant shall provide documentation that the proposed communication tower has been reviewed and is not determined to be a hazard by the FAA. This documentation shall be reviewed by the Palm Beach County Department of Airports (PBCDOA) before site plan certification. The PBCDOA shall review the communication tower application to determine if it is a hazard to any FAA established flight paths. The PBCDOA shall object within ten (10) working days of receiving the FAA notice of no hazard and a copy of the communication tower application submitted to the Zoning Division; or
 - (2) The applicant shall submit as part of the application for communication tower approval; (a) a copy of the application to the FAA for a favorable determination that the proposed tower is no hazard to air navigation, and (b) a copy of a report, created by a reputable aviation consultant, that indicates the proposed communication tower does not encroach into any established flight paths and that the FAA should issue a favorable determination of no hazard to air navigation for the proposed tower. The Zoning Division shall forward copies of this material to the PBCDOA.

Prior to building permit application, the applicant shall provide documentation that the proposed communication tower has been reviewed and is not determined to be a hazard by the FAA. This documentation shall be reviewed by the PBCDOA. The PBCDOA shall determine if the tower encroaches any FAA established flight paths. The PBCDOA shall review the communication tower application and object within ten (10) working days of receiving the FAA notice of no hazard to air navigation. The FAA documentation shall be attached to the building permit application.

- k. **Shared use.** This section is designed to foster shared use of communication towers and their accessory support facilities.

If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate shared use, setback requirements may be reduced to a minimum of fifteen (15) feet, except from residential property lines. The lessee of tower space shall fund costs of changes in tower dimensions.

The procedure is designed to minimize proliferation of communication towers by making all parties aware of sharing opportunities. Prior to certification of an application by the DRC, all applicants for communication towers shall comply with the following procedures.

- (1) Annually, the Communications Division shall secure a list of known communication tower users by advertisement in a newspaper of general circulation. The Zoning Division may add known communication tower users to this list. This communication tower users' list shall remain valid for one calendar year.
- (2) To encourage shared use, all communication tower applicants shall provide notice by certified mail to all users on the communication tower users' list with the following information: specifications of the proposed tower; its general location; the general rate structure for leasing space, which shall be based on reasonable local charges; its proposed height; and a phone number to locate the owner of the communication tower and a shared use evaluation form.

A copy of the notice shall be mailed to the Communications Division and the Zoning Division. The notices shall invite potential communication tower users to apply for space on the proposed tower.

- (3) A tower application must be submitted to the Zoning Division within one (1) year of the date notices are mailed to users on the approved users' list.

- (4) Potential communication tower users shall respond to the notice within twenty (20) days of certified mailing on a shared use application form. A completed shared use application form (established by the Zoning Division), shall be sent to the owner of the proposed communication tower or his authorized agent and the Zoning Division. A fee shall be included with the completed shared use application form sent to the Zoning Division.
- (5) The feasibility of each shared use application form shall be evaluated by the applicant. The shared use evaluation shall document the feasibility of shared use between the proposed communication tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared use include but are not limited to the following: structural capacity, radio frequency (RF) interference, geographic service area requirements, mechanical or electrical incompatibilities, inability or ability to locate equipment on approved and unbuilt communication towers, cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a twenty five [25] year period), FCC limitations that would preclude shared use and other applicable code requirements.
- (6) If the applicant rejects one or more request(s) and if potential tower lessee disputes the rejection(s) for shared use, the following shall occur within five (5) working days of the response deadline:
 - (a) Applicant shall submit to the Zoning Division two (2) copies of the following: a brief evaluation of each rejected response; all design data for the proposed communication tower; and, for responses that are rejected by the applicant due to structural limitations, an explanation that indicates structural improvements necessary to support the rejected requests paid for by the tower space lessee; and
 - (b) The Zoning Division shall forward copies of all applications for shared use and the applicant's evaluation of each rejected request to a consultant, retained on an as needed basis by the County and paid from shared user application fees.
- (7) If the applicant did not reject any requests for shared use or if no rejected requests for tower space were disputed by any potential tower lessee(s), no consultant review is necessary.

- (8) Within ten (10) working days of receiving the shared use responses that were rejected by the applicant and disputed by the potential tower space lessee, the consultant shall review and write an evaluation. Two copies of the consultant's evaluations shall be sent to the Zoning Division; one attached to the communication tower application and one forwarded to the applicant by the Zoning Division. The consultant's report shall be advisory, made part of the staff report and considered in approving the communication tower application.
- l. **Radiation standards.** Communication towers shall comply with current Federal Communications Commission standards for non-ionizing electromagnetic radiation (NIER). The applicant shall submit engineering documentation to verify that the proposed site plan ensures compliance with these standards. If a NIER evaluation is required as a result of co-location, it shall be paid for by tower space lessee. It may be necessary to hire a consultant, retained on an as needed basis by the County and paid for with permit fees, to evaluate NIER documentation.
- m. **Removal of obsolete facilities.** All obsolete and unused communication towers shall be removed within twelve (12) months of cessation of use. The applicant shall submit an executed removal agreement to ensure compliance with this requirement.
23. **Composting facility.** A composting facility use shall comply with the following supplementary use standards. If a composting facility includes chipping or grinding, adherence to chipping and mulching standards in this section is required.
- a. **Minimum lot size.** A composting facility use shall be located on a lot with a minimum area of five (5) acres.
- b. **Setback from residential districts and uses.** Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use.
- c. **Health and Environmental Regulations.** A composting facility shall be subject to all applicable regulations of the FDER (including Chapter 17-701, F.A.C), the PBCPHU, and the Solid Waste Authority.
- d. **Odor and dust reduction.** A composting facility use shall be designed and operated to restrict objectionable odor and dust from entering adjacent properties.
- e. **Access.** An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include local streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.

- f. **Storage.** On-site storage of unprocessed material shall be limited to forty-five (45) days and pile height of storage material shall be limited to fifteen (15) feet. Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts.
- g. **Landscaping and buffering.** The operation is subject to the compatibility requirements of Sec. 7.3.E.3.b (Compatibility landscape buffer strips). However, an Alternative Landscape Strip Number 3 shall be required along property lines adjacent to a residential zoning district or use. The standards shall be waived for any portion of the required landscape buffer that is not visible from adjacent lots or rights-of-way.
- h. **Supplemental application requirements.** The applicant shall provide the following information:
- (1) A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings and storage piles;
 - (2) A statement specifying the hours of operation;
 - (3) An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day; and
 - (4) The applicant shall provide a notarized letter of approval from the property owner verifying consent to use the property for composting.
- i. **Accessory to nursery.** Composting accessory to a wholesale greenhouse or nursery is permitted subject to Site Plan/Final Subdivision Plan review pursuant to Sec. 5.6 (Site Plan/Final Subdivision Plan) and the following supplementary standards.
- (1) The facility shall receive no more than twenty (20) tons or one hundred twenty (120) cubic yards of yard trash or chipping material per day. The yard trash is composed of vegetative matter resulting from landscape maintenance or landscape clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.
 - (2) A notarized letter of approval is provided from the property owner verifying consent to use the property for composting.
 - (3) A site plan shall be provided illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings and storage piles.

- (4) A composting facility use shall be designed and operated to restrict objectionable odor and dust from entering adjacent properties.
- (5) On-site storage of unprocessed material shall be limited to forty-five (45) days and pile height of storage material shall be limited to fifteen (15) feet. Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district.

24. **Congregate living facility.** A congregate living facility use shall comply with the following supplementary use standards.

- a. **Applicability.** The requirements of this section shall apply to all congregate living facilities within unincorporated Palm Beach County and to the requirements of Article 5. These standards shall prevail over less restrictive standards applicable to such facilities imposed by the Zoning Code or otherwise by law. All CLF's for residents other than housing for children, aged persons, physically disabled persons, developmentally disabled persons as defined in section 393.0631(b), Florida Statutes, nondangerously mentally ill persons as defined in section 394.455(3), Florida Statutes, safe house shelters, or maternity homes excluding birthing centers and clinics shall be subject to the requirements of Article 5. Except as otherwise provided, a CLF, type 2 and a CLF, type 3, requires a conditional use type "B" or "A".
- b. **Permissible occupancy.**
 - (1) **Type 1.** The maximum occupancy of a congregate living facility, Type 1 shall be six (6) persons, excluding staff.
 - (2) **Type 2.** The maximum occupancy of a congregate living facility, Type 2 shall be fourteen (14) persons, excluding staff.
 - (3) **Type 3.** The maximum occupancy of a congregate living facility, Type 3 shall be determined by multiplying the maximum number of dwelling units that are permitted on the land by the district or, in the case of a nonresidential district, by the alternative density specified in the Future Land Use Element of the Comprehensive Plan, by two point three nine (2.39), which represents the average household size of all occupied dwelling units in Palm Beach County in the 1990 U.S. Census. Maximum permitted occupancy of a congregate living facility, Type 3, located in a Planned Development district shall be governed by the applicable Comprehensive Land Use Plan category and the gross density of the district, and shall be specified on the approved development order for the Planned Development.

TABLE 6.4-5
Maximum Permissible Occupancy in Type 3
Congregate Living Facilities

Land Use Plan Category (Residential)	Zoning District	Maximum Occupancy (Residents per Acre)	
		In a Standard Zoning District	In a Planned Development
AGR	AGR	PROHIBITED	.24
RR10	RSER	PROHIBITED	.24
RR10	AR	PROHIBITED	.24
RR20	AR	PROHIBITED	.12
RR10	CRS	PROHIBITED	.24
RR20	CRS	PROHIBITED	.12
LR1	CRS	PROHIBITED	2.4
LR1	RE, RT	PROHIBITED	2.4
LR2	RT	PROHIBITED	4.8
LR3	RTS	PROHIBITED	7.2
MR5	RTU	PROHIBITED	12
HR8	RS, RM, RH	14.3	19.1
HR12	RS	14.3	19.1
HR18	RS	14.3	19.1
HR12	RM, RH	19.12	28.7
HR18	RM	19.12	28.7
HR18	RH	19.12	28.7

(4) **Occupancy bonus through Planned Development.**

(a) **General.** To the extent that the maximum occupancy for a congregate living facility, Type 3, would be higher in a Planned Development district than in a standard residential district, the difference shall be considered an occupancy bonus. Such an occupancy bonus shall be granted with approval of the Planned Development District only according to the following standards.

i) An increase in the maximum permitted occupancy of a congregate living facility, Type 3, shall be permitted if all of the following circumstances exist.

a) The land has been designated for commercial use in the Future Land Use Element of the Comprehensive Plan, or is in an approved commercial pod in a Planned Development district.

b) The land is designated for low-medium through high density residential land uses in the Future Land Use Element of the Comprehensive Plan; and

c) The proposed congregate living facility, Type 3, is consistent with the intent of this section, this Code and the Comprehensive Plan.

ii) An occupancy bonus shall not be considered an entitlement. No bonus shall be granted except as an express request in an application for a Planned Development District and may be declined or reduced if it is determined that additional occupancy is not consistent with the general character of surrounding development, or if the effects of additional occupancy have not been adequately addressed through appropriate site design.

(b) **No double counting density in planned developments.** The gross area of a pod dedicated to a congregate living facility on a Planned Development District Plan shall be deducted from the gross area of the planned development for the purpose of calculating the maximum density of conventional residential development.

- c. **Location.** For the purposes of the required separation, measurements shall be made from structure to structure, except where the separation required is between a structure and a district boundary, in which case, the separation is measured from structure to district boundary.
- (1) **Location of Type 1.** A congregate living facility, Type 1 shall be located wherever a single-family dwelling unit is a permitted use, provided that the congregate living facility is not located within one thousand (1,000) feet of another congregate living facility.
- (2) **Location of Type 2 and Type 3.**
- (a) A congregate living facility, Type 2 shall be permitted in the RM and RH districts as a permitted use, provided that it is not located within a radius of twelve hundred (1,200) feet of another congregate living facility, Type 2, and five hundred (500) feet from a single-family residential district.
- (b) A congregate living facility, Type 3 shall have primary access to a collector or arterial roadway, provided that a Type 3 facility having twenty-five (25) residents or less may be located on a local street.
- (c) Each congregate living facility, Types 2 and 3, shall be located within five (5) road miles of a full service professional fire rescue station.
- d. **Water and sewer facilities.** Potable water supply and sewage disposal systems shall be provided for Congregate living facility, Types 2 and 3, in accordance with the requirements of the PBCPHU.
- e. **Design and compatibility.** Each congregate living facility, Type 2 and 3, shall
- (1) Be physically designed to conform to and be compatible with the general architectural character of the neighborhood in which it is proposed to be developed; and
- (2) Comply with all regulations regarding handicapped access pursuant to State law.
- f. **Minimum lot area.** The minimum lot area standards of the district in which the congregate living facility is located shall apply, except that in no case shall the lot size be less than seven thousand five hundred (7,500) square feet for a congregate living facility, Type 2, or one (1) acre for a congregate living facility, Type 3.

- g. **Maximum height.** The maximum height of a congregate living facility shall comply with the regulations of the district in which it is located, and in addition shall not exceed seven (7) stories in the RM and RH districts.
- h. **Reserve parking area.** For congregate living facility, Types 2 and 3, adequate provision shall be made to reserve sufficient lot area to meet future parking standards if the facility is converted to other uses. Protected vegetation in this reserve parking area shall be maintained as provided in Sec. 7.5 (Vegetation Protection). The boundaries of the reserve parking area shall be identified.
- i. **Drop-off area.** Congregate living facilities, Types 2 and 3, shall establish a safe drop-off area for group transportation, such as vans or similar vehicles.
- j. **Cooking facilities.** Each congregate living facility shall provide and continuously maintain central facilities for daily food dispensing and consumption. Food preparation shall be prohibited in sleeping areas or in individual quarters in congregate living facilities, Type 1 and Type 2. Individual kitchen facilities may be provided in the living quarters of a congregate living facility, Type 3.
- k. **Maximum occupancy of sleeping areas.** The maximum number of persons in each sleeping area shall be determined by applying the space standards of the State of Florida Department of Health and Rehabilitative Services.
- l. **Signage.**
 - (1) Signage for congregate living facilities, Type 1 and Type 2, shall be limited to one (1) on-premises sign no more than one (1) square foot in size. No other on premises or off premises sign shall be permitted on site.
 - (2) A congregate living facility, Type 3, shall be limited to one (1) double or single-face on premises identification sign no more than thirty two (32) square feet in size for each face.
 - (3) A congregate living facility, Type 3, shall have entrance gates and informational signage that meets the standards of Sec. 7.14 (Signage).

m. Accessory and associated land uses.

- (1) Congregate living facilities, Type 1 and 2, may have those accessory uses customarily incidental to a single-family dwelling unit and permitted home occupations.
- (2) A congregate living facility, Type 3, may have:
 - (a) Those accessory uses customarily accessory to a multi family dwelling unit; and
 - (b) Those noncommercial uses customarily incidental to a congregate living facility, such as a common dining room, a central kitchen, a nursing station, a medical examining room, a chapel, a library, and offices necessary to manage the congregate living facility.

n. Accessory commercial land uses. A limited amount of commercial uses may be developed as permitted accessory uses in a congregate living facility, Type 3. Such uses shall be limited to retail and congregate living personal service uses designed to serve exclusively the residents of the facility, such as a barber or beauty shop, small convenience retail sales and banking services. No more than ten (10) percent of the gross floor area of the facility shall be dedicated to such commercial uses. There shall be no exterior signage or other indication of the existence of these commercial uses that may attract nonresidents.

o. Conversion to conventional dwelling units.

- (1) Prior to conversion to conventional dwelling units, a structure designed to accommodate a congregate living facility shall, if necessary, be structurally modified to comply with the standards of this Code.

- (2) No development orders for a Site Plan/Final Subdivision Plan for a congregate living facility, Type 3, shall be approved until a declaration of restrictions in a form approved by the County Attorney has been recorded to run with the land records maintained by the Clerk of the Circuit Court for Palm Beach County. This declaration of restrictions shall expressly provide that: (1) the conversion of the premises to conventional dwelling units is prohibited except in compliance with this section; and (2) if permitted, conversion will not result in an increase in the number of "quarters" and residents permitted on the site unless the converted development has obtained a development order for a Planned Development District. If that development order has not been granted, the converted development will have to comply with the density permitted in the district; and (3) the total number of permitted residents may be determined by referring to the approved master or site development plan on file with the Zoning Division of the PZB Department.
- p. **Conversion to other uses.** Congregate living facilities that are converted to other uses, including other residential uses, shall comply with all standards in effect at the time of application for building permits for the new use.
25. **Contractor's storage yard.** A contractor's storage yard use shall comply with the following supplementary use standards.
- a. **Office permitted.** An accessory office shall be permitted.
- b. **Screening.** When located in the IL district, outdoor activities and storage shall be completely screened from view from adjacent property and public streets. All storage shall be effectively screened from view by on-site walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from rights-of-way or adjacent lots. In no case shall the height of materials, stored in outdoor areas exceed twenty (20) feet or the height of the principal building on the lot, whichever is greater. For a storage yard contiguous to property in a residential district, and opaque fence/wall a minimum eight (8) feet in height shall be placed along the inside border or the required landscape strip. The purpose of the fence/wall inside the landscaped strip is to protect the landscape strip from the intensive activity of the storage yard and to supplement the landscape strip as a buffer.
- c. **Activities.** No major repairs of vehicles or equipment, and no manufacturing or processing shall occur on the site.
26. **Convenience store.** A convenience store use shall comply with the following supplementary use standards.
- a. **CC district.** In the CC district, a convenience store use shall comply with the Major Intersection Criteria of Article 7.

27. **Convenience store with gas sales.** A convenience store with gas sales use shall comply with the following supplementary use standards.
- a. **Location.** A convenience store with gas sales use shall be subject to the Automotive service station location criteria of Sec. 6.4.D.
 - b. **Parking.** If a convenience store greater than 1,500 square feet in gross floor area is associated with the service station, one half (1/2) of the additional parking spaces shall be located adjacent to the store.
 - c. **Handicapped parking.** In all cases, required handicapped spaces shall be located adjacent to the store.
28. **Day care center, limited or general.** An adult or child day care center, limited or general, shall comply with the following supplementary use standards.
- a. **CRE district.** In the CRE district, a general day care center use shall not be located in an RR10 land use designation of the Comprehensive Plan.
 - b. **Industrial land use category or land use zone.** Child day care centers located in a development with a designation on the Comprehensive Plan of Industrial or within a Planned Development industrial land use zone shall be designed principally to serve employees on the same site or a contiguous site. No other types of day care center facilities shall be permitted in an industrial land use category or in a Planned Development industrial land use zone.
 - c. **Minimum lot area.** The minimum lot area shall be no less than six thousand (6,000) square feet or the minimum required by the district in which the day care center is located, whichever is greater.
 - d. **Minimum floor area.**
 - (1) **Child day care centers.** For a child day care center of forty (40) children or less, the minimum usable floor area, exclusive of any area devoted to the kitchen, office, storage and toilet facilities, shall be fifteen hundred (1,500) square feet. An additional thirty-five (35) square feet of floor area shall be provided for each child in a child day care center that is proposed to accommodate more than forty (40) children.
 - (2) **Adult day care centers.** For an adult day care center of twenty persons or less, the minimum usable floor area, exclusive of any space devoted to the kitchen, office, storage, and toilet facilities shall be fifteen hundred (1,500) square feet or more. An additional seventy-five (75) square feet of floor area, or the amount required by the PBCPHU, shall be provided for each person in an adult day care center that is proposed to accommodate more than twenty (20) persons.

e. **Outdoor activity area.**

- (1) **General.** An outdoor activity area shall be provided on the same lot as the day care center. It shall not be located in the required front yard or adjacent to any outdoor storage area of any existing adjacent use.
- (2) **Child day care centers.**
 - (a) **General.** There shall be provided a minimum of fifteen hundred (1,500) square feet of outdoor activity area or seventy-five (75) square feet of outdoor activity area for each child (licensed capacity), whichever produces the larger area. The outdoor activity area shall include a shaded area. The Child Care Facilities Board shall approve a reduction in the size of this area where the operator utilizes split shifts for its use. Under no circumstances shall the outdoor activity area be reduced to less than the area required to accommodate one-third ($\frac{1}{3}$) of the area required under this general standard.
 - (b) **Infants.** Where a child day care center is limited solely to the care of infants (2 years of age and younger), the outdoor activity area provided shall be a minimum of forty-five (45) square feet per child. The Child Care Facilities Board shall approve a reduction in the size of this area where the operator utilizes split shifts for its use. Under no circumstances shall the outdoor activity area be reduced to less than would be required to accommodate one-half ($\frac{1}{2}$) of the area required under this general standard.
 - (c) **Location of outdoor play equipment.** Stationary outdoor play equipment with a permanent foundation shall be located twenty-five (25) feet from any residentially zoned or used property line, and ten (10) feet from any other property line. If applicable, the location of stationary play equipment shall be depicted on the site plan. Outdoor play equipment shall not be located in any required landscape area or easements.
- (3) **Adult day care center.** There shall be provided a minimum of fifteen hundred (1,500) square feet of outdoor activity area or one hundred (100) square feet of outdoor activity area per person for an adult day care center, whichever produces the larger area.
- (4) **Shade trees.** A minimum of one (1) twelve (12) foot tall native canopy tree shall be provided or preserved per seven hundred fifty (750) square feet of outdoor activity area provided. All trees required by this condition shall be within the interior of the outdoor activity area.

- (5) **Fencing.** A six (6) foot high fence or wall shall surround the outdoor activity area. Where the provisions of this subsection conflict with the height limitations of Sec. 6.6.A.2 (Fences, walls, hedges and utility poles), the provisions of this subsection shall apply.
 - (6) **Perimeter landscaping.** Landscaping along the perimeter of the outdoor activity area shall include fourteen (14) foot tall native canopy trees placed twenty (20) feet on center, and twenty-four (24) inch high hedge or shrub material placed twenty-four (24) inches on center. This required landscaping material shall be located on the exterior side of the fence.
- f. **Loading and access.**
- (1) **Drop-off stalls.** A sufficient number of drop-off stalls located out of the main travel way shall be provided. Drop-off stalls shall be a minimum of twelve (12) feet wide by twenty (20) feet in length.
 - (2) **Sidewalk access.** A four (4) foot wide walkway running in front of the drop-off spaces and connecting to the day care entrance shall be provided.
29. **Day labor employment service.** A day labor employment service use shall comply with the following supplementary use standards.
- a. **No loitering.** No outside waiting or loitering shall be permitted on the site.
30. **Dispatching office.** A dispatching office use shall comply with the following supplementary use standards.
- a. **CG district.** In the CG district, a dispatching office use shall be limited to the use of no more than three (3) service or delivery vehicles. The use of more than three (3) delivery or service vehicles shall require a conditional use type "A".
31. **Electrical power facility.** An electrical power facility use shall comply with the following supplementary standards.
- a. **Location.** The location of the proposed electrical power facility shall be within reasonable proximity of the area to be served by the facility.

- b. **Setbacks, buffers, screening.** If deemed necessary to ensure land use compatibility with surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed electrical power facility use shall be provided at the time the facility is constructed or when surrounding development occurs. The standards shall be waived if any of the required landscape buffer is not visible from adjacent lots or rights-of-way. Setbacks, screening and buffering may include, but shall not be limited to, the following:
- (1) Structures and their accessory uses (excluding poles) shall be setback a minimum of fifty (50) feet
 - (2) Screening around the perimeter of the property on which the facility is located, consisting of a hedge, earthen berm, or fence which will present a solid visual screen at least six (6) feet in height within one (1) year of installation, or otherwise as presented in a Landscape Betterment Plan.
- c. **Compliance with Code and other regulations.** The proposed electrical power facility shall comply with all other requirements of this Code and all other relevant state and federal laws.
32. **Entertainment, indoor.** An indoor entertainment use shall comply with the following supplementary use standards.
- a. **CRE district.** In the CRE district, an indoor entertainment use shall not be located in an RR10 land use designation of the Comprehensive Plan. If the entertainment facility exceeds three (3) acres in the IL zone then the use must rezone to the CRE district.
 - b. **CG and CC districts.** In the CG and CC districts, video arcades and movie theatres are permitted as a right, provided they do not exceed square footage threshold requirements. They would then follow the appropriate review criteria according to Table 6.4-2 or 6.4-3.
33. **Entertainment, outdoor.** An outdoor entertainment use shall comply with the following supplementary use standards.
- a. **CRE district.** In the CRE district, an outdoor entertainment use shall not be located in an RR10 land use designation of the Comprehensive Plan unless it is owned or operated by a public agency.
 - b. **CC district.** In the CC district an outdoor entertainment facility shall be limited to such uses that are of a community nature and that serve the residential neighborhood within a three to five mile radius.

- c. **Location.** No outdoor entertainment facility use consisting of an outdoor wildlife preserve or attraction shall be permitted within five hundred (500) feet of an existing residential development or an area designated in the Future Land Use Element of the Comprehensive Land Use Plan for residential development.
- d. **Access.** Access to an outdoor entertainment use shall be from a hard surfaced, public road. The minimum required frontage on a public road to be used for the primary point of access shall be two hundred (200) feet.
- e. **Fencing and screening.** Safety fences up to a height of ten (10) feet shall be required around a recreation facility if deemed necessary. A landscape screen of at least seventy-five (75) percent opacity shall be required around a recreation facility use if it is deemed necessary to protect neighboring property from potential loss of use or diminishment of land value.
- f. **Setbacks.** No building, mobile home, trailer, vehicle, mechanical device, or outdoor area or facility of an outdoor entertainment use shall be located closer to the property line than as follows:

Type of Use	Minimum Setback
Athletic Field	50 feet
Outdoor Attraction	150 feet
Other Recreation Area or Structure	100 feet

- 34. **Equestrian arena.** An equestrian arena use shall comply with the following supplementary use standards.
 - a. **Setbacks.** Riding and show rings shall not be located within one hundred (100) feet of any property line.
 - b. **Operating hours.** Activity at the rings shall not occur prior to 6:00 AM nor continue later than 12:00 midnight.
 - c. **SA district.** In The SA district an equestrian arena shall have a one hundred (100) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks.
- 35. **Excavation, Type III.** All excavation, Type III uses shall comply with the following supplementary use standards.
 - a. In all districts an excavation, Type III use shall be subject to Sec. 7.5 (Vegetation Protection).

- b. All other excavation (Type I and Type II) is considered an accessory use. A Type II excavation which is required to obtain approval as a type III due to the amount of fill removed, shall be permitted in all districts which allow Type II excavation, and shall conform to the provisions of Sec. 7.6 (Excavation).
36. **Farm residence.** A farm residence shall comply with the following supplementary use standards.
- a. **Principal dwelling unit.** One (1) principal dwelling unit shall be permitted for each bona fide farm operation.
- b. **Accessory uses.** Garages and swimming pools shall be permitted as accessory uses to bona fide farm residences.
37. **Farm tenant quarters.** A farm tenant quarters use shall comply with the following supplementary use standards.
- a. **Density.** A farm tenant quarters use accessory to a bona fide farm operation shall consist of a maximum of one (1) self-contained dwelling unit for each twenty-five (25) acres in addition to the area required for the principal farm residence.
- b. **SA district.** In the SA district, a farm tenant quarters use shall not be permitted within the RR10 land use designation in the Future Land Use Element of the Comprehensive Plan.
38. **Financial institution.** A financial institution use shall comply with the following supplementary use standards.
- a. **CN and CLO districts.** In the CN and CLO districts, a financial institution use shall not consist of more than three thousand (3,000) square feet of total floor area or have a drive-up teller unit.
- b. **CC, CG and CHO districts.** In the CC, CG and CHO districts, a financial institution use shall not consist of more than ten thousand (10,000) square feet of total floor area or have more than three (3) drive-up teller units, unless it is approved as a Class "A" Conditional use.
39. **Fitness center.** Fitness center uses shall comply with the following supplementary use standards.
- a. **RM, RH and CN districts.** In the RM, RH and CN districts, a fitness center use shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area, and shall not have outdoor activities.

- b. **CC and CHO districts.** In the CC and CHO districts, a fitness center use shall not consist of more than fifteen thousand (15,000) square feet of gross floor area unless it is approved as a Class , Type "A" Conditional use.
 - c. **CRE district.** In the CRE district, a fitness center use shall not be located in an RR10 land use designation of the Comprehensive Plan.
40. **Flea market, enclosed.** An enclosed flea market use shall comply with the following supplementary use standards.
- a. **Walls or partitions.** Walls or partitions shall be allowed separating individual rental spaces from each other, provided that they are temporary in nature.
41. **Flea market, open.** An open flea market use shall comply with the following supplementary use standards.
- a. **Sanitary facilities.** Required sanitary facilities shall be maintained in a permanent structure on the premises.
42. **Fruit and vegetable market.** A fruit and vegetable market shall comply with the following standards in the SA district. In the SA district a fruit and vegetable market use shall have a fifty (50) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks, and shall be subject to provisions of Sec. 7.3 (Compatibility landscape buffer strips).
43. **Funeral home.** A funeral home use shall comply with the following supplementary use standards.
- a. **RSER district.** In the RSER district, the water supply, sewage disposal and disposal of wastewater from embalming operations shall be in accordance with the requirements of the PBCPHU. The funeral home shall not include a crematory.
 - b. **CC district.** In the CC district, a funeral home use shall not include a crematory.
 - c. **CG district.** In the CG district, a funeral home use may include a crematory only if located within the principal building.
 - d. **IL district.** In the IL district, a funeral home use shall be limited to an embalming service. A crematory facility must be approved through the State Department of Environmental Regulation. No public observances, sermons or funerals shall be held in the IL district. Disposal of wastewater from embalming operations shall be in accordance with the requirements of the PBCPHU or approval of disposal to public water or sewer shall be through the local utility.

44. **Garage sale.** A garage sale use shall be subject to the following supplementary use standards.
- a. **Duration.** An individual garage sale shall not exceed seventy-two (72) hours.
 - b. **Number.** The number of garage sales shall be limited to two (2) per year per dwelling unit.
45. **Golf course.** A golf course facility shall comply with following supplementary use standards.
- a. **Clubhouse facility.** A golf course use may also include a clubhouse facility. The clubhouse is the control center for the golf course and its primary function is to serve as the place where golfers register daily, and pay fees for the use of the golf facility. The size of the clubhouse and the services it provides may vary with local conditions and intensity of use. The clubhouse facility must be indicated on the site plan during the approval process and must meet all concurrency standards, and standards of this Code including parking and landscaping. Services the golf clubhouse may provide include various combinations of the following: locker rooms, shower rooms, dining room, snack bar, lounge, manager's office, proshop (where golf merchandise may be purchased), caddy and golf cart storage room, and recreation room reserved for special activities of clubhouse members.
 - b. **Fencing.** Fences, walls or hedges shall be erected if deemed necessary to protect neighboring property, automobiles, pedestrians or bicyclists, from golf balls that are hit beyond golf course boundaries.
46. **Government services.** A government services use shall be subject to the following supplementary use standards.
- a. **CN and CLO districts.** In the CN and CLO districts, a government services use, except for a fire station, shall be limited to a maximum of one thousand five hundred (1,500) square feet of gross floor area.
 - b. **CRE district.** In the CRE district, a government services use, except for a fire station, shall not be located within three hundred fifty (350) feet of any residential district.
47. **Greenhouse or nursery, wholesale.** A wholesale greenhouse or nursery use shall comply with the following supplementary use standards.
- a. **Limitations of sales.** Sales from a wholesale greenhouse or nursery use are limited to exporters, distributors, landscape contractors, retailers, or other businesses.

- b. **Conditions of operation.** Operation of heavy machinery from 5:00 PM to 8:00 AM at a wholesale greenhouse or nursery use less than ten (10) acres is prohibited.

Sounds emanating from the nursery use shall not adversely affect surrounding residential property.

All parking and loading associated with any nursery related use shall occur on nursery acreage, and not on access easements, or public or private rights-of-way, or through streets.

Lights associated with the nursery shall not adversely affect surrounding residential property.

- c. **AR and AGR district.** In the AR and AGR district wholesale greenhouse or nursery use greater than ten (10) acres shall be subject to the following requirements:

(1) **Special use permit.** A wholesale greenhouse or nursery greater than 10 acres shall be required to receive a special use permit.

(2) **Site Plan.** A wholesale greenhouse or nursery use shall have a site plan drawn to scale, showing all structures including shade houses and irrigation systems, (plan may be sketched to scale on survey submitted).

(3) **Vegetation removal permit.** A wholesale nursery or greenhouse shall be required to submit a vegetation removal permit.

(4) **Buffering requirements.** Wholesale greenhouse or nursery adjacent to residential property shall be required to construct a compatibility buffer strip subject to Sec. 7.3 of the Landscape code.

(5) **Conditions of operation.** Loading or operation of heavy machinery at a wholesale greenhouse or nursery use shall be limited to the hours from 6:00 AM to 11:00 PM.

(6) **Water use permit.** A wholesale greenhouse or nursery greater than 10 acres shall be required to receive a water use permit from the SFWMD.

48. **Gun club enclosed** An enclosed gun club or shooting range facility shall comply with the following supplementary standards.

- a. **District regulations.** A commercial enclosed gun club use shall be subject to review as reflected in Table 6.4-1 of this section.

- b. **Setbacks and buffers.** The use shall have a one hundred (100) foot setback in addition to a fifty (50) foot buffer from a residentially occupied or zoned property. These setbacks are in addition to the minimum required setbacks of the district.
 - c. **Lot size.** The gun club use must be located on a minimum of five (5) acres or meet the minimum lot requirements of the district in which it is located, whichever is greater.
49. **Gun club open** An open gun club or commercial shooting range facility shall comply with the following supplementary standards.
- a. **District regulations.** A commercial enclosed gun club use shall be subject to review as reflected in Table 6.4-1 of this section.
 - b. **Setbacks and buffers.** A commercial open gun club facility and its accessory shooting areas shall have a three hundred foot setback in addition to a one hundred (100) foot buffer from residentially occupied or zoned property. These setbacks are in addition to the minimum required setbacks of the district.
 - c. **Lot size.** The gun club use must be located on a minimum of five (5) acres or meet the minimum lot requirements of the district in which it is located, whichever is greater.
 - d. **AP, AR, and AGR district, private shooting range** A private shooting range use in the AP, AR, and AGR district shall comply with the following supplementary standards.
 - (1) **Enclosed private shooting range in the eastern portion of Palm Beach County.** An enclosed private shooting range use which lies east of the L-40 canal, is not included within the boundaries of any municipality and has an agricultural designation of AP, AR, or AGR, is subject to the following conditions: The enclosed private shooting range use shall not be used for the general public or commercial purposes. The use must be approved by DRC review, and meet all other provisions of this section.
 - (2) **Open private shooting range in the eastern portion of Palm Beach County.** An open private shooting range use which lies east of the L-40 canal, is not included within the boundaries of any municipality and has an agricultural designation of AP, AR, or AGR, is permitted subject to a conditional use type A. All other restrictions of this section apply.

- (3) **Enclosed or open private shooting ranges in the western portion of Palm Beach County.** An enclosed or open private shooting range use which lies west of the L-40 canal, is not included within the boundaries of any municipality, and has an agricultural designation of AP, AR, or AGR, is subject to the following conditions: The use is not for the general public or commercial purposes. The discharge of firearms is not within three hundred (300) yards of a structure. The shooter has the permission of the property owner. The minimum lot size must be five (5) acres or meet the minimum requirements of the district whichever is greater.
- (4) **Lot size.** All shooting range uses shall be located on a minimum of five (5) acres or meet the minimum lot requirements of the district in which it is located, whichever is greater.
- (5) **Setbacks and buffers, outdoor shooting range.** An outdoor shooting range use shall have a three hundred foot setback and an additional one hundred (100) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks.
- (6) **Setbacks and buffers, enclosed shooting range.** An enclosed shooting range or gun club facility shall have a one hundred (100) foot setback and an additional fifty (50) foot buffer and a from residentially occupied or zoned property in addition to the required minimum setbacks.
- (7) **Distance requirement.** The discharge of firearms shall not be within three hundred (300) yards of a structure.
- (8) **L-40 Canal.** For the purpose of this section, the boundaries of the L-40 Canal are: From the Broward County Line north along Canal L-36 to the Loxahatchee National Wildlife Refuge. Thence north to Southern Boulevard along Canal L-40. Thence west along Southern Boulevard to a north-south line 1-1/2 miles west of Canal L-8, which coincides with a private agricultural road heading north from Southern Boulevard at that point where State Road 880 intersects Southern Boulevard from the south. Thence north along the line of this north-south road to the boundary of the J.W. Corbett Wildlife Management Area. Thence east and north along the boundary at the J.W. Corbett Wildlife management Area to the martin County Line.

50. **Home occupation.** A home occupation shall be subject to the following supplementary use standards.
- a. **Incidental nature.** The home occupation shall be clearly incidental and secondary to the residential use of the building and shall be confined to no more than ten (10) percent of the total floor area of the dwelling.
 - b. **Location.** 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.
 - c. **No change to character of dwelling.** The home occupation shall not change the essential residential character of the dwelling in terms of exterior appearance and interior space.
 - d. **Employees.** A home occupation use shall be conducted by a member of the immediate family residing in the dwelling unit. A maximum of one (1) person who is not a member of the immediate family may assist in the operation of the home occupation. In addition, only one (1) person outside of the home may be employed by the service provided by the home occupation.
 - e. **Occupational license.** A home occupation shall be operated pursuant to a valid occupational license for the use held by the resident of the dwelling.
 - f. **No 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 code requirements as mandated by PBC Contractors Certification Division Chapter 67-1876, or Florida Statutes 489.
 - g. **No on-premise sales.** A home occupation shall not involve the sale of any stock in trade, supplies, products or services on the premises.
 - h. **No outside storage.** No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling including driveways.
 - i. **Nuisances prohibited.** 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.
 - j. **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 occupational license may be revoked.

- k. **Number.** Only one home occupation shall be permitted on any lot.
51. **Hotel or motel.** A hotel or motel use shall comply with the following supplementary use standards.
- a. **CHO and CG districts.** In the CG and CHO districts, the following supplementary standards shall apply to a hotel or motel use.
- (1) **Minimum lot size.** The minimum lot area shall be one (1) acre or the minimum required by the district, whichever is greater.
- (2) **Minimum lot width.** The minimum lot width shall be at least one hundred (100) feet or the minimum required by the district, whichever is greater.
- (3) **Density.** The number of sleeping units shall not exceed one (1) per one thousand (1,000) square feet of lot area.
- b. **SRO (single room occupancy).** SROs are permitted only in the CHO and CG districts, and the following supplementary standards shall apply to a single room occupancy use. An SRO establishment shall be used or maintained for occupancy as an alternative to primary type housing. The facility will customarily include one kitchen, sleeping and bath facility per person, or shared bath or kitchen facilities.
- c. **RH district.** A rooming and boarding house shall be permitted in the RH district. All other commercial hotel and motel establishments are prohibited in the RH district.
- d. **CRE district.** In the CRE district, a hotel or motel use shall not be located in an RR10 land use designation of the Comprehensive Plan.
52. **Hospital or medical center.** A hospital or medical center use shall be subject to the following supplementary use standards.
- a. **SA district.** In the SA district, a hospital or medical center use shall be limited to public health or government operated clinics servicing the rural community.
- b. **Minimum lot area.** The minimum lot area shall be five (5) acres or the minimum requirement of the district, whichever is greater.
- c. **Frontage.** The minimum frontage for the lot shall be three hundred (300) feet or the minimum requirement of the district, whichever is greater.
- d. **Density.** The number of patient rooms for the hospital or medical center shall not exceed one (1) patient room for each one thousand (1,000) square feet of lot area (43.56 patient rooms per acre).

- e. **No housekeeping.** Rooms or suites of rooms shall not be designed, altered or maintained for housekeeping or family living purposes.
- f. **Food preparation.** The preparation of food shall be accomplished at a central kitchen facility under the auspices of a trained nutritionist. Meals may be served to persons in their rooms.
- g. **Heliport or helipad.** Accessory heliport or helipad is permitted provided the use is explicitly requested during the approval process, or approved separately by DRC review.
- h. **Incinerators.** Biohazardous waste incinerators with an allowable operating capacity equal to or less than one thousand (1,000) pounds per hour are permitted as an accessory to a hospital use with the following supplementary use standards:
 - (1) An incinerator use shall be set back a minimum of five hundred (500) feet from any property line abutting a residential district or use. Incinerators approved prior to the effective date of this section shall not be considered nonconforming uses. Expansion of existing facilities may be allowed with lower setbacks provided the expansion is reviewed and approved by the DRC.
 - (2) An incinerator use shall be subject to all applicable rules and regulations of the FDER (including Chapter 17-2, F.A.C.), the Solid Waste Authority and the PBCPHU.
 - (3) A site plan shall be provided illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, incinerator and storage areas.
- i. **Autoclaves.** Biohazardous waste autoclaves are permitted as an accessory to a hospital use with the following supplementary use standards:
 - (1) An autoclave use shall be subject to all applicable rules and regulations of the FDER (including Chapter 17-2, F.A.C.), the Solid Waste Authority and the PBCPHU.
 - (2) A site plan shall be provided illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, autoclave and storage areas.

53. **Kennel, commercial.** A commercial kennel use shall be subject to the following supplementary use standards.
- a. **Limitations of use.** A commercial kennel use shall be limited to the raising, breeding, boarding, sale, and grooming (herein after collectively referred to as "commercial care") of domesticated animals such as dogs and cats. In addition, the commercial care of snakes or birds may be permitted provided this use is explicitly requested during the approval process.

Care of domestic animals is subject to the Division of Animal Care and Control. The keeping of wild or exotic animals is subject to the regulations of the Florida Game and Fresh Water Commission.
 - b. **Minimum lot size.** The minimum lot size shall be two (2) acres .
 - c. **Frontage.** The minimum required frontage on a public road to be used for the primary point of access shall be one hundred (100) feet.
 - d. **Setbacks.** No structure or outdoor run shall be located within twenty-five (25) feet of any property line.
 - e. **Outdoor Runs.** Outdoor runs shall be hard surfaced or grassed with drains provided every ten (10) feet, and shall be connected to an approved sanitary facility. Outdoor runs shall provide a chain-link material on the walls and the top. If necessary to protect the general public, safety fences of up to a height of six (6) feet shall be required on outdoor runs. If necessary to protect neighboring property, a landscape screen of at least seventy-five (75) percent opacity shall be provided around the outdoor run.
 - f. **SA district.** In the SA district on land designated RR10 in the Future Land Use Element of the Comprehensive Plan a commercial kennel shall have a minimum of ten (10) acres and shall have two hundred (200) foot setback from residentially occupied or zoned property in addition to the required minimum setbacks. The commercial kennel may be located on a local street in the SA district. The commercial kennel must meet the ECR I and ECR II standards of Article 7.
54. **Kennel, private.** A private kennel use shall comply with the following supplementary use standards.
- a. **Limitations of use.** A private kennel use shall be established for non-commercial purposes only, and animals residing in a private kennel shall belong solely to occupants of the premises. Property size and restrictions on numbers of animals shall be regulated according to the PBC Division of Animal Care and Control.

- b. **Setbacks.** No outdoor runs or structures associated with the private kennel shall be located within twenty-five (25) feet of any property line.
 - c. **Outdoor runs.** If necessary to protect the general public, safety fences of up to a height of six (6) feet shall be required on outdoor runs. If necessary to protect neighboring property, a landscape screen of at least seventy-five (75) percent opacity shall be provided around the outdoor run.
55. **Landscape maintenance service.** A landscape maintenance service use shall be subject to the following supplementary use standards.
- a. **AR district.** In the AR district, a landscape maintenance service use shall be located on a collector street.
 - (1) **Minimum lot size.** The minimum lot size shall be three (3) acres.
 - (2) **Buffer requirement.** Property adjacent to a residential zoning district shall be subject compatibility requirements of the landscape code Sec. 7.3.E.
56. **Laundry services.** A laundry service use shall comply with the following supplementary standards.
- a. **CN district.** In the CN district, a laundry service use shall not exceed one thousand five hundred (1,500) square feet of gross floor area.
 - b. **CC district.** In the CC district, a laundry service use shall not exceed five thousand (5,000) square feet of gross floor area.
 - c. Any laundry service use over fifteen thousand (15,000) square feet shall be a conditional use "A".
57. **Lounge, cocktail.** A cocktail lounge use shall be subject to the following supplementary use standards.
- a. **CN district.** In the CN district, a cocktail lounge use shall not consist of more than one thousand (1,000) square feet of gross floor area.
 - b. **CHO district.** In the CHO district, a cocktail lounge use shall be contained within an office, hotel or motel structure and shall be limited to a total floor area that does not exceed thirty (30) percent of the gross floor area of the entire structure excluding vehicular parking and service areas.

- c. **CG district.** Unless approved as a conditional use "A" in the CG district, a cocktail lounge use shall not be located within two hundred fifty (250) feet of a residential district, measure by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed lounge to the nearest point on the property line of the residential district, nor within seven hundred fifty (750) feet of another cocktail lounge use, measured by drawing a straight line between the nearest point on the perimeter of the wall or bay of the proposed lounge to the nearest point on the existing lounge.
 - d. **Outdoor areas.** Outdoor and open lounge areas shall be subject to the compatibility requirements of Sec. 7.3.E.3.b (Compatibility landscape buffer strips), and shall be subject to additional site design requirements to protect neighboring residential districts or uses against negative impacts from the open lounge area.
58. **Machine or welding shop.** A machine or welding shop use shall be subject to the following supplementary use standards.
- a. **IL district.** In the IL district, a machine or welding shop use shall not exceed two thousand (2,000) square feet of gross floor area unless approved as a Class "B" Conditional use.
59. **Marine facility.** A marine facility use shall be subject to the following supplementary use standards.
- a. **CRE and CHO districts.** In the CRE and CHO districts, boatyards shall be prohibited.
 - b. **Dock length.** All docks, buildings or other structures shall extend beyond the shallow water depth in accordance with ERM regulations.
 - c. **Sewage and water facilities.** All marine facilities shall provide at each boat slip an individual sewer and water hook-up that shall be connected to a sewage and potable water supply system approved by the PBCPHU.
 - d. **Boatel units.** The total number of units in a boatel shall be prorated on the basis of one thousand (1,000) square feet of dry land lot area for each unit.
 - e. **Setbacks.** Dry storage of boats and other marina related uses may be placed against the water's edge.
 - f. **Boatyards and charter boat operations.** Boatyards and charter boat operations shall be a Class "B" Conditional use in the IL district. Parking requirements for such activities shall be determined based on the characteristics of the proposed use.

60. **Medical office or dental clinic.** A medical office or dental clinic use shall comply with the following supplementary standard.
- a. **CN district.** In the CN district, a medical office or dental clinic use shall not exceed one thousand five hundred (1,500) square feet of gross floor area per use, and shall not exceed eight thousand (8,000) square feet of gross floor area per lot.
 - b. **SA, AP, AGR district.** In the SA, AP and AGR districts, a medical office or dental clinic use shall be limited to public health or government owned clinics servicing the rural community.
61. **Migrant farm labor quarters.** A migrant farm labor quarters and camp use shall be subject to the following supplementary use standards.
- a. **SA district.** In the SA district, no migrant farm labor quarter and camp use shall be permitted within an RR10 land use designation in the Future Land Use Element of the Comprehensive Plan.
 - b. **Buffering and screening.** There shall be a twenty-five (25) foot buffer surrounding migrant farm labor quarters in all zoning districts. Buffer strips shall be landscaped pursuant to Sec. 7.3.E to ensure compatibility with surrounding land uses.
62. **Mobile home dwelling.** A mobile home use shall be subject to the following supplementary use standards.
- (1) **Accessory to agriculture.** In the AR district, a mobile home shall be permitted as an accessory use to bona fide agricultural use on a minimum of ten (10) acres in the RR10 land use designation in the Future Land Use Element of the Comprehensive Plan and on a minimum of twenty (20) acres in the RR20 land use designation in the Future Land Use Element of the Comprehensive Plan, subject to the following standards.
 - (2) Sanitary sewage facilities shall be approved by all governmental agencies having appropriate jurisdiction, and permits and inspections for the installation shall be obtained from the Zoning Director.
 - (3) The mobile home shall be set back a minimum of two hundred (200) feet from the public road rights-of-way.
 - (4) The mobile home shall be set back a minimum of one hundred (100) feet from other property lines other than public road rights-of-way.
 - (5) No additions shall be permitted to the mobile home, except awnings and demountable screen panels.

- (6) Where more than one (1) mobile home is authorized for a parcel of land, the mobile homes shall be separated by a minimum distance of twenty (20) feet.
 - (7) The mobile home shall be separated from an existing single-family dwelling unit by a minimum of two hundred (200) feet.
 - (8) A unity of title document shall be provided.
- a. **Temporary during home construction.** In the AR and CRS districts, placement of a mobile home shall be permitted on a temporary basis subject to the following standards.
- (1) Sanitary sewage facilities shall be approved by all governmental agencies having appropriate jurisdiction, permits, and inspections for the installation must be obtained from the PZB Department.
 - (2) A valid building permit for a single-family dwelling unit on the land shall have been approved by the Building Director.
 - (3) The temporary permit shall be valid for a period of one (1) year.
 - (4) Requests for extensions of time beyond the initial one (1) year period shall be made to the Zoning Director on forms prescribed by the Zoning Director. In no case shall the total time exceed a maximum of two (2) years for the initial approval and subsequent extension.
 - (5) Execution of a notarized Mobile Home Removal Agreement, which establishes that the mobile home shall be removed within thirty (30) days after certificate of occupancy. Additionally, the building permit shall be stamped with the requirement to remove the mobile home within thirty (30) days after c/o is granted.
 - (6) No additions shall be permitted to the mobile home, except awnings and demountable screen panels.
63. **Mobile home park.** A mobile home park use shall be permitted only in the MHPD, Mobile Home Park Planned Development District.

64. **Motion picture production studio.** A motion picture production studio use shall comply with the following supplementary use standards.
- a. **Temporary film permit.** A temporary film permit to allow locational shooting for a period of less than three (3) weeks may be permitted with an approved special permit from the Zoning Division. This permit may be issued in all districts subject to the following requirements:
- (1) The Director of the Film Liaison Office shall coordinate with the Zoning Director to schedule the proposed film shooting.
 - (2) Reasonable conditions of approval shall be recommended which are designed to mitigate any anticipated impacts on neighboring properties.
 - (3) One (1) additional renewal may be granted for an additional three (3) weeks, for a maximum duration of six (6) weeks.
- b. **Extended film permit.** An extended film permit shall be issued for a period greater than three (3) weeks but not to exceed six (6) months plus two (2) additional renewals thereof, each of which may not exceed six (6) months. The duration of the permit with extensions shall not exceed eighteen (18) months. A permit may be renewed upon the following circumstances:
- (1) The applicant has submitted to the Zoning Director a written request for renewal of the Permit and the Zoning Director approves the renewal;
 - (2) The applicant has abided by all conditions of approval;
 - (3) No significant or on going negative impacts on neighboring properties have been identified; and
 - (4) The property owner has applied for a Site Specific (Future Land Use Map) amendment to the Comprehensive Plan or an amendment to the Official Zoning Map to allow the film making use on a permanent basis, and is pursuing such application in good faith.
- c. **Film liaison office.** The Director of the Film Liaison Office shall coordinate with the Zoning Director to schedule the proposed film permit.
- d. **Public notification.** Courtesy notices are mailed by the applicant to all property owners within a three hundred (300) to five hundred (500) feet radius of the property to be used as a film location for the extended film permits or for a permanent production studio.

- e. **Site plan review and approval.** The proposed location and site plan shall be subject to review by the Development Review Committee. Reasonable conditions of approval shall be recommended which are designed to mitigate any anticipated impacts on neighboring properties. Conditions may include but are not limited to duration, restrictions of hours of operation, setback requirements, obtaining approvals from other appropriate agencies, and safety related requirements. The conditions shall be incorporated into the permit approval.
 - f. **Posting of permit.** A copy of the permit shall be posted on the site by the property owner. Copies of the permit shall be kept by the Zoning Director and the Code Enforcement Director for record keeping purposes. Any violation of these conditions may result in revocation of the permit or code enforcement action.
 - g. **CRE district.** In the CRE district a permanent motion picture and T.V. production studio shall be permitted subject to a conditional use type A.
 - h. **IL and IG districts.** In the IL, and IG districts a permanent motion picture and T.V. production studio shall be permitted.
65. **Multi-family.** A multi-family use shall be subject to the following supplementary use standards.
- a. **Accessory uses.** Accessory commercial uses contained within a multi-family structure for the multi-family zoning district, shall be permitted subject to the DRC, provided that the use is limited to a total floor area not to exceed ten (10) percent of the gross residential floor area contained therein, exclusive of vehicular parking and service areas, and limited to such uses as restaurants, delicatessens, and such personal services as beauty shops, barber shops, drug stores and professional offices. This provision is for twenty (20) units or more and utilizing twenty (20) square feet per unit with a maximum of two thousand (2000) square feet per each project or development as indicated on the site or subdivision plan. The accessory use must meet parking requirements subject to Sec. 7.2.
66. **Newsstand or gift shop.** A newsstand or gift shop use shall comply with the following supplementary use standards.
- a. **CLO and CHO districts.** In the CLO and CHO districts, a newsstand or gift shop use shall not exceed five hundred (500) square feet of gross floor area.
 - b. **CN district.** In the CN district, a newsstand or gift shop use shall not exceed one thousand five hundred (1,500) square feet of gross floor area for each establishment.
 - c. **CRE district.** In the CRE district, a newsstand or gift shop use shall be permitted when accessory to a permitted principal use.

67. **Nursing or convalescent facility.** A nursing or convalescent facility use shall be subject to the following supplementary use standards.
- a. **Location and access.** If ambulance service is required, a nursing or convalescent facility use shall have access from a collector road designed to minimize the adverse effects on adjacent property. The environment created for a nursing or convalescent facility use should be of a pronounced residential nature and should be designed to minimize any adverse conditions that might detract from the primary convalescent purpose of the facility.
 - b. **Minimum lot area.** The minimum lot area shall be ten thousand (10,000) square feet in area or the minimum requirement of the district, whichever is greater.
 - c. **Frontage.** The minimum frontage for the lot on which the nursing or convalescent facility is located shall be one hundred (100) feet, or the minimum requirement of the district, whichever is greater.
 - d. **Density.** Except in the Rural Services (RSER) district and any land designated RR10 in the Future Land Use Element of the Comprehensive Plan, the number of patient rooms shall not exceed one (1) for each one thousand (1,000) square feet of lot area (43.56 patient rooms per acre). In the Rural Services (RSER) district and any land designated RR10 in the Future Land Use Element of the Comprehensive Plan, patient density shall not exceed one/quarter (.25) patient room for each one thousand (1,000) square feet of lot area, not to exceed twenty patients per acre.
 - e. **Room size.** Sleeping rooms shall be no less than one hundred (100) square feet for each patient single occupancy or eighty-five (85) square feet for each patient double occupancy.
 - f. **No housekeeping.** Rooms or suites of rooms shall not be designed, altered or maintained for housekeeping or family living purposes.
 - g. **Food preparation.** The preparation of food shall be accomplished at a central kitchen facility under the auspices of a trained nutritionist. Meals can be served to persons in their rooms.
 - h. **Staff.** A nursing or convalescent facility in excess of twenty (20) patients shall have a minimum of one (1) Licensed Practical or Registered Nurse for each floor or for every fifty (50) patients. Facilities with less than twenty (20) patients shall have a Licensed Practical Nurse (LPN) on duty twenty-four (24) hours a day.
 - i. **Room facilities.** Each patient room shall be equipped with sanitary facilities in addition to audio monitors and call buttons. One (1) bathing facility shall be provided for every ten (10) patients.

- j. **Minimum leisure floor area.** At least ten (10) square feet of total floor area per patient shall be devoted to a common area exclusive of halls, corridors, stairs and elevator shafts, wherein a variety of recreational or therapeutic activities shall occur.
68. **Office, business or professional.** A business or professional office use shall be subject to the following supplementary use standards.
- a. **CN district.** In the CN district, a business or professional office building shall not exceed eight thousand (8,000) square feet of gross floor area per lot. A contract post office or an office for utility bill collection shall be permitted by right if it occupies less than two thousand (2,000) square feet of gross floor area.
- b. **CLO district.** In the CLO district, a business or professional office building shall not exceed eight thousand (8,000) square feet of gross floor area per lot.
- c. **CC district.** In the CC district, a business or professional office building shall not exceed fifteen thousand (15,000) square feet of gross floor area per lot.
- d. **IL and IG districts.** In the IL and IG districts, only offices accessory to another permitted use and real estate or property management offices for industrial parks shall be permitted.
69. **Park, passive.** A passive park use shall be subject to the following supplementary use standards.
- a. **Lot size.** In the PC district, a passive park use shall be located on a lot of twenty (20) acres or more.
- b. **Use limitations.** In the PC district, a passive park use shall be limited to nature and foot trails; canoe trails; wildlife management performed by official game, fish and wildlife commissions; public hunting and fishing camps; the use of boats, airboats and wheeled and tracked vehicles under policies and regulations prescribed by the appropriate government agencies; hunting and fishing camps on private property under policies prescribed by official game, fish and wildlife commissions; exploration, observation and archeological studies supervised by recognized authorities or persons granted permission to proceed by the State of Florida; publicly operated passive parks and recreation areas; and residences for preservation management officers.
- c. **Accessory use.** Accessory water craft rental and use in a passive park shall be regulated by the Department of Parks and Recreation.

70. **Park, public.** A public park use shall be subject to the following supplementary use standards.
- a. **AR district.** In the AR district, a public park use shall be limited to athletic fields, swimming pools and tennis courts.
 - b. **CRS district.** In the CRS district, a public park use shall not include golf courses and there shall be no outdoor lighting for nighttime activities.
71. **Parking garage or lot, commercial.** A commercial parking garage or lot use shall be subject to the following supplementary use standards.
- a. **CRE district.** In the CRE district, commercial parking use shall not be located in an RR10 land use designation of the Comprehensive Plan.
 - b. **Principal use.** A commercial parking garage or lot use shall be the principal use. Parking spaces may be rented for parking. No other business of any kind shall be conducted on the lot, including repair, service, washing, display or storage of vehicles or other goods.
 - c. **Proximity to residential district.** A commercial parking garage or lot shall not be contiguous to lands in the residential districts.
 - d. **Dead storage of vehicles.** Dead storage of vehicles shall be permitted in the IL district only, subject to Sec. 6.5.K.8 (Additional IL and IG district regulations).
72. **Personal services.** A personal services use shall be subject to the following supplementary use standards.
- a. **CN district.** In the CN district, a personal services use shall not exceed one thousand five hundred (1,500) square feet of gross floor area.
 - b. **CLO district.** In the CLO district, personal service uses shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area for each lot.
73. **Potting soil manufacturing.** A potting soil manufacturing facility is usually a combination of other types of facilities listed in this section. If a potting soil facility includes chipping or grinding, adherence to chipping and mulching standards in this section is required. If a potting soil facility includes composting, adherence to composting standards in this section is required. If a potting soil facility includes incineration, adherence to air curtain incinerator standards in this section is required.
- a. **Setback from residential districts and uses.** Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use.

- b. **Health and Environmental Regulations.** A potting soil facility shall be subject to all applicable regulations of the FDER (including Chapter 17-701, F.A.C), the PBCPHU, and the Solid Waste Authority.
- c. **Odor and dust reduction.** A potting soil facility use shall be designed and operated to restrict objectionable odor and dust from entering adjacent properties.
- d. **Access.** An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include local streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.
- e. **Storage.** On-site storage of unprocessed material shall be limited to forty-five (45) days and pile height of storage material shall be limited to fifteen (15) feet. Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts.
- f. **Landscaping and buffering.** The operation is subject to the compatibility requirements of Sec. 7.3.E.3.b (Compatibility landscape buffer strips). However, an Alternative Landscape Strip Number 3 shall be required along property lines adjacent to a residential zoning district or use. The standards shall be waived if the required landscape buffer is not visible from adjacent lots or rights-of-way.
- g. **Supplemental application requirements.** The applicant shall provide the following information:
 - (1) A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, chipper and storage piles; and
 - (2) A statement specifying the hours of operation;
 - (3) An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day; and
 - (4) A notarized letter of approval shall be provided from the property owner verifying consent to use the property for potting soil manufacturing.

74. **Recycling collection station.** A recycling collection station use shall comply with the following supplementary use standards.
- a. **Approval.** Applicant shall obtain a special permit from the Zoning Division.
 - b. **Screening.** No storage areas shall be visible from rights-of-way, residential uses or residential districts.
 - c. **Containers.** Recyclable materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials.
 - d. **Processing.** Only limited sorting, separation or other processing of deposited materials shall be allowed on the site.
 - e. **Type of materials.** There shall be no collection or storage of hazardous or biodegradable wastes on the site. There shall be no chipping, mulching or receiving of construction debris.
75. **Recycling drop-off bin.** A recycling drop-off bin use shall be subject to the following supplementary use standards.
- a. **Approval.** Applicant shall obtain a special permit from the Zoning Division.
 - b. **Mobility.** The mobility of the drop-off bin shall be retained.
 - c. **Location and size.** The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not occupy more than five (5) percent of the total on-site parking spaces or shall be limited by the special use permit.
 - d. **Maintenance.** The bin and adjacent area shall be maintained in good appearance and free from trash, subject to revocation of the special use permit by the Zoning Director.
 - e. **Type of materials.** There shall be no collection or storage of hazardous or biodegradable wastes on the site.
76. **Recycling plant.** A recycling plant use shall comply with the following supplementary use standards.
- a. **Compatibility, screening, buffering.** The proposed recycling plant shall be properly located and buffered to ensure compatibility with surrounding uses. To ensure use compatibility with surrounding uses, adequate setbacks, and screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed. The standards shall be waived if any of the required landscape buffer is not visible from adjacent lots or rights-of-way. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

- (1) **Minimum lot size.** The minimum lot size for recycling plants in industrial districts shall be five (5) acres. The minimum lot size for such facilities in other districts shall be ten (10) acres, provided that underlying district lot sizes shall apply to recycling plants that operate completely in enclosed buildings that are located in the CC, CG, IG, and IL districts.
- (2) **Setbacks.** Except for a freestanding office, no part of a recycling plant and its accessory ramps, on site circulation system or storage areas, shall be located within fifty (50) feet of any property line. However, if the facility is in an industrial district and is contiguous to land in an industrial district or designated for an industrial use on the Future Land Use Atlas in the Comprehensive Plan, the setback shall be twenty-five (25) feet of that contiguous property line. No part of a recycling plant, its accessory ramps, on site circulation system or storage areas shall be sited within one hundred fifty (150) feet of a school, park, church, library or residential lot. In no case shall the setback be less than the requirement of the district. No additional setback beyond district setbacks shall apply to recycling plants that operate completely in enclosed buildings and are located in the CC, CG, IG, and IL districts.
- (3) **Screening and fencing.** All storage areas shall be effectively screened from view by on-site walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from rights-of-way or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas exceed twenty (20) feet or the height of the principal building on the lot, whichever is greater. For an outdoor recycling plant contiguous to property in a residential district, an opaque fence/wall a minimum of eight (8) feet in height shall be placed along the inside border of the required landscape strip. The purpose of the fence/wall inside the landscape strip is to protect the landscape strip from the intensive activity of the recycling facility and to supplement the landscape strip as a buffer.
- (4) **Perimeter landscape buffer strips.** Buffer strips must be installed using Alternative Landscape Strip Number 3, pursuant to Sec. 7.3.E.3.b (Compatibility landscape buffer strips) for facilities in industrial districts contiguous to land zoned for industrial use and for completely enclosed recycling plants in the CC, CG, IL, and IG Districts. For all other facilities, an Alternative Landscape Strip Number 4 shall be installed, provided that when the property line is contiguous to residential districts, the landscape buffer strip shall be fifty (50) feet in width.

- b. **Access.** An access road that can be negotiated by loaded collection vehicles shall be provided to the entrance of the recycling plant. Access shall not be provided on a residential street. Access shall be restricted to specific entrances with gates which can be locked at all times and which carry official notice that only authorized persons are allowed on the site.
- c. **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.
- d. **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.
- e. **Chipping and mulching.** If a recycling plant facility includes chipping or grinding, adherence to chipping and mulching standards in Sec. 6.4.D is required.
- f. **Performance standards.** The operation of a recycling plant shall conform to all other requirements of this Code.
- g. **Consistent with Comprehensive Plan.** The proposed recycling plant shall be consistent with the goals, objectives and policies of the Comprehensive Plan and this section.
- h. **Supplemental application requirements.** In addition to the standard requirements of this Code, applications for recycling plants shall include the following:
- (1) Graphic illustration and narrative analysis of year round access routes to the site.
 - (2) An explanation of the type of facility requested. It shall specify the type of materials to be handled and include a description of the proposed method of operation, including special waste handling procedures and limitations.
 - (3) An estimate of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
 - (4) A statement specifying the hours of operation.
 - (5) A plan to address dust control in traffic, storage and processing areas and contingency during high winds. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder, screening/fencing, vacuuming or watering traffic areas and watering or enclosing storage piles.

- (6) Verification that the applicant has obtained a permit from and posted a bond with the Solid Waste Authority (SWA) before Site Plan approval. This SWA permit shall be approved consistent with the procedures for obtaining an amendment to the Official Zoning Map.
 - (7) **Fire protection.** A recycling plant shall be located within ten (10) miles of a full-service fire station or have and maintain on-site fire fighting equipment acceptable to the Palm Beach County Fire Marshall.
 - (8) **Solid waste district.** A recycling plant may also be located in the Solid Waste Planned District.
77. **Repair and maintenance, general.** A general repair and maintenance use shall comply with the following supplementary use standards.
- a. **Enclosed repair activities.** Except in industrial districts, all repair and maintenance activities shall be conducted within an enclosed structure, and there shall be no outside storage of disassembled vehicles, or parts thereof.
 - b. **Setbacks.** No repair or maintenance activity shall be conducted within one hundred (100) feet of any property line adjacent to a residential district.
 - c. **Service bay orientation.** No service bay door shall be oriented toward any adjacent residential district or any adjacent public street.
 - d. **No loudspeakers.** No outdoor speaker or public address system that is audible off-site shall be permitted.
 - e. **No vehicle testing on residential streets.** Vehicles shall not be tested off-site on residential streets.
 - f. **Water recycling.** Any accessory automatic car wash facility shall utilize a water recycling system.
78. **Repair services, limited.** A limited repair services use shall comply with the following supplementary use standards.
- a. **CN and CHO districts.** In the CN and CHO districts, a limited repair services use shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area.
 - b. **CLO district.** In the CLO district, a limited repair services use shall not occupy more than five hundred (500) square feet of gross floor area.
 - c. **CC district.** In the CC district, a limited repair services use shall not occupy more than fifteen thousand (15,000) square feet of gross floor area.

- d. **Enclosed repair activities.** All repair activities shall be conducted within an enclosed structure in all districts except IL and IG.
 - e. **IL and IG districts.** In the IL and IG districts, outdoor storage or outdoor repair activities shall be completely screened from view with a combination of fencing and vegetation to a height of six (6) feet.
79. **Restaurant, fast food.** A fast food restaurant use shall comply with the following supplementary use standards in the CC district.
- a. **Location.** The use shall be subject to compliance with the Major Intersection Criteria of Art. 7 (Major intersection criteria).
 - b. **Outdoor dining areas.** Outdoor dining areas shall comply with district setback requirements for structures.
80. **Restaurant, general.** A general restaurant use shall comply with the following supplementary use standards.
- a. **CN district.** In the CN district, a general restaurant use shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area. In addition, no such use shall provide other than take-out service unless the use is approved as a Class "A" Conditional use.
 - b. **CLO district.** In the CLO district, a general restaurant use shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area per establishment.
 - c. **CHO district.** In the CHO district, a general restaurant use shall be contained within an office, hotel or motel structure and shall be limited to a total floor area no greater than thirty (30) percent of the gross floor area of the structure, exclusive of vehicular parking and service areas.
 - d. **CRE district.** In the CRE district, a general restaurant use shall be permitted only as an accessory use to another permitted principal use.
 - e. **IL and IG districts.** In the IL and IG districts, a general restaurant use shall be permitted only as an accessory use to a permitted principal industrial use.
 - f. **Outdoor dining areas.** Outdoor dining areas shall comply with district setback requirements for structures, and shall be subject to Site Plan review pursuant to Sec. 5.6.

81. **Restaurant, specialty.** A specialty restaurant use shall comply with the following supplementary use standards.
- a. **CN and CHO districts.** In the CN and CHO districts, a specialty restaurant use shall be limited to a maximum of one thousand five hundred (1,500) square feet of gross floor area.
 - b. **CLO district.** In the CLO district, a specialty restaurant use shall be limited to a maximum of eight hundred (800) square feet of gross floor area.
 - c. **CC district.** In the CC district, a specialty restaurant shall not exceed fifteen thousand (15,000) square feet unless approved as a Class "B" Conditional use.
 - d. **Outdoor dining areas.** Outdoor dining areas shall comply with district setback requirements for structures, and shall be subject to Site Plan review pursuant to Sec. 5.6.
 - e. **Catering service.** Except in the IL district, the use of more than three (3) delivery or service vehicles shall be approved by the Development Review Committee.
82. **Retail sales, general.** A general retail sales use shall comply with the following supplementary use standards.
- a. **CN district.** In the CN district, a general retail sales use shall be limited to a maximum of one thousand five hundred (1,500) square feet of gross floor area, and shall be limited to hardware stores, paint and garden supplies, and pharmacies.
83. **Mobile or temporary retail sales.** A mobile, temporary, or transient retail sales or service use shall comply with the following supplementary standards, in addition to the supplemental regulations for vendors contained in Sec. 6.6.C. If a special permit for temporary sales is found in violation of any provision of the terms of the permit or of this Code, the Zoning Director may withhold future special permits for a period of eighteen (18) months.
- a. **Approval.** Applicant shall obtain a special permit from the Zoning Division.
 - b. **Temporary Sales.** A temporary seasonal retail sales use, such as Christmas tree or fireworks, or special event sales, such as the sale of furniture, plants, or toy sales, that may or may not require a tent or temporary structure, excluding trailers, shall:
 - (1) Be located in a CG or SA district, except that the temporary sale of Christmas trees shall be permitted in the AR district if it is accessory to a nursery, limited to no more than thirty (30) days, and not located within required yard setbacks;

- (2) Have written permission from the property owner;
- (3) Meet all required setbacks of the district in which it is located;
- (4) Not exceed fifteen (15) days in duration, provided that an additional thirty (30) days duration may be approved, subject to the Zoning Director's discretion. Issuance of permits shall be limited to four (4) times a year per site.
- (5) Meet the off-street parking requirements of Sec. 7.2 (Off-street Parking Regulations);
- (6) Not be located within safe distance triangles, as defined in Sec. 7.3.H.8 (Safe distance triangles);
- (7) Not have more than one (1) tent or structure for each lot;
- (8) Comply with Sec. 6.6.1 (Outdoor lighting standards); and
- (9) Meet the following requirements for signage:
 - (a) For a temporary sale, one (1) on-site, non-illuminated freestanding sign shall be permitted. This sign shall not exceed twenty (20) square feet in sign area, shall not exceed six (6) feet in height from finished grade and shall be located at least five (5) feet from all base building lines.
 - (b) The proposed sign, including the location, size and elevation, shall be shown on the site plan for the special use.
 - (c) The sign may remain on the site only for the approved duration of the temporary sale.
 - (d) No other type of sign, including balloons, banners, or emblems shall be permitted.
- (10) All debris shall be removed within forty-eight (48) hours of expiration of permit and the property will be returned to an orderly and sanitary condition.
- (11) **Submit proof of liability insurance paid in full covering the period for which the permit is issued, in the minimum amount of two hundred thousand dollars (\$200,000) per occurrence."**
- (12) **SA district** In the SA district temporary sales shall be limited to plants, pumpkins and Christmas trees, and shall exclude firework sales.

- c. **Mobile sales.** Mobile retail sales of food shall be conducted from a portable stand and shall:
- (1) Be located in the CC-Community Commercial, CG-General Commercial or IL-Light Industrial Zoning District;
 - (2) Obtain written permission of the property owner;
 - (3) Obtain a special permit from the Zoning division;
 - (a) The Special Permit fee is adopted to supplement the cost of issuing Special Permits, performing inspections and reviewing vendor-stand locations.
 - (b) No Special Permit shall be issued until all fees have been paid.
 - (c) The fee shall be as established by the Palm Beach County Planning, Zoning & Building Department fee schedule.
 - (d) Revocation of Special Permits due to violations of State Statutes or County ordinances will result in forfeiture of the permit fee.
 - (4) Be fully enclosed by a 4 foot high opaque enclosure if the dress standards of Sec 6.6 are not adhered to. The structure must be placed in such a manner as to assure that vendors/or any associates not in compliance with the dress code cannot reasonably be expected to be observed by others choosing not to do business with the vendor. Any structures required by this Subsection shall comply with the applicable building setbacks of the CC-Community Commercial, CG-General Commercial Zoning District, or with the applicable building setbacks of the IL-Light Industrial Zoning District;
 - (5) Not be located in any required parking spaces;
 - (6) Not be located in any landscape buffer;
 - (7) Not be located immediately adjacent to any residentially zoned area, excluding properties zoned AR;
 - (8) Not be located in such a manner as to distract motor vehicle operators or promote, require or cause any vehicles to stop, stand or to park in violation of official traffic-control devices, including, but not limited to signs, signals, and markings erected by authority of the County or State for the purpose of regulating, moving or guiding traffic;

- (9) Submit to the Zoning division of Planning, Zoning and Building, if located on private property, a certified copy of liability insurance paid in full, covering the period for which the permit is issued, in the minimum amount of two hundred thousand dollars (\$200,000.00) per occurrence.
 - (10) Not be located in any driveway aisles or loading areas or interfere with on-site circulation;
 - (11) Not be located within safe distance triangles, as defined in Palm Beach County Code, Article 7, Landscape Code;
 - (12) Be the only outdoor vendor on the lot; and
 - (13) Be removed from the site at night.
 - (14) Signage for vendors shall be limited to one sign, with a maximum sign face area of ten (10) square feet. The sign shall be no closer to any property line than the vendor. Banners, pennants, balloons or flags shall be prohibited.
- d. **Transient sales.** Transient sales vehicles that travel to several locations in one (1) day, such as lunch wagons, door-to-door salesmen, or ice cream trucks are:
- (1) Permitted to travel to any business or residence; and
 - (2) Not permitted to park in any one location for more than two (2) hours.
- e. **Mobile medical or professional units.** Mobile medical facilities or other self contained facilities, that travel to several locations, are at the location for a period greater than twenty-four (24) hours, and provide medical or other professional services shall be required:
- (1) Receive a special permit that is renewed annually.
 - (2) Provide a site plan for all locations indicating where the unit shall be placed on the site; and,
 - (3) Specify length of time and frequency of visits to the various locations. The unit shall be on each site no longer than thirty (30) days from the date permit is issued. Units shall visit the site no more than six (6) times a year.
84. **Sanitary landfill or incinerator.** A sanitary landfill or incinerator shall only be located in the SWPD, Solid Waste Disposal Planned Development District, except when an incinerator is an accessory use to a hospital.

85. **Private School, elementary or secondary.** An elementary or secondary school use shall comply with the following supplementary use standards.
- a. **Bike paths/pedestrian access.** Prior to approval of a building permit, a pedestrian access/bike path and cross-walk plan shall be submitted by the applicant showing access to the school site from surrounding neighborhoods. This system shall be integrated with existing or proposed pedestrian/bike path systems in the area, and shall be subject to the approval by the County Engineer.
 - b. **Parking.** Prior to approval of a building permit, the Site Plan shall indicate the maximum student enrollment, employee count and require/provide parking spaces to demonstrate conformance with minimum parking requirements for schools, as specified in Sec. 7.2 (Off-street Parking and Loading).
 - c. **Vehicular circulation.** A vehicular circulation system shall be designed that provides an independent traffic flow for school employees, visitors, and deliveries from the bus loading area and parent drop-off area.
 - d. **Dumpsters.** Dumpster and trash receptacles shall be located a minimum of one hundred (100) feet from residential property and screened from view with a six (6) foot solid wood fence and hedge combination.
 - e. **Utility plant.** A six (6) foot security fence shall be provided around the perimeter of the proposed utility plant, to discourage access by unauthorized personnel.
 - f. **Signalization.** Signalization shall be installed, if warranted, as determined by the County Engineer, at the development's entrance road. Should signalization not be warranted after twelve (12) months of the final certificate of occupancy, the property owner shall be relieved of this obligation.
 - g. **Site development impacts.** Reasonable precautions shall be employed during site development to insure that unconfined particulates (dust particles) and pollutants from the property do not negatively impact neighboring properties or surface or subsurface water systems.
 - h. **Fencing.** A six (6) foot high security fence shall be installed around the entire perimeter of the outside activity area to facilitate limited access.
 - i. **Outside activity areas.** Outside activity areas shall be located away from adjacent residential areas, whenever possible. Outside activity areas located adjacent to developed residential properties because of site design constraints shall provide a fifty (50) foot buffer. This landscape buffer shall be supplemented with a six (6) foot high hedge or hedge/berm combination and a double row of native canopy trees, spaced an equivalent of one (1) tree per twenty (20) linear feet of landscape buffer.

- j. **Perimeter buffer.** The petitioner shall provide a twenty-five (25) foot landscape buffer around the perimeter of the site. Native vegetation shall be preserved and/or relocated into the buffer from development areas on the site. The buffer shall consist of a six (6) foot high hedge or hedge/berm combination and be supplemented with minimum twelve (12) foot native canopy trees, spaced an equivalent of one (1) tree per twenty (20) linear feet of landscape buffer, as required to supplement the relocation program.
- k. **Wetlands/preservation.**
- (1) The wetland areas on site shall be preserved. Boardwalks and education learning stations may be constructed within the wetland areas, but shall be subject to approval by the Zoning Director, the SFWMD, and DERM.
 - (2) A clearly labelled predevelopment map shall be submitted indicating the location and acreage of wetlands and preserve areas. This map shall consist of a controlled vertical aerial survey and ground level photographs of existing site conditions.
 - (3) Existing native vegetation shall be maintained in designated preserve areas. The areas shall receive protection from damage and disturbance during site development, in accordance with Sec. 7.5 (Vegetation Protection).
 - (4) Prior to site plan review, a plan shall be submitted indicating wetlands and significant upland communities that will require mitigation for site development, and the applicant shall meet with the Zoning Director and DERM representatives to develop a mitigation program.
 - (5) Existing native vegetation shall be preserved to the maximum extent possible throughout the site. Preservation areas shall be established between parking areas and property lines and roadways, and in the area between recreational areas, education buildings and property lines, especially those abutting residential land. The areas within the drop-off drive shall also be designated as preserve areas. Vegetation in these preserve areas shall remain undisturbed during construction, pursuant to Sec. 7.5 (Vegetation Protection).
 - (6) At the time of submission of an application for development permit for Site Plan/Final Subdivision Plan, a complete vegetation inventory shall be submitted with written assessment and evaluation. All native vegetation within open space areas and the perimeters of the site shall be preserved and incorporated into the project design.

- (7) A vegetation relocation program shall be submitted to the Zoning Director, indicating an inventory of transplantable vegetation. The inventory shall consist of canopy and understory native vegetation that will be relocated to the perimeter buffers, landscape strips and open space areas.
 - (8) A vegetation removal permit application with the required information shall be submitted to the Zoning Director simultaneously with the application for development permit for Site Plan/Final Subdivision Plan.
 - (9) A preclearing inspection shall be scheduled with the Zoning Division, DERM, and SFWMD to finalize the preservation plan.
 - (10) Prior to site plan review, a listed species (plant and animal) inventory shall be conducted. Where listed species exist, they shall be located, tagged, and relocated to a protected area to the greatest extent possible. The relocation plan shall receive approval from DERM and the State of Florida Fresh Water and Game Commission.
 - (11) Existing vegetation, including wetland specimens, shall be relocated to new wetland, upland, and hammock areas, whenever possible.
 - (12) Prior to site plan review, construction documents shall be submitted to DERM relating to wetland restoration, landscaping, and vegetation restoration for their review and approval.
86. **Security or caretaker quarters.** A security or caretaker quarter use shall comply with the following supplementary use standards.
- a. **Approval.** Applicant shall obtain a special permit from the Zoning Division.
 - b. **Maximum number of quarters.**
 - (1) No more than one (1) security or caretaker quarters use shall be developed upon the same lot as a permitted agricultural, commercial, industrial or institutional use.
 - (2) In the case of a conditional use, not more than one (1) security or caretaker quarters use shall be permitted within the area governed by the entire site plan.
 - c. **Limitation on occupancy.** The security or caretaker quarters use shall be for the exclusive use of and shall be occupied only by a guard, custodian, caretaker, owner, manager or employee of the owner of the principal use, and his family. Such person shall be actively engaged in providing security, custodial or managerial services upon the premises.

- d. **Not with temporary uses.** Unless otherwise provided in this Code, a security or caretaker quarters use shall not be permitted in association with a temporary use.
 - e. **Property development regulations.** A security or caretaker quarters use shall not be established upon a substandard lot, nor shall the development of such quarters cause a site to violate this Code.
 - f. **Construction standards.** Development of a security or caretaker quarters use shall meet the appropriate standards of the Palm Beach Building Code and other applicable laws.
 - g. **Use of mobile home.** A mobile home may be used for a security or caretaker quarters use only in the AGR, AP, SA, RSER, AR, IL and IG districts. Minimum lot size and property development regulations of the district must be met.
 - h. **Discontinuation of use.** A security or caretaker quarters use shall continue only so long as the principal use that it is meant to serve remains active. Upon termination of the principal use, the right to have the caretaker or security quarters shall end, and the quarters shall immediately be discontinued. Once discontinued, such quarters shall not be reestablished except in conformity with this section.
 - i. **Accessory use.** A security or caretaker quarters use shall be allowed as an accessory to a public or civic use in all districts.
87. **Self-service storage.** A self-service storage use shall comply with the following supplementary use standards.
- a. **No commercial uses.** The only commercial uses permitted on the site of a self-service storage facility use shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site.
 - b. **Security quarters permitted.** A security or caretaker quarters use may be established on the site of a self-storage facility pursuant to Sec. 6.4.D.
 - c. **Bays not legal address.** Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address in order to obtain an occupational license or other governmental permit or license to do business.

d. Outside storage.

- (1) Except as provided in this section, all property stored on the site of a self-service storage facility use shall be entirely within enclosed buildings.
- (2) Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self service storage facility use, provided that the following standards are met.
 - (a) The storage shall occur only within a designated area. The designated area shall be clearly delineated.
 - (b) The storage area shall not exceed twenty-five (25) percent of the buildable area of the site.

- (c) The storage area shall be entirely screened from view from adjacent residential areas and public roads by a building or by installation of a six (6) foot high wall meeting the requirements of Sec. 7.3.E.3.b (Compatibility landscape buffer strips) for Alternative Landscape Strip Number 1 or Number 2.
 - (d) Storage shall not occur within the area set aside for minimum building setbacks.
 - (e) Pleasure boats stored on the site shall be placed and maintained upon wheeled trailers.
 - (f) No dry stacking of boats shall be permitted on site.
 - (g) No vehicle maintenance, washing or repair shall be permitted.
- e. **Minimum lot size.** The minimum lot size for a self-service storage facility shall be three (3) acres. A self-service storage facility use included within a Planned Development District shall have a minimum of three (3) acres devoted exclusively to such use. No variance or other relief shall be granted from this standard.
- f. **Separation between buildings.** If separate structures are constructed, there shall be a minimum separation of ten (10) feet between the buildings within the facility.
- g. **Maximum bay size.** The maximum size of a storage bay shall be four hundred fifty (450) square feet.
- h. **Height.** With the exception of a structure used as a security or caretaker quarters, the maximum height of a self-service storage facility use shall be one (1) story. The height of the structure shall not exceed twenty (20) feet. In addition, a parapet wall shall be constructed to screen roof-mounted air conditioning and other equipment, if any. The combined height of the building and the parapet wall shall not exceed twenty-five (25) feet.
- i. **Circulation.** The following on-site circulation standards shall apply.
- (1) Interior parking shall be provided in the form of aisleways adjacent to the storage bays. These aisleways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be twenty-one (21) feet if only one-way traffic is permitted, and thirty (30) feet if two-way traffic is permitted.

- (2) The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist at a minimum of use of standard directional signage and painted lane markings with arrows.
- (3) Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.

j. Landscaping and buffering.

- (1) **Wall option.** A self-service storage facility use may dispense with the wall that is required to be erected within the required perimeter landscape strip for that portion of the perimeter if all of the following standards are met.
 - (a) The exterior facades of storage structures present an unbroken, wall-like appearance when seen from adjacent lots and rights-of-way. This shall not prevent the installation of fire access doors, if mandated by law.
 - (b) The exterior facades of separate storage structures are joined by walls to give the appearance of structural continuity.
 - (c) The resulting area between the outer face of the structures and the property line or right-of-way is maintained and appropriately planted as a landscape buffer.
 - (d) There are no aiseways or other vehicle accessways located in the area between the building and the right-of-way or adjacent lot boundary.
 - (e) Either a landscape berm is installed in the perimeter landscape buffer or the area is maintained for vegetation preservation.
- (2) **Supplemental planting.** The following planting standards shall apply, regardless of the buffer option.
 - (a) A minimum of one (1) tree shall be planted for each twenty (20) feet of perimeter landscape strip.
 - (b) The gross area of interior aiseways in a self-service storage facility shall be treated as a specialized vehicular use area, pursuant to Sec. 7.3.E.2.b (Other vehicular use areas used by the public), provided that one (1) additional tree shall be planted for each five hundred (500) square feet of landscape area transferred to the perimeter of the lot.

- (c) Immediately upon planting, trees shall be a minimum of ten (10) feet in height with a crown spread of five (5) feet.
 - (d) If alternative landscape buffer strip number 2 is selected, a hedge shall be installed in the perimeter buffer. The hedge shall be a minimum of twenty-four (24) inches in height upon planting with material planted twenty-four (24) inches on center.
- (3) Dumpsters and trash receptacles shall be screened from view of adjacent lots and streets.
- k. **Signage.** Signage shall comply with Sec. 7.14 (Signage) or this subsection, whichever is more restrictive.
 - (1) **Freestanding signs.** The maximum number of freestanding signs shall be one (1) sign for each lot frontage on which a self-service storage facility use has access to a public street. The sign shall be placed along this frontage. The maximum height of a freestanding sign shall not exceed thirty-five (35) feet in height.
 - (2) **Wall signs.** The maximum number of flat or wall signs shall be one (1) sign for each building facade facing a public road on which the self-service storage facility has access. No signs shall be placed on the doors or walls of individual storage bays.
 - (3) **Roof signs.** No roof signs shall be permitted on the site.
 - (4) **Sign area.** The maximum sign area of on-premises signs shall not exceed one hundred (100) square feet for each sign face.
- l. **Outdoor lighting.** Outdoor lighting shall be the minimum necessary to discourage vandalism and theft. If a facility abuts a residential district, outdoor lighting fixtures shall be no more than fifteen (15) feet in height.
- m. **No loudspeakers.** No exterior loudspeakers or paging equipment shall be permitted on the site.
- n. **Door orientation.** Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public road.
- o. **Barbed wire.** Barbed or similar wire may be used for security purposes, but it shall not be visible from any adjacent public road or residential district.
- p. **Architecture.** The exterior facades of all structures shall receive uniform architectural treatment, including stucco and painting of surfaces. The colors selected shall be compatible with the character of the neighborhood.

88. **Single-family.** A single-family dwelling shall comply with the following supplementary use standards.
- a. **SA district.** In the SA district, a single-family dwelling on a minimum lot area of ten (10) acres in the RR10 land use designation, and a minimum of twenty (20) acres in the RR20 land use designation, shall be permitted. A single-family dwelling on a lot less than ten (10) acres in the RR10 land use designation, and on a lot less than twenty (20) acres in the RR20 land use designation, shall be permitted only if the property meets the standards for a density exemption in the Comprehensive Plan.
 - b. **Estate kitchen.** Estate kitchen is an accessory use which is physically integrated with the main residence. There shall not be an accessory access or presence of complete living environment associated with the estate kitchen. Lot size for the house with an estate kitchen shall be twice in size of the minimum lot size requirement.
 - c. **Type I (A) excavation.** Type I (A) excavation shall be accessory to the construction of a single family residence on a lot area greater than one (1.0) acres. Other than Type I (A), all excavation shall be regulated by the standards in Article 7 of this Code.
 - (1) **Procedure.** Prior to initiation of type I (A) excavation activities, approval to excavate shall be received concurrent with the receipt of a building permit from the PZB Department, pursuant to the procedural and substantive standards of this subsection.
 - (2) **Application.** Any person requesting approval for Type I (A) excavation shall submit concurrently with a building permit application:
 - (a) **A notice of intent** to excavate shall be submitted on a form provided by the Zoning Division. This notice of intent shall include the following:
 - i) An estimate of the amount of material, in cubic yards of material to be excavated;
 - ii) A general site plan showing the standards listed below in item 1.b (Standards for Type I A excavation);
 - iii) Notarized authorization from the property owner to excavate.

- (3) **Determination of sufficiency, review and decision.** The PZ&B Department shall determine if the permit for type I (A) excavation is complete within ten (10) working days. If the form is not complete, the applicant shall be notified of the deficiencies. After the application has been determined complete, it shall be reviewed by the Zoning Director and approved, approved with conditions, or denied based on the standards listed in Article 7.6 (excavation).
 - (4) **Review of reclamation prior to issuance of Certificate of Occupancy or Certificate of Completion.** The property owner shall submit to the PZ&B Department a Certificate Of Compliance depicting an as-built survey or a form board survey showing the location, size, depth of the excavation utilizing the standards of Section 7.6 (Excavation) and bearing the seal of a Registered Land Surveyor. This certificate shall be submitted prior to issuance of a certificate of occupancy. For single family lots where no permanent water body is created, the building permit site plan shall serve as the reclamation plan.
- d. **Standards for Type I (A) excavation.** All Type I (A) excavation shall conform to the following standards.
- (1) **No off-site removal.**
 - (2) **Depth and Recommended Slope Standards.**
 - (a) No excavation shall exceed ten (10) feet in depth below Ordinary High Water (OHW).
 - (b) Side slopes no steeper than four (4) to one (1) from the top of bank to a depth of minus two (-2) feet OHW. However, a minimum four (4) foot high gated fence completely enclosing the excavation may be substituted for the required slopes.
 - (3) **Surface area of excavation.** The maximum surface area of all excavation on the premises shall be less than one (0.125) acres. Excavation associated with septic tank installation, demucking, and grading activities shall not be considered in the calculation.
 - (4) **Building permit.** The excavation is approved in conjunction and concurrent with a valid building permit for the site.
 - (5) **Setback.** No excavation (measured from the edge of water) shall be conducted within fifteen (15) feet at the time of construction to any of adjacent property lines, nor within fifty (50) feet of any potable water well or one hundred (100) feet of any septic tank, pursuant to Sec. 7.10 and 7.11, Environmental Control Rules I and II. In addition, a five (5) foot minimum setback is required from the top bank of an excavation to all property lines.

- (6) **Reclamation.** All type I (A) excavation shall be reclaimed consistent with the following requirements:
- (a) All side slopes shall be stabilized and planted with the appropriate ground cover from top of bank to the edge of the water. If seeding is to be used, it shall be required to have fifty percent coverage of seeded areas prior to CO.
- e. **Type I (B) excavation.** Type I (B) excavation shall be accessory to the construction and use of a single family residence with a lot area greater than two and one half (2.5) acres.
- (1) **Procedure.** Prior to initiation of type I (B) excavation activities, approval to excavate shall be received concurrent with the receipt of a valid building permit from the PZ&B Department, pursuant to the procedural and substantive standards of this subsection.
- (2) **Application.** Any person requesting approval of type I (B) excavation shall submit to the Zoning Director an application on a form established by the Zoning Director. The application requirements shall include but not be limited to the following:
- (a) A site plan showing the proposed excavation, including but not limited to: all structures, improvements, easements, right-of-ways existing and proposed, and any other information as required by this Code,
- (b) A listing of the nature of the excavation operation, including but not limited to: the amount of materials expected to be excavated, the duration of the excavation activity, the amount of fill to be removed from site, the amount of fill to remain on site and, the proposed method of excavation;
- (c) A 1:200 aerial or better clearly depicting the site; and,
- (d) A fee, as adopted by the established fee schedule.
- (3) **Determination of sufficiency, review and decision.** After the application has been determined complete, it shall be reviewed by the Development Review Committee for certification to assure compliance with the standards established in Sec.5.6, and
- (4) **Special Permit for Type I (B) Excavation.** A special permit for Type I (B) excavation shall be issued after the Development Review Committee determines that the proposed use complies with the standards set forth herein.

- (a) Appropriate special conditions shall be imposed to ensure compliance with the purpose and intent of this section including but not limited to: a certified as-built survey; maintenance plan; timely reclamation; height limitation of stored excavated materials; and a final inspection by the Zoning Division.
- f. Standards Type I B Excavation . All Type I(B) excavation shall meet the requirements of Sec. 7.6.F.1,2.a,5,6,7, 8,9,10,and 11 (General Criteria For Excavations), in addition to the following items:
- (1) No excavation shall exceed fifteen (15) feet in depth below the OHW.
 - (2) The maximum surface area of all excavation on the premises shall be less than twenty five (25%) percent of the gross lot area and shall not exceed two (2.0) acres in surface area.
 - (3) The excavation is approved in conjunction and concurrent with a valid building permit for the site.
 - (4) No excavation shall be conducted within fifty (50) feet of an adjacent property line, nor within fifty (50) feet of any potable water.
 - (5) All side slopes shall be planted or seeded with the appropriate ground cover from the top of bank to the edge of water. All seeded areas must have a fifty (50) percent coverage prior to final inspection.
 - (6) No special type I (B) excavation permit shall be valid after one hundred and twenty (120) days from the issuance of the special type I (B) excavation permit.
89. Solid waste transfer station. A solid waste transfer station use shall comply with the following supplementary use standards.
- (1) Compatibility, screening, buffering. The proposed solid waste transfer station shall be properly located and buffered to ensure compatibility with surrounding uses. To ensure use compatibility with surrounding uses, adequate setbacks, and screening and buffering around the perimeter of the proposed solid waste transfer station shall be required at the time the facility is constructed. The standards shall be waived if any of landscape buffer is not visible from adjacent lots or rights-of-way. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

- (2) **Setbacks.** No part of a transfer station or its accessory ramps and access roads shall be located within twenty-five (25) feet of any public road, drainage canal, lake, stream, navigable waterway or property line.
- (3) **Screening and fencing.** All storage areas shall be effectively screened from view by walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from rights-of-way or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas exceed twenty (20) feet or the height of the principal building on the lot, whichever is greater.
- (4) **Perimeter landscape buffer strips.** Buffer strips shall be installed using Alternative Landscape Strip Number 3, pursuant to Sec. 7.3.E.3.b (Compatibility landscape buffer strips) for facilities in industrial zoning districts contiguous to land zoned for industrial use. For all other facilities, Alternative Landscape Strip Number 4 shall be installed, provided that when the property line is contiguous to property in a residential district, the landscape buffer strip shall be a minimum fifty (50) feet in width.
- a. **Access.** An access road that can be negotiated by loaded collection vehicles shall be provided to the entrance of the solid waste transfer station. Access shall not be provided on a residential street. Access shall be restricted to specific entrances with gates which can be locked at all times and which carry official notice that only authorized persons are allowed on the site.
- b. **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.
- c. **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.
- d. **Performance standards.** The operation of a solid waste transfer station shall conform to all other requirements of this Code.
- e. **Consistent with Comprehensive Plan.** The proposed solid waste transfer station shall be consistent with the goals, objectives and policies of the Comprehensive Plan and this section.

- f. **Supplemental application requirements.** In addition to the standard requirements of this Code, applications for solid waste transfer stations shall include the following:
- (1) Graphic illustration and narrative analysis of year round access routes to the site.
 - (2) An explanation of the type of facility requested. It shall specify the type of materials to be handled and include a description of the proposed method of operation, including special waste handling procedures and limitations.
 - (3) An estimate of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
 - (4) A statement specifying the hours of operation.
 - (5) Verification that the applicant has obtained a permit from and posted a bond with the Solid Waste Authority (SWA) before site plan approval. This SWA permit shall be consistent with the procedures for approval of an amendment to the Official Zoning Map.
90. **Stable, commercial.** A commercial stable use shall comply with the following supplementary use standards.
- a. **Limitations of use.** Commercial stables shall be limited to the raising, breeding, training, boarding, and grooming of horses, or rental of horses for riding.
 - b. **Minimum lot size.** The minimum lot size shall be two (2) acres or the minimum lot size standard of the district where the commercial stable is located, whichever is greater.
 - c. **Frontage.** The minimum required frontage on a public road to be used from the primary point of access shall be one hundred (100) feet or the minimum standard of the district in which the commercial stable is located, whichever is greater.
 - d. **Setbacks.** No stable shall be located within twenty-five (25) feet of any property line, or the minimum setback standard of the district in which the commercial stable is located, whichever is greater.

- e. **Groom's quarters.** On-site living quarters for persons responsible for grooming and caring for horses boarded at the stable may be permitted as an accessory use, subject to compliance with the special use review procedures of Sec. 5.5 (Special Use Permits) and the following review standards.
 - (1) A maximum of one (1) groom's quarters not to exceed five hundred (500) square feet in area shall be permitted for each five (5) stalls.
 - (2) Groom's quarters may contain individual cooking facilities and/or one (1) common dining facility.
 - f. **AGR, SA, RSER and AR districts.** In the AGR, SA, RSER, AR and districts, rental of horses for riding shall be permitted only if approved as a Class "B" Conditional use.
 - g. **CRS district.** In the CRS district, rental of horses for riding shall be permitted only if approved as a Class "A" Conditional use.
91. **Stable, private.** A private stable shall comply with the following supplementary use standards.
- a. **Limitations of use.** A private stable shall be limited to the boarding, breeding or raising of horses owned by the occupants or owners of the premises. Commercial boarding shall be limited to three (3) horses not owned by the owner or occupant of the premises.
 - b. **Boarding.** Boarding of no more than five (5) horses not owned by the owner or occupant of the premises shall be allowed as a special use.
 - b. **Setbacks.** No structure or stable shall be located within twenty-five (25) feet of any property line, or the minimum setback standard of the district in which the private stable is located, whichever is greater.
92. **Stand for the sale of agricultural products.** A roadside stand used for the sale of agricultural products, not necessarily grown on site, shall comply with the following supplementary use standards, in addition to the supplemental regulations for vendors contained in Sec. 6.6.C.
- a. The use is permitted in the AGR, AP, AR, SA, RSER, CRS, CN, CG districts subject to a special use permit approval.
 - b. There shall be only one (1) stand on a parcel of land.
 - c. The stand shall not exceed three hundred (300) square feet of gross floor area.
 - d. The stand shall maintain mobility of some type, such as wheels or skids.

- e. The stand shall not be any closer than six hundred (600) feet to any other stand.
 - f. The stand shall be set back fifty (50) feet or more from the pavement or shall abut the base building line, whichever distance is greater.
 - g. The stand shall not be located within one hundred (100) feet of the intersection of the right-of-way lines of any two dedicated roads.
 - h. The vendor shall receive written permission from the property owner.
 - i. Signs for vendors shall be limited to one sign, with a maximum sign face area of ten (10) square feet. The sign shall be no closer to any property line the vendor. Banners, pennants, balloons or flags shall be prohibited.
 - j. Submit proof of liability insurance paid in full covering the period for which the permit is issued, in the minimum amount of two hundred thousand dollars (\$200,000) per occurrence.
93. **Sugar mill or refinery.** A sugar mill or refinery use shall comply with the following supplementary use standards.
- a. **SA district.** In the SA district a sugar mill or refinery shall have a three hundred (300) foot setback from residentially occupied or zoned property. In the SA district, a sugar mill or refinery use shall be permitted on land within the RR10 land use designation in the Future Land Use Element of the Comprehensive Plan.
94. **Theater drive-in.** A drive-in theater use shall comply with the following supplementary use standard.
- a. **CRE district.** In the CRE district, a drive-in theater use shall not be located in an RR10 land use designation of the Comprehensive Plan.
95. **Townhouse.** A townhouse development shall comply with the following supplementary use standards. In the case of conflict with the property development regulations of the district, these standards shall apply.
- a. **Minimum site area.** See Property Development Regulations Schedule 6.5-1 for density provisions.
 - b. **Minimum lot area.**
 - (1) No townhouse lot shall be less than sixteen hundred (1,600) square feet.

(2) Where any portion of the original lot is not divided among and incorporated into the resulting townhouse lots, then that portion of the original lot shall be held by either of the following or a combination of the following:

(a) The lot owners, in which event each lot owner shall have an undivided interest in the common area, which shall be appurtenant to that lot. The individual interest in the common areas shall not be conveyed separately from the ownership of said lot; or

(b) A property owners association.

c. **Minimum lot width.** The minimum width of a townhouse lot shall be sixteen (16) feet and the minimum area to be conveyed shall be not less than one hundred (100) percent of the total ground floor building area of the dwelling unit. Where one hundred (100) percent of the townhouse lot is conveyed in fee simple then a homeowners maintenance association shall be formed among the unit owners to assure compliance with exterior area maintenance regulations as may be adopted by the association.

d. **Setbacks.** A townhouse development shall comply with the following setbacks or separations rather than the standards of the district.

(1) Setbacks shall be measured from perimeter property lines or road right of ways.

(2) Separations shall apply to the proximity of one building to another.

(3) Any townhouse shall meet the following minimum yard setback or separation standards.

Yard	Maximum height of building	
	25 feet	35 feet
Front	25 feet	30 feet
Side (interior) ⁷	0 or 15 feet	0 or 25 feet
Side (street)	25 feet	25 feet
Rear	25 feet	25 feet

⁷ No interior side yard setback shall be required between townhouse units sharing a common party wall.

- e. **Height.** No building or structure shall exceed thirty-five (35) feet or three (3) stories in height.
 - f. **Accessory buildings and structures.** No detached accessory buildings or structures other than permitted fences or walls shall be permitted on any lot less than thirty (30) feet in width.
 - g. **Access and parking.** Townhouse lots may be arranged in groups fronting on residential access tracts. Minimum parking requirements shall be in accordance with Article 7 of this Code.
 - h. **Replacement of similar structure.** In the event a dwelling unit developed pursuant to this section is destroyed or removed by or for any cause, the unit, if replaced, shall be replaced with a unit of at least similar size and type, that does not exceed the dimensions of the prior unit.
 - i. **Issuance of certificate of occupancy.** An attached townhouse building shall be developed as a whole, and no certificate of occupancy for a townhouse unit shall be issued until completion of the entire attached building.
 - j. **Attachments.** The primary structure may include the attached garage or an air conditioned space and shall be connected on a least fifty percent (50%) of the maximum depth of the unit.
96. **Utility, minor.** A minor utility use shall comply with the following supplementary use standards.
- a. **Location.** The proposed minor utility shall be located within reasonable proximity of the area to be served by the facility.
 - b. **Compatibility, buffering, screening.** The proposed minor utility shall be properly located and buffered to ensure compatibility with surrounding land uses. If deemed necessary to ensure compatibility with surrounding uses, adequate setbacks, screening and buffering around the fenced area of the utility shall be required at the time the facility is developed. The standards shall be waived if any of the required landscape buffer is not visible from adjacent lots or rights-of-way.
 - c. **Compliance with the Code and state and federal laws.** The proposed utility shall meet all requirements of this Code and all other relevant state and federal laws.
 - d. **Maximum size of structure.** The minor utility structure, buildings, and appurtenances shall not exceed fifteen hundred (1,500) square feet of gross enclosed floor area.

97. **Vehicle sales and rental.** A vehicle sales and rental use shall comply with the following supplementary use standards, except in the IL district, the minimum lot area for vehicle sales and rentals is three (3) acres.
- a. **Parking.** Unless otherwise provided for in this section, all vehicular use areas and specialized vehicular use areas for display, sale, rent, or storage purposes shall comply with the standards set forth in Sec. 7.2 (Off-street Parking Regulations) and Sec. 7.7 (Driveways and Access).
- (1) **Motor vehicle display, sales, rental and storage.**
- (a) Motor vehicle dealerships may store vehicles outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops. For outdoor motor vehicle sales and display parking, signs and stall striping are not required, but in all other respects, outdoor sales and display parking shall conform to the provisions of Sec. 7.2 (Off-street Parking Regulations). Parking for vehicle storage, sales or display may not be counted toward meeting the number of required off-street parking spaces to be provided for customers and employees.
- (b) If a specialized vehicular use area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Director.
- (c) No vehicle shall be parked with its hood or trunk open. Motor vehicles on display shall not be elevated.
- (2) **Customer parking.** Customer parking shall be marked with an above grade sign and shall be physically separated from the motor vehicle sales, storage and display space.
- (3) **Security.** When the facility is not open, the parking area shall be locked and gated.
- b. **Car wash.** If an accessory car wash facility is installed on site, it shall use a water recycling system.
- c. **Loudspeakers.** No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.

- d. **Accessory repairs and parts sales.** Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located at least one hundred (100) feet from any residential district lot. Service bay doors shall not be oriented toward any adjacent property in a residential district, or oriented toward any adjacent public street. There shall be no outdoor repair of vehicles. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
- e. **Unloading space.** The development shall include an area on site to unload vehicles from car carriers. This area shall be a minimum of fifteen (15) feet wide and sixty (60) feet long, shall have sufficient maneuvering area adjacent to it, shall be located out of the vehicular traffic circulation and shall not be adjacent to residential district lots. The unloading area shall be located a minimum of one hundred (100) feet from any property in a residential district.
- f. **Operating conditions.** No vehicles, other than for customer and employee parking, shall be stored or displayed on the site except those which are intended for sale and are in running condition. Motorcycles, auto, truck, boat, mobile home, and recreation vehicles shall be maintained in a safe operating condition at all times. If in a used condition, they shall have a current valid license plate.
- g. **Sales office.** No mobile home, recreational vehicle, or other vehicle shall be used as sales offices, storage space or for sleeping purposes. Sales offices and storage shall be contained in buildings in conformance with the Palm Beach County Building Code and Fire Code.
- h. **Fencing and screening.** A safety fence of up to a height of six (6) feet shall be required if it is determined necessary to protect the general public health and safety. Screening of at least seventy-five (75) percent opacity shall be required if it is determined necessary to protect neighboring property from potential loss of use or diminishment of land value. On property lines not adjacent to a public street, there shall be provided a chain-link fence or wall eight (8) feet in height from the finished grade.
- i. **IL district.** In the IL district, a vehicle sales and rental use shall be limited to the following.
- (1) **In conjunction with repair facility.** A vehicle sales and rental use in conjunction with a general repair and maintenance use shall be permitted, subject to the following standards.
- (a) The vehicle sales and rental uses shall be limited to a maximum of five (5) vehicles per lot and shall be subject to development review committee.
- (b) Vehicles on display must be within fifty (50) feet of a repair bay.

- (c) Site plan approval shall be based on the standards in Sec. 6.4.D (Vehicle sales and rental—parking).
 - (2) **Truck and trailer rental.** Truck and trailer rental limited to a maximum of five (5) vehicles per lot shall be permitted subject to Development Review Committee. Truck and trailer rental exceeding five (5) vehicles per lot shall be permitted only if approved as a Class "B" Conditional use.
 - (3) **Automobile rental.** Automobile rental shall be permitted as a Class "A" Conditional use.
 - (4) **Mobile home/RV sales.** The sale or rental of mobile or manufactured homes or recreational vehicles shall be permitted as a Class "B" Conditional use.
- j. **IL & IG district.** Except as provided above, in the IL and IG district, a vehicle sales and rental use shall be limited to the sale or rental of mobile or manufactured homes, recreational vehicles or heavy equipment, as a Class "B" Conditional use.
98. **Veterinary clinic.** A veterinary clinic use shall comply with the following supplementary use standards.
- a. **RSER districts.** In the RSER district, a veterinary clinic shall not have outdoor runs or facilities.
 - b. **AR and SA district.** In the AR and SA districts, a veterinary clinic use shall be for livestock only and shall be located on a minimum of five (5) acres.
 - c. **CN district.** In the CN district, a veterinary clinic shall not have outdoor facilities nor occupy more than one thousand five hundred (1,500) square feet of gross floor area.
 - d. **Outdoor runs.** Veterinary clinics with outdoor runs or boarding facilities shall comply with the following standards.
 - (1) **Minimum lot area.** The minimum lot size shall be one (1) acre.
 - (2) **Setbacks.** No outdoor run or boarding structure shall be located within twenty-five (25) feet of any property line.

- (3) **Design.** Outdoor runs shall be hard surfaced or grassed with drains provided every ten (10) feet, and shall be connected to an approved sanitary facility. Outdoor runs shall provide a chain-link material on the walls and the top. If necessary to protect the general public, safety fences of up to a height of six (6) feet shall be required on outdoor runs. If necessary to protect neighboring property from potential loss of use or diminishment of land value, a landscape screen of at least seventy-five (75) percent opacity shall be provided around the outdoor run.
99. **Vocational school.** A vocational school use shall comply with the following supplementary use standards.
- a. **RSER, CC and CG districts.** In the RSER, CC and CG districts, a vocational school use shall not involve heavy equipment or machinery, motor vehicle engines, or aircraft, unless approved as a Class "A" Conditional use.
100. **Warehousing.** A warehouse use shall comply with the following supplementary standards:
- a. **Accessory Office.** A general warehouse use with an accessory office shall be equipped with sanitary facilities.
- b. **Parking.** The commercial establishment shall require limited off-street parking.
- c. **Public Access.** Storage of stock-in-trade, equipment or material best kept in a warehouse-like environment shall not be open to the general public.
- d. **Sales.** Retail sales shall be prohibited.
- e. **Storage.** All materials shall be stored entirely within an enclosed building.
- f. **Manufacturing.** No manufacturing, assembly or processing shall take place on site.
- (1) The minimum percentage of office space supporting the warehouse use shall be twenty-five (25) percent of the gross floor area.
- (2) The approved office-warehouse combination shall follow the warehouse regulations a.- f. as shown in this section.
- g. **Office/Warehouse in the WCRA-O.** An office warehouse combination is a construction office for special trade contractors, or a commercial wholesale trade establishment consisting of a mix of small scale, independent business offices each having a contiguous, accessory enclosed storage area which is internally accessible to the office. Only WCRA-O shall be permitted to receive approval for an office-warehouse use pursuant to a conditional use type A.

- h. **Conforming use status of prior approvals.** Office-warehouse combinations that were approved by special exception or other previous approvals, prior to adoption of this section [June 2, 1992] shall be considered to be a conforming land use. The approved office/warehouse combination shall follow conditions a through f above.
101. **Water or wastewater treatment facility.** A water or wastewater treatment facility use shall comply with the following supplementary use standards in all zoning districts.
- a. **Location.** The location of the proposed water or wastewater treatment facility shall be within reasonable proximity of the area to be served by the facility.
- b. **Stock piling of sludge.** Stock piling of sewage sludge on site is prohibited without odor control.
- c. **Facility Odor.** Facilities shall be designed and operated to restrict objectionable odor from entering adjacent properties.
- d. **Compatibility, buffering, screening.** The proposed water or wastewater treatment facility shall be properly located and buffered to ensure compatibility with surrounding land uses. Adequate setbacks, screening and buffering around the perimeter of the proposed water and/or wastewater facility site shall be required at the time the facility is developed. For purposes of this section, the AR-Agricultural Residential Zoning District is not considered a residential district. Required setbacks, screening and buffering shall include, but shall not be limited to, the following:

Table 6.4-6
WASTEWATER TREATMENT FACILITY SETBACKS

Type/Capacity	Type of Facility	Setbacks from Residential and Commercial Zoned Property	Setbacks From Non-Residential or Non-Commercial Zoned Property
Wastewater treatment facilities 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 ⁸	200 feet ¹
	Chemical storage facilities	300 feet	200 feet
	Accessory facilities	200 feet	100 feet
Wastewater treatment facilities 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

⁸ Tertiary filters do not require odor control.

Table 6.4-7
WATER TREATMENT FACILITY SETBACKS

Type/Capacity	Type of Facility	Setback
Water treatment facilities over two millions gallons per day capacity.	Treatment units and chemical storage	200 feet
	Units which will cause airborne sulfides	500 feet ⁹
	Accessory facilities	100 feet
Water treatment facilities up to two million gallons per day capacity including package treatment facilities	Treatment units and chemical storage	100 feet
	Units which will cause airborne sulfides	250 feet ²
	Accessory units	100 feet

- (1) Perimeter landscape buffer strips with a minimum width of twenty-five (25) feet;
 - (2) Double rows of trees planted within landscape buffers at a ratio of one (1) twelve (12) foot tall tree for each thirty (30) linear feet of abutting property line or fraction thereof; and
 - (3) Screening around the perimeter of the site, consisting of a hedge, earthen berm, fence or wall which will present a solid visual screen at least six (6) feet in height within one (1) year of installation.
- e. **Complies with the Code and state and federal laws.** The proposed water or wastewater treatment facility meets all requirements of this Code and all other relevant state and federal laws.
- f. **Consistent with the Comprehensive Plan.** The proposed water or wastewater treatment facility is consistent with the goals, objectives and policies of the Comprehensive Plan.

⁹ Unless treatment for removal of sulfides for odor control is included.

- g. **Package water or wastewater treatment facility.** If a package water or wastewater treatment facility is developed, the following additional standards shall be met.
- (1) If a package treatment facility is proposed to be developed in the designated Urban Service Area (USA) in the Comprehensive Plan, confirmation shall be provided from the appropriate public utility that central water or wastewater service is not available at the time the application for development permit is submitted, and that service is projected to be available within four (4) years of that date;
 - (2) The use of package treatment facilities in the USA shall be permitted only until such time as central water or wastewater service is available from the appropriate public utility;
 - (3) If the package wastewater treatment facility is proposed to be developed in the designated Limited Service Area (LSA) of the Comprehensive Plan:
 - (a) Confirmation is provided from the PBCPHU that use of a package wastewater treatment plant is necessary to protect water quality; and
 - (b) A certificate is provided by the PBCPHU that the uses proposed can be adequately served with a package wastewater treatment plant.
 - (4) If the package treatment facilities are proposed to be developed in the designated Rural Service Area (RSA) of the Comprehensive Plan, there shall be demonstrated evidence that it is to be used to provide potable water or wastewater service to bona fide agricultural uses, public recreational uses, public educational uses and industrial uses.
 - (5) Package treatment facilities, where permitted, shall be designed and installed in accordance with all relevant state, federal and local utility standards.
- h. **Effect on previously approved facilities.** Water and wastewater treatment facilities approved prior to the effective date of this section shall not be considered nonconforming uses. Expansion of existing facilities may be allowed with setbacks lower than those listed in the table in this section provided the expansion is reviewed and approved by the DRC and if odor control is provided for significant sources of odor.

102. **Wholesaling, general.** A general wholesaling use shall comply with the following supplementary use standards.
- a. **IG and IL Districts.** In the IL and IG districts a general wholesaling or warehouse use which has an accessory office shall be equipped with sanitary facilities.
103. **Zero lot line home.** The property development regulations for zero lot line home development shall be as provided in these supplementary use regulations, provided that the overall density shall be in compliance with the density requirements of the district.
- a. **Lot size.** The minimum lot size shall be four thousand five hundred (4,500) square feet, provided the gross density of the development is consistent with the density of the Comprehensive Plan.
 - b. **Lot width.** The minimum lot width shall be forty-five (45) feet for an interior lot, and sixty (60) feet for a corner lot.
 - c. **Lot depth.** The minimum lot depth shall be seventy-five (75) feet.
 - d. **Frontage.** The minimum frontage shall be forty-five (45) feet, measured at the minimum front setback.
 - e. **Front setback.** The minimum front yard setback shall be ten (10) feet, provided that the minimum front yard setback for a garage or carport with the entrance facing the front property line shall be twenty-five (25) feet. However, the minimum front yard setback for a garage or carport with the entrance facing the side property line shall be ten (10) feet. Lot frontage adjacent to the right-of-way shall be a minimum of twenty (20) feet.

- f. **Side setback, interior.** The minimum interior side yard setback shall be ten (10) feet, provided that no setback shall be required from the side property line on which the zero lot line home is constructed, subject to the following conditions.
- (1) Any development containing structures on lots permitted by this section shall have a zero lot line along one (1) side interior property line so as to create a sheltered private outdoor recreation area for each dwelling unit.
 - (2) A minimum of fifty (50) percent of the primary structure shall be adjacent to the lot line. The primary structure may include the attached garage or an air conditioned space. A portion of the zero lot line side of the structure, up to a maximum of fifty (50) percent, may be recessed from the lot line to accommodate entrances into the unit. The minimum recessed distance shall be four (4) feet. However, such recesses shall not be adjacent to the private outdoor areas of the adjacent unit. In such instances the configuration and location of the adjacent unit must be shown on the building permit submitted.
 - (3) Roof eaves may project over the zero lot line up to a maximum of eighteen (18) inches if adequate gutters are provided to prevent runoff onto the contiguous property, and if an appropriate easement is recorded for the roof encroachment, subject to approval by the County Attorney. Eaves or other overhangs may not project over utility or drainage easements. In all cases, easements located on any lot developed pursuant to this section shall be calculated as an integral part of the applicable setback. No construction shall be permitted within an established easement, except in conformance with this Code concerning easement encroachments.
- g. **Side setback, street.** The minimum street side yard setback shall be twenty (20) feet.
- h. **Rear setback.** The minimum rear yard setback shall be ten (10) feet.
- i. **Setbacks for accessory buildings.** Accessory buildings shall meet the setback requirements for the principal structure.
- j. **Height.** The maximum height shall be thirty-five (35) feet above the average grade at the lot front.
- k. **Building coverage.** The maximum building coverage of the principal building shall not exceed fifty (50) percent of the lot area. In all cases, at least twenty (20) percent of the lot shall be maintained as permeable area requirement.

- i. **Zero lot line.** On every lot created pursuant to this section a minimum five (5) foot high wall or privacy fence (or combination thereof) shall be constructed along the zero lot line from the rear of the principal structure a minimum distance of ten (10) feet. If the use of an atrium is employed along the zero lot line side of the principal structure to provide light, air, and means of emergency escape, a gate may be installed for emergency exit purposes. However, such gate must be a minimum of thirty-six (36) inches in width, to provide handicap access, a minimum of six (6) feet eight (8) inches in height, solid (to maintain privacy), and operable only from the inside.
- m. **Double zero lot lines.** In addition to the zero lot line standards, the concept of double zero lot line design may be utilized. However, in such instances, the configuration of the structure shall be designed to touch the zero lot lines, and location of all sublets and dwelling units must be specifically detailed as a part of the site plan review submittal. In no event shall separations between units be less than ten (10) feet.
- n. **Access and Parking.** Zero lot line home lots may be arranged in groups fronting on a residential access tract. Each patio home shall have a minimum of two (2) parking spaces.
- o. **Replacement.** In the event any residential unit built under this section is destroyed or removed by or for any cause, said unit, if replaced, shall be replaced with a unit of similar size and type, meeting the minimum requirements of this section. The developer shall include the appropriate deed restrictions and/or covenants so as to require replacement as outlined above.
- p. **Use of glass block in common walls.** The use of glass block in common walls shall be subject to the following provisions.
 - (1) The glass block shall comply with all building code requirements, including product type, fire rating, energy codes, and other construction standards (refer to approved product list in the Building division). In addition, manufacturer's specifications regarding maximum area shall be adhered to.
 - (2) Only translucent glass block, which allows no shapes to be visible through the block, shall be used.
 - (3) Only glass block with no more than sixty (60) percent exterior light transmission shall be used.
 - (4) Use of glass block shall be limited to new construction only.
 - (5) The use of glass block shall be limited to less than fifty (50) percent of the surface area of the common wall.

- (6) The applicant (property owner or contractor) shall submit a notarized affidavit that verifies the degree of light transmission and the translucency of the glass block to be used.
- q. At the time of platting, a maintenance and overhang easement shall be established along the common property line to allow for maintenance of the zero lot line wall and overhang of the roof eave and gutter.
104. **Zoo.** A zoo use shall comply with the following supplementary use standards.
- a. **Location.** An outdoor wildlife preserve or attraction shall have a five hundred (500) foot buffer from an existing residential development or an area designated as a residential use in the Future Land Use Element of the Comprehensive Plan.
- b. **Setback from residential.** No animal containment area shall be located within five hundred (500) feet of any residential district.
- c. **SA district.** In the SA district, a zoo use shall have a five hundred (500) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks of these districts.
- d. **AR district.** In the AR district, a zoo use shall be located on a minimum of ten (10) acres, and shall have a five hundred (500) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks of these districts.

SEC. 6.5 PROPERTY DEVELOPMENT REGULATIONS.

A. **Property development regulations schedule.** The minimum lot dimensions, minimum and maximum density, maximum floor area ratio (FAR), maximum building coverage, and minimum building setbacks for uses in each district shall be determined from Table 6.5-1, as may be modified by succeeding provisions of this section. Maximum building height shall be as specified in Sec. 6.5.I, Building height. Property development regulations for Overlay districts shall be as specified in Sec. 6.7, Overlay District Regulations. Property development regulations for Planned Development Districts shall be as specified in Sec. 6.8, Planned Development District Regulations. There are no property development regulations for the PO district.

**TABLE 6.5-1
PROPERTY DEVELOPMENT REGULATIONS SCHEDULE**

Zoning District	Min. Lot Dimensions			Density		Max FAR	Max. Bldg. Cover	Min. Bldg Setbacks (ft.)			
	Size	Width	Depth	Min.	Max.			Front	Side	Street	Rear
PC	1 ac.	-	-	-	-	-	-	50	50	50	50
AGR	10 ac.	300	300	-	-	.10	10%	100	50	80	100
AP	10 ac.	300	300	-	-	.10	10%	100	50	80	100
SA	10 ac.	300	300	-	-	.15	10%	100	50	80	100
RSER	10 ac.	300	800	-	-	.35	20%	25	50	25	50
AR	10 ac.	300	300	-	-	.15	10%	100	50	80	100
CRS	10 ac.	300	300	-	-	.15	10%	100	50	80	100
RE	2.5 ac.	180	200	0.0	0.4	.25	20%	50	40	50	50
RT	29,000	100	125	1.0	1.5	.30	25%	25	15	25	25
RTS	21,500	100	125	1.0	2.0	.30	25%	25	15	25	25
RTU	10,000	85	90	3.0	4.0	.35	35%	25	10.5	10.5	20
RS	6,000	65	75	5.0	6.0	.40	40%	25	7.5	15	15
RM	^{1*}	65	75	5.0	6.0	.40	35%	25 ²	15 ²	25	12 ²

^{1*} Lot sizes for the RM and RH districts are governed by the density indicated by the Comprehensive Plan, and compliance with property development regulations and design standards including, but not limited to: building setbacks, parking requirements, landscaping requirements, and building coverages. Consistency with the Comprehensive Plan dictates that proposed site plans and subdivisions are governed by the permitted density of the applicable land use category; a lot size which achieves this consistency, and complies with all relevant property development regulations and design standards, is therefore, an acceptable minimum lot size.

TABLE 6.5-1
PROPERTY DEVELOPMENT REGULATIONS SCHEDULE

Zoning District	Min. Lot Dimensions			Density		Max FAR	Max. Bldg. Cover	Min. Bldg Setbacks (ft.)			
	Size	Width	Depth	Min.	Max.			Front	Side	Street	Rear
RH	^{1*}	65	75	5.0	6.0	.50	35%	25 ²	15 ²	25	12 ²
CN	1 ac.	100	100	-	-	.35	25%	30	30	30	30
CLO	1 ac.	100	200	-	-	.35	25%	40	15	25	20
CC	1 ac.	100	200	-	-	.35	25%	30	30	30	30
CHO	1 ac.	100	200	-	-	.35	25%	40	15	25	20
CG	1 ac.	100	200	-	-	.35	25%	50	15	25	20
CRE	3 ac.	200	300	-	-	.50	25%	80	50	80	50
IL	1 ac.	100	200	-	-	.45	30%	40	15	25	20
IG	2 ac.	200	200	-	-	.45	30%	45	20	45	20

² The setbacks stated Table 6.5-1 for the RM and RH zoning districts state the distance from the property line, as well as the proximity of one building to another.

B. General exceptions.

1. **CRS district in LR1.** Notwithstanding the standards of Table 6.5-1 (Property Development Regulations Schedule), when a CRS district is located in an area with an LR1 land use designation in the Future Land Use Element of the Comprehensive Plan, the property development regulations of the RE district shall apply.
2. **Single-family development in multi-family districts.** Notwithstanding the requirements of Table 6.5-1, the property development regulations for single-family development in the RM and RH districts shall be as specified in Table 6.5-1 for the RS district.
3. **Townhouse development.** Notwithstanding the requirements of Table 6.5-1, the property development regulations, except for density, for townhouses in all districts where they are authorized shall be as specified in Sec. 6.4.D, Supplementary Use Standards—Townhouse. Density shall be determined according to Table 6.5-1.
4. **Special density programs.** Special density programs for affordable housing are available through the use of VDBP, TDR, TND, and Westgate CRA-O. Site development standards for affordable housing may be in accordance with 6.5.L of this code.

C. Lot dimensions.

1. **Lot size.** Lot size refers to the total horizontal area included within the lot lines, expressed in acres or square feet. The minimum lot size for each district is provided in Table 6.5-1, except as otherwise provided in this subsection, Sec. 6.4.D, Supplementary Use Standards), or elsewhere in this Code.
 - a. **Special Lot Size Requirements in the AR and CRS districts.**
 - (1) **Minimum lot size in RR20 of the Future Land Use Element of the Comprehensive Plan.** Notwithstanding the standards of the property development regulations schedule, the minimum lot size in the AR and CRS districts when located in an area with an RR20 land use designation in the Future Land Use Element of the Comprehensive Plan shall be twenty (20) acres.
 - (2) **Antiquated subdivisions.** The following standards shall pertain to the further division and recombination of lots in areas designated Rural Residential in the Future Land Use Element of the Comprehensive Plan.
 - (a) Parcels within antiquated subdivisions shall not be further divided to form additional parcels unless each parcel created is ten (10) or more acres.

- (b) Parcels cannot be reduced in size unless the purpose is to enlarge other parcels in the subdivision. The overall number of units of the reconfigured lots shall not exceed the original number of units.
 - (c) Parcels can be enlarged in size by combining with land area not included within the boundaries of the subdivision. The number of dwelling units allowed for the reconfigured area shall not exceed the original number of units.
 - (d) Adjacent lots of record under common ownership shall be required to combine to satisfy density requirements if such combination acts to reduce the nonconformity.
- b. **Maximum lot size in CN and CLO districts.** No lot shall be larger than three (3) acres in the CN district, and ten (10) acres in the CLO district.
2. **Lot width.** Lot width refers to the horizontal distance, in feet, between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines. The minimum lot width for each district shall be as provided in Table 6.5-1, except as otherwise provided in Sec. 6.4.D, Supplementary Use Standards, or elsewhere in this Code.
3. **Lot frontage.** Lot frontage refers to the length of the front lot line. The minimum lot frontage requirement shall be identical to the minimum lot width requirement as specified in Table 6.5-1, except that on curving streets or cul-de-sacs, the required lot frontage for lots contiguous to and between the points of curvature (P.C.) of said streets may be reduced by forty (40) percent, provided that the centerline radius of the contiguous street is one hundred (100) feet or less.
4. **Lot depth.** Lot depth refers to the horizontal length, in feet, of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line. The minimum lot depth for each district shall be as provided in Sec. 6.5.A, except as otherwise provided in Sec. 6.4.D, Supplementary Use Standards, or elsewhere in this Code.
- D. **Density.** Density refers to the number of dwelling units for each acre of land. The minimum and maximum densities permitted in the RE through RH districts shall be as provided in Table 6.5-1, except as otherwise provided in this subsection, Sec. 6.4.D, Supplementary Use Standards, or elsewhere in this Code.
1. **Calculation of density.** Density shall be calculated by dividing the number of dwelling units on a lot by the lot area (in acres). When the calculation results in a fraction, the result shall be rounded down to the next whole number.

2. **RT district in LR1.** Notwithstanding the requirements above, RT districts located in an area with a LR1 land use designation in the Future Land Use Element of the Comprehensive Plan, shall not have a minimum density requirement and the maximum density allowed shall be one (1) unit for each acre.
3. **Maximum density.** Densities in excess of the maximum permitted by Table 6.5-1 shall be permitted in the RM or RH districts only if one (1) of the following conditions apply.
 - a. The development is consistent with the County's Voluntary Density Bonus Program designed to provide affordable housing.
 - b. The additional dwelling units are equal to the equivalent transfer of development rights (TDR) units pursuant to Sec. 6.10, (Transfer of Development Rights).
 - c. The additional dwelling units are permitted by the provisions of an Overlay District pursuant to Sec. 6.7 (Overlay District Regulations).
 - d. The additional dwelling units are located in a Planned Development in accordance with the Planned Development provisions of this code.
- E. **Floor area ratio (FAR).** Floor area ratio refers to the gross floor area of all structures on a site divided by the gross site area, expressed as a decimal. For the purposes of the FAR calculation, both gross floor area and site area are expressed in square feet. The maximum FAR permitted in each district shall be as provided in Table 6.5-1, except as otherwise provided in this subsection, Sec. 6.4.D (Supplementary use standards), or elsewhere in this Code.
- F. **Building coverage.** Building coverage refers to that portion of the area of a lot, expressed as a percentage, occupied by all structures that are roofed or otherwise covered and that extend more than three (3) feet above the ground surface level. The maximum building coverage for each district shall be as provided in Table 6.5-1, except as otherwise provided in this subsection, Sec. 6.4.D (Supplementary use standards), or elsewhere in this Code. (All principal residential, commercial or industrial uses shall have a structure on the lot that is in compliance with the Building Code and other applicable codes.)
- G. **Setbacks.** Setback refers to that part of a lot extending open and unobstructed from the ground to the sky, except for permitted obstructions, along the length of a lot line, and from the lot line, or applicable base building line, to a depth set forth in the property development regulations of the district in which the lot is located.
 1. **Front setback.** The front setback refers to the setback extending along the full length of the front lot line. The minimum front setback required in each district shall be as provided in Table 6.5-1, except as otherwise provided in this subsection, Sec. 6.4.D (Supplementary Use Standards), or elsewhere in this Code. Said setback shall be measured from the base building line as established pursuant to Sec. 6.5.G.5.

2. **Interior side setback.** The interior side setback refers to the setback extending along an interior side lot line between the front and rear setbacks. The minimum interior side setback required in each district shall be as provided in Table 6.5-1, except as otherwise provided in this subsection, Sec. 6.4.D (Supplementary Use Standards), or elsewhere in this Code.
 - a. **Accessory building in RTS and RTU districts.** An accessory building may be located within the required interior side setback in the RTS and RTU districts, provided that a minimum ten (10) foot setback is provided from the interior side lot line.
 - b. **Accessory residential structures.** An accessory or subordinate structure (except guest cottages, accessory apartments, or structures over ten (10) feet in height) may be constructed in any residential district (except AR and CRS), a distance of five (5) feet from the side interior property lines shall not be within any established easement, provided that there is adherence to the side corner yard setback standards. The structure shall not be permitted to occupy more than twenty five (25) percent of the distance between property lines. All structures used as dwellings shall meet the required setbacks of the principal use.
 - c. **RM and RH interior side setbacks or separations.** Building separations shall correspond to the side setback regulations. Buildings over thirty-five (35) foot in height shall be in accordance with Sec. 6.5.1. (Building Height Regulations).
3. **Street side setback.** The street side setback refers to the setback extending along a street side lot line between the front and rear setbacks. The minimum street side setback required in each district shall be as provided in Table 6.5-1, except as otherwise provided in this subsection, Sec. 6.4.D (Supplementary use standards), or elsewhere in this Code. Said setback shall be measured from the base building line as established pursuant to Sec. 6.5.G.5.
4. **Rear setback.** The rear setback refers to the setback extending along the full length of the rear lot line. The minimum rear setback required in each district shall be as provided in Table 6.5-1, except as otherwise provided in this subsection, Sec. 6.4.D (Supplementary use standards), or elsewhere in this Code.
 - a. **Alleys.** Whenever a lot in either the commercial or industrial districts is contiguous to an alley, one-half (½) of the alley width may be considered as a portion of the required rear yard, but in no case shall the rear yard be reduced to less than five (5) feet.
 - b. **Railroad tracks.** Industrial uses that abut railroad trackage may reduce the rear yard setback to zero (0) feet along such trackage.

- c. **Accessory residential structures.** An accessory or subordinate structure (except guest cottages, accessory apartments, or structures not over ten (10) feet in height), may be constructed in any residential district (except AR and CRS), a distance of five (5) feet from the rear property lines shall not be within any established easement, provided that there is adherence to the side corner yard setback standards. The structure shall not be permitted to occupy more than twenty five (25) percent of the distance between property lines. Permitted accessory structures include satellite dishes, utility sheds, or detached garages. All structures used as dwellings shall meet the required setbacks of the principal use.
5. **Base building line.** The base building line for any lot shall be established to provide visual buffer along streets as follows:
- a. **Collector and Arterial Streets.** The base building line for any lot abutting a collector or arterial street shall be forty (40) feet beyond the existing right-of-way. Provided, however, that the County Engineer may waive this requirement in whole or in part and establish the base building line at a lesser distance from the existing right-of-way where said distance is deemed adequate to provide the visual buffer.
- b. **Local streets.** The base building line for any lot abutting a local street shall be as follows:
- (1) Along deeded or dedicated rights-of-way, the base building line shall be thirty (30) feet from the centerline of the right-of-way unless administratively waived by the County Engineer, or shall be the existing right-of-way line, which ever is greater.
 - (2) Along streets established as recorded easements, the base building line shall be thirty (30) feet from the center of the established easement unless administratively waived by the County Engineer. If the base building line requirement is waived on an easement road, setbacks shall be measured from the inside easement line.
 - (3) The base building line for lots within subdivisions platted after February 5, 1973 shall be the right-of-way line of the street as shown on the plat.
- c. **Permitted encroachments.** Pursuant to the approval of the County Engineer, removable non-habitable structures may be placed between the existing right-of-way line and the base building line. Approval of such structures shall be subject to a removal agreement and may include signs, fences, and auto displays. The area must be landscaped in accordance with Sec. 7.3 (Landscaping and buffering).

H. Easement encroachment.

1. **Purpose.** This section is intended to establish a means by which construction and/or landscaping which physically encroach, but are not incompatible with the use for which a utility or drainage easement was established, may be permitted.
2. **Prohibition.** No construction or landscape installation shall occur within any public or quasi-public drainage or utility easement where such construction or landscaping is inconsistent with the use for which the easement was established, except in strict accordance with the provisions of this section.

No portion of any habitable structure, nor any structure that is not easily removable shall be permitted to encroach an easement.

3. **Incompatible uses.** If the terms of the easement, or the statute, law, ordinance, rule, regulation, or approval pursuant to which the easement was established prohibits or excludes the use, either expressly or by implication, such use shall be considered incompatible for purposes of this section.

The determination of whether a use is incompatible with the use for which an easement was established shall be made by the appropriate regulating agency in accordance with the standards of this section.

4. **Application process for encroachment into utility easements.**

- a. If a building permit application includes construction in any utility easement, the applicant shall obtain and provide to PZB the consent of all easement holders and beneficiaries. The consent shall be specific to the proposed construction. PZB shall require that the consent be in or on a form established by PZ&B. The consent shall be required prior to the issuance of a building permit. It shall be the responsibility of the applicant to obtain all necessary approvals. The PBC Water Utilities Department shall have the authority to effect a consent for utility easements held by PBC or for which PBC is the beneficiary based upon the criteria set forth in this section titled "Evaluation criteria for drainage easements."
- b. PZB shall also require that an executed removal and indemnification declaration (with the necessary consents) be recorded at the applicant's expense, or be submitted to PZB for recording at applicant's expense, prior to the issuance of the building permit. Said removal and indemnification declaration shall inure to the benefit of the easement holders and beneficiaries.

Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforestated person(s) shall indemnify and hold the County, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature, (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as PZB or the County Attorney reasonably deem appropriate.

- c. Whenever construction is proposed within the overlap of a utility easement and a drainage easement, compliance with this section shall not be construed to relieve the applicant from obtaining any required consents and approvals, if applicable, for encroaching into drainage easements.
- d. Persons desiring to landscape in utility easements need not obtain a permit pursuant to this section. If required by the easement holders or beneficiaries, the consent for landscaping in utility easements shall be obtained prior to planting. The consent of the PBC Water Utilities Department shall be required for any utility easements held by or to which the PBC Water Utilities Department is the beneficiary.

5. Application process for encroaching into drainage easements.

- a. When a permit is required for construction or landscaping within a drainage easement, the applicant shall apply to the DEPW for approval of construction or landscaping.
- b. The approval of the DEPW for any such construction or landscaping shall be prior to, and a condition precedent to, the issuance of any building permit.
- c. The application shall be in or on a form established by the DEPW. The application shall include a copy of the recorded deed to the parcel on which the easement is located; the document(s) creating the easements; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction or landscaping in relation to the location of existing drainage improvements in the easement; and such other documentation as the DEPW reasonably deems appropriate.

6. Issuance of approval on drainage easements.

- a. The DEPW may deny, approve, or approve with conditions the construction or landscaping in drainage easements.

- b. No approval shall be given before the DEPW has received specific written consent from all easement holders, easement beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement. The DEPW is hereby authorized to effect consent on behalf of the County when the County is the easement holder or beneficiary of drainage easements based upon subsection 6.5.H.7 (Evaluation criteria for drainage easements) of this section. The DEPW may require that consent be in or on a form established by the DEPW. It shall be the responsibility of the applicant to obtain all necessary approvals.
- c. The DEPW shall also have executed in proper form, and shall cause to be recorded against the applicant's land involved, a removal and indemnification declaration (with the necessary consents) on a form approved by the County Attorney's Office. Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforesated person(s) shall indemnify and hold the County, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as the DEPW or the County Attorney deems appropriate. Proof of the recording of the document shall be furnished. In the case of any construction requiring a building permit, proof of recording shall be furnished to the Building Division or be submitted to PZB for recording at applicant's expense prior to the issuance of the building permit.

7. Evaluation criteria for construction or landscaping within utility or drainage easements.

- a. The following items shall be considered in determining whether construction in an easement should be approved:
- (1) The types of uses to which the easement may be put;
 - (2) The nature of the construction or landscaping;
 - (3) The permanency of the construction or landscaping;
 - (4) The anticipated cost or difficulty of removing the construction or landscaping;
 - (5) The current use of the easement and the location of all existing structures and plants;
 - (6) The impact the construction or plants may have on the current or future use or uses of the easement; and

- (7) The mitigating effects of any conditions which may be imposed.
 - b. The burden shall be on the applicant to affirmatively demonstrate that the proposed construction or landscaping is not or will not become incompatible with the use for which the easement was established, or impair the rights of the easement holders and beneficiaries.
- 8. **Fee.** To offset the cost of administering this section, a fee shall be charged as established by the BCC by resolution, or otherwise.
- 9. **All other approvals required.**
 - a. All other government permits, approvals, or consents necessary for the construction or landscaping shall be obtained prior to commencement of any construction or landscaping.
 - b. Nothing herein shall be construed as effecting any right to construct or landscape except to the limited and strict extent of any approval granted hereunder. An approval hereunder is for the limited purpose of complying with this section.
- 10. **Duties of departments.** The applicant is responsible to provide correct information, except as specifically set forth herein, no County official, employee, or agent shall have the duty of (1) reviewing permit applications submitted pursuant to this section, any other ordinance, rule, or regulation, (2) searching the Official Records of the Clerk of the Circuit Court in and for PBC, or (3) any other investigation to determine: (a) whether a permit application or request for County approval is inconsistent with the use for which an easement was established, (b) whether an easement exists in the area within which a permit for construction/development is sought or (c) whether any other government or private approvals are required for construction or development for which the permit is sought. However, PZB, DEPW or any other department, official employee, or agent may undertake an investigation, search, or inquiry to determine the aforesated.
- 11. **Deviation.** If construction or landscaping is materially different than that which is approved by PBC Water Utilities Department, DEPW or PZB, then the approval given shall be of no force and effect, unless such deviation is approved by the department having jurisdiction pursuant to this section.

- I. **Building height.** Building height refers to the vertical distance, in feet, from finished grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs.
1. **General limitation.** Except as otherwise provided in this section or this Code, buildings in all districts shall be limited to a maximum height of thirty-five (35) feet.
 2. **Accessory agricultural structures.** Structures accessory to a bona fide agricultural use in the AGR, AP, SA and AR districts may exceed thirty-five (35) feet up to a maximum of sixty (60) feet, provided that an additional three (3) foot setback is provided in addition to all required setbacks for each ten (10) feet in height or fraction thereof above thirty-five (35) feet.
 3. **Multi-family and nonresidential districts.** In the RM, RH, CHO, CG, IL and IG districts, structures may exceed thirty-five (35) feet in height, provided that the following requirements are met.
 - a. **Increased setbacks.** An additional one (1) foot setback shall be provided in addition to all required setbacks for each one (1) foot in height or fraction thereof above thirty-five (35) feet.
 - b. **Increased setbacks adjacent to single-family.** Along all interior side and rear lot lines adjacent to an existing single-family dwelling or to undeveloped land in a single-family residential district, an additional two (2) foot setback shall be provided in addition to the required setback for each one (1) foot in height above thirty five (35) feet.
 - c. **Limitation in multi-family districts.** In the RM and RH districts, buildings or structures in excess of one hundred (100) feet in height shall be permitted only with approval of a Class B conditional use permit.
 4. **Exceptions to height regulations.** The height regulations of this section shall not apply to the following:
 - a. Church spires;
 - b. Belfries;
 - c. Monuments;
 - d. Tanks;
 - e. Water towers;
 - f. Fire towers;
 - g. Stage towers or scenery lofts;
 - h. Cooling towers;
 - i. Ornamental towers and spires;
 - j. Chimneys;
 - k. Elevator bulkheads;
 - l. Smoke stacks;

- m. Oil derricks;
- n. Conveyors;
- o. Flag poles;
- p. Aircraft control towers;
- q. Aircraft navigation aids;
- r. Accessory radio towers (subject to Sec. 6.6.A.9);
- s. Amateur radio/TV antennas (subject to Sec. 6.6.A.10);
- t. Commercial communication towers (subject to Sec. 6.4.D); and
- u. Parapet screening mechanical equipment.

J. Exceptions to property development regulations. The following structures or objects of natural growth shall be permitted within required yard setbacks, provided that the standards of Sec. 7.3 (Safe distance triangles) are met.

- a. Arbors and trellises, provided there is a minimum three (3) foot setback from property line.
- b. Awnings or canopies projecting from a building wall over a required yard setback not more than two and one-half (2½) feet, and having no supports other than provided by the wall or its integral parts.
- c. Bay windows.
- d. Chimneys projecting not more than three (3) feet into the required yard setback.
- e. Clothes poles or clothes lines in rear yard setbacks of residential districts.
- f. Driveways subject to other specific provisions of this ordinance related directly thereto.
- g. Fire escapes or staircases, the riser of which shall be at least fifty (50) percent open, provided that the vertical projection downward onto a required yard setback shall not project more than three (3) feet into, and shall not exceed ten (10) percent of, the area of the required yard setback.
- h. Flagpoles having only one structural ground member.
- i. Fountains.
- j. Heating, ventilation and air conditioning units (including compressors and condensers) for single-family or duplex dwellings, provided the exhaust air from such units is directed vertically or away from the adjacent property line.
- k. Mailboxes.

- l. Open terraces, including natural plant landscaping.
 - m. Open, uncovered stoops.
 - n. Recreational equipment in the rear yard setback in residential districts.
 - o. Roof overhangs projecting into the required setback area a maximum of two and one-half (2½) feet.
 - p. Sculpture or other similar objects of art.
 - q. Signs, subject to the provisions of Sec. 7.14 (Signage).
 - r. Vehicular parking areas, unless otherwise specifically prohibited by applicable sections of this Code.
 - s. Walls and fences, subject to Sec. 6.6.A.2 (Fences, walls, hedges and utility poles).
 - t. Trees, shrubbery or other objects of natural growth.
 - u. Wells.
 - v. Utility transmission lines and associated structures, such as poles.
- K. District specific regulations.** Additional property development regulations shall apply to the following districts.
- 1. **AGR Use Limitations.** Pursuant to the 1989 Future Land Use Element of the Comprehensive Plan, only agricultural uses or residential development as defined in the Plan shall be allowed until the Agricultural Reserve Study is adopted.
 - 2. **Additional AR and CRS district regulations for Accessory structures.**
 - a. **Conforming lots in AR and CRS districts.** On conforming lots in the AR and CRS districts, accessory structures such as pens for the keeping of livestock, shade houses and containerized plants may be located within the required minimum side or rear setbacks, provided that such structures are not located within twenty-five (25) feet of any side or rear property line.

- b. **Nonconforming lots in AR and CRS districts.** On a single nonconforming lot or parcel of land in the AR or CRS district, an accessory structure may be constructed a distance of fifteen (15) feet from the rear property line or at least five (5) feet from any established easement in the rear, whichever is the greater distance, and fifteen (15) feet from the interior side property line, provided that the accessory structure is not located within the required front yard and street side yard setbacks. Except as provided elsewhere in this Code, activities accessory to the principal use such as pens for the keeping of livestock, shade houses and containerized plants shall be located a minimum of ten (10) feet from any side or rear property line.
 - c. **Storage containers in the AR district.** Storage containers or structures, accessory to a bona fide agricultural use are permitted in the AR district provided the container meets Building Code requirements.
3. **Additional residential district regulations.** Residential developments that are required to be approved by the Development Review Committee shall be subject to linked open space regulations as set forth in Sec. 6.8, Planned Development Districts.
4. **Additional SA district regulations.** The following additional property development regulations shall apply to the SA districts.
- a. All uses in SA shall be located on a roadway classified as at least an arterial or collector as determined by the County Engineer, unless other provisions are specified for a particular use in the Use Regulations of Section 6.4.
 - b. The required buffer or setback area for the SA use may be used for bona fide agricultural uses provided all landscaping and other applicable regulations are met.
 - c. A buffer shall be landscaped pursuant to Zoning Code Sec. 7.3. Compatibility Landscape Buffer Strips, or to the applicable regulations of the district or use, whichever is the most restrictive.
5. **Additional CN district regulations.** The following additional property development regulations shall apply to the CN district.
- a. **Architectural character.** Building design of uses allowed in the CN district shall conform to and be compatible with the general architectural character of the neighborhood in which they will be established, pursuant to the requirements of Sec. 6.6 (Compatibility standards).

- b. **Enclosed uses.** All uses, other than incidental storage of merchandise, (incidental storage shall not be long term inventory or stockpiles of merchandise) shall be operated entirely within enclosed buildings, with the following exceptions:
- (1) Air curtain incinerator, temporary;
 - (2) Communication tower, commercial;
 - (3) Electrical power facility;
 - (4) Park, passive;
 - (5) Recreation facility, accessory;
 - (6) Recycling center;
 - (7) Recycling drop-off station;
 - (8) Solid waste transfer station;
 - (9) Utility, minor; and
 - (10) Water or wastewater plant.
- c. **Operating hours.** No commercial use shall commence business activities (including delivery and stocking operations) prior to 6:00 AM nor continue activities later than 11:00 PM, except as otherwise provided in this Code.
6. **Additional regulations in all commercial districts.** The following additional property development regulation shall apply to all commercially zoned districts: All commercial uses adjacent to residential zoned property shall not commence before 6:00 a.m. daily.
7. **Additional CLO district regulations.** The following additional property development regulations shall apply to the CLO district.
- a. **Architectural character.** Building design of uses allowed in the CLO district shall conform to and be compatible with the general architectural character of the neighborhood in which they will be established, pursuant to the requirements of Sec. 6.6 (Compatibility standards).
- b. **Enclosed uses.** All uses shall be operated entirely within enclosed buildings, with the following exceptions:
- (1) Air curtain incinerator, temporary;
 - (2) Communication tower, commercial;
 - (3) Electrical power facility;
 - (4) Park, passive;
 - (5) Recreation facility, accessory;
 - (6) Recycling drop-off station;
 - (7) Solid waste transfer station;
 - (8) Utility, minor; and
 - (9) Water or wastewater plant.

8. **Additional CC district regulations.** The following additional property development regulations shall apply to the CC district.
- a. **Floor area.** The maximum floor area permitted on any lot in the CC district shall be thirty thousand (30,000) square feet of gross floor area, unless approved as a Class A conditional use.
- b. **Enclosed uses.** All uses, other than incidental storage of merchandise, shall be operated entirely within enclosed buildings, with the following exceptions:
- (1) Air curtain incinerator, temporary;
 - (2) Amusements, temporary;
 - (3) Assembly, nonprofit;
 - (4) Automotive service station;
 - (5) Communication tower, commercial;
 - (6) Electrical power facility;
 - (7) Entertainment, outdoor;
 - (8) Golf course;
 - (9) Greenhouse or nursery, retail;
 - (10) Park, passive;
 - (11) Park, public;
 - (12) Parking lot, commercial;
 - (13) Recreation facility, accessory;
 - (14) Recycling center;
 - (15) Recycling collection bin;
 - (16) Recycling drop-off station;
 - (17) Retail sales, mobile or temporary;
 - (18) Solid waste transfer station;
 - (19) Stand for sale of agricultural products;
 - (20) Utility, minor;
 - (21) Vehicle sales or rental; and
 - (22) Water or wastewater plant.
- c. **Operating hours.** No outdoor commercial use shall commence business activities (including delivery and stocking operations) prior to 6:00 AM nor continue outdoor activities later than 11:00 PM, except as otherwise provided in this Code.
9. **Additional IL and IG district regulations.** The following additional property development regulations shall apply to the IL and IG districts.
- a. **Outdoor activities.** Outdoor storage or outdoor industrial operations shall be completely screened from view with a combination of fencing and vegetation to a height of six (6) feet.

L. Flexible Property Development Regulations for Density Bonus Program Development.

1. **Purpose and Intent.** The purpose and intent of this section is to provide flexibility from traditional property development regulations in order to provide greater opportunity for cost effective development for housing approved in conjunction with density bonus programs. The regulations represent the minimum regulations acceptable without compromising minimum health and safety standards.
2. **Applicability.** The provisions of this section may apply to all proposed residential development within unincorporated Palm Beach County that propose to construct affordable housing, as defined explicitly in Article 3, pursuant to Sec. 6.9, Voluntary Density Bonus Program, or Sec. 6.7.B, Westgate/Belvedere Homes Overlay District.
3. **Exceptions.** Flexible Regulations permitted in Planned Development Districts, by DRC or administrative deviation in this Code, shall not be used in conjunction with this Section (6.5.L., Flexible Property Development Regulations for Density Bonus Program Development).
4. **Regulating Plan.** All developments planned in accordance with this section shall submit a regulating plan consisting of a comprehensive graphic and written description of the function and development of the project. The regulating plan shall include the requirements listed below and the requirements of the individual district:
 - a. **Flexible regulations.** The applicant may request to deviate from property development regulations as described below. These regulations may be modified as part of the zoning amendment process or DRC review, as set forth in this Code, subject to the following requirements:
 - (1) **Justification report.** A proposed modification of property development regulations shall be justified by the applicant in a written report submitted with the development application which shall include, but not be limited to:
 - (a) The regulations which are proposed to be modified;
 - (b) The amount of the requested modification;
 - (c) The areas within the development which these modifications shall occur; and,
 - (d) Graphic representations (site plans, sections, elevations, perspectives, etc.) showing how the modifications will meet the intent of the district and the density bonus program in respect to open space, privacy, maintenance, and public health, safety and welfare.

- (2) **Review.** Flexible regulations are reviewed by the applicable County agencies who provide a recommendation of approval, approval with amendments, or denial.
 - (3) **Limited use of flexible regulations.** Flexible property development regulations are not intended to take the place of variance requests normally reviewed by the Board of Adjustment. Flexible regulations shall only be granted at the time of approval of the entire project or entire land use zone and shall not be granted on a lot by lot basis.
5. **Property Development Regulations.** Housing, constructed in accordance with a density bonus program described in the applicability section above, may develop in accordance with the traditional property development regulations found in Table 6.5-1, Sec. 6.4.D; supplementary use standards for zero lot line homes and townhouses or the provisions described herein.
- a. **Minimum lot area and dimensions.** The applicant may deviate from minimum lot area and dimensions of the zoning district for all housing, except zero lot line and townhomes, found in Table 6.5-1 by the percentage reductions described in Table 6.5-2 below.
 - b. **Exceptions to zero lot line minimum lot dimensions.** The minimum lot width or lot depth requirement for zero lot line development may be reduced by five (5) feet if the following criteria are satisfied:
 - (1) The minimum lot size remains 4,500 square feet.
 - (2) A minimum of twenty (20) percent of the dwelling units are covenant as affordable housing in accordance with Sec. 6.9, Voluntary Density Bonus.
 - (3) A varied streetscape is provided through, but not limited to:
 - (a) Staggering of front yard setbacks to create visual open space along the street.
 - (b) Variation of architectural treatment.
 - (4) The block length does not exceed eight hundred (800) feet in length and the number and location of driveway access points to the street is approved by the County Engineer.
 - c. **Maximum building intensity and building location standards.** The applicant may deviate from the Maximum lot coverage, maximum floor area ratio and minimum building setbacks and separations of the zoning district for all housing, except zero lot line and townhomes, found in table 6.5-1, by a maximum percentage reduction of 20% except for the front yard setback in the RS, RM and RH district which may be reduce by a maximum of 40%.

- d. **Building height.** Building height limitations shall be in accordance with Sec. 6.5.I (Building Height Regulations).

**Table 6.5-2
Permitted Lot Area and Dimensions Deviations**

Zoning District	Maximum Percentage Reduction
AR	40%
CRS	40%
RE	50%
RT	50%
RTS	50%
RTU	40%
RS	30%
RM	*
RH	*

Note to Table 6.5-2: Lot sizes for the RM and RH districts are governed by the density, including bonus density, indicated by the Comprehensive Plan, and compliance with property development regulations and design standards including, but not limited to: building setbacks, parking requirements, landscaping requirements, and building coverage in the RM and RH Districts. Consistency with the Comprehensive Plan dictates that proposed site plans and subdivisions are governed by the permitted density of the applicable land use category. A lot size which achieves this consistency, and complies with all relevant property development regulations and design standards, is therefore, an acceptable minimum lot size.

6. Minimum recreation requirements.

- a. **Minimum recreation area.** A minimum of 110 square feet of open recreation area shall be provided per capita. Adequate provisions shall be made for recreation areas to accommodate the neighborhood and community park level recreational needs of the residents of the development. The recreation areas shall consist of a developed recreation parcel and include recreational facilities of a type consistent with the needs of the residents. The recreation parcel shall be located so as to provide convenient pedestrian access for the residents of the development. The residents of the development, the owner of the land or a property owner's association, and their successors in interest, shall be responsible for the perpetual maintenance of the recreation area. The location of the recreational tract(s) shall be determined at the time of final site plan/subdivision plan submission.

In the event of a phased development each subsequent site plan shall show how minimum recreation requirements are being satisfied. The minimum dollar amount to be spent on recreation facilities shall be determined based on the Community Park Impact Fee Schedule in use at the time of the site plan submission. The requirements contained in this section may be waived if adequate guarantee is provided prior to platting that the intent of this subsection's recreation requirement and this section's affordable housing provisions are met; and,

This land area recreation requirement, described above, may be waived if the applicant provides an equivalent cash value for the on-site recreational requirement in accordance with Sec. 7.12 of this code, and;

- (1) The proposed development is single family and located within 1500 feet of an existing County owned neighborhood, community, district or regional park or community school and has continuous pedestrian access thereto that does not require crossing a street that has greater than a 60 foot right-of-way.
- (2) The proposed development is single family and located within 1500 feet of a municipal park, with pedestrian access that does not require crossing a street greater than a sixty foot right-of-way, and the applicant enters into an agreement, subject to County review and approval, with the municipality for use of such park by the residents of the proposed development.

If the single family housing units defined as very low/low comprise no more than twenty (20) percent of the development, are dispersed throughout the development, and the proposed recreation is available for the use of all residents of the development, the on site square footage recreational requirements allocated to the number of affordable housing units may be reduced by fifty (50) percent.

7. **Parking requirements.** Minimum parking standards shall be in accordance with Sec. 7.2 of this code.
8. **Accessory uses and residential structures.** Accessory uses and structures shall be permitted in accordance with Sec. 6.6. An accessory or subordinate structure (except guest cottages, accessory apartments or structures of ten (10) feet in height) may be constructed a distance of five (5) feet from the rear or side interior property line provided there is adherence to the side corner yard setback standards and there is not encroachment into an easement or buffer.
9. **Minimum dwelling unit size.** The minimum size of each dwelling unit shall be in accordance with federal, state and local building codes.
10. **Minimum landscape and buffer requirements.** The development shall be subject to the minimum landscaping and buffering requirements of Sec 7.3 of this code. Except for those provisions specifically described below. In case of conflict with regulations of this code, the more restrictive shall apply, unless otherwise specifically provided or clearly intended.
 - a. **Minimum tree planting requirement.** A minimum of one tree shall be planted for each 2000 square feet of gross lot area. The planting of trees is encouraged to be dispersed throughout the lot and planted on the south and west sides of habitable structures, to promote energy efficiency. To promote energy and water resource efficiency the following landscape techniques are encouraged:
 - (1) Planting of shrubs around the foundation of the structure.
 - (2) Planting of shrubs, and ground covers in accordance with good xeriscape principles.

b. Minimum buffer requirement.

- (1) **Compatibility buffer.** A ten (10) foot perimeter compatibility buffer shall be provided along all property lines adjacent to existing commercial or industrial uses where there is no existing buffer. A six (6) foot high opaque wall or fence and eight (8) foot trees planted forty (40) feet on center shall be installed within the ten (10) foot perimeter compatibility buffer. The wall or fence shall have an opening to allow easy access for pedestrians.

SEC. 6.6 SUPPLEMENTARY REGULATIONS.**A. Accessory uses and structures.****1. General. All accessory uses and structures shall be subject to the following regulations.**

- a. **Accessory uses.** Principal uses listed in the Use Regulations Schedule (Table 6.4-1) are deemed to include accessory uses identified by this Code and such other accessory uses that are necessarily and customarily associated with and are incidental and subordinate to such principal uses. An accessory use shall be subject to the same regulations that apply to the principal use in each district, except as otherwise provided.
- b. **Location.** All accessory uses, buildings and structures, except for approved off-site parking, shall be located on the same lot as the principal or main use.
- c. **Floor area.** The permitted accessory use shall not exceed thirty (30) percent of the floor area or business receipts of the principal use, or uses.

2. Fences, walls, hedges and utility poles.

- a. **Permit required.** Fences and walls enclosing any permitted use, except primary agricultural uses, shall comply with the permit procedures of the Palm Beach County Planning Zoning and Building Department , as amended.
- b. **Sight distance maintained.** Fences, walls, hedges or utility poles in proximity to the intersection of accessways or rights-of-way shall conform to the applicable provisions of Sec. 7.3 (Safe distance triangles).

c. **Residential restrictions.** In residential districts, the following restrictions shall apply:

(1) **Generally.** Fences, walls, and hedges may be erected, planted or maintained along or adjacent to a lot line to a height not exceeding eight (8) feet in the required side (to the required front setback) and rear yards and not exceeding a height of five (5) feet in the required front yards. The height shall be measured adjacent to the wall from the lowest grade on either side of the wall, fence or hedge. Both sides of any wall or fence shall be properly finished with paint, stucco, or other commonly accepted materials.

(a) **Gateposts and attached light fixtures.** Gateposts and light fixtures in the front yard not exceeding three (3) feet in any horizontal dimension may be erected or constructed in connection with the erection of a wall or fence, said gateposts are not to exceed a maximum height of two (2) feet above the maximum fence height permitted for the wall or fence immediately contiguous to such gateposts.

d. **Commercial and planned development restrictions.** When fences or walls are located along side interior or street side property lines, the fence or wall shall be located along the interior side of the required landscape buffer strip.

(1) **Tennis courts.** Tennis courts enclosed by fences exceeding six (6) feet in height shall be permitted, provided they shall be constructed of material allowing for fifty (50) percent light and fifty (50) percent air circulation, shall not be roofed, and shall be subject to the following minimum setbacks:

Yard	Minimum Setback
Front yard	25 feet
Side yard, interior	7.5 feet
Side yard, street	15 feet
Rear yard	7.5 feet

(2) **Golf courses.** Fences of up to eight (8) feet in height shall be permitted within required setbacks of residential districts for golf courses.

e. **Commercial restrictions.** Where fences, walls, or hedges are required, they shall have a minimum height of six (6) feet.

f. **Dangerous materials.** Walls, fences or similar structures erected in any residential district shall not contain any substance such as broken glass, spikes,

nails, barbed wire, or similar materials designed to inflict pain or injury to any person or animal. Barbed wire fences surrounding commercial radio towers shall be allowed in all districts.

3. **Outdoor storage.** Outdoor storage of merchandise in all commercial, industrial and nonresidential districts shall be subject to the following standards, unless the use is specifically regulated in another district or section.
 - a. Outdoor storage of merchandise shall be permitted only when incidental to the use located on the premises.
 - b. The storage area shall not be located in any of the required setbacks or yards.
 - c. The stored merchandise shall be within an area surrounded by walls or buildings, and shall not protrude above the height of the enclosing walls or buildings.
4. **Fuel, gas, or chemical storage tanks.** Fuel, gas or chemical storage tanks accessory to a primary commercial or industrial use shall be reviewed by the Development Review Committee. To ensure compatibility with surrounding land uses, adequate setbacks, fencing, and screening around the perimeter of the storage tanks shall be required at the time the structure is approved. Fuel, gas or chemical storage tanks that are a primary use shall be subject to regulations of the district.
5. **Dumpsters.** Outdoor collection stations shall be provided for garbage and trash removal when individual collection or indoor storage is not provided. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall meet the following standards. These provisions shall not apply to litter containers provided for the convenience of pedestrians.
 - a. **Access.** Access to indoor or outdoor collection stations shall be such that the removal vehicle need not make unnecessary turning or backing movements.
 - b. **Setback.** The minimum setback for dumpsters from property in a residential district or from other residential property lines shall be twenty-five (25) feet.
 - c. **Screening.** All dumpsters or receptacles for the storage and disposal of trash or garbage shall be screened by a solid opaque enclosure constructed of brick, concrete, concrete block, or other decorative masonry, or comparable wood or steel, consistent with the architectural character of the development or principal building. The open end of the enclosure shall have an obscure, opaque gate. All exterior sides of such enclosures, except the open end, shall be landscaped with shrub material, a minimum of twenty-four (24) inches in height, spaced twenty-four (24) inches on center at planting, or an alternative acceptable to the Zoning Division.

6. **Multi-family recyclable material storage areas.** Recyclable material collection and storage areas shall be provided on the site of all multi-family developments that include ten (10) or more dwelling units, in accordance with the following standards.
- a. **Exemptions.** Multi-family developments that receive curbside recyclable materials collection service on at least a weekly basis shall be exempt from the standards of this section.
 - b. **Location.** Recyclable material collection and storage areas shall be located within the building containing the multi-family dwelling units or within or adjacent to the disposable material dumpster area used by residents of the multi-family development.
 - c. **Access.** Access to recyclable material collection and storage areas shall be designed so as not require unnecessary turning or backing movements by pick-up and removal vehicles.
 - d. **Setback.** The minimum setback for recyclable material collection and storage areas that are located on the exterior of buildings shall be twenty-five (25) feet from residential districts or residential properties.
 - e. **Screening.** All recyclable material collection and storage areas that are located on the exterior of buildings shall be screened by a solid opaque enclosure constructed of brick, concrete, concrete block, or other decorative masonry, or comparable wood or steel, consistent with the architectural character of the development or principal building. The open end of the enclosure shall have an obscure, opaque gate. All exterior sides of such enclosures, except the open end, shall be landscaped with twenty-four (24) inch high shrub material spaced twenty-four (24) inches on center at planting, or an alternative acceptable to the Zoning Division.
 - f. **Storage area.** The following minimum recyclable material storage area standards shall apply to multi-family developments.

Number of Dwelling Units	Minimum Storage (Floor) Area
10 - 30	40 square feet
31 - 99	100 square feet
100 -159	160 square feet
160 -240	240 square feet
over 240	240 square feet, plus one (1) square foot per dwelling unit for each dwelling unit over 240.

- g. **Alternative compliance.** Applicants shall be entitled to demonstrate that recyclable material storage space needs can be more effectively met through an Alternative Recyclable Materials Collection and Storage Plan. An Alternative Recyclable Materials Collection and Storage Plan shall be reviewed by the Solid Waste Authority, and, if approved, shall be substituted for a recyclable materials storage and collection plan meeting the express storage area standards of this section.
 - h. **Review.** Recyclable material storage and collection area plans shall be reviewed by the Development Review Committee pursuant to Sec. 5.6. Information necessary to evaluate proposed plans for compliance with the standards of this section shall be shown on the site plan.
 - i. **Retrofitting of existing multi-family developments.** The retrofitting of existing multi-family developments to comply with the standards of this section shall be encouraged. As a means of encouraging retrofitting, developers shall be entitled to convert existing off-street parking spaces to accommodate a recyclable material storage area in accordance with the following standards.

 - (1) **Number of spaces to be converted.** A maximum of one (1) existing off-street parking space may be converted to accommodate each one hundred eighty (180) square feet of recyclable material storage and collection area or fraction thereof that is provided on the exterior of a building. Conversion of off-street parking spaces to accommodate more recyclable materials collection and storage area than specified in Sec. 6.6 (Storage area) shall be prohibited.
 - (2) **Automatic waiver.** The conversion of existing off-street parking spaces to accommodate recyclable material storage and collection areas pursuant to the standards of this section shall be permitted by-right, without resort to the Board of Adjustment.
7. **Accessory outdoor recreation.** Accessory outdoor recreational facilities primarily designed and intended for use by occupants of a residential or nonresidential development and their guests shall be subject to the following supplementary regulations.
- a. **Setbacks.** No outdoor accessory recreational facility shall be located within one hundred (100) feet of any property line abutting a residential district.
 - b. **Screening.** A landscape screen of at least seventy-five (75) percent opacity shall be required around an outdoor accessory recreational facility if deemed necessary to ensure compatibility with surrounding uses.

8. Swimming pools and screen enclosures.

a. Principal and accessory use.

- (1) Principal use. Any swimming pool, spa or screen enclosure owned and operated as a commercial enterprise existing singularly or in combination with other commercial recreation uses on the same property shall be considered as a principal use subject to the property development regulations of the applicable district.
- (2) Accessory use. Any swimming pool, spa or screen enclosure operated by a fraternal, social, civic organization, residential homeowners association, or resident of a single-family dwelling shall be considered as an accessory use and shall exist in conjunction with the principal use on the same lot, subject to the setback regulations stated herein.

b. Setbacks for accessory pools or spas.

- (1) Swimming pools or spas shall meet the following setbacks as measured to the outside of the pool beam:

Yards	Single-family	Zero Lot Line Home
Front	28 feet	13 feet
Side (interior)	10.5 feet	5 feet
Side (corner)	18 feet	13 feet
Rear	10.5 feet	5 feet

- (2) Notwithstanding the above setback requirements, swimming pools or spas may be constructed with a three (3) foot rear setback for single family or zero lot line dwelling units in planned developments provided the following conditions are met:
 - (a) The entire rear property line is adjacent to open space (lake, natural preserve or golf course) a minimum of one-hundred (100) feet in depth; and
 - (b) All construction and earthwork is completed within the owner's lot.

c. **Setbacks for screen enclosures for accessory pools.** Screen enclosures for accessory swimming pools shall be subject to the following setback requirements.

(1) Screen enclosures for accessory swimming pools shall meet the following setbacks:

Yards	Single-family	Zero Lot & Townhouse Line	Townhouse Quad Design
Front	25 feet	10 feet	0 feet
Side (interior)	7.5 feet	0 feet	0 feet
Side (corner)	15 feet	10 feet	0 feet
Rear	7.5 feet	2 feet	0 feet

(2) Notwithstanding the above setback requirements, screen enclosures may extend to a zero lot line subject to the following requirements.

(a) If the roof of the enclosure is not solid, there shall be a five (5) foot minimum height wall on the zero lot line extending at least to the rear edge of the enclosure. Such wall shall be of masonry or other material acceptable to the Building Division. In addition, a minimum five (5) foot privacy fence shall be provided from the pool or spa enclosure to the rear property line.

(b) If the roof of the enclosure is solid, there shall be an eight (8) foot minimum height wall on the zero lot line extending at least to the rear edge of the enclosure. Such wall shall be of masonry or other material acceptable to the Building Division. The screen enclosure shall be attached to the masonry walls. The pool or spa enclosure shall be set back a minimum of ten (10) feet from the rear property line. In addition, a minimum five (5) foot privacy fence shall be provided from the pool enclosure to the rear property line.

(3) Screen roof enclosures may be constructed with a zero (0) foot rear setback for single family or zero lot line dwelling units in planned developments, provided the following conditions:

(a) The entire rear property line is adjacent to open space (lake, natural preserve or golf course) a minimum of 100 feet in depth;

- (b) An appropriate easement is recorded for the maintenance of the screen enclosure;
 - (c) All construction and earthwork is completed within the owner's lot; and
 - (d) Roof eaves shall not overhang the rear property line or any utility, drainage or lake maintenance easement.
- d. **Building coverage.** Swimming pools or spas located at finished grade shall not be considered as building coverage unless totally enclosed by a semi-opaque or opaque obstruction.
- e. **Fencing, screening and access.** Every swimming pool or spa shall be enclosed by a barrier, retaining wall, fence or other structure in accordance with Palm Beach County Swimming Pool and Spa Code, as amended.
- f. **Screen enclosures.** Screens enclosures, pools, and construction of private structures, within common areas of residential developments shall meet the following standards:
- (1) The landowner or homeowner's association must be a joint applicant on the building permit application;
 - (2) The structure must comply with all setback requirements measured from the outer boundary of the common area or have a fifteen (15) foot separation between primary structures, whichever is greater.
 - (3) Townhouse quad designs shall have pool setbacks a minimum of three (3) feet from the property line. Screen enclosures with mansard screen roofs may extend to the property line in a townhouse quad design. A minimum five (5) foot wall surrounding the pool or spa is required.
 - (4) Only permitted residential accessory uses shall be allowed;
 - (5) No private structures may be erected in a required perimeter landscape area;
 - (6) The entire development must continue to meet open space requirements;
 - (7) The homeowners' documents shall be amended to include provisions that allow private use of the common area upon association approval; and
 - (8) Structures will not be permitted in a common area that is designed as a water management tract.

- g. Screen enclosures and pools adjacent to common areas of residential developments. Construction of private structures on property adjacent to the common area of a multi-family or planned development shall be subject to all of the following requirements.
- (1) The homeowner's association must be a joint applicant on the building permit application.
 - (2) The structure must comply with all setback requirements measured from the outer boundary of the common area or have a fifteen (15) foot separation between primary structures, whichever is greater.
 - (3) Townhouse quad designs shall have pool setbacks a minimum of three (3) feet from the property line. Screen enclosures with mansard screen roofs may extend to the property line in a townhouse quad design. A five (5) foot wall surrounding the pool or spa is required.
 - (4) Only permitted residential accessory uses shall be allowed;
 - (5) Lots adjacent to a required perimeter landscape area may not use this policy. Section 6.8, Planned Development District Regulations, provides that all setbacks shall be measured from the inside edge of the required buffer or perimeter landscape area.

9. **Accessory radio tower.** A radio tower for noncommercial electronic communication purposes may be permitted as an accessory use to a permitted principal school or bona fide agricultural use, subject to the following supplementary regulations.
- a. **Height.** The radio tower shall not exceed one hundred (100) feet in height from ground level.
 - b. **Setbacks.** Setbacks measured from the base of the radio tower to the property line shall equal a distance of not less than twenty (20) percent of the height of the tower. In addition, the radio tower shall be located in such a manner that it will not fall on any power line.
10. **Amateur radio and television antennas.**
- a. **Purpose and intent.** The purpose and intent of this section is to provide for the safe and effective installation and operation of amateur radio, citizens band radio, and television antenna support structures and the beam antennas installed on those support structures. It is also the purpose and intent of this section to provide for a reasonable accommodation of amateur radio communications, in accordance with Parts 95 and 97 of Chapter 1 of Title 47 of the Code of Federal Regulations, while reflecting Palm Beach County's legitimate interest of protecting and promoting the health, safety, welfare, neighborhood aesthetics, and morals of its citizens. The standards in this section are intended to place reasonable safety and aesthetic precautions on the installation and erection of such antennas and antenna support structures, and to represent the minimum practicable regulation necessary to protect and promote the health, safety and welfare of the public. The regulations are not, however, intended to unduly restrict or preclude amateur radio communications.
 - b. **Applicability.** All amateur and citizens band radio and television transmission and receiving antennas, excluding satellite earth stations, shall be governed by the standards of this section.
 - c. **Approval of antennas and antenna support structures.** All antenna support structures and the beam antenna installed on those antenna support structures, shall be considered accessory uses, and shall comply with the provisions of this section, and Sec. 5-23 (Airport Zones and Airspace Height Limitations) of the Palm Beach County Code of Laws and Ordinances.
 - d. **Conditional use.** In addition to the requirements of this section, all antenna support structures and the beam antennas installed on those support structures, extending greater than seventy (70) feet above grade level or fifteen (15) feet above building height, whichever is greater, shall be a Class "B" Conditional use.

e. **Exemptions.**

- (1) All antenna support structures and the beam antennas installed on these support structures that do not extend greater than seventy (70) feet above grade, shall be exempt from conditional use approval.
- (2) All antenna support structures and the beam antennas installed on these support structures which have been constructed, installed, and are operational as of February 1, 1990 shall be considered legal, nonconforming uses.
- (3) All legal nonconforming antenna support structures and the beam antennas installed on these support structures that extend greater than seventy (70) feet above grade level or fifteen (15) feet above building height, whichever is greater, shall acquire written certification from the Zoning Director. Such registration shall reflect the height and location of the antenna support structure, the beam antennas installed on the support structure, the date of installation, and documentation of installation.

f. **Location.**

- (1) **Setbacks.** All antenna support structures and the beam antennas installed on those support structures, including all elements or parts thereof, shall conform to the minimum yard setback standards of the district in which it is to be located.
- (2) **Support structure location.** In addition to complying with the district setback standards, antenna support structures shall be located on the property so as to provide a minimum distance equal to fifty (50) percent of the height of the tower from above-ground utility power lines other than applicants' service lines, or a break point calculation certified by a professional engineer or as evidenced by the manufacturers' specifications that demonstrate a clear fall radius. In addition, no antenna support structure shall be located in the front yard.
- (3) **Beam array antennas.** In addition to complying with the district setback standards, beam array antennas shall be mounted so as to provide for removal at approach of hurricanes, if necessary, or provide for the lowering of such beam, and in no event shall the beam or any element thereof extend closer than ten (10) feet to an official right-of-way line and/or easement, or property under different ownership.

- (4) **Anchor location.** All antenna support structure and peripheral anchors shall be located entirely within the boundaries of the property. If said supports and anchors are closer than five (5) feet to property under different ownership and if such support or anchor extends greater than three (3) feet above the ground, it shall be effectively screened against direct view from abutting properties and shall extend no greater than six (6) feet above ground.
- (5) **Limitation.** No more than one (1) antenna support structure that exceeds forty (40) feet in height shall be allowed on any lot.

11. Seaplanes.

- a. Location. If the seaplane facility use is limited to the immediate residential population, 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 four hundred (400) feet of a residential structure. If the facility is a commercial venture, it shall not be located within one thousand (1,000) feet of a residential district.
- b. Minimum land area. The minimum required land area for any type of seaplane operation shall be two (2) acres.
- c. Water area. All seaplane operations shall comply with the following minimum standards for water landing area:

Length	3,500 feet
Width	300 feet
Depth	4 feet

- 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 (2) 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.
- e. Setbacks. All buildings, structures and aircraft parked on shore shall be located a minimum distance from all property lines of at least fifty (50) feet.
- 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.
- g. Vehicle parking requirements. Shore facilities shall provide one (1) automobile parking space for each two thousand (2,000) square feet of hangar or tie-down area, or one (1) space per craft, whichever is greater. All shore facilities shall provide a minimum of five (5) parking spaces.

- h. **Certification.** Applications for seaplane operation facilities shall be accompanied by a complete "Airspace Analysis" report for the Federal Aviation Administration as well as a copy of the "Preliminary License Report" from the Florida Department of Transportation.
- B. **Temporary structures.** The following supplementary regulations apply to certain types of temporary structures.
1. **Temporary emergency structures.** This section is intended to allow placement or erection of temporary structures that address immediate public needs while permanent solutions are being pursued, including but not limited to temporary fire stations, hurricane shelters, utility facilities.
- a. **Determination of public emergency.** The Executive Director of PZB may authorize, in any district, the issuance of a building permit for a temporary structure upon determination that a public emergency exists or an overwhelming public purpose is served by the temporary permit.
- b. **Duration.** The use shall be approved as a special use for a period of six (6) months, with one three (3) month extension, or until the emergency is determined to have ceased. The Board of County Commissioners may extend this timeframe under extenuating circumstances at any regularly scheduled public hearing. Copies of all special use permits approved under this subsection shall be forwarded to the County Attorney's Office and the Board of County Commissioners.
2. **Tents accessory to non-retail use.** A tent may be used as a temporary structure for non-retail purposes accessory to the principal use subject to the Zoning Director's approval as a special use and the standards of this subsection. Tents used for retail purposes are subject to Sec. 6.4.D (Retail sales, mobile or temporary).
- a. **Frequency.** The use of the tent and the proposed non-retail use or event shall be a one-time occurrence at any given lot per year.
- b. **Duration.** The tent may be used for a maximum period of ninety (90) days, provided that an additional thirty (30) day administrative extension may be approved subject to the Zoning Director's finding that the tent and use continue to meet all the applicable requirements of this Code and the Building Code and are in harmony with the surrounding area.
- c. **Setbacks.** All setback requirements of the underlying district shall be met.
- d. **On-site Location.** The tent shall be located on the lot so as not to adversely interfere with on-site circulation and shall not be located in any required parking space.

- e. **Access.** The primary access for the use shall be from an arterial road and shall not cause traffic to flow through nearby residential areas. Back out parking directly onto a public street shall be prohibited.
 - f. **Lighting.** Lighting to illuminate the premises of any temporary tent structure for advertisement or direction shall be extinguished no later than 12:00 midnight.
 - g. **Noise.** Sounds emanating from the temporary use shall not adversely affect surrounding residential lands.
3. **Temporary facilities during development activity.** During development of planned developments, subdivisions and multiple family projects requiring DRC approval, temporary structures and facilities may be allowed under the following conditions and uses:
- a. **Temporary construction trailer.** Use of this facility shall be limited to storage and on-site office work. The facility is not to be inhabited overnight. Construction trailer and attendant parking and storage areas shall be located on site so as not to interfere with safe ingress and egress to developed areas or areas under construction. Construction trailers shall remain on site only for the duration of the permitting and building of the primary structures. The construction trailer shall be removed if construction ceases for more than five (5) months unless it can be demonstrated that construction will proceed within 30 days. The construction trailer(s) must be removed no later than thirty (30) days after the final Certificate of Occupancy is issued. Abandoned trailers shall not be permitted on the site. A surety bond equal to the value of the removal of the trailer(s) shall be required for projects requiring DRC approval.
 - b. **Watchman mobile home.** Use of this facility allows overnight habitation if, under the following conditions:
 - (1) The mobility of the vehicle is maintained and used as a mobile home or house trailer;
 - (2) Sanitary facilities have approval of all governmental agencies having appropriate jurisdiction, and permits and inspections for necessary electric and water supply and sewage disposal facilities from PZB.

No additions or adjuncts shall be permitted to the mobile home except PZB approved awnings demountable screen panels, stairs, decks and trellises.

A minimum of two (2) parking spaces shall be provided.

The temporary permit shall be valid for a period of one (1) year. Requests for extensions of time beyond the initial one (1) year approval be made on forms prescribed by PZB. In no case shall the total time exceed a maximum of two (2) years for the initial approval and subsequent extension(s). A notarized mobile home removal agreement shall be executed.

c. **Mobile home real estate sales and management office.** Use of this facility shall be limited to on-site office work with no overnight habitation and subject to the following:

- (1) The mobility of the vehicle is maintained;
- (2) The Master plan, final site plan, or final subdivision plan that has been certified by DRC; and,
- (3) Permits and inspections for trailer tie-down and, electric, water supply and sewage disposal facilities are approved by all governmental agencies having appropriate jurisdiction.

The Mobile home real estate and management office shall be located so as not to interfere with on site construction operations, safe ingress and egress to the proposed development and shall meet the minimum setbacks of the applicable zoning district.

A minimum of six (6) parking spaces, plus one for each employee on the shift of greatest employment shall be provided. Handicap spaces and access shall be provided in accordance with Secs. 316.1955, 316.1956, and 553.48, Fla. Stat. The temporary parking associated with the temporary mobile home, with the exception of the handicap parking and access, may be provided on hard surface pavement, shell rock or mulch, provided that there is a compacted subgrade. A minimum 24" hedge shall be planted around the perimeter of the parking lot.

The temporary permit to be valid for a period of one (1) year. Requests for extensions of time beyond the initial one (1) year approval shall be made on forms prescribed by PZB. Permits may be renewed annually provided that the approved development is in compliance with the platting requirements of this code, or any other time specific code provisions or conditions of approval of the development order. A notarized mobile home removal agreement shall be executed.

C. **Dress and Conduct Code for Vendors Operating Both on Private Property and on Public Rights-of-Way.** All vendors not fully enclosed by a four (4) foot high opaque enclosure must be sufficiently so that the vendor and anyone associated with the vendor, has covered, with a fully opaque covering, the male or female genitals, pubic area, buttocks or any portion of the female breast below the top of the nipple. [See, Section 847.001(5) Florida Statutes].

1. **Attire.** Attire not in conformance with the above requirement includes, but is not limited to, G-strings, thongs, pasties, and socks (for covering male genitalia). Minimal attire allowed, without an enclosure, shall be that which substantially covers the buttocks, such as a french-cut bikini as referenced in *Naturist Society v. Fillyaw*, 736 F. Supp. 1103 (S.D. Fla. 1990).
 2. **Conduct.** Vendors who conduct themselves in a disorderly, offensive, obnoxious, obscene, or profane manner, or vendors who violate this dress code standard are considered to be public nuisances and shall be subject to revocation of special permits to vend on private property and/or their permits entitling them to commercial use of public rights-of-way.
 3. **Fines.** Violation of any provision contained in this subsection shall be punishable as a misdemeanor by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment for not more than sixty (60) days, or by both such fine and imprisonment. Any and every violation of the provision of this subsection and each and every day that such violation continues shall be considered a separate and distinct misdemeanor.
 4. **Enforcement.** The Palm Beach County Sheriff's Department and other law enforcement agencies including county compliance officers or agents are authorized and directed to enforce this subsection.
 5. **Applicability.** The provisions of this subsection pertaining to vendors located on private property shall be applicable in the unincorporated areas of Palm Beach County. The provisions of this subsection pertaining to vendors located on public rights-of-way within the County road system shall be applicable in the unincorporated and incorporated areas of Palm Beach County.
- D. **Compatibility standards.** All commercial and industrial uses subject to review by the Development Review Committee and proposed to be located adjacent to or across the street from residential districts along fifty (50) percent or more of the lot perimeter, and all the uses specifically required by other provisions of this Code to comply with these standards, shall demonstrate compliance with the following architectural compatibility standards. The design of the buildings should provide variety and visual interest and create an overall unified image through the following and other appropriate means.
1. **Unified image.** An overall unified image shall be created by the use of common elements such as consistent forms, colors, architectural details and landscape materials.
 2. **Uniform treatment.** Similar architectural character and treatment shall be provided on all sides of the building.
 3. **Entrances.** Unit and building entries shall be easily identifiable. Entries shall be integrated into the building architecture. Entries in exterior stairs shall be designed to provide shelter from inclement weather.

4. **Roof top equipment.** All roof top mechanical and electrical equipment shall be screened so as not to be visible from any point up to ten (10) feet above the ground from any point within a two hundred (200) foot radius of the building on which it is mounted.
5. **Storage areas.** No exterior storage areas shall be permitted within two hundred (200) feet of a residential district.
6. **Loading docks, bay doors, and accessory equipment.** Loading docks, bay doors, and accessory equipment such as dumpsters, shall be located and oriented away from residential property lines.

SEC 6.7 OVERLAY DISTRICT REGULATIONS.**A. NE-O, Native Ecosystem Overlay District.**

1. **Purpose and intent.** The purpose and intent of the Native Ecosystem Overlay (NE-O) district is to ensure the protection of environmentally sensitive lands in unincorporated Palm Beach County, while ensuring development options by permitting flexibility in development regulations.
2. **Applicability.** The provisions of the NE-O district shall apply to all development within the boundaries of the NE-O district.
3. **Boundaries.** The NE-O district shall include within its boundaries, the following lands.
 - a. **Type "A" quality native upland ecosystems.** Lands identified as "A" Quality Native Upland Ecosystems in Sec. 9.3 (Environmentally Sensitive Lands).
 - b. **Other "A" quality ecosystems.** Lands identified as "A" Quality Ecosystems in the Palm Beach County Comprehensive Plan, Conservation Element, Policy 2-a and Land Use Element, Policy 1-d.
 - c. **Twenty-five percent set aside.** Uplands with native ecosystems to which the twenty-five (25) percent set-aside would be applicable as required by Sec. 7.5 (Vegetation Protection).
 - d. **Water resources protection areas.** Lands that have a high potential for water resources protection, such as aquifer recharge areas and present and potential wellfield areas.
4. **Conflict with other applicable regulations.** When the provisions of the NE-O district conflict with other regulations applicable to the district, the provisions of this section shall prevail, except when superseded by State or federal law.
5. **Use regulations.** In the NE-O district, the use regulations shall be the same as for the underlying district.
6. **Property development regulations.** The development of lands within the NE-O district shall be subject to the property development regulations of the underlying district, except that the following property development regulations shall be modified by the Zoning Director upon a written request and if the following standards are met.
 - a. **Off-street parking.** Off-street parking standards shall be reduced by a maximum of thirty (30) percent if:

- (1) A development permitted by the underlying district cannot be feasibly designed with the required off-street parking spaces, because of the location of "A" Quality Native Uplands" Ecosystems, "A" Quality Ecosystems, or the twenty-five (25) percent set aside on the subject property;
 - (2) An alternative plan of development is prepared for the property that provides the maximum number of off-street parking spaces that are practically feasible, with a total impervious surface area design that does not exceed fifty (50) percent of the lot coverage requirement, while ensuring the proposed development is not disruptive to Type "A" Quality Native Upland Ecosystems, "A" Quality" Ecosystems, or lands set aside pursuant to the twenty-five (25) percent set aside requirement; and
 - (3) The alternative plan of development is consistent with the purpose and intent of the NE-O district.
- b. **Density and intensity.** The calculation of maximum density or lot coverage shall be based on gross lot area.
- c. **Off-street loading.** Off-street loading requirements may be eliminated if:
- (1) A development permitted by the underlying district cannot be feasibly designed with the required off-street loading space because of the location of "A" Quality Native Uplands Ecosystems, "A" Quality Ecosystems, or the twenty-five (25) percent set aside on the subject property; and
 - (2) An alternative plan of development is prepared for the property with a total impervious surface area not exceeding sixty-five (65) percent of the maximum building coverage requirements, while ensuring that the proposed development is not disruptive to "A" Quality Native Uplands Ecosystems, "A" Quality" Ecosystems, and the twenty-five (25) percent set aside requirement; and
 - (3) The alternative plan of development is consistent with the purpose and intent of the NE-O district.
- d. **Height.** Height restrictions shall be waived if the building coverage does not exceed sixty (60) percent of that otherwise allowed by the underlying district, and the total impervious surface area does not exceed sixty-five (65) percent of the maximum building coverage requirement.

- e. **Setbacks.** Yard setback requirements shall be modified if:
- (1) A development permitted by the underlying district cannot be feasibly designed with the required setbacks because of the location of "A" Quality Native Upland Ecosystems, "A" Quality Ecosystems, or the twenty-five (25) percent set aside on the subject property; and
 - (2) An alternative plan of development is prepared for the property that complies to the greatest extent practicable with the setback requirements, while ensuring the proposed development is not disruptive to "A" Quality Native Upland Ecosystems, "A" Quality Ecosystems, or lands set aside pursuant to the twenty-five (25) percent set aside requirement; and
 - (3) The alternative plan of development is consistent with the purpose and intent of the NE-O district.
- f. **Lighting.** All exterior lighting shall be shielded and directed away from native vegetation.

B. WCRA-O, Westgate/Belvedere Homes Overlay District.

1. **Purpose and intent.** The Westgate/Belvedere Homes Community Redevelopment Agency (Westgate/Belvedere Homes CRA) was created pursuant to Sec. 163.330, et. seq., Fla. Stat., to remove blight conditions, enhance the County's tax base, improve the living conditions, and preserve areas of low and moderate cost housing in the Westgate/Belvedere Homes area of unincorporated Palm Beach County.

The use of community redevelopment powers enables the Board of County Commissioners and the Westgate/Belvedere Homes CRA to make public improvements that encourage and enhance private investment and neighborhood stability, prevent continuation of inefficient and incompatible land use patterns, and assist revitalization and rehabilitation of older commercial and residential areas in the Westgate/Belvedere Homes area.

In recognition of the special needs of the Westgate/Belvedere Homes area, the Westgate/Belvedere Homes Community Redevelopment Study Area Overlay (WCRA-O) district is established with the purpose and intent of: encouraging development and redevelopment of the Westgate/Belvedere Homes area through regulatory incentives; arresting deterioration of property values; preserving existing, viable affordable housing and providing opportunity for the future development of affordable housing; and implementing the Westgate/Belvedere Homes Community Redevelopment Plan; and under certain circumstances, providing for increased residential densities and an increase of up to twenty (20) percent in the amount of land designated as commercial on the Land Use Atlas Map without amendment to the Palm Beach County Comprehensive Plan.

2. **Applicability.** The provisions of the WCRA-O district shall apply to all development within the boundaries of the WCRA-O district. In addition to the provisions in the WCRA-O district, all development in the district shall comply with all other requirements of this Code and all other relevant Palm Beach County regulations.
3. **Boundaries.** The WCRA-O district consists of those lands within unincorporated Palm Beach County bounded by Okeechobee Boulevard on the north, Belvedere Road on the south, Florida Mango Road on the east, and Military Trail on the west. This description does not limit the CRA's ability to amend its boundaries. The WCRA-O district shall be amended as appropriate to conform to any boundary changes of the Westgate/Belvedere Homes Community Redevelopment Area.
4. **Conflict with other applicable regulations.** Where the provisions of the WCRA-O district conflict with other regulations applicable to the WCRA-O district, the provisions of this section shall prevail. Where provisions of the WCRA-O district are not in conflict with other relevant regulations, the stricter regulations shall prevail.
5. **Procedures.** Prior to the certification or request for any zoning, rezoning, density bonus, variance to a WCRA-O requirement, comprehensive plan amendment or CRA Master Plan Amendments for projects within the WCRA-O: all applicants shall obtain a recommendation from the Westgate/Belvedere Homes Community Redevelopment Agency and shall show proof of payment of any applicable Westgate/Belvedere Homes Community Redevelopment Agency fee for such.
6. **Site Plan/Final Subdivision Plan review.** All new commercial or industrial developments and residential development of more than two (2) dwelling units shall be subject to the Site Plan/Final Subdivision Plan review process.
7. **Amendment of zoning map within WCRA-O district.** All amendments to the Official Zoning Map within the WCRA-O district shall comply with the following standards.
 - a. **Industrial zoning map amendment.** Any amendment to the Official Zoning Map to an industrial district may be made on land located in the Flight Path of the Palm Beach International Airport without an amendment to the Land Use Atlas of the Comprehensive Plan to an industrial land use designation.
 - b. **Commercial zoning map amendment.** Any amendment to the Official Zoning Map to a commercial district or Planned Development District requiring a commercial land use designation, may be made on lands without a commercial designation on the Land Use Atlas of the Comprehensive Plan, provided the following criteria are met.
 - (1) The commercial land use designations in the WCRA-O district in the Comprehensive Plan shall not be exceeded by more than twenty (20) percent of the total are with a commercial land use designation

- (2) The proposed amendment to the Official Zoning Map advances the purpose and intent of the Westgate/Belvedere Homes Community Redevelopment Plan, and does not have an adverse impact on surrounding land uses.
 - (3) The proposed amendment to the Official Zoning Map is recommended for approval by the Westgate CRA in accordance with the standards established in the Westgate/Belvedere Homes Redevelopment Plan.
8. **Overlay district uses.** In the WCRA-O District, no development shall be permitted except for the following uses:
- a. **Permitted uses.** Uses permitted by right in the underlying zoning district, except for adult entertainment establishments and day-labor employment centers, are permitted as a right in the WCRA-O District. Additionally, residential land uses shall be permitted in the commercial land use subcategories as described in the Palm Beach County Comprehensive Plan.
 - (1) **Special provisions for uses developed in CG, General Commercial zoning districts within the WCRA-O District.** Due to the compact nature of the existing development pattern within the WCRA-O District, special provisions for uses developed in CG, General Commercial zoning districts shall apply. These special conditions shall also apply in cases pursuant to the adopted CRA Master Plan, where the implied zoning district is CG, or where the CG zoning district has been granted through the land development process of the ULDC.

Office/warehouse uses in the CG district. Developments within the WCRA-O District may obtain approval for an office warehouse use by conditional use type A, subject to the following supplementary regulations.

 - (a) The minimum percentage of office space supporting the warehouse use shall be twenty-five (25) percent of the gross floor area.
 - (b) Orientation of storage bay doors shall not face any abutting property which is residentially zoned, nor shall they be visible from any public street.
 - (c) There shall be a minimum of fifteen (15) feet separation between individual buildings within an office-warehouse combination.

(2) **Description of special land use designations within the WCRA-O District.** In order to encourage the development of compatible projects, two special land use designations would be developed under the CG, General Commercial zoning district and under the IL, Light Industrial zoning district for the WCRA-O District.

(a) **Westgate mixed-use commercial.** The purpose of this land use designation is to encourage lower intensity, mixed-use commercial development along the south side of Westgate Avenue. In order to provide opportunities for residential components within mixed-use developments, developers shall be permitted to request an increase in the residential density beyond the underlying 8 units per acre by availing of the 300 bonus residential units assigned to the area through the Palm Beach County Comprehensive Land Use Plan, and subject to approval by the Board of County Commissioners and the Community Redevelopment Agency. In further recognition of the special character of this area, the minimum lot size for this land use designation is one half (0.5) acre, thereby amending the lot size requirements of the CG zoning district as shown in table 6.5.1 for this land use designation only. All other requirements of this code shall apply.

The WCRA-O mixed land use designation shall comply with the design requirements of the MXPB section to the greatest extent practicable.

(b) **Soft-edged industrial.** The purpose of this industrial designation as indicated on the WCRA-A master plan is to ensure that adequate screening and buffering is provided in areas adjacent to existing residential development. The expanded landscaping and buffering requirement and the provision for "cleaner" and compatible light industrial development shall only be for areas that are currently shown as Industrial on the County Land Use Plan. In addition, all provisions for the IL zoning district shall apply. The frontage of developments within this land use designation shall be developed pursuant to section 7.3 along the public right-of-way.

b. **Special permit uses.** Uses subject to special permit regulations in the underlying zoning district, except for adult entertainment establishments and day-labor employment centers, shall be permitted in the WCRA-O in accordance with the special permit regulations of the underlying zoning district, and section 5.5.

- c. **Conditional uses A and B.** Conditional uses in the underlying zoning district, except for adult entertainment establishments and day-labor employment centers, shall be permitted in the WCRA-O District in accordance with the use regulations of the underlying zoning district and the conditions and provisions and other regulations as set forth and defined in the ULDC or within the WCRA-O district.

Additionally, any residential or industrial land uses may be approved as conditional uses, subject to the following:

- (1) The commercial land use designations in the WCRA-O District in the Palm Beach County Comprehensive Plan shall not be exceeded by more than twenty (20) percent of the total area with a commercial land use designation.
- (2) The proposed conditional use commercial development advances the purpose and intent of the Westgate/Belvedere Home Community Redevelopment Plan, and does not have an adverse impact on surrounding land uses.
- (3) The conditional use is recommended for approval by the Westgate/CRA in accordance with the standards established in the Westgate/Belvedere Homes Redevelopment Plan.

9. **Property development regulations.** The development of lands within the WCRA-O district shall be subject to the property development regulations of the underlying district, except for the following:

- a. **Residential density bonus.** Residential densities permitted by the underlying Land Use Atlas Map designation of the Comprehensive Plan may be increased by the Board of County Commissioners through the conditional use process, provided that:
- (1) The proposed residential development advances the purpose and intent of the WCRA-O district, the goals, objectives, and policies of the Comprehensive Plan, the Westgate/Belvedere Homes Community Redevelopment Plan, and does not have an adverse effect on any surrounding land uses;
 - (2) The increased densities are consistent with the criteria established in the Westgate/Belvedere Homes Community Redevelopment Plan for the increase of residential densities, and does not have an adverse effect on any surrounding land uses;

- (3) The additional residential units permitted do not exceed a cumulative total of three hundred (300) dwelling units, exempt from the County's Voluntary Density Bonus Program application process and procedures, as had been originally allocated to the WCRA-O district by the Comprehensive Plan. After the housing pool has been exhausted, requests for density increases may be approved by the Board of County Commissioners through the Comprehensive Plan amendment process pursuant to the County's density programs set forth in this code.
 - (4) The proposed residential density bonus is initially recommended by the Westgate CRA.
 - (5) The WCRA-O district currently provides areas of low and moderate income housing. In accordance with Policy 2-g. of the Housing Element of the Comprehensive Plan, there shall be a dispersal of the concentration of low income households. Therefore, in order to encourage an equitable geographic distribution of development, the Voluntary Density Bonus criteria may not be applicable when increased densities are requested.
- b. **Residential Development Standards.** In addition to the development standards contained in this Code, the following special development standards shall be required of all residential development within the WCRA-O district, at or before the time of construction or as deemed appropriate by the County.
- (1) **Permitted obstructions.** Awnings or canopies projecting from a building wall may encroach over a setback not more than two and one-half (2.5) feet, and shall have no supports other than provided by the wall or its integral parts.
 - (2) **Affordable housing.** Requests to deviate from certain property development regulations (specifically indicated as flexible regulations within Section 6.5.L. of this Code or the WCRA-O as adopted or as may be amended) shall be authorized for affordable housing subdivision, provided such dwelling units meet the Federal Department of H.U.D. definition of affordable for Palm Beach County and that such deviations are recommended by the W/BHCRA.
- c. **Special standards for nonresidential development.** In addition to the development standards contained in this Code, the following special development standards shall be required of all nonresidential development within the WCRA-O district, at or before the time of construction as deemed appropriate by the County.

- (1) **Permitted obstructions.** Awnings or canopies projecting from a building wall over a sidewalk not more than two and one-half (2.5) feet, and having no supports other than provided by the wall or its integral parts.
- (2) **Buffers.**
 - (a) Any proposed commercial or industrial use shall provide upgraded buffer areas of a minimum of ten (10) feet in width on all property boundaries that are contiguous to existing residential uses or land designated as residential by the Future Land Use Atlas of the Comprehensive Plan. These buffer areas shall also be required for nonresidential land uses abutting Nokomis Avenue and Cherokee Avenue and on any parcel indicated as Bonus Commercial Receiving Area on the W/BHCRA Master Land Use Plan map. The upgraded buffer shall include:
 - i) **Six foot wall.** A six (6) foot high opaque concrete block wall, textured or surfaced with stucco or other appropriate materials that coordinate with or are consistent with the design and colors of the principal structure on the property and finished on both sides; within the area designated as Bonus Commercial Receiving Area on the W/BHCRA Master Land Use Plan map. Chain link fencing with barbed wire topping shall not be permitted.
 - ii) **Hedge.** A hedge of native vegetation twenty-four (24) inches in height, spaced twenty-four (24) inches on center at planting; and
 - iii) **Native canopy trees.** The planting of native canopy trees, a minimum twelve (12) feet in height with a minimum six (6) foot spread, spaced twenty (20) feet on center. For buffers required on Nokomis Avenue and Cherokee Avenue, canopy trees shall be placed on alternative sides of the wall, spaced twenty (20) feet on center.
 - (b) Commercial uses contiguous to residential districts having a commercial designation on the Future Land Use Atlas of the Comprehensive Plan and commercial uses contiguous to residential uses in commercial districts shall provide a minimum five (5) foot wide landscape buffer along shared residential property lines. This buffer shall include:

- i) A six (6) foot high solid wood fence with vines planted six (6) feet on center along the inside of the fence;
 - ii) A hedge a minimum of forty-eight (48) inches in height, spaced thirty-six (36) inches on center at planting, to be maintained at a height of sixty (60) inches, and planted on the outside of the fence or wall; and
 - iii) Native canopy trees, a minimum ten (10) feet in height, with a minimum six (6) foot spread, spaced twenty (20) feet on center at planting.
- (3) **Exterior speaker systems prohibited.** Outdoor audio speaker systems that are audible from adjoining residential property lines shall be prohibited.
- (4) **Streetscape and Landscaping.** All development shall comply with the standards of Sec. 7.3 (Landscaping and Buffering). Development with frontage on Wabasso Drive, Congress Avenue, Seminole Boulevard and Westgate Avenue or the frontage of any public right-of-way of a development within any area designated as Soft-Edged Industrial on the W/BHCRA Master Land Use Plan map shall comply with the streetscape design guidelines of the Westgate/Belvedere Homes Community Redevelopment Area Plan.
- (5) **Signage.** Signage shall comply with the requirements of Sec. 7.14 (Signage), with the following exceptions:
 - (a) **Prohibited signs.** In addition to the signs prohibited by Sec. 7.14, the following types of signs shall also be prohibited in the WCRA-O district.
 - i) Flashing signs;
 - ii) Any flag where its longest side is greater in length than twenty (20) percent of the length of the flagpole or standard;
 - iii) Advertising flags, foreign flags, pennants, banners, streamers and balloons;
 - iv) Electronic message boards;
 - v) Bus bench advertising; and,

- vi) Rooftop and billboard signs.
- (b) **Sign face.** Signs shall be limited to one (1) square foot per two (2) linear feet of frontage up to a one hundred (100) square foot maximum, with a limit of one (1) sign per frontage per two hundred (200) feet, except for properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road.
- (c) **Tenant identification sign.** All tenant identification signs shall be unified in design and those not attached to the building shall be located within a single cabinet or frame, except for properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road.
- (d) **Setback.** Signs shall be setback at least five (5) feet from any sidewalk. No portion of any sign may be placed so as to overhang the public right-of-way, except for properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road.
- (e) **Pole signs.** Pole signs shall be limited to fifteen (15) feet in height, with monument signs used to the maximum extent possible, except for properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road.
- (6) **Lighting.** All development shall comply with the following lighting standards, in addition to those requirements in Sec. 6.6 (Outdoor lighting standards).
 - (a) **Casting of illumination.** All types of illumination shall be downcast and shall not overflow to adjacent property.
 - (b) **Wall fixture lights.** Attached wall fixture lights shall be mounted no higher than five (5) feet above the first story. They shall not be located on building roofs.
 - (c) **Parking lot light fixtures.** Parking lot light fixtures shall be a maximum of twenty-five (25) feet high, and shall be located a minimum of forty (40) feet apart.
 - (d) **Prohibition of roof top lighting.** Roof top lighting shall be prohibited.

- (e) **Scaling of light fixtures.** Lighting fixtures shall be scaled to pedestrians, and shall be appropriate in design to the building and site.
- (7) **Building design.**
- (a) **Materials.** The use of imitation rock, imitation wood, corrugated metal, fiberglass siding or other such materials shall be prohibited.
- (b) **Color.** Earth or neutral tones should be used as the dominant background color of a structure.
- (c) **Roof, trim, and awnings.** Roof, trim, and awnings and canopy accent colors shall be coordinated with building colors.
- (d) **Screening.** Materials similar to that of the primary structure shall be used to screen mechanical equipment, utility structures, and trash receptacles.
- (e) **Entrances to buildings.** Additional entries to the building from side or rear parking lots are encouraged.
- (f) **Building facade.** Detailing of the building facade should be appropriate to the building size.
- (g) **Building design.** Building design shall meet the provisions of the 1990 American Disabilities Act (ADA).
- (8) **Fences.** For nonresidential development, fences shall, by January 1, 1995, be located on the interior of any required front yard landscape buffer.
- (9) **Open space for multi-family development.** Forty-five (45) percent of the total site for multi-family development shall be open space. Sixty (60) percent of the total on-site open space shall be usable open space. Open space requirements may be reduced subject to Board of County Commissioners' and CRA Board approval on a case by case basis.

- (10) **Lot frontage and access designated in commercial area.** A two (2) lot tier commercial land use strip, depicted by the Land Use Atlas Map along Westgate Avenue is established for the area bounded by Cherokee Avenue on the north, Nokomis Avenue on the south, Congress Avenue on the east and the section line between Section 25, T43S, R42E and Section 30, T43S, R43E on the west. Commercial development within this area shall comply with the following standards.
- (a) **Front footage.** A minimum frontage of fifty (50) feet shall be established along Westgate Avenue.
 - (b) **Access.** Access shall be permitted only to Westgate Avenue, Wabasso Drive, Tallahassee Drive, Seminole Boulevard, Suwanee Drive, Osceola Drive, and Loxahatchee Drive.
 - (c) **Integrated site plan.** Development of a lot that does not front on Westgate Avenue, shall be allowed to amend the Official Zoning Map to a commercial use if it is combined in an integrated site plan with a lot or lots fronting on Westgate Avenue. The Board of County Commissioners may permit emergency access from Nokomis Avenue, and secondary access from Cherokee Avenue or Nokomis Avenue as long as such access has no adverse traffic impacts and is compatible with surrounding land uses. The Board of County Commissioners shall permit secondary access from other streets as long as such access has no adverse traffic impact and is compatible with surrounding land uses. Secondary access may be permitted to Nokomis Avenue from mixed use projects with a residential component of 50% or more of the total project square footage.

10. Local Residential Streets.

- a. **Construction in existing right-of-way.** In the WCRA-O District, the County Engineer may approve alternatives to the County standard design sections for local street construction in order to accommodate construction or reconstruction of paving and drainage improvements to an existing public local street, or segment thereof, which, as of the effective date of this Code, has a right-of-way width of less than fifty (50) feet and a vehicular travelway maintained by the County. Said alternative design(s) shall provide for paved travelway widths, structural sections, drainage, pedestrian access, dead-end turnarounds, and safe sight corners as prescribed by the County standards for local streets, or as deemed equivalent by the County Engineer. All required treatment and discharge control of stormwater runoff to the street drainage system shall be provided by secondary stormwater management facilities located outside the street right-of-way, permitted and constructed in accordance with applicable regulations of all agencies having jurisdiction over the receiving waters at the point of legal positive outfall.
- b. **Access to residential subdivision lots.** A local street improved pursuant to having continuous paved access to at least one public street on the perimeter of the WCRA-O District shall be deemed by the County Engineer to meet the requirement of local street access for residential lots created by subdivision of abutting property, in lieu of minimum legal access requirements pursuant to Sec. 8.22.2. Nothing herein shall prohibit the owner of abutting property from making application for and receiving appropriate approval of a final subdivision plan or waiver of platting prior to completion of the above-noted improvements; provided, however, that the applicable plat or affidavit of waiver shall not be approved for recordation until construction has commenced for said improvements.
- 11. Stormwater Discharge Control.** For subdivision of land within the WCRA-O District where stormwater discharge from such land is regulated by a secondary stormwater system under a Surface Water Management Permit issued by South Florida Water Management District, the requirements for control of discharge pursuant to Sec. 8.24.F.2 shall be deemed waived.

C. R&T-O, Research and Technology Overlay District.

1. **Purpose and intent.** The purpose and intent of the Research and Technology Overlay (R&T-O) district is to protect critical manufacturing employers from the encroachment of incompatible land uses and activities; provide opportunities to locate accessory, auxiliary and supporting industrial land uses in close proximity to existing manufacturing facilities; and ensure the location of compatible adjacent land uses and activities in the district that complement manufacturing and high-tech operations that are related to the continuation and future development of the County's manufacturing and industrial base. The R&T-O district is specifically included in this Code to meet the Comprehensive Plan provisions related to the Pratt-Whitney Overlay.

Additionally, all development within the R&T-O district shall: promote efficient and economical industrial land uses and the provision of adequate public facilities to serve proposed development; promote compatible industrial land use linkages by process, production or service; be compatible with surrounding land uses and activities; preserve and protect natural features and native vegetation so as to prevent ecological damage in part through the location of buildings and land use intensities; and encourage the continuation and future development of the County's manufacturing and industrial base.

2. **Applicability.** The provisions of the R&T-O district shall apply to all development within the boundaries of the R&T-O district.

3. **Boundaries.** The R&T-O district consists generally, of those lands in unincorporated Palm Beach County lying east and north of the Beeline Highway and the Pratt-Whitney facility, which includes all or portions of Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, Township 41 Range 40; Sections 5, 6, 7, 8, 9, 17, 18 Township 41 Range 41; and Section 13, Township 41 Range 39. The precise boundaries of the R&T-O district are identified on the Official Zoning Map.
4. **Conflict with other applicable regulations.** Where any provisions of the R&T-O district conflict with other applicable regulations, the provisions of this section shall prevail, except when superseded by State or federal law.
5. **Use regulations.** Development in the R&T-O district shall comply with the use regulations of the underlying district, subject to compliance with the following criteria.
 - a. The proposed development shall promote the goals, objectives, and policies of the Comprehensive Plan.
 - b. The proposed development is consistent with the purpose and intent of the R&T-O district.
 - c. The proposed development includes adequate, safe, and appropriate public facilities and services.
 - d. The proposed development is not detrimental to existing land uses or the native ecosystems of the R&T-O district.
 - e. The proposed development complies with the requirements of the NE-O district and Article 9, Environmental Standards.
 - f. The proposed development complies with the utility siting criteria for the limited service area.
6. **Property development regulations.** All development within the R&T-O district shall be subject to the property development regulations of the underlying district, except where it is in the NE-O district it shall be subject to the development regulations of the NE-O district.
7. **Performance standards.** All development within the R&T-O district shall comply with the rules and regulations of all governmental agencies having appropriate jurisdiction, and with all applicable requirements of this Code.

D. GA-O, Glades Area Economic Development Overlay District.

1. **Purpose and intent.** The Glades Area Economic Development Overlay (GA-O) district is intended to provide flexibility in the range of uses and property development regulations allowed in the underlying districts in the Glades area and to accommodate uses which, if deemed appropriate, will increase job opportunities and improve the economic vitality of the area. In addition, the GA-O district will provide a set of regulations that recognize the character of the area.
2. **Applicability.** The provisions of the GA-O district shall apply to all development located within the boundaries of the GA-O district. All development orders within the GA-O district shall comply with all applicable Joint Planning Area Agreements, pursuant to Florida Statutes.
3. **Boundaries.** The boundaries of the GA-O district shall be identified on the Official Zoning Map.
4. **Conflict with other applicable regulations.** When the provisions of the GA-O district conflict with other regulations applicable to the site, the provisions of this section shall prevail.
5. **Use regulations.** In the GA-O district, no building, structure or land or water use shall be permitted except for the following uses.
 - a. **Permitted uses.** Uses permitted as of right in the underlying district are permitted as of right in the GA-O.
 - b. **Special uses.** Uses allowed as special uses in the underlying district shall be permitted in the GA-O district after compliance with the special use standards. In addition:
 - (1) Any single-family dwelling unit required to relocate because of an eminent domain proceeding may relocate to lands in the AP district by receipt of a special use permit; and
 - (2) Any nonconforming use may be expanded by receipt of a special use permit.
 - c. **Conditional uses.** Uses allowed as conditional uses in the underlying district shall be permitted in the GA-O district after compliance with the conditional use regulations. Uses not otherwise permitted in the underlying districts may be permitted as Class "A" Conditional uses in the GA-O district after compliance with the conditional use regulations and after the Board of County Commissioners determines that the proposed use meets the following criteria.
 - (1) Increases the number of jobs or provides needed housing;

- (2) Does not adversely affect adjacent land uses;
- (3) Is consistent with the goals, objectives and policies of the Comprehensive Plan; and
- (4) Helps to support existing or encourage additional Glades Area economic development.

6. **Property development regulations.**

- a. **General.** All development within the GA-O district shall be subject to the property development regulations of the underlying district, except as otherwise provided below.
- b. **Minimum density.** The Board of County Commissioners may consider the waiver of the minimum density requirement for proposed development in the Glades area when:
 - (1) The proposed development is consistent with the provisions of any "Joint Planning Area" agreement (Policy 4-d. Intergovernmental Coordination Element), and;
 - (2) An analysis is completed that addresses 1) the impact of a reduced density development on the overall infrastructure system; 2) the compatibility of the proposed development with adjacent land uses; and 3) the effect of the reduced density development on the ability of the County to meet its goals, objectives and policies related to affordable housing. If the development is located in a municipal annexation area, the analysis must be performed by the annexing municipality.
- c. **Maximum density and intensity.** Maximum density and intensity of uses within the GA-O district may be allowed to exceed those imposed by the underlying district and shall be determined by the Board of County Commissioners during the conditional use permit review process.
- d. **Location of structures.** Building permits in the GA-O district may be permitted between the one hundred twenty (120) foot and two hundred twenty (220) foot right-of-way line within the right-of-way of State Road 700 through Canal Point, from Third Street on the north to Triangle Park on the east, subject to approval of the County Engineer.

E. PBIA-O Palm Beach International Airport Overlay District.

1. **Purpose and Intent.** The Palm Beach International Airport Approach Path Conversion Area Overlay district (PBIA-O) recognizes that some airplane noise-affected lands surrounding the Palm Beach International Airport are most suitable for campus-style industrial development, some other quality non-residential land uses, over the long-term (These are listed in the FAA noise compatibility matrix for land uses adjacent to airports). The purposes of the PBIA-O district, therefore, are as follows: (1) to protect neighborhoods surrounding the Palm Beach International Airport from incompatible land development; (2) to protect airport operations from incompatible land development, and provide development regulations that will assure safe, unobstructed access for all aircraft that enter and exit the airport; (3) to allow property owners to initiate conversion to industrial use where appropriate; and (4) to allow property owner participation in the land use decision-making process.
2. **Applicability.** The provisions of the PBIA-O district shall apply to all development located within the boundaries of the PBIA-O. Nothing herein shall require modification of an existing use, except as provided below.
3. **Boundaries.** The PBIA-O district consists of those lands in unincorporated Palm Beach County bounded by Belvedere Road on the north, Southern Boulevard on the south, Military Trail on the east, and the Florida Turnpike on the west, except for municipally incorporated areas.
4. **Conflict with other applicable regulations.** Where the provisions of the PBIA-O district conflict with other regulations applicable to the district, the provisions of this section shall prevail, or as otherwise provided by the Comprehensive Plan.
5. **General provisions.**
 - a. No use may be made of land within the PBIA-O district in such manner as to create electrical interference with radio communication between the airport and aircraft, or to make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of the pilots using the airport, or impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.
 - b. All development applications shall comply with the Airport Height Zoning Ordinance (78-2).
 - c. All development within the PBIA-O district shall be compatible with Airport Operations, as determined by the Board of County Commissioners, using the standards established in the Comprehensive Plan.
 - d. All development must be consistent with FAA standards, guidelines, and regulations for land use compatibility and aviation safety.

6. **Review procedures.** All development requests within the PBIA-O district shall comply with the applicable procedural provisions of this Code, in addition to the following:
- a. The applicant shall submit elevations of all existing and proposed structures, utility lines, or trees over thirty-five (35) feet in height.
 - b. Applications for development permits for new nonresidential uses adjacent to existing residential uses or districts shall be reviewed by the PBIA-O Committee, who shall then present their recommendation to the Zoning Commission.
 - c. Nonresidential Site Specific (Future Land Use Map) amendments to the Comprehensive Plan shall be reviewed by the PBIA-O Committee, who shall then present their recommendations to the Local Planning Agency.
 - d. A review of architectural treatment shall be conducted by the Planning Division of PZB, which will prepare and forward a staff report to the Zoning Division of PZB for incorporation into the report to the Board of County Commissioners. The review of architectural treatment will be based on the requirements of this section.
7. **Use regulations.**
- a. **Permitted uses.** All residential and commercial uses permitted by right in the underlying district shall be permitted in the PBIA-O district. Industrial uses shall be permitted only in a planned development district. In no case shall adult entertainment establishments, bulk storage of gas and oil, and outdoor retail sales (other than greenhouses or nurseries) be permitted in the PBIA-O district.
 - b. **Special uses.** All uses allowed as special uses in the underlying district shall be permitted in the PBIA-O district after compliance with the special use regulations imposed by the underlying district.
 - c. **Conditional uses.** All uses allowed as conditional uses in the underlying district, except for adult entertainment establishments, bulk storage of gas and oil, and outdoor retail sales (other than greenhouses or nurseries) shall be permitted in the PBIA-O district after compliance with the Conditional use regulations imposed by the underlying district.
 - d. **Nonconforming Uses.**
 - (1) **Existing residential uses.** All residential uses that exist within the PBIA-O district at the time that the PBIA-O district provisions are adopted, shall not be classified as a nonconforming use.

- (2) **Existing nonresidential uses.** Commercial uses that exist within the PBIA-O district at the time that the PBIA-O district provisions are adopted and that meet the provisions of this section shall be classified as conforming uses. Commercial uses that exist within the PBIA-O at the time that the PBIA-O provisions are adopted that do not meet the provisions of this section shall be classified as nonconforming uses.
8. **Property development regulations.** The property development regulations imposed by the underlying districts shall prevail, except where modified by the following.
- a. **Unified control.** Any development within PBIA-O district shall be developed under common ownership or unity of control as provided in Sec. 6.8 (Planned Development District Regulations—General—Unified control).
- b. **Enclosed activities.** All activities, except storage and sales of landscape material, shall be operated within enclosed buildings. Outside storage areas shall be effectively screened from collector and arterial roads and adjacent property by walls, fences, and/or landscaping.
- c. **Existing commercial and industrial development.** Existing commercial and expansion of certain industrial uses in residential districts or such uses adjacent to residential uses shall comply with the property development regulations of the PBIA-O district before a Certificate of Completion may be issued when a principal structure is redeveloped or expanded by twenty (20) percent or more of gross floor area, in any one or more expansions.
- d. **Industrial rezoning criteria.** Any land within the PBIA-O district shall be eligible for rezoning to the IL district. Every application for industrial rezoning within the boundaries of the PBIA-O district, shall comply with the procedures of Sec. 5.3 (Official Zoning Map Amendments) and the following:
- (1) Lands within the PBIA-O district that are currently being used for residential development or that have previously been approved for residential development may be rezoned to the IL district, regardless of the designation on the Land Use Atlas if the parcel has a minimum contiguous area of at least five (5) acres abuts an industrial zoning or use on at least one side, and abuts a designated thoroughfare right-of-way; or
- (2) Lands within the PBIA-O district that are currently vacant and do not require site plan approval at the time of Comprehensive Plan adoption may be rezoned to the IL district regardless of the designation on the Land Use Atlas only if the parcel has a minimum contiguous area of at least five (5) acres, abuts an industrial district or use on at least one (1) side, and is not contiguous on more than two (2) sides to existing residential development, and abuts a roadway shown on the County's thoroughfare right-of-way protection plan; or

- (3) the parcel has a minimum contiguous area of at least ten (10) acres; or
- (4) the parcel has a minimum contiguous area of at least ten (10) acres if the parcel does not abut a roadway shown on the County's thoroughfare right-of-way protection plan, and; and is not contiguous on more than two (2) sides to existing residential development.

e. **Lot dimensions and yard setbacks.** Setbacks and lot dimensions for commercial and industrial development shall be as follows.

- (1) **Lot dimensions.** The minimum lot area shall be one (1) acre, the minimum lot width and frontage shall be one hundred (100) feet, and the minimum lot depth shall be two hundred (200) feet.
- (2) **Setbacks.** The minimum building setbacks shall be as follows, provided no structures or truck parking and loading shall be permitted closer than seventy-five (75) feet to any lot line abutting a residential district, and further provided that no rear yard shall be required where an industrial lot abuts an existing or proposed railroad right-of-way or spur.

Yard	Minimum Setback
Front	25 feet
Side, interior	15 feet
Side, street	25 feet
Rear	50 feet

- f. **Maximum height for industrial and commercial development.** Building height shall comply with the provisions of the Airport Height Ordinance (78-2). In addition, building heights shall be limited to a maximum of thirty-five (35) feet when immediately adjacent to an existing residential use, provided that all commercial and industrial developments immediately adjacent to an existing residential use and greater than thirty-five (35) feet shall be permitted if an additional two (2) feet is added to all setbacks for each foot above thirty-five (35) feet, except where prohibited by the Airport Height Ordinance (78-2).
- g. **Access to industrial uses.** Access to industrial uses shall not be from local streets.
- h. **Off-street parking for commercial or industrial developments.** For industrial or commercial uses, no parking is permitted in front of buildings. Parking shall be permitted on the sides and rear of buildings only.

- i. **Commercial vehicle parking and loading.** No truck, or tractor-trailer parking or loading shall be permitted closer than seventy-five (75) feet to the lot lines abutting a residential district (inclusive of the buffer).
- j. **Landscaping.** In addition to the provisions of Sec. 7.3 (Landscaping and Buffering), the following provisions must be met where a use is proposed that is incompatible with an adjacent development or district.
- (1) **Minimum dimensions.**
 - (a) **Minimum width.** The minimum width of the landscape strip shall be ten (10) feet.
 - (b) **Minimum length.** The landscape strip shall extend along the length of the perimeter between the commercial or industrial lot and the abutting lot or district.
 - (2) **Mandatory landscape barrier.** A landscape barrier shall be constructed within the landscape buffer. The landscape barrier shall consist of a solid (CBS) concrete block and steel wall with a continuous footing or an alternative acceptable to the Zoning Director, having a height no less than six (6) feet measured from the highest grade on either side of the abutting lots. The exterior side of the masonry wall shall be given a finished architectural treatment that is compatible and harmonizes with existing development.
 - (3) **Planting instructions.** Trees shall be planted on alternating sides of the wall at intervals of twenty (20) feet. Trees shall have a minimum height of ten (10) feet. An eighteen (18) inch hedge shall be planted on the exterior side of the wall, between the trees and wall, and running the length of the wall.
- k. **Lighting.** In addition to the standards of Sec. 6.6 (Outdoor Lighting Standards), outdoor lighting within the PBIA-O district shall comply with the following.
- (1) There shall be no roof top lighting.
 - (2) Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and building.
 - (3) Lighting shall be scaled to pedestrians for sites and/or buildings adjacent to residential uses.

l. Noise compatibility and abatement requirements.

- (1) Commercial uses shall be consistent with uses and noise reduction construction standards recommended by EPA and FAA, and shall be consistent with the FAA land use compatibility guidelines given in Table 6.7-1.
- (2) For any commercial or industrial use, noise abatement measures incorporated into the design and construction of the structure must be used to achieve Noise Level Reduction (NLR) demonstrable to twenty-five (25) Ldn, for reception, lounge, and office areas.
- (3) No outdoor speakers shall be allowed that are audible at the property line.

m. Architectural treatment. Architectural treatment shall be incorporated into all sides of the facade, physical layout, and construction of a proposed use to provide an attractive addition to the neighborhood. It should achieve compatibility of design with adjacent uses. Architectural treatment shall, at a minimum:

- (1) Physically identify the type and character of the use.
- (2) Accommodate the surrounding natural and/or built environment with buildings, their siting, landscaping, lighting, and parking scaled for compatibility with the adjacent land use; and,
- (3) Be a visual asset to the PBIA-O district.

**TABLE 6.7-1
LAND USE COMPATIBILITY WITH YEARLY DAY-NIGHT AVERAGE SOUND LEVELS**

Land Use (SLUCM)	Yearly Day-Night Average Sound Level (Ldn) in Decibels					
	Below 65	65-70	70-75	75-80	80-85	Over 85
Residential Use						
Residential, other than mobile homes and transient lodgings	Y	N(1)	N(1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N(1)	N(1)	N	N	N
Public Use						
Schools	Y	N(1)	N(1)	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y(2)	Y(3)	Y(4)	Y(4)
Parking	Y	Y	Y(2)	Y(3)	Y(4)	N
Commercial Use						
Offices, businesses and professional	Y	Y	25	30	N	N
Wholesale and retail, bldg. materials, hardware and farm eq.	Y	Y	Y(2)	Y(3)	Y(4)	N
Retail trade, general	Y	Y	25	30	N	N
Utilities	Y	Y	Y(2)	Y(3)	Y(4)	N
Communication	Y	Y	25	30	N	N
Manufacturing and Production						
Manufacturing, general	Y	Y	Y(2)	Y(3)	Y(4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y(6)	Y(7)	Y(8)	Y(8)	Y(8)
Livestock farming and breeding	Y	Y(6)	Y(7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
Recreational Use						
Outdoor sports arenas and breeding	Y	Y(5)	Y(5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N	N	N
Golf courses, riding stables	Y	Y	25	30	N	N

Source: Federal Aviation Regulations 14 CFR Part 150, effective January 18, 1985.

Notes and Key to Table 6.7-1:

- SLUCM = Standard Land Use Coding Manual.
- Y (Yes) = Land use and related structures compatible without restrictions.
- N (No) = Land use and related structures are not compatible and should be prohibited.
- NLR = Noise level reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of structure.
- 25, 30 or 35 = Land Use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 Db must be incorporated into design and construction of structure.
- (1) Where the community determines that residential or school uses must be allowed, pressures to achieve outdoor to indoor NLR of at least 25 Db and 30 Db should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 Db, thus, the reduction requirements are often stated as 5, 10 or 15 Db over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
 - (2) Measures to achieve NLR of 25 Db must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.
 - (3) Measures to achieve NLR of 30 Db must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.
 - (4) Measures to achieve NLR of 35 Db must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.
 - (5) Land use compatible provided special sound reinforcement systems are installed.
 - (6) Residential buildings require an NLR of 25.
 - (6) Residential buildings require an NLR of 30.
 - (7) Residential buildings not permitted.

F. IOZ, Indiantown Road Overlay District.

1. **Purpose and intent.** The Indiantown Road Overlay Zoning District (IOZ) is intended to implement the site development regulations of uses within the established Indiantown Road Corridor Study Area pursuant to the interlocal agreement to be adopted between Palm Beach County and the Town of Jupiter. The Town has adopted the IOZ pursuant to the recommendation of the Indiantown Road corridor Study and Chapter 163, Part II Florida Statutes.

The purpose of the IOZ is to protect residential neighborhoods, limit uses, improve the overall aesthetics of the Indiantown Road corridor, and establish development incentives to accomplish the various objective of the corridor study.

Through the interlocal agreement the Town and County shall provide for a means of intergovernmental cooperation in implementing the IOZ standards throughout all appropriate incorporated and unincorporated portions of the Indiantown Road corridor and in accordance with Florida Statutes Chapter 163, Part IV. The Town and County agree to use a joint review process to advance the public health, safety, and general welfare and adopt procedures for the joint administration of land development regulations.

2. **Applicability.** The provisions of the IOZ district and the Indiantown Road Corridor Study, incorporated by reference, shall apply to all proposed development order applications within the boundaries of the IOZ district, except for applications for variances.
3. **Boundaries.** The IOZ generally is located along incorporated portions of Indiantown Road east of I-95 and west of the Atlantic Ocean, including certain portions of U.S. Highway One, Military Trail, Center Street, Maplewood Drive and Central Boulevard, and certain portions of the Indiantown Road corridor east of I-95 not located within the corporation limits. Unincorporated portions of the Indiantown Road corridor include portions of Section 3, Township 41, Range 42 as indicated on the Official Zoning Map.
4. **Additional regulations.** The IOZ district regulations are contained in an appendix to the ULDC.
5. **Conflict with other applicable regulations.** When the provisions of the IOZ district conflict with other regulations applicable to the site the provisions of this section shall prevail.
6. **Joint Review Process.** Development approval submitted to the Palm Beach County Planning, Zoning and Building Department located within the unincorporated IOZ shall be reviewed by the Town of Jupiter. The review process shall be provided for in the adopted interlocal agreement.

The Town and County are specifically granted authority to jointly plan for unincorporated areas adjacent to incorporated municipalities and to adopt procedures for the joint administration of land development regulations.

G. COZ, Conditional Overlay Zone District.

1. **Purpose and Intent.** The purpose and intent of the COZ district is to modify and restrict the use and site development relations otherwise authorized in the base district. All requirements of a COZ district are in addition to and supplement all other applicable requirements of this Land Development Code. Restrictions imposed by the COZ district shall mitigate potential impact and assure compatibility to surrounding land uses.
2. **Applicability.** The provisions of the COZ district shall apply to those lands in unincorporated Palm Beach County pursuant to approval by the Board of County Commissioners. In application of a COZ district, the BCC shall find that the land proposed for rezoning is appropriate for the requested property only if base district regulations are modified. The Board shall find one or more of the following reasons for the COZ district:
 - a. Potential impact to surrounding land uses requires mitigation;
 - b. Compatibility will be furthered between the requested zone district and adjacent zones if uses and property development regulations are modified; and
 - c. Intensity limits reflect available capacity of public facilities.
3. **Use regulations.** Restrictions which may be imposed in the COZ district shall be limited to the follow:
 - a. Decreasing the number or average density of dwelling units which may be constructed on the property;
 - b. increasing minimum lot size or minimum lot width requirements;
 - c. decreasing maximum floor area ratio permitted;
 - d. decreasing the maximum height permitted;
 - e. increasing the minimum yard and setback requirements;
 - f. decreasing maximum building or impervious coverage permitted;
 - g. restrictions on access to abutting and nearby roadways, including specific design features intended to ameliorate potentially adverse traffic impacts; or
 - h. any other specific site development regulations required or authorized by this Code.

4. **Procedure** The property owner or agent of the property being considered for rezoning shall either (1) apply for COZ overlay and the restriction imposed by the overlay; or (2) voluntarily agree to COZ zoning during the zoning process. Restrictions imposed by the COZ district shall be included in the resolution zoning or rezoning of the property as a COZ district. The land shall retain its base district zone and the COZ shall be an overlay. All property included in a COZ district shall be identified on the Zoning Map by adding the letter "COZ" to the base district symbol. The resolution zoning or rezoning of property as a COZ district shall specifically state the modifications imposed pursuant to this section. The restrictions shall be considered a part of the text of this Code, and a violation of the restrictions shall be a violation of this Code.

SEC. 6.8 PLANNED DEVELOPMENT DISTRICT REGULATIONS.**A. General.** The following provisions are applicable to all Planned Development Districts.

1. **Purpose and intent.** The application of flexible land use regulations to the development of land is often difficult or impossible within traditional zoning district standards. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish a Planned Development District designation in which development is in harmony with the general purpose and intent of this Code and the Comprehensive Plan. The objective of a Planned Development District is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce development that is in keeping with overall land use intensity and open space objectives of this Code and the Comprehensive Plan, while departing from the strict application of the dimensional standards of the traditional Districts. Planned Development Districts are intended to allow design flexibility and provide performance standards that:
 - a. Ensure that future growth and development occurs in accordance with the Comprehensive Plan;
 - b. Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible;
 - c. Increase and promote the use of mass transit, bicycle routes and other non-vehicular modes of transportation;
 - d. Result in a desirable environment with more amenities than would be possible through the strict application of the minimum standards of a standard zoning district;
 - e. Provide for an efficient use of land, resulting in logical networks of utilities and streets, thereby lowering development costs;
 - f. Foster the safe, efficient and economic use of land, transportation, public facilities and services;
 - g. Encourage concentrated land use patterns which decrease the length of automobile travel, allow trip consolidation and encourage pedestrian circulation between land uses;
 - h. Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;
 - i. Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;

- j. Ensure a more rational and compatible relationship between residential and commercial uses for the mutual benefit of all;
 - k. Protect existing residential and commercial neighborhoods from harmful encroachment by intrusive or disruptive development;
 - l. Provide an environment of stable character compatible with surrounding areas; and
 - m. Encourage innovations in land development, especially for affordable housing and infill development;
2. **Applicability.** The requirements of this section shall apply to all Planned Development Districts, whether new or amended within unincorporated Palm Beach County.
- a. **General.** All Planned Development Districts shall comply with the requirements of Sec. 6.8.A.2, Applicability and Sec. 1.5, Exemptions and the Effect of Code and Amendments on Previously Approved Development Orders.
 - (1) **Thresholds.** Planned Development Districts shall exceed the maximum development thresholds established in Table 6.4-3, Zoning District Maximum Intensity Thresholds, and the minimum threshold requirements of the applicable Planned Development District.
 - (2) **Conflicts.** If conflicts exist between the provisions of this section and other regulations found in the ULDC, the provisions of this section shall control to the extent of the conflict. Before any land shall be designated as a Planned Development District on the Official Zoning Map, it shall receive approval pursuant to procedures and standards of this section. No development shall occur within a Planned Development District until the approval of a Final Site Plan/Final Subdivision Plan pursuant to the procedures and standards of this section.
 - b. **Modifications to previous development approvals.** Special exceptions and rezonings shall not be considered nonconforming uses as described within the applicable Planned Development District. Modifications to these previously approved special exceptions or rezonings shall comply with Sec. 1.5, the requirements of this section and the requirements of the applicable planned development section. Modifications to planned developments or special exceptions or rezoning which are considered Planned Development Districts under this section and which do not require BCC approval shall comply with the modification regulations of Sec. 6.8-A.14, Action by DRC.

3. **Residential density and Comprehensive Plan land uses categories.** The residential densities and corresponding Comprehensive Plan land use categories for planned developments shall be determined by the following:
- a. Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories, indicates the minimum density, the standard density, and the planned development density, and the Comprehensive Plan land use categories which correspond to the various Planned Development Districts.
- (1) **Computation of density.** The residential density for planned developments shall be based on gross site acreage.
- (2) **Minimum development density.** The minimum residential density required by the Comprehensive Plan for a particular land use category.
- (3) **Standard development density.** Standard development density is defined as the maximum density allowed without a planned development for a land use category. A planned development which meets the minimum performance standards of the Comprehensive Plan, the minimum standards of Sec. 6.8.A, Planned Development District Regulations, and the minimum standards of the applicable Planned Development District, shall receive a standard density allocation as indicated on the Land Use Atlas.
- (4) **Planned development density.** A planned development may qualify for a density bonus, in addition to the standard density, by meeting and exceeding the following standards:
- (a) The performance and density standards of the Land Use Element of the Palm Beach County Comprehensive Plan shall be met for the total density to be permitted; and,
- (b) The Planned Development District shall be consistent with and exceed the requirements of Sec. 6.8., Planned Development District Regulations including but not limited to the design criteria, vegetation preservation, transportation program and recreation requirements of the applicable Planned Development District.

The density bonus shall not be considered an entitlement for the use of a Planned Development District, and shall only be granted for exemplary projects that exceed the minimum requirements of this section. The BCC has the option of granting standard density, a partial planned development density bonus, or the maximum planned development density bonus.

- (5) **Affordable housing.** In addition to the standard density and the planned development density, a Planned Development District may qualify for an affordable housing bonus pursuant to Sec. 6.10, Voluntary Density Bonus, or other Comprehensive Plan affordable housing programs.

**TABLE 6.8-1
PLANNED DEVELOPMENT DISTRICT DENSITIES AND CORRESPONDING LAND USE CATEGORIES**

PLANNED DEVELOPMENT DISTRICT	DENSITY RANGE IN "DWELLING UNITS PER ACRE (DU/AC.)" BY COMPREHENSIVE PLAN LAND USE CATEGORY								
		RR10	LR1	LR2	LR3	MR5	HR8	HR12	HR18
PUD		Min - None Std - None PDD - .1 ✓	Min - None Std - None PDD - 1 ✓	Min - 1 Std - 1.5 PDD - 2 ✓	Min - 1 Std - 2 PDD - 3 ✓	Min - 3 Std - 4 PDD - 5 ✓	Min - 5 Std - 6 PDD - 8 ✓	Min - 5 Std - 6 PDD - 12 ✓	Min - 5 Std - 6 PDD - 18 ✓
TND			Min - None Std - None PDD - 3 ✓	Min - 1 Std - 1.5 PDD - 4 ✓	Min - 1 Std - 2 PDD - 5 ✓	Min - 3 Std - 4 PDD - 7 ✓	Min - 5 Std - 6 PDD - 10 ✓	Min - 5 Std - 6 PDD - 14 ✓	Min - 5 Std - 6 PDD - 18 ✓
MXPD									
MUPD		✓							
PIPD									
MHPD		Min - None Std - None PDD - .1 ✓	Min - None Std - None PDD - 1 ✓	Min - 1 Std - 1.5 PDD - 2 ✓	Min - 1 Std - 2 PDD - 3 ✓	Min - 3 Std - 4 PDD - 5 ✓	Min - 5 Std - 6 PDD - 8 ✓	Min - 5 Std - 6 PDD - 12 ✓	Min - 5 Std - 6 PDD - 18 ✓
RVPD		✓							
SWPD		✓	✓	✓	✓	✓	✓	✓	✓

LEGEND ✓ Check (✓) indicates that the Planned Development District corresponds to the Comprehensive Plan Land Use Category.

Planned Development Zone Districts

- PUD - Planned Unit Development
- TND - Traditional Neighborhood District
- PDD - Planned Development District Bonus Density
- MXPD - Mixed Use Planned Development
- MUPD - Multiple Use Planned Development
- PIPD - Planned Industrial Park Development
- MHPD - Mobile Home Park Planned Development
- RVPD - Recreational Vehicle Park Planned Dev.
- SWPD - Solid Waste Disposal Planned Development

Comprehensive Plan Land Use Categories

- RR 10 - Rural Residential 10
- LR 2 - Low Residential 2
- LR 3 - Low Residential 3
- MR 5 - Medium Residential 5
- HR 8 - High Residential 8
- HR 12 - High Residential 12
- HR 18 - High Residential 18

Density Range

- Min - Minimum Development Density
- Std - Standard Development Density

**TABLE 6.8-1
PLANNED DEVELOPMENT DISTRICT DENSITIES AND CORRESPONDING LAND USE CATEGORIES**

PLANNED DEVELOPMENT DISTRICT	DENSITY RANGE IN "DWELLING UNITS PER ACRE (DU/AC.)" BY COMPREHENSIVE PLAN LAND USE CATEGORY						
	CLO	CL	CHO	CH	IND	AGR	CRE
PUD						Min - None Std - None PDD - 1 ✓	
TND							
MXPD	✓	✓	✓	✓			
MUPD	✓	✓	✓	✓	✓		✓
PIPD					✓		
MHPD							
RVPD							✓
SWPD	✓	✓	✓	✓	✓	✓	✓

Legend

✓ Check (✓) indicates that the Planned Development District corresponds to the Comprehensive Plan Land Use Category.

Planned Development Zone Districts

PUD - Planned Unit Development
TND - Traditional Neighborhood District
CHO - Commercial High Office
MXPD - Mixed Use Planned Development
MUPD - Multiple Use Planned Development
PIPD - Planned Industrial Park Development
MHPD - Mobile Home Park Planned Development
RVPD - Recreational Vehicle Park Planned Development
SWPD - Solid Waste Disposal Planned Development

Comprehensive Plan Land Use Categories

CLO - Commercial Low Office
CL - Commercial Low
PDD - Planned Development District Bonus Density
CH - Commercial High
IND - Industrial
AGR - Agricultural Reserve
CRE - Commercial Recreation

Density Range

Min - Minimum Development Density
Std - Standard Development Density

TABLE 6.8-1, NOTES:

- This chart indicates the Comprehensive Plan land use categories which correspond to Planned Development Districts. A complete listing of land use categories available in unincorporated Palm Beach County is located within the Comprehensive Plan.
- Actual maximum density granted to a Planned Development is based upon meeting performance goals and Comprehensive Plan objectives. Actual density granted by the BCC to a Planned Development District may be less than the maximum density indicated.
- Gross densities above eight (8) dwelling units per acre (based on entire area of a Planned Development District) shall be limited to affordable housing programs included in the Palm Beach County Comprehensive Plan and may apply for property development regulations for density bonus programs.
- Densities indicated in Table 6.8-1 shall be calculated based upon the gross area of a Planned Development.
- Maximum density for a Traditional Neighborhood District (TND) is calculated by adding the maximum underlying density of a residential land use category to the maximum density bonus available, up to two (2) dwelling units per acre, granted through the rezoning process.
- Residential density for a MXPDP or a PIPD shall be determined by the underlying residential land use category of the commercial or industrial land use category indicated on the Comprehensive Plan Land Use Atlas. Land with a commercial or industrial land use designation without an underlying residential land use category shall be assigned a residential density by PZB based on the residential density of land surrounding the proposed district.

4. **Initiation of application.** An application for a development order for a Planned Development District classification may only be submitted by the owner, or any person having a contractual interest and unified control of the land, or their authorized agent.
5. **Preapplication Conference.** A preapplication conference is mandatory pursuant to Sec. 5.1.C, prior to the submission of the initial application for development permit for the land, except for special uses and building permits. A potential applicant for an application for development permit for a Preliminary Development Plan that has already completed a mandatory preapplication conference may request in writing an optional preapplication conference with the Zoning Director. Prior to the optional preapplication conference, the applicant shall provide to the Zoning Director a description of the character, location and magnitude of the proposed development, the information required in Sec. 5.1.C.3.a. through k., and any other information the potential applicant deems relevant. The purpose of the preapplication conference is to acquaint the potential applicant with the requirements for a Preliminary Development Plan for Planned Development District classification. The substance of the optional preapplication conference shall be recorded in a summary prepared by the Zoning Director. The letter shall be made available to the applicant by the Zoning Director within seven (7) working days after the optional preapplication conference. The summary shall set forth the subjects discussed at the preapplication conference and the County's position in regard to the subject matters discussed.
6. **Threshold review.** Prior to, simultaneous with, or subsequent to submission of an application for a Planned Development District and the completion of the mandatory preapplication conference, but prior to submission of the initial application for a development permit, a Threshold Review shall be completed pursuant to the procedures and standards of Sec. 5.1-D, Threshold Review.
7. **Submission of application.** An application for a development order for a Planned Development District classification shall be submitted to the Zoning Director, along with a non-refundable application fee set in the adopted fee schedule, as may be amended from time to time by the BCC to defray the actual cost of processing the application.
8. **Contents of application.** The application shall be submitted in a form established by the Zoning Director and made available to the public. The application shall include, but not be limited to, the following:
 - a. The General Application submission;
 - b. Evidence that the applicant has unified control of the land proposed for Planned Development District classification; and,

- c. **Preliminary Development Plan.** A Preliminary Development Plan, at a scale of one (1) inch equals one hundred (100) feet or larger (unless approved by the Zoning Director), that contains, but is not limited to, the following:
- (1) The proposed name or title of the development, and the name of the engineer, architect, landscape architect or developer;
 - (2) A north arrow;
 - (3) The date and legal description of the proposed Planned Development District classification area;
 - (4) Identification of the boundaries of the land shown with bearings, distances, closures and bulkhead lines on the land, and all existing easements, section lines, streets and physical features;
 - (5) The zoning district, land use designation, existing land use and names and location of adjoining developments and subdivisions within three hundred (300) feet;
 - (6) The proposed location and acreage of public and private civic sites;
 - (7) The general location, minimum acreage and proposed site improvements for recreation areas;
 - (8) The vehicular circulation systems, including roads and access points;
 - (9) The site data, including tabulation of the total number of gross acres in the development, the acreage to be devoted to each land use type, the total number of dwelling units, the gross floor area of residential uses (MXPDP only) and non-residential building area, and where applicable, public beach access. The applicant shall also indicate on the Preliminary Development Plan within each land use zone a gross acreage (of the land use zone), a proposed density, proposed total number of dwelling units, proposed total gross floor area of non-residential building area;
 - (10) A delineation of specific areas that constitute a land use zone and a proposed development phase;
 - (11) A general statement indicating the proposed means of drainage for the site to ensure conformity with natural drainage within the area or with the drainage plan established within the vicinity;

- (12) The boundaries of platting sub-phases and chronological order of their platting sequence;
 - (13) The location and type of perimeter landscape areas; and,
 - (14) Other information as deemed appropriate by the Zoning Director as set forth in the Planned Development District rezoning application.
- d. **Adequate facilities.** A description of how there will be assurance that adequate public facilities will be available pursuant to the requirements of Article 10, Adequate Public Facility Standards.
- e. **Regulating Plan.** All Planned Developments shall submit a regulating plan consisting of a comprehensive graphic and written description of the function and development of the Planned Development District. The regulating plan shall include the requirements listed below and the requirements of the individual District:
- (1) **Flexible regulations.** Certain Planned Development District's allow the applicant to request to deviate from property development regulations specifically indicated as flexible regulations within each District's property development regulation table. The applicant may submit an application to the DRC to modify these regulations by a maximum of twenty (20%) percent of the stated regulation following BCC approval of a Planned Development District or zoning amendment process subject to the following requirements:
 - (a) **Justification report.** A proposed modification of property development regulations shall be justified by the applicant in a written report submitted with the development application which shall include, but not be limited to:
 - (i) The regulations which are proposed to be modified;
 - (ii) The amount of the requested modification;
 - (iii) The areas within the Planned Development District in which these modifications shall occur; and,
 - (iv) Graphic representations (site plans, sections, elevations, perspectives, etc.) showing how the modifications will meet the intent of the applicable Planned Development District in respect to open space, privacy, maintenance, and public health, safety and welfare.

- (b) **Review.** Flexible regulations shall be reviewed and approved by the DRC. The DRC may vote to approve the application, approve the application with certain site design amendments, deny the application, or postpone the application up to a maximum of sixty (60) days.
 - (c) **Limits of approval.** Flexible property development regulations are not intended to take the place of a variance. The DRC shall only grant flexible regulations for an entire land use zone which has not received building permits for more than twenty five (25%) of its approved dwelling units. Flexible property development regulations shall not be granted on a lot by lot basis or for undeveloped lots located between existing housing.
- (2) **Transportation program.** The applicant shall provide a transportation program which provides the following:
- (a) **Alternative transportation.** Methods and standards for accommodating alternative modes of transportation to the automobile (especially bicycles and mass transit) including:
 - (i) **Mass transit.** A description of site improvements proposed for mass transit, such as but not limited to, bus passenger shelters, road turn-outs for bus stops, or a road system designed to accommodate bus routes; and,
 - (ii) **Bicycle.** A description of the site improvements proposed for bicycle circulation and storage to encourage the use of bicycles.
 - (b) **Path cross-sections.** Detailed cross-sections showing typical design standards for pedestrian and bicycle paths for the following areas:
 - (i) Walking paths (other than sidewalks);
 - (ii) Lighting; and,
 - (iii) Pathways within perimeter landscape areas.
 - (c) **Streetscape cross-sections.** Detailed cross-sections showing typical street designs (TND only) and pathways proposed for the perimeter landscape areas. These cross-sections shall indicate design standards for the following areas:

- (i) Streets, including travel lane dimensions and road right-of-way widths;
- (ii) Bicycle lanes (for through streets);
- (iii) Sidewalks; and,
- (iv) Parallel parking.

(If the site features listed below are required by a development order condition, typical cross-section drawings shall be provided for review at DRC)

- (i) Street lights;
- (ii) Street trees; and,
- (iii) Median landscape plantings (within road right-of-way).

- f. **Land use justification report.** Certain Planned Development Districts require the submittal of a land use justification report as part of the application requirements. This report shall justify and explain the amount of land uses based on population, such as but not limited to, commercial, recreational and residential. The land use justification report shall also document the methods and analysis used to calculate the proposed land use percentages and the assumptions made to calculate the projected population count.
- g. **Survey.** A certificate of survey completed by a professional land surveyor registered in the State of Florida certifying the location, site configuration, and area of the Preliminary Development Plan.
- h. **Conceptual site development plan.** A TND, MXPDP, MUPDP, or SWPDP shall provide a conceptual site development plan which indicates the general location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, residential areas and structures, non-residential areas and structures, recreational areas and structures and common open space.
- i. **Water site features.** Location and width of canals, waterways and flood prone areas.
- j. **Development phasing plan.** A development schedule that includes the following information.
 - (1) The delineation of the areas to be platted and developed according to their order of construction.
 - (2) A proposed schedule for the construction and improvement of common open space, streets, utilities, and any other necessary improvements for each development phase.

- k. Other requirements. Other information as may be deemed appropriate by the Zoning Director.
9. Determination of sufficiency. Within ten (10) working days of receipt of the application, the Zoning Director shall determine whether the application is sufficient.
- a. If the Zoning Director determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the deficiencies. No action shall be taken on the application until the deficiencies are remedied.
 - b. When the application is determined sufficient, the Zoning Director shall notify the applicant in writing of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this section.
10. Review and certification by DRC.
- a. Within seven (7) working days after the application is determined sufficient, the Development Review Committee shall provide the applicant with a draft list of issues, if any, and then shall convene within three (3) working days of notification of issues to review the application and determine whether it should be certified. An application shall not be certified unless it meets the minimum standards for that use pursuant to Article 6 and Sec. 5.4.E.9. The decision by the Planning Director on whether to issue an Adequate Public Facilities Determination, a Certificate of Concurrency Reservation, a Certificate of Concurrency Reservation with conditions, or a Conditional Certificate of Concurrency Reservation, whichever is appropriate, pursuant to Art. 11, Adequate Public Facility Standards, shall be made prior to the Development Review Committee's decision on whether to certify an application. If a decision on adequate public facilities shall be delayed pursuant to the procedures and standards of Art. 11, Adequate Public Facilities Standards, the time for completion of the Development Review Committee decision shall be delayed so that the Planning Director's decision pursuant to Art. 11, Adequate Public Facilities Standards, is made prior to the Development Review Committee's decision on whether to certify the application. An application shall not be forwarded to the Zoning Commission for review until it has been certified by the Development Review Committee.
 - b. The Zoning Director shall make available a copy of the Development Review Committee's decision to the applicant within three (3) working days of the date that the Development Review Committee renders a decision.
 - c. If the application is certified, the public hearing on the application shall then be scheduled for the first available regularly scheduled Zoning Commission meeting by the time the public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and the Zoning Director in accordance with the Zoning Director's calendar.

- d. An appeal of a decision not to certify an application for a Planned Development District may be made to the BCC using the forum and procedures established by the Zoning Director.
11. **Public hearings.** The Zoning Commission and the Board of County Commissioners each shall hold at least one (1) public hearing on a proposed Development Plan for a Planned Development District classification when that amendment would affect less than five (5) percent of the land in the County. The public hearings shall be held before 5:00 PM on a weekday.
12. **Notice.** A courtesy notice shall be provided to land owners adjacent to proposed planned developments, pursuant to the following standards:
- a. No publication of notice is required for a proposed Preliminary Development Plan that affects less than five (5) percent of the land area in the unincorporated County.
- (1) **Mailing.** A courtesy notice of a Preliminary Development Plan for a Planned Development affecting less than five (5) percent of the total land area of the unincorporated County shall be mailed to all owners of real property located within three hundred (300) feet of the periphery of the land to be affected by the requested change, whose names and addresses are known by reference to the latest published ad valorem tax records of the County property appraiser. The Zoning Division shall write and send the notices by certified mail in envelopes with return receipt requested, properly addressed and postage prepaid, to each owner as the ownership appears on the last approved tax roll as supplied by the applicant. The notices shall state the substance of the proposal and shall set a date, time and place for the public hearing. Such notice shall be mailed not less than fifteen (15) calendar days before the date set for the first public hearing. A copy of such notice shall be kept available for public inspection during regular business hours at the Zoning Division .
- (2) **Posting.** The land subject to the application shall be posted with a notice (a sign) of the public hearing at least fifteen (15) calendar days in advance of any public hearing. All signs shall be erected in full view of the public on each street along the perimeter of the project. The signs shall be removed after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.

- (3) **Other notice.** Notice of all public hearings shall be mailed to all organizations, associations and other interested persons or groups that have registered with the Executive Director of PZB and paid an annual fee to defray the cost of mailing.
 - b. **Five (5) percent or more of land in unincorporated County.** A hearing for a rezoning to a Planned Development District comprising five (5) percent or more of the land in the unincorporated County shall follow the publication, mailing, posting, and other notice requirements of Sec. 5.3-D.7.b.
13. **Action by Zoning Commission.** The Zoning Commission shall conduct a public hearing on the application pursuant to the procedures in Sec. 5.1. At the public hearing, the Zoning Commission shall consider the application, the staff report, public testimony and supporting materials. After the close of the public comment portion of the hearing for the application the Zoning Commission may recommend:
- a. A postponement of thirty (30) or sixty (60) days; or,
 - b. To forward the application to the Board of County Commissioners with a recommendation of: approval; approval with conditions; or, denial of the application for a Planned Development District classification.

The decisions of the Zoning Commission shall be based on consistency with the Comprehensive Plan and compliance with the intent and standards of this section and this Land Development Code.

14. **Action by BCC.**
- a. **Scheduling of public hearing.** After the review and recommendation of the Zoning Commission, the application shall be scheduled for consideration by the Board of County Commissioners. The public hearing shall be scheduled at the first regularly scheduled hearing of the Board of County Commissioners by which time the public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and Zoning Director.
 - b. **Decision.** At the public hearing the Board of County Commissioners shall consider the application, the relevant support materials, the staff report, the recommendation of the Zoning Commission, and public testimony. After the close of the public comment portion of the hearing for the application, the Board of County Commissioners may:
 - (1) Postpone the application for thirty (30) or sixty (60) days; or,
 - (2) Approve, approve with conditions, or deny the application for a Planned Development District.

The decisions of the Board of County Commissioners shall be based on consistency with the Comprehensive Plan and compliance with the intent and standards of this section and this Land Development Code.

- c. **Conditions.** The Development Review Committee and Zoning Commission may recommend, and the Board of County Commissioners may impose, such conditions in a development order that are necessary to accomplish the purposes of the Comprehensive Plan and this Code to prevent or minimize adverse effects upon the public and neighborhoods, and to ensure compatibility, including but not limited to, limitations on size, bulk, and location, standards for landscaping, buffering, lighting, adequate ingress and egress, and other on-site or off-site improvements, duration of the permit, and hours of operation. Conditions are not intended to repeat Code provisions, but may be included if conventional standards are inadequate to protect surrounding land uses, or if additional improvements are needed to facilitate a more compatible transition between different uses.
- d. **Time limitations.** Time limitations for a Preliminary Development Plan shall be established in the Planned Development District development order unless otherwise established in this section.

15. **Action by Development Review Committee (DRC).**

- a. **Effect of certification.**
 - (1) **Limit on development.** Development shall not be allowed, nor any permit issued, prior to the certification of a Preliminary Development Plan and a Final Site Plan/Final Subdivision Plan for an approved Planned Development District.
 - (2) **Change in density or intensity.** Upon the certification of a Final Site Plan/Final Subdivision Plan, the density and intensity depicted on the certified plan shall control development for the area indicated on the certified plan.
 - (a) **Density.** If a residential land use zone on a Final Site Plan/Final Subdivision Plan is determined by the applicant to contain surplus dwelling units from the density indicated on the Preliminary Development Plan approved by the BCC and certified by the DRC, the Preliminary Development Plan shall be amended prior to the certification of the Final Site Plan/Final Subdivision Plan to decrease density or transfer density in accordance with the following requirements:

- (i) The surplus units may be transferred to another land use zone which is permitted to develop residential units and which does not exceed the maximum density allowed for the designated land use zone after receiving the density transfer; or,
 - (ii) The surplus units may be deleted from the Preliminary Development Plan and Final Site Plan/Final Subdivision Plan. The density resulting from Final Site Plan/Final Subdivision plan certifications which reduce the total density indicated on the Preliminary Development Plan shall supersede the total density approved for a Planned Development by the BCC.
 - (b) **Intensity.** Final Site Plan/Final Subdivision plan certifications which result in a deletion of intensity (gross floor area) shall become the controlling plan at time of DRC certification and shall supersede the maximum intensity previously approved by the BCC.
- b. **Modifications to a Preliminary Development Plan.** The DRC shall approve modifications to a Preliminary Development Plan if the changes are consistent with the following limitations. Modifications which do not comply with these limitations shall require approval by the BCC.
- (1) **Traffic.** There shall be no substantial increase in traffic impact above that established in the Preliminary Development Plan as approved by the Board of County Commissioners, as determined by the Palm Beach County Department of Engineering and Public Works;
 - (2) **Consistency.** The modification shall be consistent with the purpose and intent of the original approval, this section, the regulating plan and the development order. Changes proposed to a Preliminary Development Plan which result in changing the original goals or intent of the project, such as but not limited to: reducing internal trip capture; substantially diminishing non-vehicular circulation opportunities; or, substantially reducing or increasing the amount of affordable housing shall require approval by the Board of County Commissioners.
 - (3) **Recreation character.** The overall character of recreation areas shall not be substantially reduced or altered. These areas shall be developed or managed as indicated on the Preliminary Development Plans approved as part of the latest BCC approved development order.

- (4) **Vehicular access points.** No vehicular ingress or egress points onto roads external to a Planned Development or roads indicated on the County Thoroughfare Plan shall be permitted in addition to those established on the Preliminary Development Plan as approved by the Board of County Commissioners;

- (5) **Non-vehicular circulation.** Pedestrian paths (other than sidewalks which may only be amended according to Art. 8, Subdivision), bike lanes and other modes of non-motorized circulation may be amended or relocated within a Planned Development District. However, the resulting design shall maintain a continuous non-vehicular circulation system meeting the circulation requirements of the applicable Planned Development District;

- (6) **Density increase transfer.** The DRC may certify an increase in residential density within a land use zone which results from a transfer of units from another land use zone within the same planned development, provided that:
 - (a) The increase shall not exceed the maximum density allowed within the approved designated land use zone or result in the redesignation of a less intense residential land use zone to a more intense residential land use zone (low density designation changed to medium density designation, low density designation changed to high density designation, or medium density designation changed to high density designation); and,

 - (b) There shall be an equal and corresponding reduction in residential density within another residential land use zone or zones. The minimum residential density of a land use zone shall be maintained at all times.

- (7) **Density decrease.** The DRC may certify a decrease in residential density within a land use zone and may redesignate residential land use zones from more intensive to less intensive land use zones (high density changed to medium density, high density changed to low density, and medium density to low density) provided that the resulting gross density of the planned development meets or exceeds the minimum density required by the Comprehensive Plan and the requirements of the Traffic section listed above. (Planned Developments which were approved by the Board of County Commissioners with a gross density less than the minimum required by the Comprehensive Plan shall be exempt from this requirement).
- (8) **Redesignation of land use zones.**
- (a) **Residential land use zone.** A residential land use zone shall not be redesignated to a residential land use zone of higher intensity without Board of County Commission approval.
- (b) **Non-residential land use zone.** The redesignation of a residential land use zone to a non-residential land use zone or the redesignation of a non-residential land use zone to another non-residential land use zone shall require approval by the BCC.
- c. **Modifications to a regulating plan and limited deviations from property development regulations.** Modifications to the regulating plan for items other than for property development regulations as described above, shall require BCC review and approval. The DRC shall have the authority to permit limited administrative deviations, not exceeding ten percent (10%) of the stated standard, from property development regulations which are not designated as flexible regulations in the applicable planned development district regulations. Prior to granting this deviation, the DRC shall establish compliance with the following criteria and requirements:
- (1) **Consistency and intent.** The requested deviation shall not be in conflict with and shall further the purpose and intent of this section, the Preliminary Development Plan and the regulating plan;
- (2) **Concurrency.** A revised Concurrency Reservation certificate shall be required if the deviation increases or decreases the overall demand for a service above the levels approved in the development's Certificate of Concurrency Reservation;
- (3) **Graphics.** Include a detailed Final Site Plan\Final Subdivision Plan and other applicable graphics to identify the specific change or changes requested from the existing standards; and,

- (4) **Justification.** Provide a written justification report explaining:
- (a) The reasons for the deviations;
 - (b) Why the amount of change requested is the minimum amount necessary to achieve the stated purpose; and,
 - (c) How the requested deviations comply with the intent of the regulation.
16. **Effect of Preliminary Development Plan DRC Certification .** The Preliminary Development Plan shall be binding upon the land owners subject to the development order, their successors and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, configuration, and all other elements and conditions set forth in the Preliminary Development Plan and development order.
17. **Classification of Official Zoning Map.** Within ninety (90) working days of receipt of proof that the Preliminary Development Plan and development order has been recorded, the Zoning Director shall amend the Official Zoning Map to show the Planned Development District classification for the lands for which the Preliminary Development Plan has been approved pursuant to the procedures and standards of this section.
18. **Effect of development order for Preliminary Development Plan.** Issuance of a development order for a Preliminary Development Plan shall be deemed to authorize amendment to the Official Zoning Map consistent with the terms and conditions of the development order. If an application for development permit for a Final Site Plan/Final Subdivision Plan is not submitted within the time limits established in the development order, the amendment to the Official Zoning Map shall become null and void. The Zoning Director shall remove the amendment within twenty (20) working days after the amendment becomes null and void.
19. **Amendment to Preliminary Development Plan.** A Preliminary Development Plan for a Planned Development District may be amended only pursuant to the procedures established for its original approval as otherwise set forth in this section as applicable.
20. **Phasing controls and platting.**
- a. **Time certain development.** Each Planned Development shall be subject to the time limitations and review requirements of Sec. 5.8, Compliance with Time Limitations, and shall commence construction and proceed in a reasonably continuous and timely manner according to the phasing and platting schedule listed below, the phasing controls and platting requirements of each planned development and the requirements identified on a planned development's approved development order.

- (1) **Single phase development.** If the Planned Development is to be constructed in a single phase, a development order for a Final Site Plan/Final Subdivision Plan shall be filed in the office of the Clerk within two (2) years of the latest Planned Development District development order. Approval of a minor deviation shall not change the original effective date of the development order for the purpose of these controls.
 - (2) **Multiple phase development.** If the Planned Development is constructed in multiple phases with successive development orders for Final Site Plan/Final Subdivision Plan, the following requirements shall be met:
 - (a) The first Final Site Plan/Final Subdivision Plan shall be subject to the above requirements for single phase development;
 - (b) The second Final Site Plan/Final Subdivision Plan shall be approved by the County and filed with the Clerk within two (2) years of the first Final Site Plan/Final Subdivision Plan. Successive Final Site Plan/Final Subdivision Plans shall continue to be approved by the Development Review Committee and recorded with the Clerk of the Circuit Court at a minimum rate of one (1) recorded plat every two (2) years until the Planned Development District is completely platted.
 - (3) **Time extensions.** Time extensions from the phasing schedule for a development order for a Final Site Plan/Final Subdivision Plan shall comply with Sec. 5.6.D.10.
 - (4) **Failure to comply.** Planned Developments that fail to comply with phasing controls as outlined in this section and Sec. 5.6.E.10 shall be subject to Table 5.8-1, First Development Permit - Time Limitations.
- b. **Platting sub-phase.** Planned developments shall indicate platting sub-phases identifying the phasing schedule in chronological order of development. Planned Development Districts with sector planning areas shall give preference to land uses shown in the Land Use Justification Report as having the greatest land use imbalance in determining the chronological order of development.
21. **Unified control.** All land included within a Planned Development shall be owned or under the control of the applicant for such District designation. Prior to DRC Certification the applicant shall present evidence, as required by the County Attorney, of the unified control of the entire area covered by the Planned Development and shall agree that once the Planned Development is approved, the following conditions shall be met:

- a. **BCC conditions.** Unified control shall be established in accord with the Preliminary Development Plan and such other conditions or modifications as may be attached to the final approval of the development order;
- b. **County Attorney approval.** Agreements, covenants, contracts, deed restrictions, or sureties shall be provided that are acceptable to the County Attorney for completion of the undertaking in accordance with the adopted Planned Development District development order as well as for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at general public expense;
- c. **Successive owners.** Successive owners shall be bound in title to any commitments made under the two (2) previous conditions and written consents and agreements shall be secured from all property owners of record within the Planned Development who had not joined in the original development order. These consents shall state that there are no objections to including their land within the Planned Development.

22. **Use regulations.** Planned Development District land uses shall be as provided in Table 6.8-2, (Use Regulations Schedule), unless otherwise restricted by the conditions included in the final development order and subject to the provisions below:

- a. **Administrative categories.** All land uses shall be classified into one of the following administrative categories established by this section and Table 6.8-2, Planned Development District Use Regulations Schedule: general land uses; special land uses; or requested land uses. These land uses are regulated according to land use zone or land use category as indicated on the Comprehensive Plan Land Use Atlas.
 - (1) **General land uses.** These uses are allowed in conjunction with an approved Preliminary Development Plan and do not require further Zoning Commission or BCC approval prior to approval of a Final Site Plan/Final Subdivision Plan for a building permit;
 - (2) **Special land uses.** These uses require an administrative approval and issuance of a special permit. Special land uses may also require approval by the Development Review Committee; and,
 - (3) **Requested land uses.** These uses are required to be indicated on a Preliminary Development Plan within the proposed land use zone as part of the rezoning or rezoning amendment process and shall receive BCC approval.

- b. **Supplementary use standards.** A number in the "Note" column of Table 6.8-2, (Planned Development Use Regulation Schedule) refers to supplementary land use standards applicable to a particular land use in one (1) or more of the land use zones or Comprehensive Plan land use categories in which such use is allowed. These standards are located in Sec. 6.4.D, (Supplementary use standards).
- c. **Additional requested uses.** Additional uses may be designated as requested land uses by complying with the following:
- (1) These uses shall be listed and justified in the land use justification report for the Planned Development District; and,
 - (2) These uses shall be located in land use zones of Planned Development Districts which are similar and comparable to a standard zoning district in which these uses are allowed.
- d. **Accessory uses.** Principal uses listed in the Use Regulations Schedule (Table 6.8-2) are deemed to include accessory uses identified by this Code and such other accessory uses that are necessarily and customarily associated with and are incidental and subordinate to such principal uses. An accessory use shall be subject to the same regulations that apply to the principal use in each district, except as otherwise provided.
- (1) **Location.** All accessory uses, buildings and structures, except for approved off-site parking, shall be located on the same lot as the principal use in each district, except as otherwise provided.
 - (2) **Floor area.** The permitted accessory use shall not exceed thirty (30) percent of the gross floor area or business receipts of the principal use, or uses.

**TABLE 6.8-2
PLANNED DEVELOPMENT DISTRICT
USE REGULATIONS SCHEDULE**

Use Type	Planned Development Zoning District																NOTE									
	PUD				TND				MXPDP				MUPD					PIPD								
	Use Zone				Use Zone				Land Use Category				Land Use Category					Use Zone								
	R E C	R E S	C I V / P	C O M	R E S	C I V / P	S H O P	W O R K	S E C T	C L O	C L H O	C C H	C C H	R L O	C L O	C H O		C R I N D	I N D / L	C O M / **	I N D / G	M H P D	R V P D	S W P D		
Residential uses																										
Single-family	G				G																				88	
Zero Lot Line	G				G																				103	
Multi-family	G				G		G	G	G																	95
Mobile home dwelling																						G			65	
Townhouse					G																				62	
Accessory apartment	S				G																				1	
Congregate living facility, Type 1	G				G																				24	
Congregate living facility, Type 2	R	S			S				S	S									S						24	
Congregate living facility, Type 3		R	R		R				R	R	R	R	R	R	R	R									24	
Farm residence																									36	
Farm tenant quarters																									37	
Garage sale	G				G				G	G	G	G										G			44	
Home occupation	G				G				G	G	G	G										G			50	
Migrant farm labor quarters																									61	
Nursing or convalescent facility			R		R			G	R	R			R	R											67	

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- | | | | |
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Use Type	Planned Development Zoning District														NOTE								
	PUD		TND			MXP		MUPD				PIPD				MHPD	RVPD	SWPD					
	Use Zone		Use Zone			Land Use Category		Land Use Category				Use Zone											
	REC	REI	REI	SHO	WORK	SECT	CLLO	CHHO	RELO	RELO	RELO	RELO	RELO	RELO					IND	IND	IND		
Security or caretaker quarters			S	S	S	S	S	S	S	S	S	S	S	S	S				S	S	S	S	S
Agricultural uses																							
Agricultural research/development															G	G	G				3		
Agricultural sales and service						G	G								G		G				4		
Agricultural transshipment							G								G	G	G				5		
Equestrian arena			R			R									G						34		
Kennel, commercial				R			G				R				R		G				53		
Kennel, private																					54		
Stable, commercial												G			G						90		
Stable, private			G			G															91		
Stand for sale of agricultural products				G		G	G		G	G	G			G	G	G	G			G	92		
Sugar mill or refinery																	G				93		
Public and civic uses																							
Airplane landing strip, accessory			R			R									R	R	R	R	R			9	
Airport															R	R	R	R				9	
Assembly, nonprofit			R	G		R		G	R	R	G	G		R	G	G	G		G	G			12
Cemetery or mausoleum			R																				19
Church or place of worship			R			R				R	R				R	R			R	R			21
College or university			R					R	R	R					R	R			R				
Day care center, general			R	R		R	G		R	R	R	R		R	R	R	R		R	R	R	R	28
Day care center, limited			G	G		G	G	G	G	G	G	G	G		R	G	G	G	G	G	G	G	28

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	PUD				TND				MXPD				MUPD				PIPD		MHPD	RVPD	SWPD				
	Use Zone				Use Zone				Land Use Category				Land Use Category				Use Zone								
	R	R	C	C	R	C	S	W	S	C	C	C	C	R	C	C	C					C	I	I	C
E	E	I	O	E	I	H	O	R	L	L	H	O	R	L	L	H	H	R	N	D	M	D			
C	S	V	P	S	V	O	P	K	O	O	O	O	O	O	O	O	O	D	L	**	G				
Government services			R	G	R	G	G		G	G	G	G	R	G	G	G	G	G	G	G	G	G	G		46
Helipad or heliport			R		R			R					R			R	R	R	R	G	G	G		9	
Hospital or medical center			R					R	R	R	R				R	R	R			R				52	
School, elementary or secondary									R	R	R		R	R	R	R				R				85	
Transportation facility			R					R				R				R	R	G	G	G					
Utilities																									
Air curtain incinerator, permanent																		R	R	R			R	7	
Air curtain incinerator, temporary			S					S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	8	
Chipping and mulching																		G	G	G			G	20	
Communication tower, commercial					R			R				R	R			R	R	G	G	G			22		
Composting facility																		G	G	G			G	23	
Electrical power facility			R					R					R		R	R	R	R	G	R	G		31		
Incinerator																							R	84	
Recycling center								G							G	G	G	G	G	G					
Recycling station		S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			G	74	
Recycling bin	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		G	75	
Recycling plant								R										G	G	G	G		G	76	
Sanitary landfill																							R	84	
Solid waste transfer station													R		R	R	R	R	G	R	G		R	89	
Utility, minor	G	G	G		G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	96	

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Use Type	Planned Development Zoning District																NOTE										
	PUD				TND				MXPD				MUPD					PIPD									
	Use Zone				Use Zone				Land Use Category				Land Use Category					Use Zone									
	R	R	C	C	R	C	S	W	S	C	C	C	C	R	C	C		C	C	I	I	C	I	M	R	S	
E	E	I	O	E	I	H	O	R	L	L	H	H	R	L	L	H	H	N	N	O	N	H	V	W			
C	S	V	M	S	V	P	K	T	O	O	O	O	O	O	O	O	O	D	D	M	D	P	P	P			
		/		/	/														/	/	/						
		P		P	P														L	**	G						
Water or wastewater plant			R					R			R	R	R			R	R	R	R	G	G	R	R	G	101		
Recreational uses																											
Amusements, temporary			S			S	S	S		S	S	S	S	S	S	S	S	S	S	S	S					10	
Arena, auditorium or stadium			R					R					R			R	R			R						11	
Campground																G										17	
Entertainment, indoor			R			R		R		R	R			R	R	G				G						32	
Entertainment, outdoor			R					R		R	R			R	R	G				G						33	
Fitness center			R			R		G		R	G	G			R	G	G	G		G						39	
Golf course	R								R	R	R	R		R	R	R	R	R	R	G	G					45	
Gun club, enclosed								R								R	R	R		G	R	G				48	
Gun club, open																R										49	
Marine facility	R		R					G			R	R			R	R	R			G						59	
Park, passive	G	G	G	G	G	G	G	G	G	G	G	G		G	G	G	G	G		G	G	G	G	G		69	
Park, public	G								R	R	G	G			R	G	G	G		G		R	R			70	
Zoo																R	R									104	
Commercial uses																											
Adult entertainment												R				R				R						2	
Auction, enclosed			R			G	G	G								G	G			G						13	
Auction, outdoor								R							R	R	R	G	G	G						13	
Automotive paint or body shop			R					R							R		R	G	G	G						14	
Automotive service station			R					R	R	R				R	R	R	G	G	G							15	
Bed and Breakfast		S	S	S	S	S	S	S	S	S	S	S	S					S									16

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Use Type	Planned Development Zoning District															NOTE												
	PUD				TND				MXP				MUP				PIP		MHP	RVP	SWP							
	Use Zone				Use Zone				Land Use Category				Land Use Category				Use Zone											
	REC	RES	CIV/P	COM	RES	CIV/P	SHOP	WORK	SECT	CLO	CLL	CHO	CHR	CLL	CHO		CHR	IND				IND/L	COM/D	IND/G				
Broadcasting studio				R			R		G	R	R	R	R		R	R	G	G				G	G	G	G			
Building supplies, retail				R			G		G				R					R				G	G					
Building supplies, wholesale								G	G									G	G	G								
Car wash and auto detailing				R					G				R				R	G	G	G	G						18	
Contractor's storage yard																		G	G	G							25	
Convenience store				G			G		G	G	G	G	G		G		G					G	G		G	G	26	
Convenience store with gas sales				R					R	R	R						R					G					27	
Day labor employment service																	R	R				G					29	
Dispatching office							G	G				R				R		G	G	G							30	
Financial institution							G		G	R	R	G	G		R	R	G	G				G					38	
Flea market, enclosed									G				R				R					G					40	
Flea market, open																	R					R					41	
Fruit and vegetable market				G			G		G	G	G				G		G					G					42	
Funeral home or crematory									R				R		R		R					G					43	
Gas and fuel, wholesale									R									R					G					
Greenhouse or nursery, retail				G			G		G				G				G					G						
Greenhouse or nursery, wholesale									G				G						G	G							47	
Hotel or motel				R			R		G				R	R			R	R	R				G					51
Landscape maintenance service				R				G	G				R	R			R	G	G	G							55	
Laundry services				G			G		G	G	G	G	G		G	G	G	G				G	G		G	G	56	
Lounge, cocktail				R			R		G				R	R	G		G	G				G					57	

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	PUD				TND				MXPD				MUPD				PIPD			MHPD	RVPD	SWPD			
	Use Zone				Use Zone				Land Use Category				Land Use Category				Use Zone								
	R	R	C	C	R	C	S	W	S	C	C	C	C	R	C	C	C	C					I	I	C
E	E	I	O	E	I	H	O	R	L	L	H	H	R	L	L	H	H	R	N	D	M	D			
Medical or dental clinic				G			G	G	G	G	G	G		G	R	G	G			G					60
Medical or dental laboratory								G						G	G	R	G			G					
Mobile or temporary retail sales				S			S	S		S	S			S	S	S	S			S					
Monument sales, retail				G			G	G		G	G				G	G				G					
Newsstand or gift shop				G			G	G	G	G	G	G		G	G	G	G			G	G				66
Office, business or professional				G			G	G	G	G	R	G	G		G	R	G	G			G				68
Parking garage, commercial				R				G								R	R	R			G				71
Parking lot, commercial				R				G								R	R	G							71
Personal services				G			G	G	G	G	G	G		G	G	G	G			G	G				72
Printing and copying services				G			G	G	G	G	G	G		G	G	G	G			G					
Repair and maintenance, general				R				G								R		G	G	G	G				77
Repair services, limited				G				G	G	G	G	G		G	G	G	G			G					78
Restaurant, fast food				R							R	R				R	R			G					79
Restaurant, general				G			G	G	R	G	G	G		R	G	G	G			G					80
Restaurant, specialty				G			G	G	G	G	G	G		G	G	G	G			G					81
Retail sales, general				G			G	G	G	G	G	G			G	G				G					82
Self-service storage								G							R	R	G	G	R	G					83
Theater, drive-in								R								R	R			R					87
Theater, indoor				R				R				R				R	G								
Towing service and storage								R										G	G						
Upholstery shop				G	G		G	G	G		G				G	G	G	G	G						

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Use Type	Planned Development Zoning District																									
	PUD				TND				MXP				MUPD				PIPD									
	Use Zone				Use Zone				Land Use Category				Land Use Category				Use Zone									
	R	R	C	C	R	C	S	W	S	C	C	C	C	R	C	C	C	C	I	I	C	I	M	R	S	N
E	E	I	O	E	I	H	O	R	L	L	H	H	L	L	H	H	R	I	N	O	N	H	P	P	O	
C	S	V	M	S	V	O	P	K	O	O	O	O	O	O	O	O	D	D	D	M	D	D	D	D	T	
/	/			/	/															**	/					
P	P			P	P														L	G						
Vehicle inspection center			R					R	R	R				R	R		G	G	G							
Vehicle sales and rental			R					R	R	R				R	R				R						97	
Veterinary clinic			R				R	G	R	R	R	R		R	R	G	G			G					98	
Vocational school			R					G	R	R	R			R	G	G		G	G					99		
Wholesaling, general								G											G	G	G			102		
Industrial uses																										
Asphalt or concrete plant																					R			G		
Data information processing									G	G	G			G	G	G		G	G	G	G					
Excavation, Type III																							R		35	
Grain milling or processing																					G			G		
Heavy industry																					R	R		G		
Laboratory, industrial research								G													R	G		G		
Machine or welding shop							G	G													G	G		G	58	
Manufacturing and processing								G													G	G		G		
Motion picture production studio																						G		G	64	
Office of industrial nature								R													R	R				
Pottery shop, custom						G	G		G	G				G	G					G	G		G			
Salvage or junk yard																					R			R		
Transportation transfer facility (distribution)																						G		G		
Warehousing								G													G	G		G	100	

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	Use Zone			Use Zone				Land Use Category				Land Use Category				Use Zone								
	R	R	C	R	C	S	W	S	C	C	C	C	R	C	C	C	C					I	I	C
E	E	I	E	I	H	O	E	L	L	H	H	R	L	L	H	H	R	N	D	M				
Woodworking or cabinetmaking			R				R	R				R				R	G	G	G	G				

Notes to Table 6.8-2

- Publicly owned civic uses shall consist of land uses which are required to provide services to meet concurrency requirements such as, but not limited to, required parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools or libraries.
- Recreational land uses as required by Sec. 7.12, Park and Recreation Standards, and the applicable planned development district regulations shall be allowed according to Sec. 6.4, Use Regulation Schedule, active and passive recreation.
- Additional land uses not indicated in Table 6.8-2, may be specifically allowed within individual Planned Development Districts as specified.

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23. **Design objectives.** Planned Developments shall forward the goals of the Comprehensive Plan by complying with the following design guidelines.

a. **General objectives.**

- (1) Land shall contain sufficient width, depth, and frontage on a publicly dedicated arterial or major street or appropriate access thereto as shown on the Palm Beach County Thoroughfare Plan to adequately accommodate its proposed use and design.
- (2) The proposal shall provide a continuous, non-vehicular circulation system and perimeter landscape areas to connect buildings and other land improvements.
- (3) The proposal shall conveniently design and locate parking to encourage pedestrian circulation between land uses.
- (4) The proposal shall preserve existing trees and other natural features of the site to the greatest possible extent.
- (5) The proposal shall enhance the appearance of the buildings and grounds with supplemental plantings to screen objectionable features and to control noise from areas or activities beyond the control of the Planned Development.
- (6) The elements of the Final Site Plan\Final Subdivision Plan shall be harmoniously and efficiently organized in relation to the size and shape of the tract, the character of the adjoining property, and the type and size of the buildings, in order to produce a compatible, functional, and economical land use pattern.
- (7) The arrangements of buildings shall be in favorable relation to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site.
- (8) The Final Site Plan\Final Subdivision Plan shall provide for adequate surface water management and soil conservation.
- (9) The proposal shall not be detrimental to the established land use patterns in the surrounding area.
- (10) The proposed land uses shall provide needed housing or services to the surrounding land uses.

- b. **Perimeter landscape and edge areas.** Perimeter landscape or edge areas shall be located along the entire perimeter of a Planned Development and shall buffer incompatible land use zones and land uses. All perimeter landscape areas shall be designated on the Preliminary Development Plan as one of the following types:
- (1) **Preserve or mitigate natural areas - Type (A) perimeter landscape area.** These perimeter landscape areas shall be designed in conjunction with Sec. 7.5, Vegetation Protection and Preservation. The preservation or mitigation of wetlands and other native, non-invasive plant species is the primary purpose of this perimeter landscape areas. This perimeter landscape area shall be supplemented with trees and shrubs according to Table 6.8-3, Perimeter Landscape Area Regulations, if required by ERM.
 - (2) **Provide open space corridors to connect land uses and land use zones - Type (B) perimeter landscape area.** These perimeter landscape areas shall be provided around the perimeter of a Planned Development which is not designated as a preserve area, is not along a road right-of-way, and is not separating incompatible land use zones or land uses. These perimeter landscape areas shall provide trees and shrubs as required by Table 6.8-3, Perimeter Landscape Area Regulations.
 - (3) **Buffer incompatible land uses - Type (C) perimeter landscape area.** The portion of a perimeter landscape area required as a buffer depends upon the compatibility of the surrounding and internal land uses and the design of the land use zones within a Planned Development District. Residential land uses shall be buffered from adjacent non-residential development, unless both uses are part of an MXPDP, by spatial separations, dense landscaping, berms or a combination of these buffering elements as required in Table 6.8-3, Perimeter Landscape Area Regulations.
 - (a) **Required locations.** A Type (C) perimeter landscape area shall be located to separate and buffer incompatible land use zones and land uses in the following circumstances:
 - (i) **Residential.** If residential housing located along the perimeter of a land use zone is incompatible with the housing located directly adjacent, including outside the Planned Development District. Incompatible shall mean:

- 1) **Building height.** A proposed building height exceeding adjacent building heights by more than two stories or twenty-eight (28) feet; or,
 - 2) **Density.** The housing within a land use zone exceeds the density of adjacent existing housing by two (2) dwelling units an acre or more.
 - a) For purposes of this requirement, the residential density within a Planned Development District shall be measured by calculating the gross density of the applicable residential land use zones.
 - b) The residential density outside of the Planned Development District shall be measured by calculating an gross density within a three (300) feet radius of the border of the applicable residential land use zone along the perimeter of the District.
- (ii) **Nonresidential uses (commercial and industrial).** Type (C) perimeter landscape areas shall separate nonresidential uses from residential housing unless both uses are within a MXPB district or other mixed-use area.

(b) **Type (C) design standards.** Perimeter landscape areas separating incompatible land uses shall provide the following:

- 1) **Wall, fence or equivalent for separations of residential and non-residential land use zones and land uses.** A minimum six (6) foot high opaque wall or fence or an equivalent minimum six (6) foot high berm, hedge, wall or fence or combination thereof, shall be provided along the entire length of a Type (C) perimeter landscape area. This opaque, screen shall be six (6) feet in height at time of installation and shall be installed prior to the issuance of the first building permit for each platting sub-phase or development phase as indicated on the Final Site Plan\Final Subdivision Plan. The opaque screen shall have openings, not exceeding twenty (20) feet in width, to allow easy access for pedestrians. This requirement for a wall, fence or equivalent may be waived by the DRC if the incompatible property has an existing landscape buffer which already contains a wall or fence. However, the tree and shrub requirements for a type (D) perimeter landscape area shall be provided in this area.
- 2) **Trees.** Native canopy trees shall be provided as indicated in Table 6.8 - 3, Perimeter Landscape Area Regulations.
 - a) **Height and spread.** The tree heights and spreads may be staggered as indicated below or meet the minimum size and spread requirements found in (ii) below.
 - (i) Twenty five (25%) percent of the trees shall have a minimum height of six (6) to eight (8) feet with a minimum spread of three (3) feet;
 - (ii) Twenty five (25%) percent shall have a minimum height of ten (10) to twelve (12) feet with a minimum spread of six (6) to eight (8) feet; and,

- (iii) Fifty (50) percent shall have a minimum height of fourteen (14) feet with a minimum spread of eight (8) feet.
- 3) **Hedges.** The minimum height of hedge material varies from twenty four (24) inches in height to forty two (42) inches in height depending upon the combination of landscape elements chosen to achieve a minimum six (6) high opaque buffer. If a fence or wall is not proposed for a type (C) perimeter landscape area, the minimum height of the hedge shall be forty two (42) inches unless a berm is proposed. The height of a berm may be subtracted from the minimum height required for a hedge down to a minimum hedge height of twenty four (24) inches. At a minimum, all hedge materials shall comply with the minimum standards for hedges within perimeter buffers found in Sec. 7.3, Landscaping and buffering.
 - a) If a wall or fence is proposed, a minimum thirty (30) inch high hedge shall be planted, with plants spaced two (2) feet on center on both sides of the wall or fence.
- (4) **Screen views of parking and development from road right-of-ways - Type (D) perimeter landscape area.** These perimeter landscape areas shall be provided around the perimeter of a Planned Development adjacent to road right-of-ways. This landscape area shall provide trees and shrubs according to Table 6.8-3, Perimeter Landscape Area Regulations.
- (5) **Provide an edge area of open space.** Edge areas shall be provided around the perimeter of a TND and between neighborhoods according to the requirements of Table 6.8-3, and Sec. 6.8-C.4.a.(5), Edge areas.
- (6) **Development order condition.** A recommendation shall be made by PZB to the BCC in the form of a development order condition as to the required location and type of perimeter landscape areas based upon the site design and the compatibility of surrounding land uses. Applicants for modifications to PUD Special Exceptions which do not require BCC approval may apply to the DRC for approval of the location and type of perimeter landscape area.
- (7) **Design standards.** All perimeter landscape areas shall meet the following requirements:

- (a) **Land use.** Perimeter landscape areas may be crossed by streets, and may support non-vehicular circulation systems and may be encroached upon by the following site features up to a maximum width of five (5) in width: water bodies, dry retention or other similar land uses which do not result in the removal or destruction of native plant or animal species or habitat. The minimum tree and shrub requirements shall be based on the entire surface area (length x width) of the perimeter landscape area including any of the encroachments listed above.
- (b) **Landscape.** Perimeter landscape areas shall be landscaped in accordance with: the requirements of this section, Table 6.8 - 3, Sec. 7.3, Landscape and buffering; and, the individual Planned Development District regulations.
- (c) **Building setbacks.** Setbacks shall be measured from the inside edge of the required perimeter landscape area;
- (d) **Dedication.** Type (A) perimeter landscape areas shall be platted as a vegetation preservation tract and shall be dedicated for native vegetation protection. The remaining types of perimeter landscape areas shall be platted as separate tracts or easements for the purpose of native vegetation preservation, landscape buffering, and non-vehicular circulation. The plat shall state that the landowner shall receive written permission from PZB prior to any abandonment or modification of a platted perimeter landscape area.
- (e) **Fences or walls.** Fences or walls located within any perimeter landscape area may be required by the BCC in the form of a development order condition to provide openings to allow easy access for pedestrians, bicycles, and wildlife migration.
- (f) **Easements.** Utility or drainage easements may cross a perimeter landscape area or edge area but shall not be located entirely within one. A maximum of five (5) feet of the width of a perimeter landscape area may contain a utility or drainage easement.

- (g) **Perimeter landscape area width credits.**
- (i) Perimeter landscape areas adjacent to existing required landscape buffers may receive a reduction in the minimum required width of a perimeter landscape area from the DRC. A perimeter landscape area may be reduced by one (1) foot in width for each one (1) foot of width of the existing buffer, up to a maximum of fifty (50%) percent of the perimeter landscape area width required by Table 6.8-3. Credit may also be granted for vertical elements within a perimeter landscape area by the DRC for existing buffer features such as fences or walls, (see Sec. 6.8-A.22.b.(3)(b)),
- (ii) **Spatial separation.** A fifty (50%) credit may be granted for water bodies, canals, and other similar land uses which provide a spatial separation, but not necessarily a vertical buffer and have a minimum width of fifty (50) feet or greater. A type (C) perimeter landscape area shall maintain a minimum width of fifteen (15) feet along spatial separations.
- (h) **Native tree credits.** Native plant material that is preserved within perimeter landscape areas may be credited toward complying with the minimum planting requirements of Table 6.8-3. Perimeter landscape areas which receive credits for preserved vegetation shall comply with the maximum spacing requirements for landscaping in Table 6.8-3.
- (i) **Circulation paths.** The construction of a circulation path within a type (B), (C), and (D) perimeter landscape area is encouraged to promote non-vehicular circulation. A minimum width of ten (10) feet shall be added to the minimum width (as required by Table 6.8-3) of a perimeter landscape area to accommodate the path's construction. The circulation path shall have a stabilized subsurface and shall be mulched or paved.

**TABLE 6.8-3
PERIMETER LANDSCAPE AREA REGULATIONS**

Perimeter Landscape Use	Minimum Width and Planting Requirements			Maximum Tree Spacing	Minimum Design Elements
	Width	Trees	Shrubs		
(A) Preservation or Mitigation of Native Vegetation	50'	1\400 s.f.	1\250 s.f.	40 LF*	-Native -Trees -Shrubs
(B) Open Space Corridor	20'	1\800 s.f.	1\250 s.f.	60 LF	-Trees -Shrubs
(C) Incompatible Land Use Buffer	15' + 5' increments	1\200 s.f.	See Sec. 6.8-A.22.b.(3)	20 LF	-Trees -Shrubs -six (6') buffer
(D) Right of Way Buffers	ROW 15' - (0'-99') 20' - 100+	1\300 s.f.	1\150 s.f.	30 LF	-Trees -Shrubs
(E) Edge area Buffer	100'	1\800 s.f.	1\250 s.f.	60 LF	-Trees -Shrubs -six (6') buffer
(C) and (D) Parking areas along ROW	(C) -15' (D) -15' or 20'	(A) - 1\200 s.f. (D) - 1\300 s.f.	(A) - See Sec 6.8-A.22.b.(3) - 1\150 s.f.	25 LF	-Tree -Shrub

NOTES:

-LF (linear feet) - One (1) tree is required for each maximum amount of linear feet indicated in Table 6.8-3.

-A type (C) perimeter landscape area has a progressive minimum width which increases in width by five (5) feet increments according to the degree of incompatibility between land use zones or land uses. Each story above a difference of two stories between the maximum building height between the incompatible land uses or land use zones and each difference in net density above two (2) dwelling units per acre between the incompatible land uses or land use zones shall add a five (5) feet increment onto the minimum width of a type (C) perimeter landscape buffer. For each five (5) foot increase in width of a Type (C) perimeter landscape area the minimum tree calculation rate shall decrease by one tree per one hundred square feet (1\100sf) over the amount indicated in Table 6.8-3. **Example:** the minimum tree calculation rate for a Type (C) twenty feet (20) in width is one tree per three hundred square feet (1\300 s.f.), a Type (C) twenty five feet in width is one tree per four hundred (1\400 s.f.), etc.

-If the perimeter landscape area is not a type (C) or required to buffer parking areas from adjacent lots or road right-of-ways, shrubs may be planted in groups, with a maximum linear feet spacing of twenty five (25) feet between shrub groupings.

-A type (D) perimeter landscape area minimum width is determined by the width of the adjacent road right-of-way. A type (D) shall be a minimum width of fifteen (15) wide if adjacent to a road right-of-way of ninety nine (99) feet in width or smaller or shall be a minimum width of twenty (20) feet if adjacent to a road right-of-way of larger than ninety nine feet in width.

-A combination type (C) and type (D) perimeter landscape area is required along road right-of-ways in areas where common parking lots are proposed between the road right-of-way and buildings.

c. Access and circulation.

- (1) Planned Development Districts shall have legal access and a minimum of two hundred (200) feet of frontage along an arterial or collector. .
- (2) Principal vehicular access points shall be designed to encourage smooth traffic flow and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate needed controls.
- (3) Minor streets within the development shall connect with minor streets in adjacent developments in such a way so as to encourage through traffic.
- (4) Corner visibility triangles shall be maintained at all intersections.
- (5) Access to the uses and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be safe, comfortable and convenient for the users.
- (6) Streets shall not be designed or constructed as to interfere with desirable drainage in or adjacent to the development.
- (7) Arterial and collector streets whether public or private shall connect with similarly classified streets in adjacent developments. If no streets exist, the County Engineer shall determine whether future connections are likely and desirable and shall have the authority to alter the design according to the criteria established in Art. 8, Subdivision.
- (8) Circulation systems (walking paths, bike paths or bike lanes, mass transit and vehicular access ways) shall be designed to connect and provide access between all land uses within and adjacent to planned developments.
- (9) All road rights-of-way, pavement widths, locations and designs shall encourage pedestrian circulation and shall conform to the standards of the County, as adopted and as may be amended from time to time.

d. **Road improvements.** The Board of County Commissioners may condition Planned Developments to provide certain road improvements within the road right of way or elsewhere within a Planned Development District in addition to the land development improvements required for the subdivision or platting of land. These conditional improvements are intended to forward certain goals of the Comprehensive Plan such as: assuring the public health, safety and welfare; facilitating non-vehicular circulation; implementing the Linked Open Space Study and other applicable County programs; and improving the neighborhood aesthetics. (The Traditional Neighborhood Development District-TND requires the road improvements listed in this section for all TND districts.) These conditional road improvements may include, but are not limited to:

(1) **Street lighting.** Street lights a maximum of twenty five (25) feet in height shall be installed along all platted road right-of-ways with a platted width of thirty two (32) feet or greater. The street lights shall be sized and spaced to provide a minimum sidewalk and pavement illumination of point four (.4) foot-candles. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Sec.6.4, Outdoor lighting standards.

(2) **Median landscaping.** Median landscaping shall be provided within road right-of-ways designed with medians which are part of the County's Thoroughfare Plan and other roads adjacent to or penetrating the perimeter of the Planned Development which are designed with a median. These roads shall be landscaped at a minimum, with the following:

(a) Prior to DRC certification, the applicant shall apply for a permit to the Palm Beach County Engineering and Public Works Department to landscape the adjacent median(s) of all abutting road rights-of-way. This landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median and appropriate ground cover. Trees may be planted singly or in clusters, subject to the required site distances as set forth by Palm Beach County Engineering and Public Works Department, with a maximum spacing or sixty (60) feet on center. All landscape material shall be selected from the following list.

Trees:

- Laurel Oak
- Live Oak
- Slash Pine
- Sabal Palmetto

Groundcover:

- Wedilia
- Bahia Grass

Alternative species may be allowed subject to approval by PZB. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- (i) All plants shall be container grown; and,
- (ii) All planting shall occur in accordance with landscape plans signed and sealed by a Landscape Architect and approved by PZB.

This landscaping shall be the daily maintenance obligation of the property owner, and shall include watering and pruning.

- (3) **Street trees.** Shade trees a minimum of twelve (12) feet in height with a minimum spread of five (5) shall be spaced an average distance of fifty (50) feet or less along both sides of the street within all platted road right of ways of thirty two (32) feet in width or greater. Palm trees may be used as street trees by complying with a minimum spacing requirement of forty (40) feet.
- (4) **Street bike lanes.** Bike lanes may be required within the road right-of-ways which are part of the County's Thoroughfare Plan or within road right-of-ways which are adjacent to, or penetrate the perimeter of the Planned Development. The location, destination, and design specifications of street bike lanes shall be reviewed for approval by PZB and Engineering and Public Works prior to DRC certification and after approval by the BCC.
- (5) **Underground utilities.** All utilities including telephone, television cable, and electrical systems shall be installed under the ground. Primary facilities providing service to the Planned Development District and high voltage wires may be exempted from this requirement by the Zoning Director. Large transformers shall be placed on the ground and contained within pad mounts, enclosures, or vaults. These utilities shall be landscaped with trees and hedges to provide compatibility and screening from adjacent uses.

Street cross sections commonly used for road construction may not provide sufficient width to accommodate these improvements. Therefore, design modifications to these road section widths shall be made as required and approved by the Engineering Department.

- e. **Parking and loading.** Parking shall comply with Sec. 7.2, (Off-street parking regulations) and the parking and loading requirements of the applicable Planned Development District. If conflicts exist between the parking and loading regulations of each District and the regulations found elsewhere in the ULDC, the parking regulations of this section shall apply to the extent of the conflict. Parking areas shall be designed to accommodate pedestrian access points on the site and encourage the use of pedestrian circulation and a sharing of parking spaces.
- f. **Garbage and refuse collection.**
 - (1) Outdoor collection dumpsters shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
 - (2) Outdoor collection dumpsters shall not be offensive and shall be enclosed by a fence or wall at least as high as the containers and in no case less than five (5) feet high on at least three (3) sides. A minimum two (2) high hedge, planted a minimum two (2) feet on center shall be planted along the fence or wall. The side of the station not fenced or walled shall be screened with a minimum five (5) feet high gate. Dry storage compactors or similar receptacles located beside loading areas shall be screened from adjacent road right-of-ways and residential land uses but are not required to install a hedge around the screening.

- (3) Access to indoor or outdoor collection dumpsters shall be designed to allow the removal of the dumpster contents in a safe and efficient manner.

g. **Environmentally sensitive lands and preserve areas.** Planned developments shall be designed to mitigate negative impacts of development intensity and density away from sites designated "A" or "B" on the Inventory of Native Ecosystems map, as amended and sites designated as preserve areas according to Sec. 7.5, Vegetation Preservation and Protection. Proposed development shall not negatively impact the native ecosystem of these adjacent environmentally sensitive sites and shall comply with the criteria established in Art. 9 for Environmental Sensitive Lands and other applicable environmental ordinances. The applicant shall work in cooperation with the PZB and ERM to establish mutually acceptable alternatives to protect the environmentally sensitive lands, including but not limited to:

- (1) The prohibition of certain land uses;
- (2) A reduction in the building intensity near environmentally sensitive land and preserve areas by the creation of a minimum fifty (50) feet buffer zone; or,
- (3) The clustering of development away from the environmentally sensitive lands or preserve areas; or,
- (4) A combination of these alternatives.

Additionally, all efforts should be made to minimize site alterations near environmentally sensitive lands and preserve areas.

h. **Landscaping.** Planned developments shall be landscaped and irrigated in accordance with Sec. 7.3, (Landscaping and buffering), the requirements of each District and the requirements listed below. The landscaping within a planned development shall be subject to extraordinary standards including:

- (1) **Irrigation quality water.** The incorporation of irrigation quality water from wastewater treatment facilities, if available from the applicable Water Control District, for irrigation purposes. When this irrigation quality water is within five hundred (500) feet of the boundaries of a Planned Development District, any existing, developing or future land uses shall connect to the system, when approved by the applicable Water Control District;
- (2) **Landscape standards.** Special use areas within a Planned Development District shall comply with the requirements of this section. Special use areas shall include street corridors (if required by a development order condition), pedestrian and bicycle pathways (located outside of road right-of-ways) and non-residential land use zones including, but not limited to, commercial, civic, industrial and recreation areas. The landscaping for special use areas shall comply with the following standards:
 - (a) A minimum of seventy-five (75%) percent of the required landscape plantings of trees, shrubs and groundcovers shall be listed as drought tolerant or very drought tolerant in the South Florida Water Management District's latest approved Xeriscape Plant Guide.

- (b) Trees shall meet the following requirements:
 - (i) Exceed minimum landscape requirements of standard Zoning Districts for size, height canopy spread and spacing by twenty (20%) percent (perimeter landscape area spacing requirements are found in Table 6.8-3);
 - (ii) Be seventy-five (75%) percent native species;
 - (iii) Provide a minimum trunk diameter of 2.5 inches measured at 4.5 feet above grade.

- i. **Signage.** All signage within Planned Developments shall comply with the requirements of Sec. 7.14, Signage.

- j. **Environmental preservation.** All Planned Developments shall comply with the requirements of Sec. 7.5, Vegetation Preservation and Protection and other applicable County, State and Federal environmental regulations.

B. PUD, Residential Planned Unit Development District.

1. **Purpose and intent.** The purpose of the PUD district is to offer a residential development alternative which: allows a limited amount of commercial uses; and, corresponds to a range of residential land use categories on the Comprehensive Plan Land Use Atlas.

The intent of the PUD is to promote the design of largely residential living environments which provide enlightened and imaginative approaches to community planning and shelter design. These approaches include but are not limited to:

- a. The preservation of natural features and scenic areas;
 - b. The integration and connection of land uses with perimeter landscape areas which provide vegetation preservation, buffering, and circulation areas;
 - c. The creation of a continuous non-vehicular circulation system;
 - d. The establishment of civic, commercial and recreation areas;
 - e. The reduction of land consumption by roads; and,
 - f. The provision for flexible property development regulations to promote innovative and quality site design.
2. **Applicability.** The requirements of this section, Sec. 6.8-A.2, Applicability and Sec. 1.5, Exemptions: Effect of code on previously approved development orders, shall apply to all PUD districts and PUD special exceptions, whether new or amended, within unincorporated Palm Beach County. In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict.
 3. **Previous approvals.** Modifications to previously approved PUD special exceptions shall be consistent with the character of the land uses approved for the area and shall comply with the following regulations:
 - a. **Modification of PUD special exceptions.** Requests for modifications to PUD special exceptions shall comply with Sec. 1.5, Exemptions and Effect of Code and Amendments on Previously Approved Development Orders; and,
 - b. **Modification of planned development zoning conditions.** Requests for modifications of planned development zoning conditions shall comply with the application and procedural requirements of Sec. 6.8-A., Planned Development District Regulations.

4. **Application.** The applicant shall provide a Preliminary Development Plan, a Regulating Plan, a Justification Report, and other information as required by PZB for processing a rezoning or rezoning amendment. These documents shall demonstrate compliance with Sec. 6.8, Planned Development District Regulations, and this section.
 - a. **Preliminary Development Plan.** A PUD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, the density, intensity and conceptual design of the PUD. The requirements of a Preliminary Development Plan are found below, in Sec. 6.8.A.8, Contents of application, and the rezoning application form.
 - (1) **Minimum thresholds.** A PUD shall meet the following minimum acreage or minimum number of dwelling units threshold as indicated in Table 6.8-4, below. The minimum thresholds for a PUD may vary according to a particular site's designation on the Comprehensive Plan Land Use Atlas.

**TABLE 6.8-4
PUD MINIMUM THRESHOLDS**

Land Use Category	Minimum Acreage	Minimum Number Of Dwelling Units
AGR	40	Not Applicable
RR 10	40	Not Applicable
LR 1	30	30
LR 2	30	60
LR 3	30	90
MR 5	20	100
HR 8	10	80
HR 12	10	120
HR 18	10	180

Legend:

Comprehensive Plan Land Use Categories

- AGR - Agricultural Reserve
- RR 10 - Rural Residential 10
- LR 1 - Low Residential 1
- LR 2 - Low Residential 2
- LR 3 - Low Residential 3
- MR 5 - Medium Residential 5
- HR 8 - High Residential 8
- HR 12 - High Residential 12
- HR 18 - High Residential 18

Notes for Table 6.8-4:

- All PUDs shall comply with either the minimum acreage threshold or the minimum number of dwelling units threshold listed above for the applicable Comprehensive Plan Land Use Category. PUDs within the AGR or the RR 10 Land Use Category shall comply with the minimum acreage requirement in Table 6.8-4, above. PUDs within the AGR Land Use Category shall comply with the special development criteria as set forth in this section and in the Comprehensive Plan.
- PUDs may have a gross area less than the minimum acreage threshold listed above by receiving bonus density through a Comprehensive Plan density program.

- (a) **Agricultural Reserve (AGR) land use category.** The minimum threshold of a PUD located in the AGR land use category shall be forty (40) acres pending the results of a study of the long-term viability of agriculture within this area. The results of this study may require the revision of policies and regulations in the ULDC. Until such time as the study is complete, PUDs shall not be developed within this land use category.
 - (b) **Design requirements for PUDs within the AGR land use category.** The net buildable area, excluding streets, of a PUD within the AGR land use category shall be grouped in one (1) contiguous parcel and shall not exceed twenty (20) percent of the gross acreage of the PUD. The remaining area of the PUD shall be maintained in agricultural uses or recreational, preservation, or other types of open space uses.
 - (i) **Cluster requirements in AR designation.** In the Agricultural Reserve (AR) land use designation, a PUD's net buildable area, excluding streets, shall be clustered in one contiguous part of the parcel and shall not exceed twenty (20) percent of the gross acreage of the PUD. The remaining area of the PUD shall be maintained in bona fide agricultural uses or recreational, preservation or other types of open space uses.
- (2) **Contiguous land.** Land may be added to a PUD provided the land is contiguous and the resulting PUD meets the intent of Sec. 6.8, Planned Development District Regulations, and this section.
 - (3) **Density.** Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories, indicates the minimum density, standard density, the planned development density, and the land use categories which correspond to a PUD. Additional density requirements are listed in Sec. 6.8-A.3, Residential density and land use categories.

- (4) **Land use zones.** A PUD allows a limited amount of flexibility in establishing the proper amounts of land use zones. Percentages of general land use zones may vary for each PUD depending upon the findings of Sec. 6.8.B.4.c, Land use justification report, the amount of BCC approved dwelling units, the land use requirements provided in Table 6.8-4, PUD Mix of Land Uses and the requirements listed below.
- (a) **Design intent.** PUDs shall be designed to:
- (i) Be a predominantly residential district;
 - (ii) Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;
 - (iii) Provide perimeter landscape areas to connect or buffer land uses within and outside the perimeter of the PUD;
 - (iv) May offer limited commercial uses for the population of the PUD;
 - (v) Establish neighborhood character and identity; and,
 - (vi) Preserve the natural environment.
- (b) **Commercial land use zone.** PUDs have the option of providing limited commercial service, retail and professional office uses for the PUD's population, if these uses are supportable by Sec. 6.8.B.4.c, Land use justification report.
- (c) **Land use zones.** The applicant shall provide a mix of land use zones by designating the components of the entire land area of a PUD as either a residential, commercial, civic (private), civic (public), or recreation land use zone or a perimeter landscape area on the Preliminary Development Plan. The percentages in Table 6.8 - 4 indicate the ranges of each land use zone allowed within a PUD.

**Table 6.8 - 4
PUD MIX OF LAND USES**

<u>General land use zones</u>	<u>Minimum</u>	<u>Maximum</u>
1. Residential	60%	--
a. Low Density Residential (LDR) (0 - 4 du\ac.)	--	75% of the residential land use zone
b. Medium Density Residential (MDR) (4.1 - 8 du\ac.)	25%*	100% of the residential land use zone
c. High Density Residential (HDR) (8.1 - 18 du\ac.)	--	75% of the residential land use zone
2. Civic	2%	--
3. Commercial	0	per capita based on population
4. Recreation	110 s.f. area/person See Sec. 6.8-B.6.a.(1)	--

NOTES:

* The twenty five (25%) percent minimum of medium density land use zone shall not apply to PUDs with a Comprehensive Plan Category of Low Density Residential - three (LR3) or lower.

- A residential land use zone, see Sec. 6.8-B.6.a.5, shall be designated as a low, medium, or high general land use zone depending upon the density proposed for the residential land use zone.

- General land use percentages (Residential, Civic, Commercial and Recreation) shall be calculated based on the gross area of the PUD. Recreation uses which are internal to a residential land use zone rather than a separate recreational land use zone may be credited toward the minimum land area requirement of sixty (60%) percent for residential land use zones.

- (5) **Perimeter landscape areas.** Perimeter landscape areas shall be part of a network of connecting open space corridors which comply with Sec. 6.8-A.23.b, (Perimeter landscape and edge areas), and the requirements listed below:
- (a) **Required locations.** A perimeter landscape area shall be provided around the entire perimeter of a PUD. A perimeter landscape area shall also be located between incompatible land uses and land use zones within the PUD. The width, planting requirement, and type of perimeter landscape areas provided within a PUD shall be as determined in Sec. 6.8-A.23.b, and below.
- (b) **Type (C) perimeter landscape area.** A type (C) perimeter landscape area is required to buffer incompatible land use zones and land uses. The portion of a perimeter landscape area required to be a Type (C) depends upon the compatibility of the surrounding land uses and the design of the land use zones. Commercial land uses and private and public civic land uses (excluding parks or recreation areas) shall be buffered from surrounding residential development by a Type (C) perimeter landscape area. A recommendation shall be made by PZB to the BCC as a development order condition as to the type and the location of perimeter landscape areas based on the surrounding land uses, Sec. 6.8-A.23.b.), the proposed site design and Table 6.8-3, Perimeter Landscape Area Regulations.
- (6) **Design criteria.** PUDs shall comply with the following objectives and requirements, in addition to those specified in Sec. 6.8.A.20 (Design Objectives).
- (a) **Commercial land use zone.** A commercial land use zone shall be designed for the convenience and service of the PUD's residents. The architectural design criteria of Sec. 6.6.C (Architectural Compatibility Standards) and the locational criteria of Sec. 6.8-B shall apply to all non-residential development within a commercial land use zone.

- (b) **Pedestrian orientation and scale.** PUDs shall be pedestrian oriented and developed at a human scale:
- (i) **Size and shape.** PUD residential land use zones with a designation of medium density or high density shall be limited in size and shape to allow residents to walk along a continuous non-vehicular circulation system to one (1) or more of the following land uses in 1,320 feet or less: recreational, civic (public or private) or commercial uses. This requirement shall be met by ninety five (95%) percent of the housing units within the PUD.
 - (ii) **Connections.** A PUD's residences, shopping, civic and recreational uses shall be connected by a continuous circulation system. Each residential unit and non-residential land use shall have access to this continuous non-vehicular circulation system.
- (c) **Range of housing.** The PUD shall offer a range of housing opportunities so that people of different social and economic backgrounds can live within the same planned development district. A minimum of two (2) housing types shall be provided, including but not limited to: single family; zero lot line; townhouse; multiple family; or congregate living facility.
- (d) **Circulation system.** PUDs shall be designed with a circulation system based upon a hierarchy of transportation methods, including but not limited to, pedestrian, cyclist, mass transit and automobile. At points of intersection between these circulation systems, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land uses within the PUD and to link with systems in the surrounding communities by providing:
- (i) Pedestrian and bicycle pathway systems, including but not limited to, sidewalks or pedestrian paths, or bicycle lanes or bicycle paths and driveways; and,
 - (ii) Parking areas for multiple commercial or civic uses (two or more uses) shall be designed to encourage the pedestrian nature of the community by facilitating a reduction in parking through a sharing of spaces.

b. **Regulating plan.** All initial Planned Development District rezonings and certain amendments to PUD Districts shall provide a Regulating plan including but not limited to the following:

- (1) **Flexible regulations.** The applicant may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8 - 6, Property Development Regulations.
- (2) Transportation program; and,
- (3) Street and pathway cross-sections.

See Sec. 6.8-A.8.e, Regulating plan, for the specific requirements for flexible regulations, transportation programs and street and pathway cross-sections.

c. **Land use justification report.** A land use justification report shall be provided to justify and explain the amount of commercial and recreational land uses proposed and describe the methods used to calculate this percentage, including the raw data used (the assumptions made for proposed population counts), the analysis procedures and the resulting land acreages and building square footages. The justification report shall also address the amount, if any, of affordable housing proposed and the following:

- (1) **Land use in relationship to population.** The maximum amount of commercial square footage and land area and the minimum amount of recreational land area or site improvements, shall be calculated based on the projected population of the PUD. See Sec. 6.8.B, below; and,
- (2) **Recreation areas.** PUDs shall designate areas on the Preliminary Development Plan for recreation by providing parks or recreation areas;
 - (a) **Recreation report.** A report shall detail the passive and active recreation provided for the population of the PUD and shall be submitted as part of the justification report. This report shall include, but is not limited to:
 - (i) The types of passive recreation proposed and a total acreage amount;
 - (ii) The types of active recreation proposed including a list and cost estimation of site improvements and a total acreage amount;
 - (iii) The methodology used to calculate the minimum amount of recreation required based on population and the following:
 - 1) The requirements of Sec. 7.12, Park and recreation standards; and,

- 2) The requirements of this section.

In cases of conflict between the recreation requirements of the sections listed above, the stricter regulation shall apply to the extent of the conflict.

- (iv) The proposed connections (bike lanes, pedestrian paths, etc.) used to connect land uses and land use zones.

5. **Administration.**

- a. **Conditions of approval.** The BCC may impose conditions of approval upon the development order to assure the intent of this section is satisfied and that the public health, safety and welfare are provided, see Sec. 6.8-A.13.c., Conditions.
- b. **Development Review Committee (DRC) approval.** Prior to Zoning Commissions and following approval by the BCC, the Preliminary Development Plan, regulating plan, and justification report shall be submitted for review and certification by the DRC according to Art.5, Development Review Procedures and Sec. 6.8-A.15., Development Review Committee (DRC) approval.
- c. **Phasing controls and platting.** PUDs shall commence development and proceed in a reasonably continuous and timely manner complying with the phasing requirements listed in, Sec. 6.8.A.19, (Phasing controls and platting), Art. 8, Subdivision, the phasing schedule on the approved Preliminary Development Plan, and the requirements listed below:
- (1) **Commercial uses.** No building permit for commercial uses shall be submitted until building permit approval of at least twenty (20) percent or more of the total approved dwelling units for the PUD has been issued unless allowed by development order condition.
- (2) **Recreation areas and parks.** See Sec. 7.12, Park and recreation standards for recreation phasing requirements.
- d. **Property owners association.** Concurrent with the first recorded plat a property owners association shall be formed to manage the common areas and guide the growth of a PUD.

6. **Land Uses.** Land uses are allowed in accordance with Table 6.8 - 2 (Planned Development District Use Regulations Schedule). This table indicates the general land use zones and the corresponding land uses, unless otherwise restricted by conditions included in the development order. The proposed land uses and land use zones shall be subject to the following provisions.
- a. **Land use zones.** A PUD shall be divided into one (1) of the following land use zones to indicate the land uses proposed within the district.
- (1) **Recreation.** Recreation land uses shall include parks and recreation areas. The size, location and site improvements for recreation areas shall be graphically designated on all PUD Preliminary Development Plans. The minimum amount of recreation area provided within a PUD (a minimum of one hundred and ten (110) gross square feet of lot area per person) shall be based on the total population of the BCC approved dwelling. Also, a continuous non-vehicular internal circulation system shall connect land uses and land use zones within the PUD and shall connect with land uses in the surrounding communities. This circulation system shall include, but not be limited to pedestrian paths or sidewalks, bicycle paths or bicycle lanes and driveways to encourage pedestrian access and non-vehicular circulation.
- (a) **Recreation uses.** Recreational site improvements shall be provided in a PUD according to the requirements of Sec. 7.12, Park and Recreation Standards.
- (b) **Neighborhood parks.** In addition to the requirements of Sec. 7.12, Park and Recreation Standards, a PUD may provide neighborhood parks which are mostly passive in nature. If a neighborhood park is proposed, the following design standards shall apply:
- (i) **Minimum area.** A Neighborhood park shall have a minimum area of eight thousand four hundred (8,400) square feet and a minimum lot width and depth of sixty (60) feet;
- (c) **Parking.** Parking is not required for recreation areas or parks. However, if parking is provided, not more than ten (10%) percent of the gross area of a recreational lot shall be paved for parking.

(d) Pedestrian circulation. All recreation areas and neighborhood parks shall provide a continuous sidewalk or other pedestrian path approved by PZB which connects site improvements (pool, hard surface courts, benches, etc.) to the surrounding PUD's continuous non-vehicular circulation system;

(2) Civic use. The Civic land use zone is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned land uses to serve the community. It should be understood that the civic land use requirements contained herein, shall in no way alter, diminish, or increase those obligatory conditions which were made prior to the adoption of this code.

A minimum of two (2%) percent of the gross area of the PUD shall be designated on the Preliminary Development Plan as either a Public civic land use zone or a Private civic land use zone as indicated below:

(a) Publicly owned civic land uses. A portion of a PUD may be required to be conveyed in fee simple title to the BCC for civic purposes in response to an increase in services or other impacts required concurrent with the development of the PUD or by a voluntary commitment by the applicant.

- (i) **Conveyances**. These conveyances shall be in the form as provided by BCC conditions, and as indicated in the development agreement for a project in accordance with Ord. 91-16, "Palm Beach County Development Agreement Ordinance" as may be amended, and shall meet the Facilities Planning, Design and Construction Department's requirements for civic land acquisition. Conveyance of land for civic sites shall not include land utilized for dry or wet retention for land uses located outside of the civic site; or
 - (ii) **Land uses**. Publicly owned civic lots shall consist of land uses which are required to provide services to meet Concurrency requirements such as, but not limited to, regional parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools or libraries.
 - (iii) **Service providers**. The civic dedications for service providers shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
 - (iv) **Location**. Civic lot locations shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
 - (v) **Property development regulations**. Civic uses shall comply with the regulations in this section and Table 6.8-6, PUD Property Development Regulations. Publicly owned civic lots may be exempted from certain property development regulations, if the regulation is determined by the Zoning Director to be detrimental to the proper functioning of the civic use.
- (b) **Privately owned civic uses**. Private Civic lots shall consist of land uses which: Provide services to the PUD residents; are customarily privately owned and operated; and are customarily allowed in residential zoning districts, such as but not limited to, day care centers, churches, temples and property owner association meeting areas, see Table 6.8-2, Planned Development Use Regulations Schedule.

- (i) **Land designation option.** A PUD shall provide or may have the option of providing Private Civic uses depending upon the amount of area dedicated for Public Civic uses or a Public Civic equivalent as determined by the Facilities, Planning, Design and Construction Department.

A PUD shall provide Private Civic uses if all of the following circumstances exist:

- 1) Less than two (2%) percent of the gross area of the PUD is required as Public Civic uses or equivalent after complying with the Public Civic requirements listed above; and,
- 2) The PUD is approved by the BCC to support a population (2.4 x total dwelling units) of four hundred (400) people or greater.

- (ii) **Minimum land designation.** At a minimum, the difference in land area between the overall minimum civic land area requirement of two (2%) percent for the PUD and the land area amount of Public Civic or equivalent dedicated above, shall be indicated as Private Civic land area on the Preliminary Development Plan.

- (3) **Low Density Residential (LDR) land use zone.** A Low Density Residential land use zone shall consist of residential housing and customarily allowed accessory uses developed at a gross residential density of greater than zero and less than or equal to four dwelling units per acre (0 - 4 du/ac.). This zone is intended to provide residential housing at a low density. Gross density shall be calculated by dividing the total number of dwelling units within a land use zone into the total area of the land use zone.

- (4) **Medium Density Residential (MDR) land use zone.** A Medium Density Residential land use zone shall consist of residential housing and customarily allowed accessory uses developed at a gross residential density of greater than four and less than or equal to eight dwelling units per acre (4.1 - 8 du/ac.). This zone is intended to provide for the development of moderate density multiple family housing, congregate living facility (Type II) and affordable housing. Gross density shall be calculated by dividing the total number of dwelling units within a land use zone into the total area of the land use zone.

- (5) **High Density Residential (HDR) land use zone.** A High Density Residential land use zone shall consist of residential housing and customarily allowed accessory uses developed at a gross residential density of greater than eight and less than or equal to eighteen dwelling units per acre (8.1 - 18 du/ac.). This zone is intended to provide for the development of high density multiple family housing, congregate living facility (Type III) and affordable housing. Gross density shall be calculated by dividing the total number of dwelling units within a land use zone into the total area of the land use zone.
- (6) **Optional Residential (OR) land use zone.** An Optional Residential land use zones is intended to encourage innovative residential development techniques while providing adequate yards (open space around dwelling units), recreation, privacy, property maintenance, parking, and access to housing. An applicant may request the Development Review Committee to add an overlay designation of Optional Residential to any residential designation of Low, Medium or High land use zone on the Preliminary Development Plan. The permitted density within an (OR) land use zone shall be in accordance with the density of the underlying residential land use zone indicated on the Preliminary Development Plan. A Final Site Plan/Final Subdivision Plan of the land use zone requested for an (OR) land use designation shall be submitted concurrent with the request to designate an (OR) on the Preliminary Development Plan (OR) land use zones shall comply with the following requirements:
- (a) (OR) land use zones shall comply with the minimum design specifications indicated in Table 6.8 - 6, PUD Property Development Regulations;
- (b) **Justification report.** DRC applications for Optional Residential land use zones include submittal of a justification report which explains how the project will function and shall justify how the living environment resulting from the proposed site design complies with the intent of the Optional Residential land use zone. Justification reports shall include the following:
- (i) A written report which details how the proposed site design complies with the intent of the Optional Residential land use zone; and,
- (ii) Graphic representations (site plans, sections, elevations, perspectives, etc.) indicating how the site design functions with regard to: yards (open space around dwelling units), outside living areas, privacy between dwelling units, property maintenance,

parking, access to housing, recreation and public health, safety and welfare.

- (c) **Review.** The DRC may approve, approve with site design amendments, or deny the optional residential designation based on compliance with Table 6.8-6, (PUD Property Development Regulations) and the justification report.
 - (d) **Intent towards Sec. 5.7, Variances.** The Optional Residential land use zone designation is not intended to take the place of a variance. Optional Residential land use zones shall only be granted for an entire, largely undeveloped, residential land use zone and shall not be granted on a lot by lot basis.
- (7) **Commercial land use zone.** The commercial land use zone is intended to provide land uses, including but not limited to, commercial service, retail, and professional office uses of a community nature to serve the population of the PUD.
- (a) **Location.** Commercial areas shall be located and designed for the convenience of the PUD's residents. A continuous non-vehicular circulation system shall provide convenient access from the residential housing to the land uses within a commercial land use zone. Vehicular access to commercial facilities shall not be permitted from an arterial or collector that is not part of the interior circulation system of the PUD. No commercial facility shall maintain frontage, visibility or direct physical access to any arterial or collector bordering or traversing the PUD.
 - (b) **Architectural design.** The architectural design criteria of Sec. 6.6.D (Architectural Compatibility Standards) shall apply to all non-residential development within commercially designated areas.
 - (c) **Area calculation.** The maximum area and square footage of the commercial land use zone shall be based on the following:
 - (i) **Land area.** The maximum commercial land area for a PUD is calculated based on the population of the dwelling units approved on the Preliminary Development Plan by the BCC in relation to the chart below; and,

**TABLE 6.8-5
PUD COMMERCIAL ACREAGE**

Population	Maximum Commercial Acreage	Gross Floor Area*
Less than 1,000	None	None
1,001 to 1,740	One (1) acre	8,759 to 15,225
1,741 to 2,990	Two (2) acres	15,234 to 26,163
2,991 to 4,970	Three (3) acres	26,171 to 43,488
4,971 to 6,970	Five (5) acres	43,496 to 60,988
6,971 to 9,950	Seven (7) acres	60,996 to 87,063
9,951 to 15,000	Ten (10) acres	87,071 to 131,250
15,001 to 26,000	Fifteen (15) acres	131,259 to 228,690

NOTES:

* Buildable commercial gross floor area may vary depending upon lot configuration, site design, and compliance with other property development regulations, including but not limited to, vegetation preservation, building setbacks, landscaping and parking.

- The calculation of the maximum commercial lot area and gross commercial floor area for PUDs with a residential population exceeding twenty six thousand (26,000) people shall be determined by PZB on a case by case basis.

- (ii) **Building area.** The maximum commercial building area is calculated by multiplying the projected population of the PUD, (dwelling units x 2.4), by the constant (8.75) which equals the total amount of commercial gross square footage permitted for the PUD.
 - (b) **Hours of operation.** Commercial uses within three hundred (300) feet of residential housing 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. Commercial lots greater than three (300) feet from residential housing may be exempt from this hours of operation requirement unless required by a development order condition.
 - (8) **Mixed-use land use zone.** PUDs with a BCC approved contiguous commercial area of five (5) acres or larger or a BCC approved commercial building gross floor area larger than fifty thousand (50,000) square feet, may apply to the Development Review Committee to establish a mixed-use land use zone. The designation of a mixed-use land use zone in PUD's without the minimum commercial acreage or gross floor area stated above, shall require approval by the BCC. The land uses allowed within the mixed-use land use zone shall comply with Table 6.8-2, Planned Development Use Regulations Schedule for a MXPDP with a Commercial Low land use designation.
- b. **Supplementary use standards.** The standards of Sec. 6.4.D (Supplementary Use Regulations) and the standards listed below shall apply within the PUD, unless specifically waived or modified by the terms of the development order for the PUD.
- (1) **Commercial land use zone.** Land uses within a commercial land use zone shall comply with the following standards:
 - (a) **Enclosed uses.** All uses, other than incidental storage of merchandise, shall be operated entirely within enclosed buildings, with the exceptions listed in Sec. 6.5.K (District Specific Regulations) for the CN, CLO and CC districts and a convenience store with gas sales.
 - (b) **Open storage.** No outdoor storage or placement of any material, refuse equipment or debris shall be permitted unless in an area designated on a Final Site Plan/Final Subdivision Plan which has been approved by PZB. Outdoor storage of merchandise shall be permitted only when incidental to the commercial use located on the premises, subject to the following standards:

- (i) The storage area shall not be located in any of the required building setbacks;
 - (ii) The storage area shall be completely screened from view of adjacent road rights of way and property lines; and,
 - (iii) The stored merchandise shall not protrude above the height of the screening walls, fences or buildings.
- (c) **Outdoor speakers.** No outdoor loudspeaker systems shall be permitted within five hundred (500) feet of residential housing.
- (d) **Rooftop screening.** All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses of an equal or lesser height. The screen shall be opaque and extend from the roof of the building to a minimum of six (6) inches above the height of the object intended for screening.
- (2) **Residential land use zones.** Land uses within a residential land use zone shall comply with the following standards:
- (a) **Accessory uses and structures.** The following accessory uses in permanent or temporary structures shall be permitted in a PUD according to the following standards.
 - (i) **Permanent structures.**
 - 1) **Real estate sales office.** A real estate sales office shall be permitted in the commercial land use zone indicated on the Preliminary Development Plan and subject to the property development regulations for commercial uses pursuant to Table 6.8-6, PUD Property Development Regulations. A temporary real estate sales and management office within a mobile home outside of a commercial land use zone shall comply with the requirements of Sec. 6.4, (Temporary structures).

- 2) **Sales Models.** Sales models shall be permitted if erected on the site pursuant to all applicable codes and ordinances. The number of sales models shall not exceed eight (8) in number. One of the sales models may be used for a temporary real estate office if sanitary facilities are approved by the appropriate government agencies. A minimum of eight (8) parking spaces shall be provided. The parking area shall be designed in accordance with Sec. 7.2, Off-street parking regulations, however, pavement, shellrock, or mulch may be utilized in the parking area with a stabilized subgrade.
 - 3) **Gatehouses.** Gatehouses for internal project security shall be permitted if not in conflict with right-of-way and setback requirements of this Code and the Palm Beach County Thoroughfare Plan.
 - 4) **Utilities.** Public or private utilities and accessory buildings and structures shall be permitted, subject to compliance with all applicable rules and regulations governing such facilities.
 - (ii) **Temporary structures.** Temporary structures shall be permitted in accordance with Sec. 6.6, Temporary structures.
7. **Property development regulations.** The property development regulations within a PUD shall be as indicated in Table 6.8 - 6, Property Development Regulations, unless otherwise specifically provided on the approved Preliminary Development Plan, in the development order or as listed below. Any of the land use zones or housing types listed below may apply to use flexible property development regulations for minimum lot dimensions, and side and rear setbacks based on compliance with Sec. 6.8 - A.7.e, Regulating plan.
- a. **Residential land use zones.** Residential land use zones shall follow the property development regulations as indicated below:

- (1) **Low density residential land use zone.** Development within this land use zone shall be subject to the minimum lot dimensions, minimum building setbacks and maximum building height specified in Sec. 6.5 (Property Development Regulations) for the Residential Single Family (RS) zoning district and for the zero lot-line housing type.
- (2) **Medium density residential land use zone.** Development within this land use zone shall be subject to the minimum lot dimensions, minimum building setbacks and maximum building height specified in Sec. 6.5 (Property Development Regulations) for the (RM) Multiple Family Residential District (medium density), for the townhouse housing type or for the zero lot-line housing type.
- (3) **High density residential land use zone.** Development within this land use zone shall be subject to the minimum lot dimensions, minimum building setbacks and maximum building height specified in Sec. 6.5 (Property Development Regulations) for the (RH) Multiple Family Residential District (high density), for the townhouse housing type or for the zero lot-line housing type.
- (4) **Optional residential land use zone.** Development within this land use zone shall be subject to the requirements of Table 6.8 - 6, PUD Property Development Regulations and development conditions as may be applied by the DRC. Development may be arranged in groups fronting on a residential access tract.

b. **Housing types.** Specific housing types within a Low, Medium or High land use zone shall comply with the property development regulations as indicated below:

- (1) **Zero lot line.** Zero lot line developments shall be subject to the property development regulations specified in Sec. 6.4.D (Supplementary Use Regulations-Zero lot line); and,

- (2) **Townhouse.** Townhouse developments shall be subject to the property development regulations specified in Sec. 6.4.D (Supplementary Use Regulations-Townhouse).

- c. **Civic (Public and private).** Development within this land use zone shall be subject to the requirements of Table 6.8 - 6, PUD Property Development Regulations.

- d. **Commercial.** Development within this land use zone shall be subject to the requirements of Table 6.8 - 6, PUD Property Development Regulations.

- e. **Mixed-use land use zone.** Development within this land use zone shall be subject to the following requirements of Sec. 6.8-E, MXPDP:
 - (1) Sec. 6.8-E.1, concerning purpose and intent. The site design and land uses of a Mixed-use land use zone shall comply with the purpose and intent of the MXPDP district;
 - (2) Sec. 6.8-E.3.a.(4)-(6), for land use zones, perimeter landscape areas, and design criteria;
 - (3) Sec. 6.8-E.5, (entire section), for land uses; and,
 - (4) Sec. 6.8-E.6 (entire section), for property development regulations.

**TABLE 6.8-6
PUD PROPERTY DEVELOPMENT REGULATIONS**

Housing Type or Land Use Zone	Minimum Lot Dimensions*			Maximum FAR	Maximum Building Coverage	Minimum Building [†] Setbacks or Separations			
	Size	Width and frontage	Depth			Front	Side*	Street	Rear*
Optional Residential	-	-	-	-	-	20'	15'	20'	20'
Civic (Public or Private)	1 ac.	100'	200'	.35	.30	25'	C - 20' R - 40'	25'	40'
Commercial	1 ac.	100'	200'	.25	.20	25'	C - 20' R - 40'	25'	40'

NOTES:

C = Indicates the building setback if the lot abuts a non-residentially zoned or designated lot.

R = Indicates the building setback if the lot abuts a residentially zoned or designated lot.

***** = Indicates that the property development regulation is flexible and may be modified by complying with Sec. 6.8.A.8.e.(1), Regulating plan.

- Building proposed within a Mixed-use land use zone may use the lesser setback requirement for side interior and rear setbacks if like uses abut, (residential uses abutting residential uses, commercial uses abutting commercial uses, or recreational uses abutting recreational uses).
- The building setbacks indicated above are based on a maximum building height of thirty five (35) feet. All structures exceeding thirty five (35) feet in height shall provide the applicable setback stated in Table 6.8-6, and an additional setback of one (1) horizontal foot for each one (1) vertical foot of building exceeding thirty five (35) feet in height.
- Building setbacks shall be measured from the inside edge of perimeter landscape areas.
- Minimum building setbacks for buildings with a minimum lot size required by the ULDC, other than Townhouses, shall be measured from the lot line. Minimum building setbacks and separations for buildings without a required minimum lot size shall be measured from perimeter property lines or perimeter landscape areas, from the proximity of one building to another and from road or canal rights-of-way.

- f. **Road improvements.** The BCC may condition a PUD to provide certain road improvements within the road right-of-way or elsewhere within the boundaries of a PUD. These improvements may be in addition to the land development improvements required for the subdivision or platting of land and are intended to forward certain goals of the Comprehensive Plan, including but not limited to: assuring the health, safety, and welfare of the public; facilitating and encouraging non-vehicular circulation, implementing the Linked Open Space, Scenic Corridor, and other applicable County programs, and improving the aesthetics of the community. These improvements may include but are not limited to: street lights, street trees and median landscaping; bike lanes; and underground utilities (see Sec. 6.8-A.23.d, Right-of-way improvements).
- g. **Streets.** Streets serving a residential land use zone shall reinforce, rather than disrupt, the social integrity of the area. A street hierarchy shall be established which separates higher volume streets, such as arterial and collectors, from local streets or driveways which are internal to and serve residential land use zones.
- h. **Parking requirements and access.** PUDs shall comply with Sec. 7.2, (Off-street parking regulations) and the parking and loading requirements of this section.
- (1) **Residential land use zone.** Parking space requirements for housing within a residential or mixed-use land use zone shall comply with Sec. 7.2 (Off-street parking regulations) for the applicable housing type.
 - (2) **Commercial land use zone.** Parking lot requirements for commercial land use zones and for commercial uses within mix-use land uses shall comply with Sec. 7.2 (Off-street parking regulations) and the requirements listed below:
 - (a) **Calculation rate.** Parking spaces shall be calculated at a rate of one (1) space per two hundred (200 s.f.) square feet of gross floor area. Requested uses shall comply with the parking requirements listed in Sec. 7.2 (Off-street parking regulations). The total parking calculation rate may be lowered by the use of the commercial parking reduction bonus or the shared parking option.
 - (b) **Adjacent lots.** Parking lot design and circulation shall allow vehicular access between contiguous lots without accessing a street if sanctioned by PZB or Engineering and Public Works;
 - (c) **Parking agreements.** Property owners shall record cross-access and shared-parking agreements with adjacent lot owners if sanctioned by PZB; and,

- (d) **Maximum parking provided.** The total number of parking spaces provided with a commercial land use zone shall not exceed the minimum number required to serve the development based upon this section and Sec. 7.2 (Off-street parking regulations).
- (e) **Commercial parking reduction bonus.** Commercial land use zones with a total non-residential gross floor area exceeding eighty thousand (80,000) square feet may reduce the parking calculation ratio rate for general and special permit uses for the amount of non-residential gross floor area above eighty thousand (80,000) square feet and equal to or less than one hundred twenty five thousand (125,000) square feet. This parking calculation rate reduction is limited to non-residential building area and shall be applied only to gross floor area. The gross floor area within the range identified above may be calculated at a reduced ratio of one (1) space per five hundred (500) square feet of gross floor area.
- (f) **Shared parking.** Credit toward reducing the minimum number of required parking spaces for a commercial or mixed-use land use zone may be given for the submittal and approval of a shared parking study conforming to the requirements of Sec. 7.2.C.8 (Shared Parking).
- (g) **Distance.** Parking spaces shall be located within easy walking distance, four hundred (400) linear feet, of a public entrance or exit of a building. This measurement shall be taken beginning at the perimeter of a parking space and extend along a pedestrian pathway or vehicular paved drive intended for use by pedestrians for entering or existing the buildings on site from the parking area.
- (h) **Off-street parking.** Twenty (20) percent or more of the parking spaces shall be located at the rear or side of buildings and all parking shall be buffered from view from adjacent streets or land uses by a perimeter landscape area.
- (i) **Landscape requirements.** Unless otherwise indicated, a PUD shall be landscaped according to Sec. 7.3, (Landscaping and buffering), Sec. 6.8.A.23.b, Perimeter landscape areas and development order conditions.

C. TND, Traditional Neighborhood Development District.

1. **Purpose and intent.** The purpose and intent of the TND district is to implement the Traditional Neighborhood Development Land Use Category of the Comprehensive Plan and to:
 - a. Provide a range of residential, commercial and light industrial land uses;
 - b. Lessen existing imbalances in land uses within a specified planning area;
 - c. Encourage internal automobile trip capture;
 - d. Offer a range of housing opportunities;
 - e. Introduce a variety of architectural solutions for current development problems;
 - f. Preserve natural features and scenic areas;
 - g. Design safe and efficient circulation systems for pedestrians, non-motorized vehicles, and automobiles;
 - h. Utilize perimeter landscape and edge areas to connect the various land uses and land use zones within neighborhoods, and the surrounding communities; and,
 - i. Establish a neighborhood identity and focus.
2. **Previous approvals.** Modifications to previously approved TND's shall be subject to Sec. 380.06, F.S. (Substantial deviations) for a Development of Regional Impact and the modification requirements of Sec. 6.8.-A, Planned Development District Regulations.
3. **Application.** The applicant shall comply with section 380.06, F.S. (Development of Regional Impact) and shall provide a Preliminary Development Plan, a regulating plan and a justification report. These documents shall demonstrate compliance with Sec. 6.8-A, Planned Development District Regulations, this section and other requirements as may be required by PZB to process a rezoning or zoning amendment application.
 - a. **Preliminary Development Plan.** A TND shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the TND is designed and phased. The requirements of a Preliminary Development Plan are found below, in Sec.6.8-A.8., Contents of application, and in the rezoning application form available from PZB.

- (1) **Minimum development thresholds.** TNDs shall comply with the following minimum development thresholds:
 - (a) Contain a minimum size of one thousand two hundred and eighty (1,280) acres;
 - (b) Locate farther than ten (10) miles from other TNDs; and,
 - (c) TND neighborhoods shall:
 - (i) Develop in contiguous lots or tracts;
 - (ii) Provide minimum neighborhood proper areas of forty (40) acres; and,
 - (iii) Provide maximum neighborhood proper areas of one hundred sixty (160) acres.
- (2) **Contiguous land.** Land may be added to a neighborhood proper provided the gross area of any neighborhood does not exceed a maximum of one hundred sixty (160) acres.
- (3) **Density.** Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories, establishes the minimum density, standard density, the planned development density, the TND bonus density, and the land use categories which correspond to a TND. Additional density requirements are listed in Sec. 6.8-A.3, Residential density and the Comprehensive Plan land use categories and below:
 - (a) **TND bonus.** A TND may qualify for a density bonus, in addition to the planned development density. The BCC may grant a TND density bonus of up to two (2) additional units per acre above the maximum density generally allowed for a planned development, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories. In order to qualify for the TND bonus density, the density increase must be: (1) provided for by the applicant through County programs which allow the transfer of density from one site to another or other density increases, or (2) available from the unallocated, Comprehensive Plan population pool of both the incorporated and the unincorporated population. This bonus population shall be correlated to the Capital Improvement Elements adopted by municipalities and County government. The minimum and maximum residential densities for a TND depend upon the underlying land use category, the gross acreage of the site and compliance with the following:

- (i) The performance and density standards of the Land Use Element of the Palm Beach County Comprehensive Plan (mandatory and suggested) shall be met for the total density requested.
 - (ii) The TND shall be consistent with and forward the standards (mandatory and suggested) of this section; and,
 - (iii) The TND density bonus shall not be considered an entitlement for the approval of a TND district. A TND bonus shall only be granted for exemplary projects that exceed the minimum requirements of the Comprehensive Plan and the ULDC. The BCC has the option of granting standard density, planned development density bonus, a partial TND density bonus, or the maximum TND density bonus.
- (4) **Land use mix.** The TND allows flexibility in establishing the proper mix of uses. Percentages of general land use zones may vary for each TND depending upon the findings of Sec. 6.8.C.4.c, (Land use justification report)
- (a) **Design intent.** A TND shall meet the following land use requirements as provided in Table 6.8-7, TND Mix of Land Uses, including:
 - (i) Being predominantly residential;
 - (ii) Providing useable open green space for recreation and circulation; and,
 - (iii) Lessening land use imbalances.
 - (b) **Land use zones.** The land area of a TND shall be designated on the Preliminary Development Plan as a residential (including average density and dwelling unit count), a shopfront, a workplace, a civic, a sector, or a recreation/open space land use zone. Percentages of these land use zones may vary for each TND depending upon the findings of Sec. 6.8-C.4.c., Land use justification report, the requirements provided in Table 6.8-7, TND Mix of Land Uses, and the requirements listed below:
 - (i) **Balanced mix of land uses.** A TND shall provide a balanced mix of land uses. These land uses shall be balanced on the following levels:

- 1) **Neighborhood proper.** Each neighborhood proper shall meet the minimum allowable mix of land uses for each land use zone and shall satisfy the mandated requirements (meeting hall, neighborhood parks, etc.) for each neighborhood;
- 2) **TND.** The TND shall meet the minimum allowable mix of land uses for civic, useable open green space and open space/recreation; and,
- 3) **Sector land uses.** Sector land uses shall lessen existing imbalances within a sector area for employment, affordable housing, retail or service opportunities, see Sec. 6.8.C, Sector land uses.

**TABLE 6.8-7
TND MIX OF LAND USES**

<u>General Land Use Zones</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Per Capita</u>
<u>TND District</u>			
1. Useable Open Green Space	5%	-	-
2. Recreation			
a. Edge areas	100' wide	-	-
b. Recreation	see per capita requirement and Sec. 6.8-C.6.b.	-	110 sf area/person
<u>Neighborhood Proper</u>			
1. Residential Land Use Zones	51%	-	-
2. Civic (Private)	2%	-	-
3. Low Density Residential (LDR) (0 - 4 du\ac.)	10%	55%	-
4. Medium Density Residential (MDR) (4.1 - 8 du\ac.)	20%	25%	-
5. High Density (optional) Residential (HDR) (8.1 - 18 du\ac.)	-	20%	-
6. Shopfront Commercial	4%	15%	-
a. Retail Uses	-	see per capita	2.5-20 SF Bldg/Person
b. Other Commercial Uses	-	-	-
7. Workplace	2%	20%	-

Notes to Table 6.8-7:

- Land use percentages are calculated on the gross acreage of the TND District or the neighborhood proper, as indicated above. The neighborhood proper land use percentage calculations shall include the areas of streets, through roads and alleys.
- Shopfront commercial retail use per capita is based upon the standard established by the International City Management Association, "The Practice of Local Government Planning" (Wash., D.C., 1979) which provides that neighborhood shopping centers need a support population of between 5,000 to 40,000 people for a 100,000 square feet retail center (p. 248).
- Neighborhood parks, neighborhood squares and recreation areas which meet the definition of useable open green space shall count toward satisfying the minimum useable open green space requirement. A minimum of two (2%) percent of recreation\useable open green space
- A minimum of fifty-five (55%) percent of each neighborhood proper shall be designated a residential land use zone.

Table 6.8-8
TND SECTOR LAND USE ZONE
MIX OF LAND USES

	<u>Sector Land Use Zones</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Per Capita</u>
1.	Town Center	-	15%	3-6 sf retail/ person
2.	Employment Center	-	20%	-

Notes to Table 6.8-8:

- Sector land use zones shall be supported by a land use justification report explaining how a towncenter or employment center will diminish land use imbalances within a sector area, Sec. 6.8-C.6.h., (Sector land uses).
- The Town Center maximum land use amount of fifteen percent (15%) is calculated by adding the combined total acreage of all shopfront lots within the neighborhood proper, to the total acreage of all Town Center lots proposed for a sector land use zone, and dividing the resulting acreage by the gross acreage of the combined areas of the neighborhood proper and sector land use zone.
- The Employment Center maximum land use amount of twenty percent (20%) is calculated by adding the combined total acreage of all workplace lots within the neighborhood proper to the total acreage of all Employment Center lots proposed for a sector area, and dividing the resulting acreage by the gross acreage of the combined areas of the neighborhood proper and sector area.
- Town center per capita is based upon the standard established by the International City Management Association, "The Practice of Local Government Planning" (Wash., D.C., 1979) which provides, "Community shopping centers, requiring a support area population of 50,000 or more, generally contain 150,000 to 300,000 square feet..." (p. 248).
- Seventy-five percent (75%) of the Town Center commercial shall provide vertical integration of residential and commercial uses.

- (5) **Edge areas.** Edge areas shall be part of a network of connecting open space corridors which comply with Sec. 6.8.A.23.b, Perimeter landscape and edge areas, and the requirements listed below:
- (a) **Buffer incompatible land uses.** The amount of buffering required for an edge area depends upon the compatibility of the surrounding land uses and the design of the land use zones. Sector, workplace, shopfront, and civic land use zones shall be buffered from surrounding residential land use zones by spatial separations, dense landscaping, lakes, berms or a combination of these buffering elements. Edge areas which separate land uses which are not incompatible by virtue of their site location and design may require less buffering. A determination shall be made by PZB as to the extent of the buffering required according to the requirements of 6.8.A.23.b; and,
- (b) **Integration of land uses.** The edge areas are not intended to be detrimental to the integration of the TND into the adjacent communities. Buffering requirements depend upon the compatibility of the TND's perimeter land uses with surrounding land uses. Incompatible land uses shall be buffered by wide spatial separations, dense landscaping, lakes, berms, or a combination of these elements. Compatible TND land uses which are projected to function as an urban-infill project by virtue of it's location, may require no or less extensive buffering. A determination shall be made by PZB as to the extent of the buffering required using the criteria listed below:
- (i) **Exceptions.** Edge areas are not required in the following areas:
- 1) **Through roads.** The length of the perimeter of civic, shopfront, workplace and sector land uses having frontage and access onto through roads;
 - 2) **Water body.** The perimeter of the TND or neighborhood proper abutting a water body with a width of one hundred (100) feet or more; and,

- 3) **BCC.** The BCC may waive or modify edge area requirements if the applicant demonstrates that edge areas will be incompatible or detrimental to the surrounding communities urban design and that the waiver complies with of this section. Edge areas separating multiple neighborhoods within a district shall not be waived.
- (ii) **Standards.** A minimum one hundred (100) feet wide edge area shall be provided around the perimeter of a TND. This buffer shall be provided and shall not be waived in the following circumstances:
 - 1) **Residential.** If residential housing is located along the perimeter of the TND which is not compatible with the housing directly adjacent and outside the TND. Not compatible shall mean:
 - a) **Building height.** A proposed building height exceeding adjacent building heights by more than two stories, twenty eight (28) feet; or,
 - b) **Density.** The housing along the perimeter of a proposed neighborhood proper exceeds the density of adjacent existing housing by more than three (3) dwelling units an acre.
 - 2) **Nonresidential.** If shopfront, workplace or sector land use zones are located along the perimeter of the TND and do not access and have frontage onto a through street.
 - (iii) **Neighborhood edge areas.** An edge area shall be provided between the neighborhood proper of adjoining neighborhoods. The edge area shall be no less than one-hundred (100) feet in width and shall be considered part of, and shall not be in addition to, the required perimeter buffer surrounding the TND or separating another neighborhood proper.

- (6) **Pedestrian orientation and scale.** TND neighborhoods shall be pedestrian oriented, physically recognizable and developed at a human scale:
- (a) **Neighborhood size.** Neighborhoods shall be limited in size or shape to allow residents to walk to the neighborhood square within 1,320 feet or less. This requirement shall be met by ninety five (95%) percent of the housing units within each neighborhood proper;
 - (b) **Connections.** A neighborhood's residences, shopping, employment and recreational uses shall be connected by sidewalks or pedestrian paths, bicycle paths or bicycle lanes and driveways and local streets;
 - (c) **Community identity.** The TND shall locate a meeting hall, day care center and neighborhood square within one thousand (1,000) feet of the geographic center of each neighborhood to provide places for social, cultural and religious activities that may create community identity;
 - (d) **Mixed-use.** A neighborhood proper shall provide areas of mixed-use (residential and commercial uses) buildings having vertical integration and shall encourage by design the clustering of living, working, recreational, open space, shopping and civic uses; and
 - (e) **Spatial definition.** A neighborhood shall have defined building setbacks which spatially delineate the local streets and the residential blocks. The property development regulations in the regulating plan shall enforce these spatial requirements.
- (7) **Range of housing.** The TND shall offer a diverse range of housing opportunities so that people of different social and economic backgrounds may live in the same neighborhood:
- (a) **Housing types.** Each neighborhood proper shall offer a range of housing types including, but not limited to;
 - (i) Single family ;
 - (ii) Zero lot-line;
 - (iii) Townhouse;
 - (iv) Multiple family ; and,
 - (v) Outbuildings.

- (b) **Affordable housing.** Low and very low income housing shall be provided based on the need as identified within the Land Use Justification Report for affordable housing; however, until the completion of the Annual Needs Assessment Report, affordable housing shall comprise no less than twenty (20%) percent of the development's on-site residential units. In addition, all densities exceeding eight (8) du/ac must be designated on the Preliminary Development Plan as low and very low income housing as defined in the Housing Element of the Comprehensive Plan.
- (i) **Design.** Affordable housing shall comply with the regulating plan and the requirements listed below:
- a) **Location.** Affordable housing shall be located within 1,320 feet, of a mass transit stop, or a shopfront or workplace use;
- b) **Vary land use zones.** Be distributed throughout the TND and within each neighborhood proper, including the MDR and HDR land use zones and be encouraged in the LDR land use zone;
- c) **Vary housing types.** Offer a variety of housing types (i.e. duplexes, townhouses, apartments); and,
- d) **Vary bedrooms.** Offer housing types with a variety of bedrooms (i.e. 1, 2, 3, etc.);
- (ii) **Preliminary Development Plan.** The Preliminary Development Plan shall indicate the number and percentage of affordable housing dwelling units provided for each land use zone within each neighborhood proper.
- (8) **Circulation system.** The TND shall be designed with a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between different land uses within each neighborhood and the surrounding communities by providing:

- (a) Pedestrian and bicycle linkages, including but not limited to, walking paths, or sidewalks and bike trails or bike lanes;
 - (b) Parking areas designed to encourage the pedestrian nature of the TND. The types of uses proposed and the location and design of buildings and parking areas shall facilitate a reduction in parking requirements through a sharing of parking spaces.
- b. **Regulating plan.** The regulating plan shall provide a comprehensive graphic and written description of the function and development of the TND, the neighborhoods and the major building types including the requirements of Sec. 6.8-A.7.e, Regulating plan and the following:
- (1) **Supplemental regulations.** Supplemental regulations applicable and unique to a TND shall be developed by the applicant. These detailed regulations shall address design requirements not specifically dictated by this section and certain regulations within the TND which may be modified. Supplemental regulations shall be clearly stated, justified and illustrated in the regulating plan. The regulations are reviewed by the applicable County agencies who provides a recommendation of approval or denial to the Zoning Commission. The Zoning Commission then approves, denies or amends the proposed supplemental regulations.
 - (a) **Flexible regulations.** The applicant may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8 - 9, Property Development Regulations.
 - (2) **Low and very-low income housing.** The regulating plan shall contain language which guarantees the affordability of affordable housing. These guarantees may be in the form of a deed restriction on the property and/or a resale addendum to the sales agreement or eligibility requirements for rental property, or other method acceptable to the BCC. These requirements shall be included in the regulating plan and shall provide:
 - (a) **Time limit.** Length of time the units are to remain affordable; however, the minimum length of time is fifteen (15) years. The developer shall guarantee that the household, upon entry to the unit, shall meet the definition of a low or very low income household as defined in the Housing Element of the Comprehensive Plan or other method acceptable to the BCC;
 - (b) Price ranges of fee simple housing;

- (c) Price ranges of rental housing; and,
 - (d) **Evaluation and distribution.** Process of regulating and screening prospective renters and home owners for awarding dwelling units to the people that qualify based on income criteria and family size.
- (3) **Transportation program.** The applicant shall provide a transportation program which complies with Sec. 6.8-A.7.e, Regulating plan and the following:
- (a) **Internal trip capture.** A traffic study demonstrating the ability to achieve a significant internal trip capture rate of forty (40%) percent or higher concurrent with the buildout of an TND;
 - (b) **Street hierarchy.** A street classification plan establishing a logical hierarchy of streets based upon surrounding land use zones and design speeds. The pedestrian nature of the neighborhoods shall require slower design speeds, however the street cross-section shall be of sufficient width and design to accommodate the projected traffic.
- c. **Land use justification report.** A land use justification report shall be provided to justify and explain the mix of land uses proposed and describe the methods used to calculate the percentage of each land use zone. The justification report shall address:
- (1) **Land use.** The amount of land uses proposed, residential and nonresidential, the amount of affordable housing provided, and the effect on land use imbalances in the sector planning area, including:
 - (a) **Housing costs.** Imbalances between employment and housing, including the affordability of housing (housing costs matching job holders ability to pay costs based on salary potentials);
 - (b) **Housing availability.** Existing imbalances in the amount of affordable housing for the surrounding sector; and,
 - (c) **Open space and recreation.** Existing imbalances in the amount of useable open green space and recreation.
 - (2) **Sector land uses.** A justification report shall be provided for sector land uses which explains how the sector land use zones of town center and workplace will diminish existing land use imbalances within the sector planning area. The analysis shall include the land use requirements listed in Sec.6.8-C.6, Land use zones, and the following:

- (a) **Nonresidential land uses.** Existing land use imbalances within a sector in the amount of nonresidential land uses to residential land uses; and,
 - (b) **Boundaries.** A map showing the boundaries of the sector area and justification for these boundaries. A sector shall be comprised of census tracts and follow census boundaries. The composition of the tracts may vary, and one or more tracts may be used in a sector; and,
 - (c) **Methodology.** A description of the methodology used to analyze the sector area including the raw data used (the most recent census data shall be used or actual survey data), the analysis procedures and the resulting affordable housing and land use mix recommendations.
- (3) **Social activity and recreation areas.** The TND shall designate areas for social activity and active and passive recreation by providing neighborhood squares, neighborhood parks and recreation areas. These activity and recreation areas shall be linked by pedestrian paths or sidewalks, bicycle paths or lanes or useable open green space to encourage pedestrian access and non-vehicular circulation ;
- (a) **Recreation report.** A recreation report shall detail the passive and active recreation available to the residential population of the TND and the sector planning area and shall be submitted as part of the justification report. This report shall include, but is not limited to:
 - (i) The types of open space provided for the TND as a whole and for each neighborhood proper including:
 - (i) The types of passive recreation proposed and a total acreage amount;
 - (ii) The types of active recreation proposed including a list and cost estimation of site improvements and a total acreage amount;
 - (iii) The methodology used to calculate the minimum amount of recreation required for a TND based on population and the following:
 - 1) The requirements of Sec. 7.12, Park and recreation standards; and,

- 2) The requirements of this section.

In cases of conflict between the recreation requirements of the section listed above, the stricter regulation shall apply to the extent of the conflict.

- (iv) The proposed connections (bike lanes, pedestrian paths, sidewalks , etc.) used to connect land uses and land use zones.

4. **Administration.**

- a. **Conditions of approval.** The BCC may impose conditions of approval upon the development order to assure the intent of this section is satisfied and that the public health, safety and welfare are provided. Sec. 6.8.A, Conditions, for additional information about conditions.
- b. **Development Review Committee (DRC).** Following approval by the BCC, the Preliminary Development Plan, regulating plan, and justification report shall be submitted for review and certification by the DRC according to Art. 5, Development Review Procedures, and Sec.6.8.A.15., Development Review Committee approval.
- c. **Phasing controls and platting.** TNDs shall commence development and proceed in a reasonably continuous and timely manner complying with the phasing schedule listed below, Sec. 6.8.A.19, Phasing controls and platting, Art.8, Subdivision and the phasing schedule identified on the approved Preliminary Development Plan and regulating plan.
- (1) **Meeting hall and parks.** The site for a meeting hall and fifty (50%) of the parks proposed for a neighborhood shall be platted in a neighborhood proper prior to the platting of fifty (50%) of the residential lots of a neighborhood. Construction of the neighborhood parks system and a meeting hall shall commence as provided in section F.5.a & b (Open space\recreation use) and (Civic use) of this section.
- d. **Property owners association.** A property owners association shall be formed to manage the common areas and guide the growth of each neighborhood. If the TND consists of multiple neighborhoods, a master property owners association shall be created to manage the project as a whole.

5. **Land use zones.** A TND shall be divided into land use zones indicated on the Preliminary Development Plan as provided in Table 6.8-2, (Planned Development Use Regulations Schedule), and Table 6.8-7, TND Mix of Land Uses, unless otherwise restricted by the conditions included in the final development order and subject to the provisions below:

a. **Proximity of land uses.**

- (1) Land uses within the same general land use zone may enfront;
- (2) Land uses in different zones shall not enfront, but may abut at rear property lines; and
- (3) Any land use may enfront the civic land use zone.

b. **Open space/recreation use.** Open space/recreation land uses shall include edge areas, parks, squares and recreation areas. A continuous non-vehicular circulation system shall connect internally between neighborhood proper and externally with surrounding communities.

(1) **Neighborhood parks.**

- (a) **Minimum area.** A Neighborhood park shall have a minimum area of eight thousand four hundred (8,400) square feet;
- (b) **Six hundred (600) feet requirement.** Each neighborhood shall be distributed so that ninety five (95%) percent of the housing is located within six hundred (600) feet from a park or other recreation area;
- (c) **Paved area.** Not more than ten (10%) percent of a park's lot area shall be paved for parking.
- (d) **Perimeter.** Fifty (50%) percent of the perimeter of the park shall be adjacent to a street right-of-way.

- (2) **Recreation areas.** Recreational uses which tend to generate negative impacts such as noise, bright lights, litter, etc. onto adjacent land uses shall be designed with a perimeter landscape area located between the recreational use and adjacent incompatible land uses and shall be located outside of a neighborhood proper but may be located within the edge areas between neighborhood proper. Recreational uses within one hundred (100) feet of a residential dwelling unit within or without the TND shall provide a perimeter landscape area which complies with the compatibility buffers described in Sec. 6.8-A.22.b, Perimeter landscape and edge areas .

c. **Civic use.** The Civic land use zone is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned land uses to serve the community. It should be understood that the civic land use requirements contained herein, shall in no way alter, diminish, or increase those obligatory conditions which were made prior to the adoption of this code.

A minimum of two (2%) percent of the gross area of the TND shall be designated on the Preliminary Development Plan as either Public Civic or Private Civic as indicated below:

- (1) **Publicly owned civic land uses.** A portion of a TND may be required to be conveyed in simple title to the BCC for civic purposes in response to an increase in services or other impacts required concurrent with the development of the TND or by a voluntary commitment by the applicant.
 - (a) **Conveyances.** These conveyances shall be in the form as provided by BCC conditions, and as indicated in the development agreement for a project, as provided in Ord. 91-16, "Palm Beach County Development Agreement Ordinance" as may be amended, and shall meet the Facilities Planning, Design and Construction Department's requirements for civic land acquisition. Conveyance of land for civic sites shall not include land utilized for dry or wet retention for land uses located outside of the civic site.
 - (b) **Land uses.** Publicly owned civic lots shall consist of land uses which are required to provide services to meet Concurrency requirements such as, but not limited to, regional parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools or libraries.
 - (c) **Service providers.** The civic dedications for service providers shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
 - (d) **Location.** Civic uses may be located internal or external to a neighborhood proper and the location shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
 - (e) **External civic uses.** Civic uses located external to a neighborhood proper shall comply with the edge buffering requirements for sector land uses.

- (f) **Property development regulations.** Civic uses shall comply with the regulations in this section and Table 6.8-9, Property Development Regulations. Publicly owned civic lots may also be exempted from a property development, design or Subdivision Planning regulation if the regulation is determined by the Zoning Director to be detrimental to the proper functioning of the civic use.
- (2) **Privately owned civic land uses.** A minimum of two (2%) percent of the area of each neighborhood proper shall be designated for privately owned civic lots. These civic lots shall consist of land uses which provide services to a neighborhood and are customarily privately owned, operated and allowed in residential zoning districts, such as, but not limited to, day care centers, churches, temples, meeting halls, etc.) see Table 6.8-2, Planned Development District Use Regulation Schedule.
- (a) Private civic lots shall be located adjacent to a neighborhood square or park or on a lot terminating in a street vista;
- (3) **Neighborhood square.** Every neighborhood shall be provided with a square. The lots surrounding a square shall serve as a focal point for the social life of the neighborhood by providing a neighborhood store, day care center, bus stop (if applicable), and other neighborhood services. A meeting hall shall be constructed within the square's boundaries or fronting the square.
- (a) **Land use regulations.** The following regulations shall apply to neighborhood squares and land uses fronting the square:
- (i) **Central location.** Each neighborhood shall have a neighborhood square which is located within one thousand (1,000) feet of the geographic center of the neighborhood and within a 1,320 feet walk of ninety five (95%) percent of the neighborhood housing;;
- (ii) **Size limitations.** The square shall have a minimum lot size of forty three thousand five hundred sixty (43,560) square feet and a maximum size of one hundred forty thousand (140,000) square feet. These minimum and maximum size measurements do not include adjacent street right-of-ways;
- (iii) **Neighborhood store.** A neighborhood store with a maximum gross floor area of fifteen hundred (1,500) square feet shall be allowed adjacent to one side of the square;

- (iv) **Perimeter.** Squares shall have at least fifty (50%) percent of their perimeter adjacent to street rights-of-way;
 - (v) **Through streets.** The square shall be located at the intersection of through streets or other streets which extend beyond the boundaries of the neighborhood proper;
 - (vi) **Parking.** Thirty (30%) percent of the neighborhood square may be used for paved parking.
- (b) **Meeting hall.** Every TND shall construct a meeting hall which complies with the following requirements:
- (i) **Covenant.** The master developer, his successor or assignee, shall covenant at platting to construct a meeting hall in or fronting the square in each neighborhood;
 - (ii) **Construction.** Building shall commence upon the sale or rent of sixty-five (65%) percent of the total lots and units to end users (not sale of lots to a developer for resale);
 - (iii) **Gross floor area.** The meeting hall shall contain a room having a gross floor area equivalent to four (4) square feet per residential lot in the neighborhood, or two thousand (2,000) square feet, whichever is greater.
- (c) **Daycare.** A minimum of one (1) civic lot in each neighborhood proper shall be designated for child care.
- (d) **Noncommercial storage area.** The master developer, his successor or assignee shall designate an area for the storage of noncommercially used or operated boats, trucks or recreational vehicles:
- (i) **Minimum lot size.** A minimum of one (1) lot, with an area of four thousand two hundred (4,200) square feet or more shall be platted for every neighborhood proper;

- (ii) **Location.** The storage lots may be combined into one area and shall be located within the shopfront, workplace or sector land use zone and shall not abut a residential land use zone along any of the storage area's perimeter; and,
 - (iii) **Use.** The use of this storage area is limited to the residents of the TND and shall not be used for commercial purposes.
- d. **Low density residential (LDR) land use zone.** Low density residential land use zones may consist of single family homes, zero lot-line, two unit single family homes, Congregate Living Facilities Type I and customarily allowed accessory uses. This zone is intended to provide areas for single-family housing at a density larger than zero (0) and greater than or equal to four (4) dwelling units per acre.
- e. **Medium density residential (MDR) land use zone.** Medium density residential land use zones shall primarily of multiple family buildings with more than two (2) units, including but not limited to: townhomes; apartments; condominiums; etc. and customarily allowed accessory uses. This zone is intended to provide for multiple family and affordable housing at a density greater than four (4) and equal to or less than eight (8) dwelling units per acre.
- f. **High density residential (HDR) land use zone (optional).** High density residential land use zone is an optional zone and is encouraged for TNDs with high underlying land use designations, High Residential eight (HR 8) or higher, on the Comprehensive Plan Land Use Atlas. This land use zone shall consist primarily of multiple family buildings containing apartments, condominiums, or other similar housing types and customarily allowed accessory uses. This zone is intended for a concentrated density of multiple family affordable housing greater than eight (8) and equal to or less than eighteen (18) dwelling units per acre.
- g. **Shopfront and workplace land use zones.** Shopfront and workplace land use zones are intended to provide commercial, professional office and light industrial uses of a community nature to service the surrounding neighborhood proper within the TND.
 - (1) **Shopfront.** Shopfront land uses shall consist primarily of retail, professional office and community commercial uses, see Table 6.8-2, Planned Development District Use Regulation Schedule, and shall comply with the following:
 - (a) **Residential use.** A minimum of twenty-five (25%) of the gross leasable area of a shopfront building shall be designated for residential use;

- (b) **Ground floor.** Residential uses are prohibited on the ground floor of a shopfront building; and,
 - (c) **Adjacent shopfront.** Shopfront land uses of adjacent neighborhoods may be located next to each other and designed to function as one commercial land use zone as long as edge area and other buffering and locational criteria may be met.
- (2) **Workplace.** Workplace land uses shall consist of light industrial and professional office uses, see Table 6.8-2, Planned Development District Use Regulation Schedule
- (3) **Shopfront and workplace.** Shopfront and workplace lots shall comply with the following:
- (a) **Compatibility buffers.** Shopfront and workplace lots shall be separated from residential land use zones and parks at the side or rear lot lines by a compatibility buffer, see Sec. 6.8-A.20.b, Perimeter landscape and edge areas.
 - (b) **Hours of operation.** Shopfront or workplace 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. These operational limitations shall apply to uses in the Town Center and Employment Center sector land use zone unless the uses are three (300) feet or greater from a dwelling unit. Other sector land use zones shall be subject to these regulations as determined by the Zoning Director.
 - (c) **Open storage.** No open storage or placement of any material, refuse equipment or debris shall be permitted in the rear of any structure.
 - (d) **Outdoor speakers.** No outdoor loudspeaker systems shall be permitted.
 - (e) **Rooftop screening.** All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to the full height of the objects being screened.
- h. **Sector land use zones.** Sector land uses shall be specifically requested and justified by the applicant as required by Sec. 6.8-C.4.c.(2), (Sector land uses) and approved by the BCC.

- (1) **Town Center.** The purpose of the town center is to provide an appropriate place to locate more intensive shopfront uses which are more intensive than is permitted in neighborhood shopfront areas. These uses are intended to serve the TND and the surrounding sector area.
- (2) **Employment center.** The purpose of the employment center is to provide an appropriate place to locate light industrial or professional office uses which are more intensive than is permitted in a neighborhood workplace area. Employment centers shall provide employment opportunities for the TND and the surrounding sector area.
- (3) **Land uses and locational requirements.**
 - (a) **Through street.** Town centers and employment centers shall be located on the perimeter of a neighborhood proper and separated from the neighborhood by a through street;
 - (b) **Land use mix.** The land use mix for employment centers may consist entirely of professional office or light industrial, or a combination of the above, subject to the finding of the sector analysis justification report;
 - (c) **Residential.** Residential housing is allowed in employment centers only in combination with professional offices. Residential uses shall not be mixed with light industrial uses unless permitted elsewhere in the Unified Land Development Code; and,
 - (d) **Street intersections.** Two (2) or more streets shall connect town or employment uses with adjacent neighborhoods and intersect a through street. The point of intersection of these two connecting streets into a through street shall be a minimum of two hundred (200) feet apart and a maximum of five hundred (500) feet from the neighborhood proper;
- (4) **Property development regulations.** Sector land uses shall comply with Table 6.8-9, Property Development Regulations. Town center uses shall comply with shopfront, and employment center shall comply with workplace regulations except for maximum lot size, maximum setbacks, maximum lot combinations and maximum percentage of combined lots.

- (5) **Additional sector land use zones.** Sector land use zones other than town center and employment center may be requested within a TND. These additional sector land use zones shall be graphically indicated on the Preliminary Development Plan and explained and justified in the justification report.
6. **Property development regulations.** The planned development regulations within a TND shall be as listed in Table 6.8-9, Property Development Regulations, for the applicable land use zone, unless otherwise provided in the approved Preliminary Development Plan and the development order.

**Table 6.8-9
TND Property Development Regulations**

Regulation	Open Space/ Recreation	Civic	Low Density Residential
Lot Size in Square Feet	-	4,200 min. none max.	5,500 min.* 8,400 max.
Minimum Lot Width and Frontage	84'	84'	55'*
Minimum Lot Depth	75'	75'	75'
Setbacks:			
Front Yard	20'	20'	5' min. 20' max.
Street Side Yard	20'	20'	20'
Interior Side Yard	20'	20'	0' and 10' or 5' each side
Rear Yard	20'	20'	20' 5' outbldg.
Maximum Building Height	1 story	3 story	2 story
Maximum Building Coverage	10%	25%*	50%
Maximum Lot Combination	-	-	3
Maximum % Combined Lots	-	-	50%
Outbuilding Permitted	No	No	Yes
Number of Dwelling Units Allowed Per Lot	-	-	1 max.

Note: * Indicates flexible property development regulations which may deviate from the above stated standards by complying with Sec 6.8-C.4.b.(1), Supplemental regulations.

TABLE 6.8-9 (Continued)

TND Property Development Regulations

Regulation	Medium Density Residential	High Density Residential	Shopfront	Workplace
Lot Size in Square Feet	8,400 min.* 16,800 max	8,400 min.* 16,800 max	4,200 min. 8,400 max.	4,200 min. 8,400 max.
Minimum Lot Width and Frontage	84**	84**	42'	42'
Minimum Lot Depth	75'	100'	100'	100'
Setbacks:				
Front Yard	5' min. 20' max.	20' min. 30' max.	0' min.	0' min.
Street Side Yard	20'	20' min.	0' min.	0' min.
Interior Side Yard	0' and 10' or 7.5' each side	20' min.	0' or greater than 5'	0' or greater than 15'
Rear Yard	20' 5' outbldg.	20' min.	30' min.	30' min.
Maximum Building Height	3 story	4 story*	3 story	4 story
Maximum Building Coverage	50%	50%	50%	50%
Maximum Lot Combination	6	6	5	2
Maximum % Combined Lots	50%	50%	50%	50%
Outbuilding Permitted	Yes	No	No	No
Number of Dwelling Units Allowed Per Lot	3 max.	5	—	—

Note: * Indicates flexible property development regulations which may deviate from the above stated standards by complying with Sec. 6.8-C.4.b.(1), Supplemental regulations.

- a. **Enclosed uses.** Unless otherwise permitted herein, all land uses shall take place entirely within enclosed buildings.
- b. **Building types.** Building types, as well as property development regulations affecting lot design shall meet the requirements of this section and shall further be defined in regulating plan.
- c. **Raised basements.** Raised basements shall not elevate the principal floor more than five (5) feet above the adjacent sidewalk elevation.
- d. **Outbuildings.**
 - (1) **Uses.** Outbuildings shall not exceed two (2) stories in height. The first floor of an outbuilding may be used as a garage, an accessory apartment or as an apartment for the elderly or handicapped, see Sec. 6.4 (Accessory apartments for the elderly and handicapped).
 - (2) **Density.** Garage apartments and accessory apartments shall not be considered "dwelling units" for the purpose of calculating maximum allowable density for the TND. However, all housing including these apartments shall satisfy the requirements of the Adequate Public Facilities Ordinance, as may be amended.
 - (3) **Size.** Habitable area in an outbuilding shall not exceed:
 - (a) In the case of an accessory apartment for the elderly or handicapped, the gross floor area provided in Sec. 6.4, (Accessory apartments for the elderly and handicapped); and,
 - (b) In the case of a garage apartment, five hundred twenty-five (525) square feet of gross floor area.
 - (3) **Parking.** Use of an outbuilding as an apartment shall not increase the minimum on-site parking requirements for a residential lot; and,
 - (4) **Regulating plan.** Property development regulations for outbuildings shall be further restricted in the regulating plan.
- e. **Main entrance.** All buildings, except outbuildings, shall have their main entrance opening to a street or square.

f. **Permitted encroachments.**

(1) **Porches.** A porch may encroach a maximum of six (6) feet into front setbacks of fifteen (15) feet or more, excluding corner lots. A porch shall have a minimum depth of six (6) feet and a minimum width of twelve (12) feet. Except for insect screening and supporting columns, a porch shall not be enclosed above three (3) feet measured from the finished floor of the porch.

(2) **Roof overhangs.** A perpetual three (3) foot wide maintenance easement shall be provided on a lot adjacent to the property line of an unattached zero lot line building. The easement shall be shown on the plat and incorporated into the Declaration of Restrictive Covenants. Roof overhangs may encroach into the easement up to a maximum of eighteen (18) inches. The roof shall be so designed that water runoff from the zero lot residence shall be diverted from the easement area. With the exception of fences, walls or hedges along the front property line, the maintenance easement shall be kept free of obstructions.

g. **Windowless building walls.** Building walls placed less than five (5) feet from an interior lot line shall remain windowless. Building walls less than three (3) feet from an interior lot line shall meet the requirements of Sec 6.8-C.7.f. (above), Roof overhangs.

h. **Colonnades.** Colonnades are encouraged to be used along streets with civic, shopfront or workplace land use. Colonnades may encroach into the street right-of-way up to the edge of the curb. A colonnade shall be a minimum of eight (8) feet in width and have a minimum clear height of ten (10) feet from ground to ceiling.

i. **Streets and alleys.** The typical design standards for a street, (sidewalks, right-of-way widths, lane widths, landscaping, parking, and turning radius) may deviate from the standard design requirements of Art.8 (Subdivision) by meeting the following requirements and complying with Table 6.8-10, Street Design Standards:

- (1) The deviations shall be provided in the regulating plan;
- (2) The roads shall not be owned or maintained by Palm Beach County, unless a Thoroughfare Plan road;
- (3) The design changes shall not endanger the health, safety, or welfare of the public as determined by the County Engineer.

**TABLE 6.8-10
TND STREET DESIGN STANDARDS**

LAND USE ZONES	STREET RIGHT-OF-WAY WIDTH	TRAVEL LANE		MINIMUM CURB RADIUS
		Minimum Number	Minimum Width	
Low Density Residential (LDR)	46' - 50'	2	10'	20'
Medium Density Residential (MDR)	50' - 60'	2	10'	20'
High Density Residential (HDR)	50' - 60'	2	10'	25'
Shopfront	70' - 80'	2	12'	30'
Workplace	71' - 100'	3	11'	30'

Note:

- Crossing site distance at all intersections shall be in accordance with the minimum requirements of the State of Florida "Manual of Uniform Minimum Standards for the Design, Construction, and Maintenance of Streets and Highways" (F.D.O.T. Green Book). Parking and landscaping in the vicinity of all intersections shall be restricted in accordance with the minimum requirements of this Manual.
- Street right-of-way requirements indicate a minimum and a maximum width.
- To establish a range of permitted right-of-way widths.
- Streets serving many blocks, connecting with roads outside of the neighborhood or passing through edge areas, shall not have a road right-of-way less than fifty (50) feet in width.
- Shopfront and Workplace land uses located along a through street shall provide the minimum requirements of this table and may exceed the maximum right-of-way widths.
- The TND street design standards above shall follow the land use with lots having frontage or a side corner to streets. In cases of two or more land uses within apply.

**TABLE 6.8-11
TND STREETScape DESIGN STANDARDS**

LAND USE ZONES	STREET TREES		MINIMUM SIDEWALK WIDTH	PARALLEL PARKING WIDTH
	Minimum Planting Area	Maximum Avg. Spacing		
Low Density Residential (LDR)	8' x 23' = 184 sq. ft.	50'	5'	8' one side
Medium Density Residential (MDR)	8' x 23' = 184 sq. ft.	50'	7'	8'
High Density Residential (HDR)	8' x 23' = 184 sq. ft.	50'	7'	8'
Shopfront	5' x 8' = 40 sq. ft.	40' or 30'	10'	8'
Workplace	5' x 8' = 40 sq. ft.	40' or 30'	7'	8'

Note:

- Crossing site distance at all intersections shall be in accordance with the minimum requirements of the State of Florida "Manual of Uniform Minimum Standards for the Design, Construction, and Maintenance of Streets and Highways" (F.D.O.T. Green Book). Parking and landscaping in the vicinity of all intersections shall be restricted in accordance with the minimum requirements of this Manual.
- "One side" in the chart above indicates that on-street parallel parking shall be provided on one side of the street. Land use zones other than LDR shall provide parallel parking on both sides of the street.
- Minimum landscape planting areas shall be planted with street trees, xeric shrubs and ground covers as provided in Sec. 6.8-C.7.1., Landscape requirements.
- Minimum landscape planting areas may be provided between parallel parking spaces but are not required to be continuous in nature.

- (4) **Street classification plan.** The street classification plan provided as part of the regulating plan shall incorporate the following general design standards:
- (a) **Street vistas.** The Preliminary Development Plan shall designate publicly and privately owned civic lots and the general location of a civic building at the terminus of street vistas for all major internal streets, including through streets.
 - (b) **Street connections.** A grid street pattern is encouraged within a TND, therefore cul-de-sacs are not permitted on streets. The maximum length of the circumference of a block shall not exceed one thousand three hundred fifty (1,350) linear feet.
 - (c) **Alleys.** A continuous network of alleys shall connect the rear of lots in all land use zones except the Low Density Residential (LDR) land use zone (Alleys are optional for the low density residential land use zone).

**TABLE 6.8 - 12
ALLEY DESIGN STANDARDS**

ALLEY TYPE	ALLEY WIDTH	TRAVEL LANE		MINIMUM CURB RADIUS	MINIMUM PLANTING AREA
		Minimum Number	Minimum Width		
Residential Alley	24'	1	8'	25'	16'
Commercial Alley	30'	2	10'	25'	10'

NOTES:

- Residential alleys shall provide access to residential land use zones and commercial alleys shall provide access to all other land use zones. In case of an alley serving residential and non-residential land use zones, a commercial alley shall be provided.
- A clear area of sixteen (16) feet and a clear area of twenty (20) feet, respectively, shall be maintained within residential and commercial alleys to allow unobstructed two-way traffic.
- Residential alleys shall provide eight (8) feet of planting area on both sides of the travel lane. Measuring from the edge of pavement, the first four (4) feet of the planting area on both sides of the travel lane shall be sodded and maintained free of obstructions.
- Commercial alleys shall provide five (5) feet of planting area on both sides of the travel lanes, or if adjacent to a residential land use zone, shall provide ten (10) feet of planting area on the side of the travel land opposite the non-residential uses.

- (5) **Through streets.** Streets serving a neighborhood proper shall reinforce, rather than upset, the social and economic integrity of the community. The street classification system of the regulating plan shall identify and separate higher volume streets, such as arterial and collectors, from streets and alleys which are internal to and serve the neighborhood proper.
- (a) **Road improvements.** Street trees, bike lanes or paths, and other designated improvements shall be provided on roads indicated as Scenic Corridors, see Sec. 6.8-A.22.d, Road improvements.
- (i) **Thoroughfare map.** Street cross sections commonly used for roads shown on the County Thoroughfare Protection Plan Map do not provide sufficient width to accommodate street trees and bike lanes. Design modifications to these section widths shall be made as required by the Engineering Department;
- (ii) **Location.** A through street shall provide primary access to or border a neighborhood proper, but shall not pass through or divide it; and,
- (iii) **Design.** Through streets bordering or connecting a neighborhood shall provide:
- a) **Sidewalk.** A sidewalk of not less than six (6) feet in width;
- b) **Trees.** Shade trees spaced an average distance of fifty (50) feet or less apart on both sides of the street.
- c) **Bike lanes.** Bike lanes meeting the design standards as established by the Zoning Division and approved by the Engineering Department.

- j. **Utilities and street lighting.**
- (1) **Utilities.** Public utilities shall be constructed underground or along an alley to the rear of a lot.
 - (2) **Light standards.** Street lights shall be between eight (8) and fourteen (14) feet in height and equipped with incandescent or metal halide light bulbs. Street lights shall be installed on both sides of streets at no more than one hundred (100) foot intervals. This measurement shall be taken parallel to and along the street. Street lighting for roads indicated on the County Thoroughfare Plan Protection Map shall conform with the requirements of the County Engineer.
- k. **Parking requirements and access.** TNDs shall comply with Sec. 7.2 (Off-street parking regulations) and the parking and loading requirements of this section. If conflicts exist between these regulations, the regulations of this section shall apply to the extent of the conflict.
- (1) **On-street parking.** The on-street parking spaces immediately abutting a lot shall count toward satisfying:
 - (a) Minimum visitor parking requirements for residential lots;
 - (b) Parking spaces for outbuildings; and
 - (c) Minimum parking requirements for shopfront, workplace, civic and sector land uses.
 - (2) **Off-street parking requirements and location.** TNDs shall comply with Sec. 7.2 (Off-street parking regulations), and the parking and loading requirements of this section.
 - (a) **Location.** Parking lots shall be located at the rear or side of buildings and shall be buffered from view from adjacent streets by streetwalls or streetedges. Parking spaces shall be located within easy walking distance, three hundred (300) linear feet, of a public entrance or exit of a building. This measurement shall be taken beginning at the perimeter of a parking space and extend along a pedestrian pathway or vehicular paved drive intended for use by pedestrians for entering or existing the buildings on site from the parking area. (These location requirements shall not apply to grass parking areas or public schools.)

- (b) **Streetwall.** Land use zones requiring streetwalls to buffer parking lots:
- i) Civic;
 - ii) Shopfront;
 - iii) Workplace; and,
 - iv) Sector.
- (c) **Streetedge.** Land use zones requiring streetedges to buffer parking lots:
- (i) Open space/recreation;
 - (ii) Low density residential;
 - (iii) Medium density residential; and
 - (iv) High density residential.
- (d) **Maximum parking provided.** The total number of parking spaces provided for a TND shall not exceed the minimum number required to serve the development based upon this section and Sec. 7.2, and the parking requirements of this section.
- (e) **TND parking reduction bonus.** Shopfront lots with a total non-residential gross floor area of eighty thousand (80,000) square feet may reduce the parking calculation ratio rate for general and special permit uses for the amount of gross floor area exceeding eighty thousand (80,000) square feet and equal to or less than one hundred twenty five thousand (125,000) square feet. This parking calculation rate reduction is limited to non-residential building area and shall be applied only to gross floor area which is not a requested land use. Requested land uses shall comply with the parking requirements of Sec. 7.2, (Off-street parking regulations). The gross floor area within the range identified above may be calculated at a reduced ratio of one (1) space per five hundred (500) square feet of gross floor area.
- (f) **Shared parking.** Credit toward reducing the minimum number of required parking spaces for a TND may be given for the submittal and approval of a shared parking study conforming to the requirements of Sec. 7.2.D.8 (Shared Parking).

(5) **Individual land use zones.**(a) **Civic use.**

- (i) **Grass parking.** Parking lots on civic tracts shall be graded, compacted and landscaped, but may be left unpaved, so long as the site receives a special permit for grass parking by complying with Sec. 7.2 (Off-street parking regulations).
- (ii) **Access.** Parking lot access may be through the frontage, side or rear of the lot.

(b) **Low density.**

- (i) **Access.** Parking spaces may be accessed through the frontage or rear of a lot; and
- (ii) **Location.** Garages or carports shall be recessed a minimum of twenty (20) feet behind the front facade of the house. The distance shall be measured from the portion of the facade with the greatest setback from the street.

(c) **Medium and high density.** Parking lots shall be accessed from a residential alley from the rear of the lot.(d) **Shopfront and workplace.** Parking lot requirements:

- (i) **Adjacent lots.** Provide off-street vehicular circulation with adjacent lots through commercial alleys;
- (ii) **Parking agreements.** Record cross-access and shared-parking agreements with adjacent lot owners if sanctioned by the Department;
- (iii) **Rear parking.** Locate a minimum of fifty (50%) percent of off-street parking to the rear of the buildings; and,
- (iv) **Access.** Parking lots shall not be accessed through the street frontage of the lot.

- I. **Landscape requirements.** Unless otherwise indicated, the TND shall be landscaped according to Sec. 7.3, (Landscaping and buffering), the requirements of this section and the regulating plan.
 - (1) **Street planting areas.** The following planting standards shall apply in residential and nonresidential land use zones:
 - (a) **Residential land use zones.**
 - (i) **Street trees.** Trees shall be planted within the street rights-of-way between the sidewalk and the street curb in the LDR, MDR and HDR land use zones;
 - (ii) **Spacing.** The trees shall be planted with a maximum average spacing of fifty (50) feet on center; and,
 - (iii) **Palms.** Palms may not be used as street trees in residential land use zones.
 - (b) **Nonresidential land use zones.**
 - (i) **Street trees.** Trees shall be planted within the street rights-of-way between the sidewalk and the street curb in all nonresidential land use zones, unless otherwise indicated;
 - (ii) **Spacing.** Trees shall be planted with a maximum average street spacing of forty (40) feet on center;
 - (iii) **Palms.** Palms may be used as street trees for nonresidential land use zones subject to the following requirements:
 - a) **Spacing.** The average spacing shall be thirty (30) feet on center;
 - b) **Spread.** A minimum mature crown spread of at least twenty (20) feet in diameter; and,
 - c) **Grey wood.** A minimum grey wood height of eight (8) feet upon planting.
 - (c) **Water tolerance.** All land use zones shall provide drought tolerant (xeric) shrubs and ground covers to stabilize the surface area of all street plantings and control soil erosion.

- (2) **Parking lots.** Parking lots that abut streets shall be separated from the street by a streetedge or streetwall, as provided below:
 - (a) **Streetwall.**
 - (i) **Design.** A visual buffer a minimum of four (4) feet and a maximum of six (6) feet in height built along the frontage line or alley. It shall consist of masonry, wood or a combination of masonry and wood and shall provide a minimum of seventy-five (75%) percent opacity. Streetwall openings shall have a gate which shall be included when calculating the percentage of opacity.
 - (ii) **Typical planting requirements.** The inside of a streetwall shall be landscaped with shade trees located between the parking and the wall and the outside with hedges or shrubs. Trees shall be planted at a maximum of thirty (30) feet on center and four (4) feet from the edge of the right-of-way on that portion of the exterior of the streetwall not used as an accessway. Additional minimum planting requirements and plant sizes are found in Sec. 7.3, (Landscaping and buffering) or as otherwise shown in the regulating plan.
 - (b) **Streetedge.** A buffer used to define and continue the frontage line along the unbuilt portion of a lot. A streetedge shall have a height of between three (3) feet and five (5) feet and be located on and along the frontage line. It shall consist of a wall, fence, hedge or other suitable materials which meet the standards of the landscape code. A streetedge shall provide no less than fifty (50%) percent opacity.

D. MXPD, Mixed-Use Planned Development District.

1. **Purpose and intent.** The purpose of the MXPD district is twofold: 1. Promote the design of mixed-use developments for land which has a commercial designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories or a commercial land use zone designation within a PUD or PIPD; and, 2. Provide for the compatible integration of residential uses and commercial uses into a unified development.

The intent of the MXPD is to provide for the compatible development and integration of nonresidential uses and residential uses with enlightened and imaginative approaches to community planning, including but not limited to:

- a. The use of vertical or horizontal integration with residential and commercial uses;
 - b. The selection of land uses which encourages internal automobile trip capture and compatibility with residential uses;
 - c. The design of a site development plan which provides for the compatible cohabitation of residential and commercial uses;
 - d. The use of flexible property development regulations;
 - e. The design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles;
 - f. The utilization of multiple family homes to provide a transition area between commercial uses and adjacent residential development; and,
 - g. The incorporation of into the site development plan to connect, buffer and define the various land uses and land use zones within a MXPD.
2. **Applicability.** The requirements of this section, Sec. 6.8-A.2, shall apply to all MXPDs, whether new or amended, within unincorporated Palm Beach County, in accordance with Section 1.5. In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict.
 - a. **Previous approvals.** Modifications to previously approved mixed-use special exceptions shall comply with the requirements listed above
 3. **Application.** The applicant shall provide a Preliminary Development Plan, a regulating plan, and a justification report. These documents shall comply with Sec. 6.8-A, Planned Development District Regulations, this section, and the requirements listed in the rezoning application form as may be required by PZB to process a Planned Development rezoning or zoning amendment application.
 - a. **Preliminary Development Plan.** A MXPD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, the intensity (gross floor area) and the conceptual design of a MXPD. The requirements of a Preliminary Development Plan are found below, in Sec. 6.8-A.8, Contents of Application, and in the rezoning application form.
 - (1) **Development thresholds.** The minimum district size or gross floor area required for a MXPD may vary according to the district's Comprehensive Plan land use category as indicated in the Table 6.8-18, MXPD Minimum Thresholds, and the requirements of Sec.6.8-A.2.a.(1), Thresholds.

**TABLE 6.8-18
MXPD MINIMUM THRESHOLDS**

Land Use Category	Minimum Gross Floor Area	Minimum Acreage
Commercial Low Office	20,001	3.01
Commercial Low	20,001	3.01
Commercial	30,001	5.01
Commercial High Office	50,001	10.01
Commercial High	50,001	10.01

- (2) **Contiguous land.** MXPDS shall be developed on contiguous lots or tracts.
- (3) **Density.** The Standard Density and Planned Development Density for a MXPDS shall be as indicated on the Comprehensive Plan Land Use Atlas. In cases where an underlying residential density is not indicated for a commercial land use designation, the Planning, Zoning and Building shall assign a density based upon the residential densities surrounding the proposed MXPDS. See Sec. 6.8-A.3, Residential density and land use categories, for additional density requirements.
- (4) **Land use zones.** The entire land area of a MXPDS shall be designated as a Mixed-use land use zone. Land uses shall be grouped into this Mixed-use land use zone as indicated in Table 6.8-19, MXPDS Mix of Land Uses; and, the standards listed below:
- (a) **Design intent.** The design of the MXPDS shall comply with the requirements of Sec. 6.8.A.23 (Planned Developments General—Design Objectives), in addition to the following design criteria:
- (i) **Land use integration .** The design of a mixed-use land use zone shall zone provide for the vertical or horizontal integration of residential and commercial uses. Vertical and Horizontal integration of land uses shall include at a minimum between land uses shall include streetscape elements (trees, shrubs, benches, etc.) and open green spaces within a continuous non-vehicular circulation system to provide a transition area between commercial and residential land uses and to encourage non-vehicular circulation.
- (ii) **Non-vehicular circulation and internal trip capture.** A continuous non-vehicular circulation system for pedestrians shall be designed and constructed within a MXPDS which provides for safe, efficient, and desirable circulation. MXPDS shall demonstrate the ability to achieve an internal trip capture concurrent with the build-out of the project, see Sec. 6.8-E.3.b.(2), Transportation program;

- (iii) **Mix of land uses.** The applicant shall propose a mix of land uses which provide commercial service uses for the MXPDP population and the surrounding communities;
- (iv) **Recreation.** Recreational opportunities shall be provided to meet the needs of the residential population of a MXPDP in accordance with Sec. 7.12, Park and recreation standards and this section;
- (v) **MXPDPs adjacent to residential land uses.** MXPDPs shall be designed to create a transitional land use area to separate non residential land uses from residential land uses located outside of the MXPDP and to separate intensive residential housing from less intensive residential housing. These transitional land use areas may vary in width based on the adjacent housing type or residential land use category. A transitional land use area is required for portions of a MXPDP which are adjacent to land with a residential land use category on the Comprehensive Plan Land Use Atlas.
 - 1) **Single-family.** MXPDPs adjacent to existing single-family housing or land with a Land Use Atlas designation of medium residential five (MR5) or less shall only provide residential land uses which do not exceed three (3) stories or thirty five (35) feet in height within one hundred (100) feet of the common boundary of the MXPDP and these external residential land uses.
 - 2) **Multiple family or institutional.** MXPDPs adjacent to existing multiple family housing or institutional land uses or land with a Land Use Atlas designation of high residential eight (HR8) or higher shall only provide residential land uses within one hundred (100) feet of the common boundary of the MXPDP and the adjacent external residential land uses.

- (vi) The number of free standing commercial buildings (out parcels or lease parcels) with vehicular circulation on four (4) sides of the building shall be limited according to the Comprehensive Plan land use category based upon the following requirements:
 - a) Commercial Low Office and Commercial Low - One (1) free standing commercial building with circulation on four (4) sides of the building shall be permitted within a MXPDP;
 - b) Commercial - Two (2) free standing commercial buildings with circulation on four (4) sides shall be permitted within a MXPDP; and,
 - c) Commercial High Office and Commercial High - Three (3) free standing commercial buildings are permitted within a MXPDP.
- (vii) Architectural design standards. MXPDP's, shall comply with the architectural design standards of Sec. 6.6.C (Supplementary Regulations—Architectural Compatibility Standards).

TABLE 6-8 - 19
MXPDP MIX OF LAND USES

<u>Land use zone</u>	<u>Minimum</u>	<u>Maximum</u>
1. Mixed-use	100%	—
a. Residential	50%	75%
b. Commercial	25%	50%
c. Recreation	110 s.f. area/person See Sec. 6.8-E.5.a.(1)	—

Note:

Minimum and maximum land use percentages indicated above for residential and commercial land uses are calculated by dividing the total gross floor area of a specific land use type (either residential or commercial) by the total gross floor area (residential and commercial) of the MXPDP.

- (5) **Perimeter landscape areas.** Perimeter landscape areas shall be part of a network of connecting open space corridors which comply with Sec. 6.8-A.22.b., Perimeter landscape and edge areas, and the requirements listed below:
- (a) **Required locations.** A perimeter landscape area shall be provided around the entire perimeter of a MXPDP. These landscape areas shall also be located between incompatible land uses. The width, planting requirements, and type of perimeter landscape area shall be provided as determined in Sec. 6.8-A.22.b. and below.
 - (b) **Type (C) perimeter landscape area.** A type (C) perimeter landscape buffer is required to buffer incompatible land uses within the interior and along the perimeter of the MXPDP. The portion of a perimeter landscape buffer required to be a type (C) depends upon the compatibility of the surrounding land uses and the design of the MXPDP. Residential land uses located outside of a MXPDP shall be buffered from adjacent commercial or other nonresidential development. MXPDPs with residential areas which are not incompatible with adjacent land uses by virtue of site location and design may require less buffering. A recommendation shall be made by PZB to the BCC in the form of a development order condition as to the location and type of perimeter landscape area required for the MXPDP.
- (6) **Design criteria.** MXPDPs shall comply with Sec. 6.8-A.22, Design objectives and the following:
- (a) **Pedestrian orientation and scale.** MXPDPs shall be pedestrian oriented, physically recognizable and developed at a human scale:
 - (i) **MXPDP design.** A MXPDP shall be designed to allow residents to walk to commercial and recreational land uses within 1,320 feet or less. This requirement shall be met by one hundred (100%) percent of the dwelling units; and,
 - (ii) **Connections.** All land uses within a MXPDP shall be connected by a continuous non-vehicular circulation system. This system shall be designed with streetscape elements and open green spaces to create shade from the sun, visual amenities, and a pedestrian oriented environment; and,
 - (b) **Circulation system.** A MXPDP shall be designed with a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land uses within the MXPDP and adjacent land uses within the surrounding communities, by complying with Sec. 6.8-E.6.b.(5), Parking requirements and access, and the following:
 - (i) A MXPDP shall be designed with a pedestrian and bicycle circulation system ; and,
 - (ii) **Parking areas.** Parking areas shall be designed to encourage the pedestrian nature of the MXPDP. The types of uses proposed and the location and design of buildings and parking areas shall facilitate a reduction in parking requirements through a sharing of parking spaces.

- b. **Regulating plan.** The regulating plan shall provide a comprehensive graphic and written description of the function and development of the MXPDP by complying with Section 6.8.A.8.c., Regulating Plan and including but not limited to:
- (1) **Flexible regulations.** The applicant may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8-21, MXPDP Minimum Setbacks.
 - (2) **Transportation program.** The applicant shall provide a transportation program which includes a traffic study demonstrating the ability of the MXPDP to achieve a significant internal trip capture rate concurrent with the build-out of the district; and,
 - (3) **Street and pathway cross-sections.** The applicant shall provide street and pathway cross-sections .
- c. **Land use justification report.** A land use justification report shall be provided to justify and explain the amount of commercial, residential and recreational land uses proposed and describe the methods used to calculate these percentages, including the raw data used (the assumptions made for proposed population counts and employment projections), the analysis procedures and the resulting land use mix recommendations based on projected income levels, housing types, etc. The justification report shall also address the amount, if any, of affordable housing proposed and the following:
- (1) **Commercial land use zone.** The applicant shall document the breakdown of commercial uses proposed including the amount of commercial service land uses proposed in respect to the population of the MXPDP, (expressed in terms of gross square footage per person). Commercial uses within a MXPDP shall provide, but shall not be limited to, commercial service uses for the residential population of the development;
 - (2) **Recreation areas.** A MXPDP shall be designed with areas designated for useable open green space and recreation based on the residential population of the MXPDP.
 - (a) **Recreation report.** A written report shall be submitted as part of the justification report which describes the passive and active recreation available to the residential population of the MXPDP. This report shall include, but is not limited to:
 - (i) The types of passive recreation proposed and a total acreage amount;
 - (ii) The types of active recreation proposed including a list and a cost estimation of the site improvements and a total acreage amount;
 - (iii) The methodology used to calculate the minimum amount of recreation required based on population and the following:
 - 1) The requirements of Art. 7.12, Park and recreation standards, and,
 - 2) The requirements of this section.

In cases of conflict between the recreation requirements of the sections listed above, the stricter regulation shall apply to the extent of the conflict.
 - (iv) The proposed connections (bike lanes, pedestrian paths, etc.) used to connect the land uses.

4. **Administration.**
- a. **Conditions of approval.** The Development Review Committee and the Zoning Commission may recommend, and the BCC may impose conditions of approval upon the development order according to Sec. 6.8-A., Conditions.
 - b. **Development Review Committee (DRC).** Prior to Zoning Commission and following approval by the BCC, the Preliminary Development Plan, elevations or perspectives, regulating plan, and justification report shall be submitted for review and certification by the DRC according to Art. 5, Development Review Procedures and Sec. 6.8-A.14., Action of DRC. Changes to previously approved MXPDS which exceed the limits of the DRC, shall comply with the modification options contained in Sec. 6.8-A, Planned Development District Regulations,
 - c. **Phasing controls and platting.** MXPDS shall commence development and proceed in a reasonably continuous and timely manner. Platting and phasing of a MXPDS is governed by Sec. 6.8-A.19, Phasing controls and platting, Art. 8, Subdivision, the phasing schedule on the Preliminary Development Plan, the MXPDS development order and the requirements listed below:
 - (1) **Recreation areas.** The platting of recreation areas within a MXPDS shall conform to the requirements of Sec. 7.12, Park and Recreation Standards.
 - d. **Property owners association.** A property owners association shall be formed to manage the common areas within a MXPDS concurrent with the recording of the first plat.
5. **Land uses.** Table 6.8-2, (Planned Development District Use Regulations Schedule) indicates the land use zones and the corresponding land uses allowed within a MXPDS unless otherwise restricted by conditions included in the development order. MXPDS land uses are subject to the following provisions:
- a. **Land use zones.** The entire MXPDS shall be designated as a Mixed-use land use zone and shall graphically indicate the location and amount of the following land uses on the Preliminary Development Plan:
 - (1) **Recreation.** Recreational land uses may include useable open green space areas, and active recreation areas. All MXPDS shall designate on the Preliminary Development Plan a minimum of one hundred and ten (110) square feet of gross lot area per person (based on the total approved population of the BCC approved dwelling units) for recreational purposes. Also, a continuous non-vehicular circulation system shall be indicated to connect the land uses within a MXPDS. This circulation system may include, but is not limited to, pedestrian paths or sidewalks and bicycle paths or lanes to encourage pedestrian access and non-vehicular circulation. The recreation facilities required by this section are intended for the sole use of the residents and guests of the MXPDS.;
 - (a) **Recreation threshold.** MXPDS shall provide the minimum amount of recreation to comply with Sec. 7.12, Park and Recreation Standards, and the standards listed below;
 - (i) **Optional recreation.** MXPDS with a population equal to or less than seventy seven (77) people, (dwelling units x 2.4 = population) shall not be required to provide on site recreational facilities but shall comply with recreation options offered in Sec. 7.12, Park and Recreation Standards.

- (ii) **Minimum area.** MXPDS with a population larger than seventy seven (77) people shall provide a recreation area equal to one hundred ten (110) square feet of lot area per person and shall comply with the requirement of Sec. 7.12, Park and Recreation Standards;
 - (b) **Neighborhood parks.** In addition to the requirements of Sec. 7.12, Park and Recreation Standards, a MXPDP may provide neighborhood parks which are mostly passive in nature. If a neighborhood park is proposed, the following design standards shall apply:
 - (i) **Minimum area.** A Neighborhood park shall have a minimum area of eight thousand four hundred (8,400) square feet and a minimum lot width and depth of sixty (60) feet;
 - (c) **Parking.** Parking spaces are not required for recreation areas within a MXPDP. However, if parking is provided, a maximum of ten (10%) percent of a recreation area shall be paved for parking.
 - (d) **Pedestrian system.** All recreation facilities shall provide a continuous sidewalk or other pedestrian path approved by PZB. This path shall connect the recreational site improvements (pool, hard surface courts, benches, etc.) to the surrounding MXPDP continuous non-vehicular circulation system.
- (2) **Mixed-use land use zone.** The entire MXPDP shall be designated as a mixed-use land use zone. This land use zone is intended to provide residential uses and commercial land uses which are horizontally or vertically integrated into one development, see Table 6.8-19, MXPDP Mix of Land Uses;
- (a) **Residential use.** Residential uses within a MXPDP shall be regulated by maximum density and maximum residential gross floor area. A minimum of fifty (50%) percent of the gross floor area on the Preliminary Development Plan shall be designated for residential uses and shall comply with Table 6.8-2, Planned Development District Use Regulations Schedule under the PUD heading for the residential land use zone.; and,
 - (b) **Commercial use.** A minimum of twenty five (25%) percent of the gross floor area on the Preliminary Development Plan shall be designated for commercial uses
 - (i) **Hours of operation.** Commercial and mixed-use land use zones 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. These operational limitations shall apply to all nonresidential land uses within three hundred (300) feet from a dwelling unit.
 - (ii) **Open storage.** No open storage or placement of any material, refuse equipment or debris shall be permitted in the rear of any structure.

- (iii) **Outdoor speakers.** No outdoor loudspeaker systems shall be permitted.
 - (iv) **Rooftop screening.** All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to a minimum of six (6) inches above the height of the object intended for screening.
6. **Property development regulations.** The property development regulations within a MXPDP shall be as indicated in Table 6.8-20, MXPDP Minimum Dimensions and Building Intensity and Table 6.8-21, MXPDP Minimum Setbacks, for the applicable land use zone, unless otherwise provided in the approved Preliminary Development Plan or in the MXPDP development order.

**TABLE 6.8 - 20
MXPD MINIMUM DIMENSIONS AND BUILDING INTENSITY**

Land Use Category	Minimum District Dimensions			Maximum FAR	Maximum Building Coverage
	Frontage	Width	Depth		
Commercial Low Office and Commercial Low	100'	100'	150'	.45	.30
Commercial	200'	200'	200'	.65	.35
Commercial High Office and Commercial High	300'	300'	300'	.85	.40

NOTES:

-Maximum FAR (floor area to lot area ratio) shall include the gross floor area of all buildings (residential and commercial) within the MXPd including parking garages) and shall be calculated on the net area of the MXPd. The net area of a MXPd shall be calculated by subtracting the areas used for parking (spaces, aisles and roads) from the gross area of the MXPd.

**TABLE 6.8 - 21
MXPd MINIMUM SETBACKS**

Land Use Type	Minimum Building Setbacks (ft.) and Separations			
	Front	Side*	Street	Rear*
Residential - Commercial (vertically integrated)	25'	40' - R 15' - C	25'	40' - R 25' - C
Commercial (horizontal integration)	25'	40' - R 15' - C	25'	50' - R 20' - C

NOTES:

C - Abutting non-residentially zoned lot.

R - Abutting residentially zoned lot.

* Indicates that the regulation is flexible and may be modified by complying with Sec. 6.8-A.7.e., Regulating Plan.

- The building setbacks indicated above are based on a maximum building height of thirty five (35) feet. All structures exceeding thirty five (35) in height shall provide the applicable setback stated in Table 6.8-21, above, and an additional setback of one (1) horizontal foot for each one (1) vertical foot of building exceeding thirty five (35) feet in height.
- Horizontally integrated residential land uses shall comply with Sec. 6.8-B.7, PUD, property development regulations for a low medium or high for residential land use zone depending upon the gross density of the MXPDP.
- Building setbacks and separations shall be measured from the inside edge of all perimeter landscape areas and from the proximity of one building to another.

- a. **Residential uses.** Residential land uses shall comply with the following requirements and property development regulations of Sec. 6.8-B, PUD:
- (1) Sec. 6.8-B.6.b.(2), residential accessory uses and structures; and,
 - (2) Sec. 6.8-B.7 (entire section), property development regulations.
- b. **Commercial uses.** Commercial uses shall comply with the regulations in Table 6.8-20, MXPDP Minimum Dimensions and Building Intensity and Table 6.8-21, MXPDP Minimum Setbacks and the requirements of this section.
- c. **Road improvements.** The Board of County Commissioners may condition a MXPDP to provide certain road improvements within the road right of way or elsewhere within a MXPDP, in addition to the land development improvements required for the subdivision or platting of land. These conditional improvements are intended to forward certain goals of the Comprehensive Plan such as: assuring the public health, safety and welfare; facilitating non-vehicular circulation; implementing the linked Open Space, Scenic Corridor and other applicable County programs; and improving the neighborhood aesthetics. These conditional right-of-way improvements may include, but are not limited to street lighting, median landscaping, street trees, underground utilities, and bike lanes. See Sec. 6.8-A.22.d, Road improvements.
- d. **Parking requirements and location.** MXPDPs shall comply with Sec. 7.2, (Off-street parking regulations) and the parking and loading requirements of this section.
- (1) **Calculation rate.** Parking spaces for general and special permit uses shall be calculated at a rate of one (1) space per two hundred (200 s.f.) of gross floor area. Requested uses shall provide parking according to the specific use requirements listed in Sec. 7.2, (Off-street parking regulations)
 - (2) **Maximum parking provided.** The total number of parking spaces provided for a MXPDP shall not exceed the minimum number required to serve the development based upon this section and Sec. 7.2, (Off-street parking regulations).
 - (3) **MXPDP parking reduction bonus.** MXPDPs with a total non-residential gross floor area of eighty thousand (80,000) square feet may reduce the parking calculation ratio rate for general and special permit land uses for the amount of non-residential gross floor area above eighty thousand (80,000) square feet and equal to or less than one hundred twenty five thousand (125,000) square feet. This parking calculation rate reduction is limited to non-residential building area and shall be applied only to gross floor area. The gross floor area within the range identified above may be calculated at a reduced ratio of one (1) space per five hundred (500) square feet of gross floor area.
 - (4) **Shared parking.** Credit toward reducing the minimum number of required parking spaces for a MXPDP may be given for the submittal and approval of a shared parking study conforming to the requirements of Sec. 7.2.D.8 (Shared Parking).

- (5) **Distance.** Parking spaces shall be located within easy walking distance, four hundred (400) linear feet, of a public entrance or exit of a building. This measurement shall be taken beginning at the perimeter of a parking space and extend along a pedestrian pathway or vehicular paved drive intended for use by pedestrians for entering or exiting the buildings on site from the parking area.
 - (6) **Location.** A minimum of twenty five (25%) percent of parking shall be located within the side or rear setback of a building.
 - (7) **Parking agreements.** Property owners within a MXPDP shall record cross-access and shared-parking agreements with adjacent lot owners if required by PZB.
- e. **Landscape requirements.** A MXPDP shall be landscaped according to Sec. 7.3 (Landscaping and buffering), this section, the conditions on the development order or final site plan/final subdivision plan and the regulating plan.

E. MUPD, Multiple Use Planned Development District.

1. **Purpose and intent.** The purpose of the MUPD district is twofold: 1. to promote the design of unified, multiple use developments for land which has a rural residential 10, commercial, industrial, or commercial recreation designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories; and, 2. to provide for the efficient use of land by the integration of multiple uses within a single development.

The intent of the MUPD is to provide for the development of multiple nonresidential uses with enlightened and imaginative approaches to community planning, including but not limited to:

- a. Allowing flexibility of certain property development regulations;
 - b. Applying certain property development regulations to the entire MUPD rather than individual lots, such as but not limited to:
 - (1) Access;
 - (2) Parking;
 - (3) Lot size and dimensions;
 - (4) Lot frontage; and,
 - (5) Landscaping.
 - c. Designing for architectural compatibility between land uses for buildings and signage.
2. **Applicability.** The requirements of this section shall apply to all MUPDs, whether new or amended, within unincorporated Palm Beach County and shall comply with Sec. 6.8-2, and in accordance with Section 1.5, . In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict.
 3. **Previous approvals.** Modifications to previously approved Planned Neighborhood Commercial Developments, Planned General Commercial Development, Large-scale community or regional shopping centers (thirty thousand (30,000) square feet or fifty thousand (50,000) square feet of total floor area or more), Planned Office Business Park, and Planned Industrial Park Development special exceptions shall be consistent with the character of the land uses approved for the area and shall comply with the following regulations:
 - a. **Modifications of special exceptions.** Applications for modifications to the special exceptions listed above shall comply with Sec. 1.5, Exemptions: Effect of code and amendments on previously approved development orders; and,
 - b. **Modifications of Planned Developments.** Applications for modification of Planned Developments shall comply with the application and procedural requirements of Sec. 6.8-A, Planned Development Regulations.
 4. **Application.** The applicant shall provide a Preliminary Development Plan, and a regulating plan. These documents shall demonstrate compliance with Sec. 6.8-A, Planned Development District Regulations, this section, the requirements listed in the rezoning application form and other requirements, as may be required by PZB to process a rezoning or zoning amendment application.
 - a. **Preliminary Development Plan.** A MUPD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the MUPD is designed and phased. The requirements of a Preliminary Development Plan are found below and in the rezoning application form available from PZB.
 - (1) **Minimum development thresholds.** The minimum development thresholds of minimum lot area and minimum building square footage for a MUPD may vary according to the MUPD's Comprehensive Plan land use category as indicated in Table 6.8-22, MUPD Minimum Development Thresholds.

TABLE 6.8-22
MUPD MINIMUM DEVELOPMENT THRESHOLDS

Land Use Category	Minimum Gross Floor Area	Minimum Acreage
RR 10	50,001	15.00
Commercial Low Office	20,001	3.01
Commercial Low	20,001	3.01
Commercial	30,001	5.01
Commercial High Office	50,001	10.01
Commercial High	50,001	10.01
Industrial	100,001	20.01
Commercial Recreation	100,001	10.01

- (2) **Contiguous land.** MUPDs shall be developed on contiguous lots or tracts.
- (3) **Land Use Atlas.** MUPD's correspond to the land use categories indicated in Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories.
- (4) **Design intent.** The design of the MUPD shall comply with the requirements of Sec. 6.8.A.23 (Planned Developments General—Design Objectives), in addition to the following design criteria:
- (a) **Non-vehicular circulation system.** A continuous circulation system for pedestrians and bicycles shall connect all of the land uses within a MUPD to encourage non-vehicular circulation; and,

- (b) The number of free standing commercial buildings with vehicular circulation on four (4) sides of the building shall be limited according to the Comprehensive Plan land use category based upon the following requirements:
- (i) Rural Residential 10 or 20 - One (1) free standing commercial building is permitted within a MUPD;
 - (ii) Commercial Low Office and Commercial Low - One (1) free standing commercial building is permitted within a MUPD;
 - (iii) Commercial - Two (2) free standing commercial buildings are permitted within a MUPD;
 - (iv) Commercial High Office and Commercial High - Three (3) free standing commercial buildings are permitted within a MUPD;
 - (v) Industrial - Two (2) free standing commercial buildings are permitted within a MUPD; and,
 - (vi) Commercial Recreation - Three (3) free standing commercial buildings are permitted within a MUPD.
- (c) **Architectural design standards.** MUPD submittals for development order approvals, especially building permits, shall comply with the architectural design standards of Sec. 6.6.C (Supplementary Regulations—Architectural Compatibility Standards).
- (5) **Perimeter landscape areas.** Perimeter landscape areas shall comply with Sec. 6.8-A.22.b, Perimeter landscape and edge areas and the requirements listed below:
- (a) **Required locations.** A perimeter landscape area shall be provided around the entire perimeter of a MUPD. The width, planting requirements, and type of perimeter landscape areas provided around a MUPD shall be as determined in Sec. 6.8-A.22.b, and below.
 - (b) **Type (C) perimeter landscape area.** A type (C) perimeter landscape area is required to buffer incompatible land uses outside the MUPD. The portion of a perimeter landscape area required to be a type (C) depends upon the compatibility of the surrounding land uses and the design of the MUPD. Adjacent residential land uses shall be buffered from a MUPD by a type (C) perimeter landscape area. MUPDs adjacent to nonresidential land uses which are not incompatible may require less buffering. A recommendation shall be made by PZB to the BCC as a development order condition as to the location and planting requirements of perimeter landscape areas based on the surrounding land uses, Sec. 6.8-A.22.b.(4), the proposed site design and Table 6.8-3, Perimeter Landscape Areas of the buffering required.
- (6) **Pedestrian orientation and scale.** MUPDs shall be pedestrian oriented, and developed at a human scale:
- (a) **Connections.** Land uses shall be connected by pedestrian paths or sidewalks, and bicycle paths or bicycle lanes; and,
 - (b) **Pedestrian and bicycle accessory facilities.** MUPDs shall provide facilities for seating, bicycle parking, etc. to encourage non-vehicular on-site circulation.

- (7) **Circulation system.** MUPDs shall be designed with a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land uses within the MUPD and directly adjacent to the MUPD. MUPDs shall comply with Sec. 6.8-F.7.a.(6), Parking requirements and access, and the types of uses proposed and the location and design of buildings and parking areas shall facilitate a reduction in parking requirements through a sharing of parking spaces.
- b. **Regulating plan.** The regulating plan shall provide a comprehensive graphic and written description of the function and development of the MUPD, including but not limited to flexible property development regulations, a transportation program, and street and pathway cross-sections. See Sec. 6.8-A.7.c, Regulating plan, for additional requirements.
- (1) **Flexible regulations.** The developer may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8 - 23, MUPD Property Development Regulations.
5. **Administration.**
- a. **Conditions of approval.** The Development Review Committee and the Zoning Commission may recommend, and the BCC may impose conditions of approval upon the development order according to Sec. 6.8-A.13.c., Conditions.
- b. **Development Review Committee (DRC).** Following approval by the Board of County Commissioners, the Preliminary Development Plan and regulating plan shall be submitted for review and certification by the DRC according to Art. 5, Development Review Procedures and Sec. 6.8-A.14., Action by DRC. Changes to previously approved MUPDs which exceed the limits of the DRC shall comply with the modification options contained in Sec. 6.8-A, Planned Development District Regulations, or Sec. 5.7, Variances.
- c. **Phasing controls and platting.** MUPDs shall commence development and proceed in a reasonably continuous and timely manner. Platting and phasing of a MUPD is governed by Sec. 6.8-A.19, Phasing controls and platting, Art. 8, Subdivision, the phasing schedule on the Preliminary Development Plan, and the MUPD's development order.
- d. **Property owners association.** A property owners association shall be formed to manage the common areas concurrent with the recording of the first plat with the Clerk of the Court.
6. **Land Uses.** Table 6.8-2 (Planned Development District Use Regulations Schedule) indicates the land use zones and the corresponding land uses unless otherwise restricted by conditions included in the development order.
- a. **Land use zones.** MUPDs shall provide an open space land use zone and one of the following land use zones depending upon the project's Comprehensive Plan land use category:
- (1) **Commercial land use zone.** A commercial land use zone is intended to provide service, retail and professional office uses, see Table 6.8-2, Planned Development District Use Regulation Schedule.
- (2) **Industrial land use zone.** An industrial land use zone is intended to provide light industrial uses, see Table 6.8-2, Planned Development District Use Regulation Schedule.
- (3) **Commercial recreation land use zone.** A commercial recreation land use zone is intended to provide multiple recreational uses, see Table 6.8-2, Planned Development District Use Regulation Schedule.

- (4) **Commercial agricultural.** A commercial agricultural land use zone is intended to provide multiple agricultural support uses, see Table 6.8-2, Planned Development District Use Regulation Schedule.
 - b. **Supplemental use regulations.** All land uses within a MUPD shall comply with the requirements listed below unless specifically allowed by condition within the development order:
 - (1) **Open storage.** No open storage or placement of any material, refuse equipment or debris shall be permitted in the rear of any structure.
 - (2) **Outdoor speakers.** No outdoor loudspeaker systems shall be permitted.
 - (3) **Rooftop screening.** All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to the full height of the objects being screened.
7. **Property development regulations.** The property development regulations within a MUPD shall be as indicated in Table 6.8-23, Property Development Regulations for the applicable land use zone, unless otherwise specifically provided in the approved Preliminary Development Plan or in the MUPD development order.

**Table 6.8 - 23
MUPD PROPERTY DEVELOPMENT REGULATIONS**

Land Use Atlas Designation	Minimum District Dimensions			Maximum FAR	Maximum Building Coverage	Minimum Building Setbacks (ft.)			
	Size	Width	Depth			Front	Side*	Street	Rear*
Commercial Low	3 ac.	200'	250'	.25	.20	25'	C - 15' R - 30'	25'	C - 20' R - 30'
Commercial High or Commercial	5 ac.	300'	300'	.30	.25	30'	C - 15' R - 30'	30'	C - 20' R - 30'
Commercial Low Office	3 ac.	200'	250'	.25	.20	25'	C - 15' R - 30'	25'	C - 20' R - 30'
Commercial High Office	5 ac.	300'	300'	.30	.25	30'	C - 15' R - 30'	30'	C - 20' R - 30'
Industrial	5 ac.	300'	300'	.40	.30	30'	C - 15' R - 40'	30'	C - 20' R - 40'
Commercial Recreation	5 ac.	300'	300'	.40	.30	30'	C - 15' R - 40'	30'	C - 20' R - 40'
Rural Residential 10	10 ac. or 20 ac.	300'	300'	.15	.10	50'	C - 50' R - 100'	50'	C - 50' R - 100'

NOTES:

C - Indicates the building setback if the lot abuts a non-residentially zoned or designated lot.

R - Indicates the building setback if the lot abuts a residentially zoned or designated lot.

* Indicates that the property development regulation is flexible and may be modified by complying with Sec. 6.8.B.4.b, Regulating plan.

-The building setbacks indicated above are based on a maximum building height of thirty five (35) feet. All structures exceeding thirty five (35) feet in height shall provide the applicable setback stated in Table 6.8-23 and an additional setback of one (1) horizontal foot for each one (1) vertical foot of building exceeding thirty five (35) feet in height.

-Building setbacks shall be measured from the inside edge of all perimeter landscape areas.

- a. **Road improvements.** The Board of County Commissioners may condition a MUPD to provide certain road improvements within the road right of way, in addition to the land development improvements required for the subdivision or platting of land. These conditional improvements are intended to forward certain goals of the Comprehensive Plan such as: assuring the public health, safety and welfare; facilitating non-vehicular circulation; implementing the linked Open Space, Scenic Corridor and other applicable County programs; and improving the neighborhood aesthetics. These conditional road improvements may include, but are not limited to street lighting, median landscaping, street trees, underground utilities, and bike lanes. See Sec. 6.8-A.22.d, Road improvements.
- b. **Parking requirements and access.** MUPDs shall comply with Sec. 7.2, (Off-street parking regulations) and the parking and loading requirements of this section and below.
- (1) **Calculation rate.** Parking spaces shall be calculated at a rate of one (1) space per two hundred (200 s.f.) square feet of gross floor area for general and special permit uses. Requested uses shall comply with the parking requirements listed in Sec. 7.2, (Off-street parking regulations) for specific uses.
 - (2) **Minimum parking provided.** The total number of parking spaces provided for a MUPD shall not exceed the minimum number required to serve the development as indicated by Sec. 7.2 and the parking requirements of this section.
 - (3) **MUPD parking reduction bonus.** MUPDs with a total non-residential gross floor area exceeding eighty thousand (80,000) square feet may reduce the parking calculation ratio rate for general and special permit uses for the amount of gross non-residential floor area above eighty thousand (80,000) square feet and equal to or less than one hundred twenty five thousand (125,000) square feet. This parking calculation rate reduction is limited to non-residential building area and shall be applied only to gross floor area. The gross floor area within the range identified above may be calculated at a reduced ratio of one (1) space per five hundred (500) square feet of gross floor area.
 - (4) **Shared parking.** Credit toward reducing the minimum number of required parking spaces for a MUPD may be given for the submittal and approval of a shared parking study conforming to the requirements of Sec. 7.2.D.8 (Shared Parking).
 - (5) **Distance.** Parking spaces shall be located within easy walking distance, four hundred (400) linear feet, of a public entrance or exit of a building. This measurement shall be taken beginning at the perimeter of a parking space and extend along a pedestrian pathway or vehicular paved drive intended for use by pedestrians for entering or existing the buildings on site from the parking area.
 - (6) **Location.** A minimum of twenty (20%) percent of parking shall be located to the side or rear of a building.
 - (7) **Parking agreements.** Property owners within a MUPD shall record cross-access and shared-parking agreements with adjacent lot owners if sanctioned by PZB; and,
- c. **Landscape requirements.** A MUPD shall be landscaped according to Sec. 7.3, Landscaping and buffering, the requirements of this section, the conditions on the development order or final site plan/final subdivision plan, and the regulating plan.

F. PIPD, Planned Industrial Park Development District.

1. **Purpose and intent.** The purpose of a PIPD is to offer an industrial development alternative which: provides employment opportunities; and, encourages internal automobile trip capture by offering justifiable amounts of commercial and residential uses.

The intent of the PIPD is to promote the design of planned industrial developments which provide enlightened and imaginative approaches to community planning and site design. These approaches, include but are not limited to:

- a. The preservation of natural features, scenic areas and native vegetation;
 - b. The promotion of efficient and economical industrial land use districts;
 - c. The encouragement of industrial linkages by process, product, or service;
 - d. The provision of on-site essential services for industries, employees, and clients;
 - e. The protection of nearby existing and future non-industrial land uses and activities;
 - f. The arrangement of buildings and land use intensities, as they relate to surrounding land uses to minimize and mitigate negative impacts;
 - g. The location of the PIPD near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping and/or railroad lines; and,
 - h. The encouragement of industrial expansion to the County's economic base through new investment.
2. **Applicability.** The requirements of this section, Sec. 6.8-A.2, and Sec. 1.5, shall apply to all PIPDs, whether new or amended, within unincorporated Palm Beach County. In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict.
 3. **Previous approvals.** Modifications to previously approved PIPDs shall comply be consistent with the character of the land uses approved for the area and shall comply with the requirements of Sec. 1.5, and the applicability section above.
 4. **Application.** The applicant shall provide a Preliminary Development Plan, a regulating plan and a justification report. These documents shall demonstrate compliance with Sec. 6.8, Planned Development District, this section and other information as may be required by PZB to process a rezoning or zoning amendment.
 - a. **Preliminary Development Plan.** A PIPD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the PIPD is designed and phased. The requirements of a Preliminary Development Plan are found below, in Sec. 6.8-A.7, Contents of application, and the rezoning application form.

- (1) **Development threshold.** The minimum area for a PIPD shall be fifty (50) acres.

- (2) **Contiguous land.** PIPDs shall be developed in contiguous lots or tracts. Land may be added to a PIPD provided the land is contiguous and the resulting project meets the intent of Sec. 6.8, Planned Development District Regulations and this section.

- (3) **Density.** The minimum development density, standard development density and planned development density for a PIPD shall be the underlying residential land use category as indicated on the Comprehensive Plan Land Use Atlas. Parcels of land with an industrial land use category and no underlying residential land use category shall be assigned a residential land use category by the Planning Division. The Planning Division shall base the assignment of a residential land use category upon the density of the land surrounding the proposed PIPD. Sec. 6.8-A.3, Residential density and land use categories, contains additional density and land use requirements.
- (4) **Land use zones.** PIPDs are allowed limited flexibility in establishing the proper mix of uses. Land uses shall be grouped into land use zones which limit and define the types of uses within a specific area of a PIPD, see Sec.6.8-G.5, Use regulations. The amount and type of each land use zone may vary depending upon: the results of Sec. 6.8-G.4.c, Land use justification report; the requirements of Table 6.8-24, PIPD Mix of Land Uses; and the standards listed below:
- (a) **Design intent.** The design of the PIPD shall comply with the requirements of Sec. 6.8-A.20, Design objectives, in addition to the following:
- (i) **Industrial land uses.** A PIPD shall be a predominantly industrial development;
 - (ii) **Perimeter landscape areas.** Perimeter landscape areas shall accommodate native vegetation preservation and protection and provide, buffering and green areas, see Sec. 6.8-G.4.a.(6), Perimeter landscape areas;
 - (iii) **Sector planning area (optional).** PIPDs have the option of providing limited commercial and residential uses subject to the complying with the following requirements:
 - a) **PIPD district.** The amount of residential and commercial uses shall be based on the amount of jobs created (work force) by the industrial uses within the PIPD and the availability of the types of housing needed for the projected work force.
 - b) **Land use balance.** The amount of residential and commercial uses proposed shall be based on lessening land use imbalances within a sector area, including but not limited to, employment, affordable housing, and retail or commercial service uses, see Sec. 6.8-G.5.a.(4), Sector land use zone;
 - c) **Commercial land uses.** Commercial land uses may be proposed singularly (without a residential land use zone) based on the needs of the projected work force or in conjunction with a residential land use zone based on the needs of the projected work force and the residential population;
 - d) **Internal trip capture.** PIPDs with commercial, mixed-use, or residential land use zones shall demonstrate the ability to achieve a significant internal trip capture concurrent with the build-out of the PIPD;

- e) Mix of land uses. PIPDs shall provide a balanced mix of land uses to provide for the needs of the PIPD's residential population (if proposed) and the projected work force;
 - f) Recreation. PIPDs with a residential population shall provide recreation to meet the needs of the residential population (see Sec. 6.8-G.6.a.); and,
 - g) Transitional land uses. Housing or recreational land uses shall be located between the PIPD and adjacent residential uses outside of the PIPD, as determined by PZB to provide a transitional area between on-site nonresidential uses and adjacent residential land uses.
- (5) Land use mix. Table 6.8 - 24, PIPD Mix of Land Uses, indicates the range of each land use zone required for a PIPD.

TABLE 6.8 - 24
PIPD MIX OF LAND USES

<u>Land use zones</u>	<u>Minimum</u>	<u>Maximum</u>
1. Industrial	55%	100%
a. Light	20% (% of total Industrial land uses)	100% (% of total Industrial land uses)
b. General	—	50% (% of total Industrial land uses)
2. Commercial	—	(see Sec. 6.8-G.6.(4)(b))
3. Residential	—	20% (see Sec. 6.8-G.6.(4)(a))
4. Recreation	110 s.f. area/person (see Sec. 6.8-G.6.a.(1))	—

(6) **Perimeter landscape areas.** Perimeter landscape areas shall be part of a network of connecting open space corridors which comply with Sec. 6.8-A.22.b, (Perimeter landscape and edge areas), and the requirements listed below:

(a) **Required locations.** A perimeter landscape area shall be provided around the entire perimeter of a PIPD. If general or light industrial uses abut the perimeter of the PIPD, a minimum twenty five (25) feet wide type (C) perimeter landscape area shall be provided. Landscape areas shall also be located between incompatible land uses and land use zones. The width, planting requirement, and type of perimeter landscape areas provided within or around a PIPD shall be as determined in Sec. 6.8-A.22.b, and below:

(b) **Type (C) perimeter landscape area.** A type (C) perimeter landscape buffer is required to buffer incompatible land use zones and land uses. The portion of a perimeter landscape buffer required to be a Type (C) depends upon the compatibility of the surrounding land uses and the design of the land use zones. Commercial and industrial land uses shall be buffered from surrounding residential development. A recommendation shall be made by PZB to the BCC as a development order condition as to the type and the location of perimeter landscape areas based on the surrounding land uses, Sec. 6.8-A.22.b.4, the proposed site design and Table 6.8-3, Perimeter Landscape Areas.

- (7) **Pedestrian orientation and scale.** PIPDs with residential or commercial sector land use zone shall be pedestrian oriented, and developed at a human scale. Sector land use zones shall comply with the following design standards:
- (a) **Size and shape.** PIPD sector areas with a residential land use zone shall be limited in size and shape to allow residents to walk from residential to commercial service uses within 1,320 feet or less. This requirement shall be met by ninety five (95 %) percent of the housing units within the PIPD;
 - (b) **Connections.** A PIPD's residences, shopping, employment and recreational uses shall be connected by a continuous non-vehicular circulation system.
- (8) **Parking areas.** PIPDs with commercial, mixed-use, or residential land uses shall design the buildings and parking areas within these land use zones to facilitate a reduction in parking through a sharing of spaces. Also, parking areas within sector land use zones shall be designed to encourage the pedestrian nature of the PIPD.
- b. **Regulating plan.** The regulating plan shall provide a comprehensive graphic and written description of the function and development of the PIPD, including but not limited to flexible property development regulations, a transportation program, and street and pathway cross-sections. See Sec. 6.8-A.7.e., Regulating plan, for additional requirements.
- (1) **Flexible regulations.** The applicant may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8 - 27, PIPD Minimum Building Setbacks or Separations.
 - (2) **Transportation program.** The applicant shall provide a transportation program which complies with Sec. 6.8-A.7.e., Regulating plan and the following:
 - (a) **Circulation system.** The PIPD shall be designed with a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between different land uses within and outside the PIPD.
 - (b) **Internal trip capture.** If sector land uses are proposed, the traffic study shall include information demonstrating the ability of the PIPD to achieve a significant internal trip capture rate concurrent with the build-out of the PIPD. A minimum internal trip capture rate may be conditioned by the BCC by a development order condition;
- c. **Land use justification report.** PIPDs with sector land uses shall provide a land use justification report to justify and explain the amounts of these uses and recreational land uses proposed and describe the methods used to calculate the proposed land use amounts, including the raw data used (the assumptions made for proposed population counts and projected employment) and the analysis procedures. The justification report shall also address the amount, if any, of affordable housing proposed and the following:

- (1) **Commercial land use zone.** The Land use justification report shall state the amount (acreage and gross floor area) of commercial land uses proposed. The amount of commercial uses within a PIPD shall be based upon the residential population and the work force of the PIPD;
- (2) **Boundaries.** A map showing the boundaries of the PIPD sector planning area and justification for these boundaries. A sector shall be comprised of census tracts and follow census boundaries. The composition of the tracts may vary, and one or more tracts may be used in a sector; and,
- (3) **Recreation.** PIPD's with a residential population (dwelling units x 2.4) greater than seventy seven (77) people shall designate a recreation area based on the population of the PIPD .
 - (a) **Recreation report.** A written report shall be submitted as part of the justification report which describes the passive and active recreation proposed for the PIPD. This report shall include, but is not limited to:
 - (i) The types of passive recreation areas and a total acreage amount;
 - (ii) The types of active recreation areas, including a list of proposed site improvements, estimated costs, and a total acreage amount;

(iii) The methodology used to calculate the minimum amount of recreation required based on the residential population of the PIPD and the following:

- 1) The requirements of Sec. 7.12, Park and Recreation Standards; and,
- 2) The requirements of this section.

In cases of conflict between the recreation requirements of the sections listed above, the stricter regulation shall apply to the extent of the conflict.

(iv) The linkages (bike lanes, pedestrian paths, etc.) used to connect the recreation areas with housing.

5. **Administration.**

- a. **Conditions of approval.** The BCC may impose conditions of approval upon the development order to assure the intent of this section is satisfied and that the public health, safety and welfare are provided, see Sec. 6.8-A.13,c, Conditions.
- b. **Development Review Committee (DRC).** Following approval by the BCC, the Preliminary Development Plan, regulating plan, and justification report shall be submitted for review and certification by the DRC according to Art. 5, Development Review Procedures, and Sec. 6.8-A.. Changes to previously approved PIPDs which exceed the limits of the DRC shall comply with the modification options contained in Sec. 6.8-A, Planned Development District Regulations.
- c. **Phasing controls and platting.** PIPDs shall commence development and proceed in a reasonably continuous and timely manner. Platting and phasing of a PIPD is governed by Sec. 6.8-A.19., Phasing controls and platting, the phasing schedule on the Preliminary Development Plan, and the conditions on the development order. See Sec. 7.12, Park and Recreation Standards, for recreation phasing requirements.
- d. **Property owners association.** A property owners association shall be formed to manage the common areas concurrent with the recording of the first plat with the Clerk of the Circuit Court.

6. **Use regulations.** Table 6.8-2, (Planned Development District Use Regulations Schedule) indicates the land use zones and the corresponding land uses unless otherwise restricted by conditions included in the development order. PIPD land uses are subject to the following provisions:

- a. **Land use zones.** The PIPD shall be divided into the following land use zones to indicate the proposed land uses:
 - (1) **Recreation (if a residential land use zone is proposed).** PIPDs with a residential sector land use zone shall provide recreational land uses based on the population of the PIPD.

- (a) **Recreation area.** PIPDs shall provide the minimum amount of recreation to comply with Sec. 7.12, Park and recreation standards, Table 6.8-24, PIPD Mix Of Land Uses, and this section. These recreation areas shall be connected to residential housing by a continuous non-vehicular circulation system which shall include but is not limited to, pedestrian paths or sidewalks and bicycle paths or bicycle lanes and driveways to encourage pedestrian access and other non-vehicular circulation. The recreation requirements of this section are intended for use by the residents of a PIPD and their guests;
- (i) **Minimum area.** PIPDs of seventy seven (77) people or more shall provide recreation areas in accordance with Sec. 7.12;
- (ii) **Location.** Recreation areas shall be located so that ninety five (95%) percent of the housing is located within a distance of six hundred (600) feet;
- (iii) **Parking.** Parking is not required for recreational uses. However, if parking is proposed, a maximum of ten (10%) percent of the gross lot area of a recreation site shall be paved for parking.
- (2) **Industrial land use zone.** An industrial land use zone is intended to provide areas for light industrial and general industrial uses, see Table 6.8-2, Planned Development District Use Regulation Schedule.
- (3) **Sector land uses.** Sector land uses shall be specifically requested and justified by the applicant as required by Sec. 6.8-G.4.c, Land use justification report and approved by the BCC.
- (a) **Residential land use zone.** A residential land use zone is intended to provide areas for residential housing to aid in accommodating the work force of a PIPD. A Residential land use zone within a PIPD shall comply with the following regulations:
- (i) **Table 6.8-2, Planned Development District Use Regulations Schedule.** Land uses within a residential land use zone shall comply with the requirements of Table 6.8-2 under the PUD heading for the residential land use zone.
- (ii) **Residential uses.** A residential land use zone shall comply with the following regulations of Sec. 6.8-B, PUD:
- 1) Sec. 6.8-B.1, the purpose and intent section of the PUD (except for the civic requirement);

- 2) Sec. 6.8-B.6.a.(3),(4)&(5), residential land use zones shall be designated of the Preliminary Development Plan as one or more of the following residential land use zone types: low density, medium density or high density. Also, a PIPD residential land use zone may request an optional residential land use zone designation; and,
 - 3) Sec. 6.8-B.6.b.(2), residential accessory uses and structures.
- (b) **Commercial land use zone.** A commercial land use zone is intended to provide commercial service, retail and professional office uses to serve the needs of the population and work force within a PIPD. A commercial land use zone within a PIPD shall comply with the following regulations:
- (i) **Location.** Commercial land use zones shall be located and designed for the convenience of the PIPD's residents and work force. Commercial land use zones shall not have vehicular access from an arterial or collector that is not part of the interior circulation system of the PIPD. No commercial facility shall maintain direct physical access to any arterial or collector bordering or traversing the PIPD.
 - (ii) **Non-vehicular circulation.** A continuous network of pedestrian and bicycle paths, and driveways shall provide convenient access from each residential dwelling unit to the commercial and mixed-use land use zones. This path network may include, but is not limited to, sidewalks or bike paths along streets, paths within perimeter landscape areas, and driveways connecting dwelling units with parking areas or sidewalks.
 - (iii) **Architectural design.** The architectural design criteria of Sec. 6.6.C (Architectural Compatibility Standards) shall apply to all development within sector land use zones.
 - (iv) **Area calculation.** The maximum lot area and gross floor area of the commercial land use zone shall be based on the following:
 - 1) **Lot area.** The maximum commercial lot area for a PIPD shall be calculated based on the population of the dwelling units approved on the Preliminary Development Plan by the BCC, and the population of the projected work force as described in the chart below;

TABLE 6.8 - 25
PIPD COMMERCIAL ACREAGE

Population/Work force	Maximum Commercial Acreage	Gross Floor Area*
Less than 1,000	None	None
1,001 to 1,740	One (1) acre	8,759 to 15,225
1,741 to 2,990	Two (2) acres	15,234 to 26,163
2,991 to 4,970	Three (3) acres	26,171 to 43,488
4,971 to 6,970	Five (5) acres	43,496 to 60,988
6,971 to 9,950	Seven (7) acres	60,996 to 87,063
9,951 to 15,000	Ten (10) acres	87,071 to 131,250
15,001 to 26,000	Fifteen (15) acres	131,259 to 228,690

NOTES:

* Buildable commercial gross floor area may vary depending upon lot configuration, site design, and compliance with other property development regulations, including but not limited to, vegetation preservation, building setbacks, landscaping and parking.

-The calculation of the maximum commercial lot area and gross commercial floor area for PIPDs with a population, and work force exceeding twenty six thousand (26,000) people, shall be determined by PZB on a case by case basis.

- 2) **Building area.** The maximum commercial building area is calculated by multiplying the projected population of the PIPD and the existing population of the planning sector area, (dwelling units x 2.4), by the constant (8.75) which equals the total amount of commercial gross floor area permitted for that population. To determine the maximum commercial gross floor area for the PIPD, the total building gross floor area of the existing commercial land uses within the sector land use zone must be subtracted from the total above.

(v) **Commercial development requirements.** A commercial land use zone shall comply with the following regulations of Sec. 6.8-F, MUPD:

- 1) **Table 6.8-2, Planned Development District Use Regulations Schedule.** Land uses within a commercial land use zone shall comply with the requirements of Table 6.8-2, Planned Development District Use Regulations Schedule, under the MUPD heading for the commercial (C) or commercial high (CH) land use category;
- 2) Sec. 6.8-F.1, the purpose and intent section of the MUPD; and,
- 3) Sec. 6.8-F.4.a.(5),(6)&(7), the perimeter landscape areas, pedestrian orientation and scale, and circulation systems of a MUPD.

(c) **Mixed-use land use zone.** A mixed-use land use zone is intended to provide residential and commercial land uses integrated vertically into one building or horizontally into groups of buildings. PIPDs with a BCC approval for a contiguous commercial area greater than the development threshold below, may apply to the DRC to redesignate a mixed-use land use zone on the Preliminary Development Plan. The designation of a mixed-use land use zone on the Preliminary Development Plan without the minimum commercial acreage or the minimum gross floor area threshold below, shall require approval by the BCC. A mixed-use land use zone within a PIPD shall comply with the following regulations:

- (i) **Table 6.8-2, Planned Development District Use Regulations Schedule.** Land uses within a mixed-use land use zones shall comply with the requirements of Table 6.8-2, under the commercial land use category of the MXPDP, Mixed-use planned development district heading.
- (ii) **Development thresholds.** A Mixed-use land use zone shall have a minimum land area equal to or larger than five and one tenth (5.01) acres or shall have a minimum gross floor area equal to or larger than fifty thousand and one (50,001) square feet.
- (iii) **Mixed-use development regulations.** A Mixed-use land use zone shall comply with the following requirements of Sec. 6.8-E, MXPDP:
 - 1) Sec. 6.8-E.1, for purpose and intent. The site design and land uses of a Mixed-use land use zone shall comply with the purpose and intent of the MXPDP district.
 - 2) Sec. 6.8-E.3.a.(4)-(6) for land use zones, perimeter landscape areas, and design criteria; and,

3) Sec. 6.8-E.5 (entire section), for land uses.

(d) **Design and land use standards.** Commercial and mixed-use land uses shall comply with Sec. 6.8-A.20, Design objectives and the following standards:

(i) **Hours of operation.** Commercial and mixed use land use zones within three hundred (300) feet of a dwelling 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. These operational limitations shall not apply to non-residential land uses which are greater than three hundred (300) feet from a dwelling unit.

(ii) **Open storage.** No open storage or placement of any material, refuse equipment or debris shall be permitted in the rear of any structure.

(iii) **Outdoor speakers.** No outdoor loudspeaker systems shall be permitted; and,

(iv) **Rooftop screening.** All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to the full height of the objects being screened.

7. **Property development regulations.** The property development regulations within a PIPD shall be as indicated in Table 6.8-26, MXPB Minimum Dimension and Maximum Intensity Regulations, and Table 6.8-27, Minimum Building Setbacks or Separations, for the applicable land use zone, unless otherwise specifically provided in the approved Preliminary Development Plan or in the PIPD development order.

a. **Residential land use zones.** Residential land use zones within a PIPD shall comply with Sec. 6.8.B.7 (entire section), property development regulations of the PUD District.

b. **Commercial land use zones.** Commercial land use zones within a PIPD shall comply with Sec. 6.8.F.7, (entire section), property development regulations of the MUPD District.

c. **Mixed-use land use zones.** Mixed-use land use zones within a PIPD shall comply with Sec. 6.8.E.6 (entire section), property development regulations of the MXPB District.

d. **Supplemental development standards.** Industrial land use zone shall comply with the following requirements:

(1) **Screening of outdoor storage areas.** Outside storage areas shall be effectively screened from collector and arterial roads and adjacent property by walls, fences, or landscaping. Screening intended to protect adjacent property owners from negative on-site activities may be waived, by a written request from the abutting property owner(s). All landscaping used for this purpose must meet the provisions of the Sec. 7.3 (Landscaping and Buffering), as well as the following:

(a) Stored merchandise in light industrial areas shall not protrude above the height of the screening and shall not be visible from streets.

(b) Walls or fences shall be a minimum of six (6) feet in height.

(c) Storage areas shall not be located within required front setbacks or yards adjacent to residential areas.

- (d) No motor vehicle or trailer shall be stored in an abandoned or neglected state or used for storage on any lot or parcel in the development unless it is within a completely enclosed building.

**TABLE 6.8 - 26
PIPD MINIMUM DIMENSION AND MAXIMUM INTENSITY REGULATIONS**

Land Use Zones	Minimum Lot Dimensions			Maximum FAR	Maximum Building Cover
	Size	Width and Frontage	Depth		
General Industrial	2 acres	200'	200'	45%	30%
Light Industrial	1 acre	100'	200'	45%	30%

**TABLE 6.8 - 27
PIPD MINIMUM SETBACKS OR SEPARATIONS**

Land Use Zones	Minimum Building Setbacks (ft.) and Separations			
	Front	Side*	Street	Rear*
General Industrial	25'	40'- R 20'- C	25'	40'- R 20'- C
Light Industrial	25'	40'- R 15'- C	25'	40'- R 15'- C

Notes:

* Indicates that the regulation is flexible and may be modified by complying with Sec. 6.8-A.7.e., Regulating Plan.

C - Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use, commercial, or industrial land use zone, or a recreation area.

R - Indicates the required building setback for land uses abutting a residential zoning district or a residential land use zone.

-Land uses which abut a lake, canal, or preserve area which is greater than or equal to forty (40) foot in width along the boundary of the land use, may substitute a twenty (20) foot side interior or rear setback if a forty (40) foot setback is required.

-The building setbacks indicated above are based on a maximum building height of thirty five (35) feet. All structures exceeding thirty five (35) feet in height shall provide the applicable setback stated in Table 6.8-27 and an additional setback of one (1) horizontal foot for each one (1) vertical foot of building exceeding thirty five (35) feet in height.

-Building setbacks and separations shall be measured from the inside edge of all perimeter landscape areas, and from the property lines (if the lot does not abut the perimeter of the PIPD). The setbacks for sector land uses shall be measured as indicated in the respective property development regulation charts.

- e. **Right-of-way improvements** . The BCC may condition a PIPD to provide certain improvements within the road right-of-way. These improvements may be in addition to the land development improvements required for the subdivision or platting of land and are intended to forward certain goals of the Comprehensive Plan including but not limited to: assuring the health, safety and welfare of the public; facilitating and encouraging non-vehicular circulation, implementing the Linked Open Space, Scenic Corridor and other applicable County programs, and improving the aesthetics of the community. The improvements may include but are not limited to: street lights; street trees and median landscaping; bike lanes; and underground utilities (see Sec. 6-8-A.22.d, Right-of-way improvements).
- f. **Parking requirements and access**. PIPDs shall comply with Sec. 7.2, (Off-street parking regulations), the requirements of the individual land use zones (see Sec. 6.8-G.6., Use regulations), and the parking and loading requirements of this section. If conflicts exist between these regulations, the regulations of this section shall apply to the extent of the conflict.
- g. **Landscape requirements**. A PIPD shall be landscaped according to Sec. 7.3, (Landscaping and buffering), this section, the conditions on the development order, the Final Site Plan/Final Subdivision plan and the regulating plan.

G. MHPD, Mobile Home Park Planned Development District.

- 1. Purpose and intent. The purpose of the MHPD district is to offer a mobile home residential development alternative which: 1. Allows a limited amount of commercial uses; and, 2. Corresponds to a range of residential land use designations on the Land Use Atlas.

The intent of the MHPD is to promote the efficient design of mobile home communities which provide enlightened and imaginative approaches to community planning and, accommodate the housing needs of those residents who prefer mobile home living and of those who desire an economic alternative to conventional dwellings. These approaches, include but are not limited to:

- a. The preservation of natural features and scenic areas;
- b. The reduction of land consumption by roads;
- c. The creation of a continuous non-vehicular circulation systems;
- d. The designation of perimeter landscape areas which provide preservation, buffering, and circulation areas; and,
- e. The establishment of neighborhood commercial service uses and recreation areas.

- 2. Applicability. The requirements of this section and Sec. 6.8-A.2, Applicability, shall apply to all MHPDs, Mobile Home Rental Park special exceptions, Mobile Home Condominium Park special exceptions, and Mobile Home conditional uses, whether new or amended, within unincorporated Palm Beach County, in accordance with Section 1.5. In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict.

- 3. Previous approvals. Modifications to previously approved mobile home park special exceptions or conditional uses shall comply with the requirements of Sec. 1.5, Sec. 6.8-A.2, and this section. Modifications to mobile home park special exceptions or conditional uses which were approved under ordinances other than Ordinance No. 73-2, as amended, that do not require further BCC or DRC approval to development, shall be permitted to develop according to the regulations in place at the time of the approval. This provision shall not authorize any new mobile home or attached accessory structure to violate the required building separation of the Palm Beach County Fire Code. All new development shall comply with the intent and requirements of the Comprehensive Plan, Sec. 1.5., Sec. 6.8-A. and this section.

- 4. Application. The applicant shall provide a Preliminary Development Plan, a regulating plan, and a justification report. These documents shall demonstrate compliance with Sec. 6.8, Planned Development District Regulations, this section and other information as required by PZB for processing a rezoning or rezoning amendment.

- a. Preliminary Development Plan. A MHPD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the MHPD is designed and phased. The requirements of a Preliminary Development Plan are found below, in Sec. 6.8.A.8, Contents of application, and the rezoning application form.

- (1) Development threshold. The minimum size in gross land area for a MHPD is nine (9) acres.
- (2) Contiguous land. MHPDs shall be developed in contiguous lots or tracts. Land may be added to a MHPD provided the land is contiguous and the resulting MHPD meets the intent of Sec. 6.8, Planned Development District Regulations, and this section.

- (3) **Density.** Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories, indicates the minimum density, the standard density, the planned development density, and the land use categories which correspond to a MHPD. Sec. 6-8.A.3, Residential density and land use categories, lists additional density requirements for MHPDs.
- (4) **Land use zones.** The MHPD allows a limited amount of flexibility in establishing the proper amounts of land use zones. Land uses shall be grouped into land use zones which define the types of uses within a specific area of a MHPD, see Sec. 6.8-G.6, Use regulations. Percentages of land use zones may vary for each MHPD depending upon the findings of Sec. 6.8.B.4.c, Land use justification report, the land use requirements provided in Table 6.8-28, MHPD Mix of Land Uses and the requirements listed below.
- (a) **Design intent.** The design of a MHPD shall comply with the requirements of Sec. 6.8-A.20, Design objectives, and the following:
- (i) A MHPD shall be predominantly residential;
 - (ii) A MHPD shall provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;
 - (iii) A MHPD shall provide perimeter landscape areas to preserve native vegetation, buffer incompatible land uses, and provide green space; and,
 - (iv) A MHPD may offer limited commercial uses to serve the population of the MHPD.
- (b) **Commercial land use zone.** MHPDs have the option of providing limited commercial service, retail and professional office uses, if these uses are supported by Sec. 6.8.B.4.c, Land use justification report.
- (c) **Mix of land uses.** The land area of a MHPD shall be designated as residential, commercial, civic or recreation on the Preliminary Development Plan. The land use zone percentages in Table 6.8 - 28, below, and the land use justification report indicate the area of the MHPD which specific land uses may occupy.

**Table 6.8 - 28
MHPD MIX OF LAND USES**

<u>General land use zones</u>	<u>Minimum</u>	<u>Maximum</u>
1. Residential	60%	--
2. Civic	2% (see Sec. 6.8-H.6.(2))	--
3. Commercial	0	(see Sec. 6.8-H.6.(3))
4. Recreation	110 s.f. area/person (see Sec. 6.8-H.6.(1))	--

NOTE:

- General land use percentages (Residential, Civic, Commercial and Recreation) shall be calculated based on the gross area of the MHPD. Recreation uses which are internal to a residential land use zone rather than a separate recreational land use zone may be credited toward the minimum land area requirement of sixty (60%) percent for residential land use zones.

- (5) **Perimeter landscape areas.** Perimeter landscape areas shall be part of a network of connecting open space corridors which comply with Sec. 6.8-A.22.b, (Perimeter landscape and edge areas), and the requirements listed below:
- (a) **Required locations.** A perimeter landscape area shall be provided around the entire perimeter of a MHPD. These landscape areas shall also be located between incompatible land uses and land use zones. The width, planting requirement, and type of perimeter landscape areas provided within a MHPD shall be as determined in Sec. 6.8-A.22.b, and below.
- (b) **Type (C) perimeter landscape area.** A type (C) perimeter landscape buffer is required to buffer incompatible land use zones and land uses. The portion of a perimeter landscape buffer required to be a Type (C) depends upon the compatibility of the surrounding land uses and the design of the land use zones. Commercial and private civic land uses shall be buffered from surrounding residential development. A recommendation shall be made by PZB to the BCC as a development order condition as to the type and the location of perimeter landscape areas based on the surrounding land uses, Sec. 6.8-A.22.b.4), the proposed site design and Table 6.8-3, Perimeter Landscape Areas.
- (6) **Pedestrian orientation and scale.** MHPDs shall be pedestrian oriented, physically recognizable and developed at a human scale:
- (a) **Connections.** A MHPD's residences, shopping, civic and recreational uses shall be connected by a continuous non-vehicular circulation system;

- (b) **Community identity.** The MHPD shall locate a recreational, civic, or commercial land use within a minimum of six hundred (600) feet of ninety five (95%) percent of the housing. These land uses are intended to provide places for social, cultural and recreational activities that can provide needed services, encourage non-vehicular circulation, and create community identity; and,

- (7) **Circulation system.** MHPDs shall be designed with a circulation system based upon a hierarchy of transportation methods, including but not limited to, pedestrian, cyclists, mass transit and automobile. At points of intersection between these circulation systems, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land uses within the MHPD and to link with systems in the surrounding communities by providing:
 - (a) Pedestrian and bicycle pathway systems, including but not limited to, walking paths, or sidewalks and bike trails or bike lanes; and,
 - (b) Parking areas which are designed to encourage the pedestrian nature of the community by encouraging a sharing of parking spaces between land uses.

- (8) **Final Site Plan/ Final Subdivision Plan.** MHPDs shall indicate on a Final Site Plan/Final Subdivision the proposed site design and lot or condominium unit configurations for approval by the DRC. This requirement applies to MHPDs regardless of the type of ownership (rental, condominium, etc). All lots or units regardless of type of ownership shall comply with Table 6.8-30, MHPD Property Development Regulations. The Final Site Plan/Final Subdivision Plan shall indicate:
- (a) The site design and configuration of the mobile home lots or condominium units, non-residential and recreational areas;
 - (b) The typical lot or condominium unit dimensions proposed to support a mobile home. The plan shall indicate the buildable area on each lot or condominium unit and shall identify the potential for accessory structures, patios or carports in conjunction with a mobile home; and,
 - (c) circulation system; and
 - (d) Other applicable regulations as required in Art. 8, Subdivision.
- b. **Regulating plan.** The regulating plan shall provide a comprehensive graphic and written description of the function and development of the MHPD, including but not limited to flexible property development regulations, a transportation program, and street and pathway cross-sections. See Sec. 6.8-A.7.e., Regulating plan.
- (1) **Flexible regulations.** The developer may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8 - 30, MHPS Property Development Regulations as required in Sec. 6.8-A.7.e, Regulating plan; and,
 - (2) **Transportation program.** The applicant shall provide a transportation program which complies with Sec. 6.8-A.8.c, Regulating plan.
- c. **Land use justification report.** A land use justification report shall be provided to justify and explain the amount of commercial and recreational land uses proposed and describe the methods used to calculate this percentage, including the raw data used (the assumptions made for proposed population counts), the analysis procedures and the resulting land use mix recommendations based on projected income levels, housing types, etc. The justification report shall also address the amount, if any, of affordable housing proposed and the following:
- (1) **Land use in relationship to population.** The per capita ratio of commercial gross floor area and land area and recreational land area shall be based on the BCC approved population of a MHPD.
 - (2) **Recreation areas.** MHPDs shall designate areas for recreation by providing passive parks, or active recreation areas;
 - (a) **Recreation report.** The report shall detail the passive and active recreation available to the population of the MHPD and shall be submitted as part of the justification report. This report shall include, but is not limited to:
 - (i) The types of passive recreation proposed and a total acreage amount;
 - (ii) The types of active recreation proposed including a list and cost estimation of site improvements and a total acreage amount;

- (iii) The methodology used to calculate the minimum amount of recreation required based on population and the following:
 - 1) An equivalent to the requirements of Sec. 7.12, Park and Recreation Standards for recreational land area and site improvements; and,
 - 2) The requirements of this section.

In cases of conflict between recreation requirements of these sections, the more strict of the regulations shall apply to the extent of the conflict.

- (iv) The proposed connections (bike lanes, pedestrian paths, visual sight lines, etc.) used to connect land uses and land use zones.

5. **Administration.**

- a. **Conditions of approval.** The BCC may impose conditions of approval upon the development order to assure the intent of this section is satisfied and that the public health, safety and welfare are provided. The conditions shall implement specific design amendments or site improvements to enforce Code regulations which are generally addressed.
- b. **Development Review Committee (DRC).** The Preliminary Development Plan and regulating plan shall be reviewed and certified according to Art. 5, Development Review Procedures and Sec. 6.8-A.14, Action by DRC. Changes to previously approved MHPDs which exceed the limits of the DRC shall comply with the modification options contained in Sec. 6.8-A, Planned Development District Regulations, or Sec. 5.7, Variances.
 - (1) **Modifications to a Preliminary Development Plan.** Modifications to a previously approved Preliminary Development Plan shall be as permitted in Sec. 6.8-A.14, Action by DRC, and Art. 5, Development Review Procedures.
 - (2) **Modifications to a regulating plan.** Modifications to a previously approved regulating plan shall be as permitted in Sec. 6.8-A.18, Amendment to Preliminary Development Plan.
- c. **Phasing controls and platting.** Each MHPD shall commence development and proceed in a reasonably continuous and timely manner complying with the phasing schedule listed below, Sec. 6.8.A.19, Phasing controls and platting, Art. 8, Subdivision and the phasing schedule identified on the approved Preliminary Development Plan and regulating plan. In cases of conflict between regulations, the requirements of this section shall apply to the extent of the conflict.
 - (1) **Recreation areas and parks.** See Sec. 7.12, Park and recreation standards, for phasing and platting requirements for recreation areas.
 - (2) **Commercial uses.** No building permit for commercial uses shall be submitted until certificates of occupancies of at least twenty (20) percent or more of the total approved dwelling units for the MHPD has been issued.
- d. **Property owners association.** A property owners association shall be formed to manage the common areas and guide the growth of a MHPD concurrent with the recording of the first plat with the Clerk of the Circuit Court.

6. **Use regulations.** Table 6.8-2, (Planned Development District Use Regulations Schedule) indicates the land uses allowed within a MHPD unless otherwise restricted by the development order conditions. Land uses within a MHPD shall be subject to the following provisions:
- a. **Land use zones.** A MHPD district shall be divided into land use zones which indicate the proposed land uses.
- (1) **Recreation.** All MHPDs shall graphically designate on the Preliminary Development Plan the size (in square feet) and the location of recreation areas. Recreation land uses shall include parks and recreation areas. A continuous non-vehicular circulation system shall connect internally between land uses and land use zones and externally with surrounding land uses.
- (a) **Recreation.** On site recreation shall be provided at a minimum of one hundred ten (110) square feet of lot area per person based on the total number of mobile home lots or condominium units approved by the BCC (total dwelling units x 2.4 = population). The phasing, location, and site improvements of recreation areas shall comply with the requirements of this section and Sec. 7.12, Park and recreation standards.
- (b) **Neighborhood parks.** A MHPD may provide neighborhood parks which are mostly passive in nature in addition to the minimum recreational land area requirements of Sec. 7.12, by complying with the following requirements:
- (i) **Minimum area.** A Neighborhood park shall have a minimum area of eight thousand four hundred (8,400) square feet and a minimum lot width and depth of sixty (60) feet;
- (ii) **Parking.** Parking is not required for recreation areas or parks. However, if parking is provided, not more than ten (10%) percent of the gross area of a recreational lot shall be paved for parking; and,
- (iii) **Non-vehicular circulation.** A continuous sidewalk or other pedestrian path approved by PZB shall connect all recreational site improvements (pool, hard surface courts, recreation buildings, etc) to the continuous non-vehicular circulation system of the MHPD. Also, a continuous network of pedestrian and bicycle paths, and driveways shall provide convenient access from the mobile homes to the recreational, civic and commercial land uses. This path network may include, but is not limited to, sidewalks or bike paths along streets, paths within perimeter landscape areas, and driveways connecting dwelling units with parking areas or sidewalks.

- (2) **Civic use.** MHPDs with a gross land area equal to or larger than fifty (50) acres shall dedicate or designate a minimum of two (2%) percent of the gross area of the MHPD as public or private civic. The Civic land use zone is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned land uses to serve the community. It should be understood that the civic land use requirements contained herein, shall in no way alter, diminish, or increase those obligatory conditions which were made prior to the adoption of this code.

A minimum of two (2%) percent of the gross area of the MHPD shall be designated on the Preliminary Development Plan as either Public Civic or Private Civic as indicated below:

- (a) **Publicly owned civic land uses.** A portion of a MHPD may be required to be conveyed in simple title for civic purposes to the BCC or other service providers in response to an increase in services or other impacts required for the MHPD or by a voluntary commitment by the applicant.
- (i) **Conveyance.** These conveyances shall be in the form as provided by BCC conditions, and as indicated in the development agreement for a project in accordance with Ord. 91-16, "Palm Beach County Development Agreement Ordinance" as may be amended, and shall meet the Facilities Planning, Design and Construction Department's requirements for civic land acquisition. Conveyance of land for civic sites shall not include land utilized for dry or wet retention for land uses located outside of the civic site.
- (ii) **Land uses.** Publicly owned civic lots shall consist of land uses which are required to provide services to meet Concurrency requirements such as, but not limited to, regional parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools or libraries.
- (iii) **Service providers.** The civic dedications for service providers shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
- (iv) **Location.** Civic lot locations shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
- (v) **Perimeter landscape areas.** Civic uses shall comply with the perimeter landscape requirements for commercial land uses.

(vi) **Property development regulations.** Civic uses shall comply with the regulations in this section and Table 6.8-30, MHPD Property Development Regulations. Publicly owned civic lots may be exempted from certain property development regulations, if the regulation is determined by the Zoning Director to be detrimental to the proper functioning of the civic use.

(b) **Privately owned civic land uses.** Private civic lots shall consist of land uses which: provide services to the MHPD residents; are customarily privately owned and operated; and are customarily allowed in residential zoning districts, such as but not limited to, day care centers, churches, temples and property owner meeting halls, see Table 6.8-2, Planned Development District Use Regulations Schedule.

(i) **Land designation option.** A MHPD shall provide or may have the option of providing private civic uses depending upon the amount of area dedicated for public civic uses or a public civic equivalent as determined by the Facilities, Planning, Design and Construction Department.

A MHPD shall provide private civic uses if all of the following circumstances exist:

- 1) Less than two (2%) percent of the gross area of the MHPD is dedicated as public civic uses or equivalent after complying with the public civic requirements listed above; and,
- 2) The MHPD is approved by the BCC to support a population (2.4 x total dwelling units) of four hundred (400) people or greater.

(ii) **Minimum land designation.** The difference in land area between the overall minimum civic land area requirement of two (2%) percent for the MHPD and the land area amount of public civic or equivalent dedicated above, shall be indicated as private civic land area on the on the Preliminary Development Plan.

- (1) If a commercial land use zone is proposed for a MHPD, private civic lots shall be located adjacent to the commercial land use zone.

- (3) **Commercial land use zone.** MHPDs may establish a limited amount of neighborhood oriented commercial development. This commercial land use zone shall be designed to provide for the convenience of the residents and shall be based on the population of the MHPD.
- (a) **Location.** Commercial land use zones shall be located and designed for the convenience of the MHPD's residents to encourage internal vehicular trips and be internal to the MHPD. Vehicular access to commercial facilities shall not be permitted from an arterial or collector that is not part of the interior circulation system of the MHPD. No commercial facility shall maintain frontage or direct physical access to any arterial or collector bordering the MHPD. Commercial land use zones shall comply with a minimum setback of three hundred (300) from the perimeter of the MHPD.
- (b) **Architectural design.** The architectural design criteria of Sec. 6.6.C (Architectural Compatibility Standards) shall apply to all nonresidential development within commercial land use zones.
- (d) **Land area .** The maximum commercial land area for a MHPD is calculated based on the population of the mobile home lots or condominium units approved on the Preliminary Development Plan by the BCC as described in the chart below; and,
- (i) **Building area.** The maximum commercial building area is calculated by multiplying the projected population of the MHPD, (dwelling units x 2.4), by the constant (8.75) which equals the total amount of commercial gross square footage permitted for the MHPD.

TABLE 6.8 - 29
MHPD COMMERCIAL ACREAGE

Population	Maximum Commercial Acreage	Gross Floor Area* Commercial Square Footage*
Less than 1,000	None	None
1,001 to 1,740	One (1) acre	8,759 to 15,225
1,741 to 2,990	Two (2) acres	15,234 to 26,163
2,991 to 4,970	Three (3) acres	26,171 to 43,488
4,971 to 6,970	Five (5) acres	43,496 to 60,988
6,971 to 9,950	Seven (7) acres	60,996 to 87,063
9,951 to 15,000	Ten (10) acres	87,071 to 131,250
15,001 to 26,000	Fifteen (15) acres	131,259 to 228,690

* Buildable commercial square footage may vary depending upon lot configuration, site design, and compliance with other property development regulations, including but not limited to, vegetation preservation, landscaping and parking.

• Buildable commercial gross floor area may vary depending upon lot configuration, site design, and compliance with other property development regulations, including but not limited to, vegetation preservation, building setbacks, landscaping, and parking.

• The calculation of the maximum commercial lot area and gross commercial floor area for PUDs with a residential population exceeding twenty six thousand (26,000) people shall be determined by PZB on a case by case basis.

(e) Supplementary use standards. The standards of Sec. 6.4.D (Supplementary Use Regulations) and the standards listed below shall apply within the commercial land use zone unless specifically waived or modified by the terms of the development order for the MHPD.

(i) Hours of operation. Commercial 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.

- (ii) **Enclosed uses.** All uses, other than incidental storage of merchandise, shall be operated entirely within enclosed buildings, with the exceptions listed in Sec. 6.5.1 (Additional Property Development Regulations) for the CN, CLO and CC districts and convenience store with gas sales.
- (iii) **Open storage.** Outdoor storage of merchandise shall be permitted only when incidental to the commercial use located on the premises, subject to the following standards.
 - 1) The storage area shall not be located in any of the required setbacks or yards.
 - 2) The storage area shall be completely screened from adjacent road rights of way and mobile homes, and views outside the MHPD.
 - 3) The stored merchandise shall not protrude above the height of the screening walls, fences or buildings. No open storage or placement of any material, refuse equipment or debris shall be permitted unless in area designated on a Subdivision Plan which has been approved by PZB.
- (iv) **Outdoor speakers.** No outdoor loudspeaker systems shall be permitted within three hundred (300) feet of residential housing.
- (v) **Architectural treatment.** Similar architectural character and treatment shall be provided on all sides of buildings; and,
- (vi) **Rooftop screening.** All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to a minimum of six (6) inches above the height of the object intended for screening.

7. **Property development regulations.** The property development regulations within a MHPD district shall be as indicated in Table 6.8 - 30, MHPD Property Development Regulations, unless otherwise specifically provided in the approved Preliminary Development Plan, in the development order or as listed below:

TABLE 6.8 - 30
MHPD PROPERTY DEVELOPMENT REGULATIONS

Land Use Zone	Minimum Lot, Lease Lot or Condo. Unit Dimensions				Maximum Building Coverage	Minimum Building Setbacks or Separations			
	Size	Width	Depth	Corner		Front	Street	Side*	Rear*
Mobile Home	4,200	40'	70'	55'	50%	20'	20'	5'	10'
Recreational	--	--	--	--	10%	25'	25'	20' C 40' R	20' C 40' R
Civic	1 ac.	100'	200'	35'	.30	25'	25'	20' C 40' R	20' C 40' R
Commercial	1 ac.	100'	200'	25'	.20	25'	25'	20' C 40' R	20' C 40' R

Notes:

C - Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, commercial, or recreation land use zone.

R - Indicates the required building setback for land uses abutting a residential zoning district or a residential land use zone.

* Indicates that the regulation is flexible and may be modified by complying with Sec. 6.8-A.7.e, Regulating plan.

- Land uses which abut a lake, canal, or preserve area which is greater than or equal to forty (40) feet in width along the boundary of the land use, may substitute a twenty (20) feet side interior or rear setback if a forty (40) feet setback is required.

- The building setbacks indicated above are based on a minimum building height of thirty five (35) feet. All structures exceeding thirty five (35) in height shall provide an additional setback of one (1) horizontal foot for each one (1) vertical foot of the portion of the building exceeding the thirty five (35) feet maximum height. This setback is in addition to the minimum setback requirement above.

- a. **Required improvements.** MHPDs shall comply with the required site improvements for single family homes listed in Art. 8, Subdivision, including but not limited to:
- (1) The County Engineer shall approve the site improvement implementation schedule and all construction plans prior to construction;
 - (2) The site improvement plans shall coincide with the approved Preliminary Development Plan;
 - (3) The following improvements shall be provided as required in Art. 8, Subdivision for single family homes:
 - (a) Bridges;
 - (b) Grading;
 - (c) Drainage;
 - (d) Fire hydrants;
 - (e) Monuments;
 - (f) Central water system;
 - (g) Sanitary sewers;
 - (h) Streets; and,
 - (i) Street markers.
- b. The BCC may condition a MHPD to provide certain road improvements within the road right-of-way, in addition to the land development improvements required above and for the subdivision or platting of land. These improvements are intended to forward goals of the Comprehensive Plan such as, but not limited to: assuring the public health, safety, and welfare; facilitating and encouraging non-vehicular circulation; implementing the Linked Open Space, Scenic Corridor and other applicable County programs; and improving the aesthetics of the community. These improvements may include, but shall not be limited to: street lighting; street trees and median landscaping; underground utilities; and bike lanes (see Sec. 6.8-A.22.d).
- c. **Accessory uses and structures.** Accessory uses in permanent and temporary structures shall be allowed or required under the following conditions for the following uses.
- (1) **Permanent structures.**
 - (a) **Emergency Structure.** Each MHPD development shall include a permanent structure adequate to serve as an emergency shelter designed to accommodate the anticipated population of the MHPD based upon a standard of forty (40) square feet for each person. Such structure shall contain sanitary facilities in an amount needed to accommodate the population as determined by the Palm Beach County Building Official.
 - (b) **Office.** A permanent office building may be allowed in an area designated for commercial use on the Preliminary Development Plan and subject to the property development regulations of Table 6.8-30, MHPD Property Development Regulations, for commercial uses.
 - (c) **Gatehouses.** Permanent gatehouses may be allowed for internal project security purposes, if properly shown on the Final Site Plan/Final Subdivision Plan and not in conflict with right-of-way and setback requirements of this Code and the Palm Beach County Thoroughfare Plan.
 - (d) **Utility services.** Utility buildings and structures may be allowed if indicated on the Final Site Plan/Final Subdivision Plan.

- (2) **Temporary structures.** Temporary structures and facilities may be allowed under the following conditions for the following uses subject to Sec. 6.4 and the requirements listed below:
- (a) **Temporary Construction trailer.** Use of a temporary construction trailer shall be limited to storage and on site office work. The facility is not to be inhabited overnight;
 - (b) **Security quarters mobile home.** A mobile home shall be permitted as security quarters for overnight habitation;
 - (c) **Rental models.** Rental models may be allowed if placed on the site pursuant to the preliminary development plan and all applicable codes and ordinances. The number of rental models shall not exceed eight (8) in number, and shall not be connected to water and sewer facilities. One (1) of the rental models may be used for a temporary office if sanitary facilities are approved by the appropriate governmental agencies; and,
 - (d) **Mobile home rental office.** A mobile home may be used as a rental office.
- (3) **Accessory mobile home structures.** The total combined area of all additions to mobile homes, except carports, that are authorized as permitted accessory structures, shall not exceed the gross area of the mobile home itself and shall comply with the maximum building coverage requirements.

H. RVPD, Recreational Vehicle Park Planned Development District.

1. Purpose and intent. The purpose of the RVPD district is twofold: 1. Promote the design of unified, recreational use developments for land which has a commercial, industrial or commercial recreation designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories.

The intent of the RVPD is to provide for the development of recreational vehicle parks which offer limited habitation on site (no permanent residence) and which provide enlightened and imaginative approaches to community planning, including but not limited to:

- a. Providing a tourist oriented, park-like environment; and,
- b. Locating near an established recreational resource to allow convenient access for tourists.

2. Applicability. The requirements of this section, Sec. 6.8-A.2., and Sec. 1.5 shall apply to all RVPDs, whether new or amended, within unincorporated Palm Beach County. In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict.

3. Previous approvals. Modifications to recreational vehicle park special exceptions shall comply with Sec. 1.5, Exemptions: Effect of code and amendments on previously approved development orders, the requirements of Sec. 6.8, Planned Development District Regulations, and this section.

4. Application. The applicant shall provide a Preliminary Development Plan, a regulating plan, and a justification report. These documents shall demonstrate compliance with Sec. 6.8-A, Planned Development District Regulations, this section, the requirements listed in the rezoning application form and other requirements, as may be required by PZB to process a rezoning or zoning amendment application.

- a. Preliminary Development Plan. A RVPD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the RVPD is designed and phased. The requirements of a Preliminary Development Plan are found below and in the rezoning application form available from PZB.

- (1) Minimum development threshold. RVPDs shall have a minimum size of twenty (20) acres.

- (2) Contiguous land. RVPDs shall be developed in contiguous lots or tracts.

- (3) Maximum number of vehicles. A RVPD shall not exceed a gross density of twelve (12) recreational vehicles per gross acre.

- (4) Design intent. The design of the RVPD shall comply with the requirements of Sec. 6.8.A.20 (Planned Developments General—Design Objectives).

- (5) Recreation. Recreational uses shall be provided within the RVPD based on population of the recreational vehicle lots proposed on the Preliminary Development Plan.

- (6) Perimeter landscape areas. Perimeter landscape areas shall be part of a network of connecting open space corridors which comply with Sec.6.8-A.22.b., Perimeter landscape and edge areas, and the requirements listed below:

- (a) Required locations. A minimum twenty-five (25) feet wide landscape area shall be provided around the perimeter of a RVPD and connect the recreational vehicle spaces with the Park Headquarters, restrooms and other land uses which service the residents.

- (b) **Type (C) perimeter landscape area.** A type (C) perimeter landscape buffer is required to buffer incompatible uses outside of the RVPD. The portion of a perimeter landscape buffer required to be a type (C) depends upon the compatibility of the surrounding land uses and their design. Adjacent residential land uses shall be buffered from a RVPD by a type (C) perimeter landscape area. RVPDs adjacent to nonresidential land uses which are not incompatible by virtue of the site location or design may require less buffering. A recommendation shall be made by PZB to the BCC as a development order condition as to the type and location of the buffering required.
- (7) **Pedestrian orientation and circulation.** RVPDs shall be pedestrian oriented, physically designed at a human scale, and provide a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land use within the RVPD and adjacent land uses within the surrounding communities by the use of a continuous non-vehicular circulation system.
- b. **Regulating plan.** The regulating plan shall provide a comprehensive graphic and written description of the function and development of the RVPD, including but not limited to flexible property development regulations, a transportation program, and street and pathway cross-sections according to the requirements of Sec. 6.8-A.8.e., Regulating plan.
- c. **Land use justification report.** A land use justification report shall be provided to justify and explain the amount of recreational uses proposed for the RVPD.
- (1) **Recreation areas.** RVPDs shall designate areas for recreation by providing parks, useable open green space or recreation areas. These areas shall be connected by pedestrian paths or sidewalks, or bicycle paths or lanes to encourage pedestrian access and other non-vehicular circulation;
- (2) **Recreation report.** The report shall detail the passive and active recreation proposed based on the projected population of the RVPD and shall be submitted as a recreation report. This report shall include, but is not limited to:
- (a) The types of passive recreation proposed and a total acreage amount;
- (b) The types of active recreation proposed including a list and cost estimation of site improvements and a total acreage amount; and,
- (c) The methodology used to calculate the minimum amount of recreation required based on the population of the RVPD (total number of recreational vehicular lots x 2.4) and the following:
- (i) The requirements of Sec. 7.12, Park and recreation standards; and
- (ii) The requirements of this section.
- In cases of conflict between the recreation requirements of these sections, the more strict regulation shall apply to the extent of the conflict.
- (d) The proposed connections (bike lanes, pedestrian paths, etc.) used to connect the recreational vehicle spaces with the park headquarters and outside land uses.

5. Administration.

- a. Conditions of approval. The BCC may impose conditions of approval upon the development order to assure the intent of this ordinance is satisfied and that the public health, safety and welfare are provided, subject to Sec. 6.8-A, Conditions.
- b. Development Review Committee (DRC). Following approval by the BCC, the Preliminary Development Plan, regulating plan, and land use justification report shall be submitted for review and certification by the DRC according to Art. 5, Development Review Procedures and Sec. 6.8-A.14, Action by the DRC. Changes to previously approved RVPDs which exceed the limits of the DRC shall comply with the modification options contained in Sec. 6.8-A, Planned Development District Regulations, or Sec. 5.7, Variances.
- c. Phasing controls and platting. RVPDs shall commence development and proceed in a reasonably continuous and timely manner complying with Sec.6.8-A.19., Phasing controls and platting, Art. 8, Subdivision, the phasing schedule on the approved Preliminary Development Plan, and the conditions of the development order.

6. Use regulations. Table 6.8-2 (Planned Development District Use Regulations Schedule) indicates the land uses allowed within a RVPD unless otherwise restricted by conditions included in the development order. Uses other than recreational vehicles and accessory recreational facilities shall be located in a park headquarters subject to the provisions of this section.

- a. Land use zones. The entire RVPD shall be designated as a Recreational vehicle land use zone.
 - (1) Recreational use. All RVPDs shall designate on a Preliminary Development Plan the minimum area and location of one hundred and ten (110) square feet of gross lot area per person (based on 2.4 people per recreational vehicle lot) for recreational purposes. Also, a continuous non-vehicular circulation system shall be provided to connect internally with recreation areas, park headquarters, and recreational vehicle lots and externally with surrounding land uses which may serve the tourists.
 - (a) Recreational uses. Recreational site improvements and activities shall be provided based on an equivalent of the calculations rates used to determine recreation site improvements in Sec. 7.12, Park and recreation standards.
 - (b) Neighborhood parks. In addition to the requirements for recreation listed above, a RVPD may provide neighborhood parks which are mostly passive in nature. If a neighborhood park is proposed, the following design standards shall apply:
 - (i) Minimum area. A Neighborhood park shall have a minimum area of eight thousand four hundred (8,400) square feet and a minimum lot width and depth of sixty (60) feet;
 - (c) Parking. Parking is not required for recreation areas or parks. However, if parking is provided, not more than ten (10%) percent of the gross area of a recreation lot shall be paved for parking.
 - (d) Minimum improvements. All recreation areas and neighborhood parks shall provide a continuous sidewalk or other pedestrian path approved by PZB which connects site improvements (pool, hard surface courts, benches, etc.) to the surrounding RVPD's continuous non-vehicular circulation system;
 - (2) Recreational vehicle land use zone. The recreational vehicle land use zone on the Preliminary Development Plan shall indicate the vehicle rental spaces with a note explaining that these spaces are for temporary habitation and are not for permanent residency, and the park headquarters.

- (a) **Time limitations.** No person shall reside or be permitted to reside in any RVPD for more than ninety (90) consecutive days, and not more than one hundred eighty (180) total days in any one-year period, commencing from the initial date of occupancy.
 - (b) **Record keeping.** RVPD owners and operators shall keep the following records:
 - (i) The make, model, and year of each recreational vehicle used for residing in the RVPD;
 - (ii) The dates of occupancy of each recreational vehicle used for residing in the RVPD;
 - (iii) The names and permanent addresses of the recreational vehicle occupants.
 - (c) **Permanent structures or additions.** Permanent structures or additions accessory to the recreational vehicle including but not limited to screen rooms, carports, or utility sheds shall be prohibited.
 - (d) **Mobility.** The mobility of the recreational vehicle shall be maintained at all times.
7. **Property development regulations.** The property development regulations within a RVPD shall be as indicated in Table 6.8-31, RVPD Minimum Dimensions and Building Intensity, and Table 6.8-32, RVPD Minimum Setbacks, unless otherwise specifically provided in the approved Preliminary Development Plan or in the development order.

**TABLE 6.8 - 31
RVPD MINIMUM DIMENSIONS AND BUILDING INTENSITY**

Land Use	Minimum Dimensions			Maximum Height	Maximum Building Coverage
	Size	Width	Depth		
RV Parking Space	1,500 s.f.	20'	40'	-	-
Park Headquarters	1 ac. - min. 2 ac. - max.	100'	200'	25'	.25

**TABLE 6.8 - 32
RVPD MINIMUM SETBACKS**

Land Use Type	Minimum Building Setbacks (ft.) and Separations			
	Front	Side*	Street	Rear*
Park Headquarters and accessory buildings	25'	C - 15' R - 40'	25'	C - 20' R - 40'

NOTES:

C - Abutting non-residentially zoned lot.

R - Abutting residentially zoned lot.

* Indicates that the regulation is flexible and may be modified by complying with Sec. 6.8-A.8.e., Regulating Plan.

-Setbacks shall be measured from the inside edge of perimeter landscape areas.

-Recreation buildings shall comply with the building setbacks required for the Park Headquarters.

- a. **Road improvements.** The Board of County Commissioners may condition a RVPD to provide certain road improvements within the road right of way, in addition to the land development improvements required for the subdivision or platting of land. These conditional improvements are intended to forward certain goals of the Comprehensive Plan such as: assuring the public health, safety and welfare; facilitating non-vehicular circulation; implementing the linked Open Space, Scenic Corridor and other applicable County programs; and improving the neighborhood aesthetics. These conditional road improvements may include, but are not limited to street lighting, median landscaping, street trees, underground utilities, and bike lanes. See Sec. 6.8-A.22.d, Road improvements.
- b. **Parking requirements and access.** RVPDs shall comply with Sec. 7.2, (Off-street parking regulations) and the following:
- (1) A minimum of one (1) parking space for each recreational vehicle;
 - (2) Parking for uses other than recreational vehicles shall be determined by Sec. 7.2, (Off-street parking regulations); and,
 - (3) Parking of vehicles in areas not designed or designated for parking is prohibited.
- c. **Landscape requirements.** Unless otherwise indicated, a RVPD shall be landscaped according to Sec. 7.3, Landscaping and buffering, the requirements of this section and the regulating plan.
- (1) **Minimum trees.** A minimum of one (1) tree for each fifteen hundred (1,500) square feet of gross lot area shall be provided within all RVPDs. Trees required for perimeter landscape areas shall not count toward this minimum tree requirement. Trees shall be spaced throughout the RVPD and shall be clustered around recreation areas and between recreational vehicle spaces.
- d. **Design criteria.** All RVPDs shall comply with the following objectives and requirements, in addition to those specified in Sec. 6.8.A.20 (General—Design Objectives).
- (1) **Park headquarters.** The park headquarters shall be located within the interior of the RVPD and shall be designed for the convenience of the project residents. No headquarters facility shall maintain frontage or direct physical access on any arterial or collector bordering or traversing a RVPD.
 - (a) **Operating hours.** No commercial service shall commence business activities (including delivery and stocking operations) prior to 6:00 AM nor continue activities later than 11:00 PM except as otherwise provided in this Code.
 - (b) **Outdoor storage.** Outdoor storage of merchandise shall be permitted only when incidental to the campground use located on the same premises provided that:
 - (i) The storage area shall not be located in any of the required setbacks or yards
 - (ii) The stored merchandise shall not protrude above the height of the enclosing walls or buildings.
 - (2) **Accessory uses and structures.** Accessory uses in permanent and temporary structures shall be permitted according to the following standards.
 - (a) **Permanent structures.** Permanent structures and facilities shall be allowed under the following conditions for the following uses.

- (i) **Gatehouses**. Permanent gatehouses may be allowed for internal project security purposes, if properly shown on the Final Subdivision Plan/plat and not in conflict with right-of-way and setback requirements of this Code and the Palm Beach County Thoroughfare Plan.
 - (ii) **Utility services**. Utility buildings and structures may be allowed if properly shown on the Final Subdivision Plan/plat and in compliance with all applicable rules and regulations governing such facilities.
- (b) **Temporary structures**. Temporary structures and facilities shall comply with Sec. 6.4, and may be allowed under the following conditions for the following uses.
- (i) **Construction trailer**. Use of a construction trailer shall be limited to storage and on-site office work. The facility is not to be inhabited overnight or connect to water or sewer facilities.
 - (ii) **Security quarters mobile home**. A mobile home may be used as security quarters for overnight habitation subject to a special permit.

I. SWPD, Solid Waste Disposal Planned Development District.

1. **Purpose and intent.** The purpose of the SWPD district is twofold: 1. Regulate the placement of developments designed to store, process, transfer or dispose of solid waste in any land use category, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories; and, 2. Permit only those land uses which are consistent with the County-wide Solid Waste Management Plan..

The intent of the SWPD is to ensure the development of solid waste facilities which mitigate negative impacts and incorporate enlightened and imaginative approaches to community planning, including but not limited to:

- a. The protection of the public health, safety and welfare regarding air, noise and water pollution;
 - b. The prevention of the use of the land as an uncontrolled receptacle for improperly treated wastes;
 - c. The conservation of the value of land, buildings and resources;
 - d. The protection of the character and maintenance of the stability of residential, agricultural, business and industrial areas;
 - e. The provision of the appropriate and best use of land;
 - f. The provision for preservation, protection, development and conservation of the natural resources of land, water and air;
 - g. The provision for convenience of traffic and circulation of people and goods;
 - h. The enhancement of the environment; and,
 - i. The recovery of resources that have the potential of further use.
2. **Exemptions.** The disposal of nonputrescible solid waste material for grade improvement done in conjunction with a building permit, and the storage of nonputrescible materials for future use, shall be exempted from the requirements of this section.
3. **Applicability.** The requirements of this section, Sec. 1.5, and Sec. 6.8-A.2, shall apply to all SWPD districts and sanitary landfill, resource recovery facility, or incinerator special exceptions, whether new or amended, within unincorporated Palm Beach County. Prior to the development of a sanitary landfill, resource recovery facility or incinerator, a development order shall be approved pursuant to the procedures and standards of this section.
4. **Effect on previous approvals.** Modifications to previously approved sanitary landfills, resource recovery facilities, volume reduction plants and incinerators approved under Ordinance 77-8 shall comply with the requirements of Sec. 1.5, Exemptions: Effect of code and amendments on previously approved development orders, Sec. 6.8-A.2, Applicability, and this section. Sanitary landfills, resource recovery facilities, volume reduction plants and incinerators approved under Ordinance 77-8 and not in compliance with this section shall not be considered nonconforming uses under the provisions of this Code.
5. **Application requirements.** The applicant shall provide a Preliminary Development Plan, and a justification report. These documents shall demonstrate compliance with Sec. 6.8-A, Planned Development District Regulations, this section, the requirements listed in the rezoning application form and other requirements, as may be required by PZB to process a rezoning or zoning amendment application.
- a. **Preliminary Development Plan.** A SWPD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the SWPD is designed and phased. The requirements of a Preliminary Development Plan are found below and in the rezoning application form available from PZB.

- (1) **Contiguous land.** SWPDs shall be developed in contiguous lots or tracts.
- b. **Additional requirements.** In addition to a Preliminary Development Plan, SWPDs proposing sanitary landfills or incinerators shall provide the following:
 - (1) **Compatibility analysis.** A compatibility analysis less than one (1) year old that describes the impact of the proposed facility on the surrounding area, as follows:
 - (a) The surrounding area is defined by the following distances, expressed in miles of radius.

TABLE 6.8 - 33
SWPD COMPATIBILITY ANALYSIS

Type of Facility	Impact on Public Services	Impact on Development Patterns	Impact on Natural Environment
Landfill, Class I, II	.50 mile	.50 mile	.25 mile
Landfill, Class III	.125 mile	.125 mile	.125 mile
Incinerator	1.5 miles	1.5 miles	.25 miles

- (b) The review of public services shall address the impact of the proposed facility on fire and emergency services; water, electric and sewer service; the entire transportation system used to access the site; and proposed and existing schools, civic and park uses.
- (c) The review of impacts on development patterns shall identify proposed or existing commercial uses and all lands platted, zoned or used for residential development.
- (d) The environmental analysis shall review the impact of the proposed sanitary landfill on endangered or threatened species, air quality, noting direction of the prevailing wind, animal and vegetative habitats, and surface and groundwater quality, and noting any land within the 100-year flood zone.
- (2) **Access.** A graphic illustration and narrative analysis of year-round access routes to the site.
- (3) **Surface water.** A graphic illustration showing location of any class I surface water (as defined by the Florida Department of Environmental Resources) within three thousand (3,000) feet of the site.
- (4) **Sanitary landfill type.** An explanation of the type of sanitary landfill proposed. The explanation shall describe the method of operation of the landfill, including sequence of filling, areas to be landfilled, special waste areas, limitations on types of waste that may be disposed of, gas control devices, and leachate collection and disposal method.
- (5) **Construction schedule.** The proposed date that land alteration will commence, the projected date of completion and plans for completed use.
- (6) **Volume.** An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

- (7) **Operating hours.** A statement specifying hours of operation.
- (8) **Minimum distance requirements.** For the purpose of this section and except as provided in subsections g. and h. below ("Fencing and screening, buffer and setbacks"), minimum distance requirements shall be measured by drawing a straight line between the closest property line of the proposed landfill, incinerator or resource recovery facility to the nearest point on an adjacent property line. The area defined as the buffer shall not be included in the distance requirement.

c. **Location standards.**

- (1) **Sanitary landfill.** No sanitary landfill shall be located closer than two hundred (200) feet of any body of water (except canals used to lower on-site water tables, borrow pits and other bodies of water contained completely within the sanitary landfill site) or on the watershed of any surface public water supply where leachate or runoff may result in violation of city, county, state or federal laws and regulations concerning the pollution of ground or surface waters.
- (2) **Siting distances.** Sanitary landfills and incinerators shall be sited to be separated from land zoned or used or platted and used for residential dwellings, and designated conservation areas, as follows:

TABLE 6.8 - 34
SWPD SITING REQUIREMENTS

Type of Facility	Residential Development	State or Federal Designated Conservation Area
Landfill, Class I, II	.50 mile	.25 mile
Landfill, Class III	.125 mile	.125 mile
Incinerator	1.5 miles	.25 miles

- (3) **Surface water.** No sanitary landfill shall be located within three thousand (3,000) feet of class I surface water, as defined by the Florida Department of Environmental Regulation.
- (4) **Fire station service.** A class I sanitary landfill and incinerator shall be located within five (5) miles of a full-service fire station. The assurance of adequate on-site fire/rescue capability may exempt certain landfills or incinerators from this requirement.
- (5) **Land use compatibility.** A sanitary landfill or incinerator shall only be sited where compatible with adjacent land use as determined by the Board of County Commissioners through review of the compatibility analysis.
- (6) **Minimum lot size.** The minimum lot size for any solid waste disposal site containing a class I sanitary landfill shall be three hundred twenty (320) acres.

- d. **Spatial buffer and setbacks.** A buffer shall be required around the perimeter of a class I sanitary landfill or incinerator, as follows:
- (1) **Disposal.** The disposal of solid waste or ash may not take place closer than three hundred (300) feet from any property line; and,
 - (2) **Incinerator.** No part of any incinerator or its attached buildings or structures shall be located within eight hundred (800) feet of any property line.
- e. **Perimeter landscape areas.** Perimeter landscape areas shall form a perimeter buffer of vegetation which complies with Sec. 6.8-22.b, (Perimeter landscape and edge areas), and the requirements listed below:
- (1) **Preserve or mitigate natural areas.** Perimeter landscape areas shall be designed in conjunction with Sec. 7.5, Vegetation Protection and Preservation. The preservation or mitigation of wetlands and other native, non-invasive plant species and buffering incompatible land uses are the primary purpose of perimeter landscape areas.
 - (2) **Required locations.** All SWPDs shall provide a perimeter landscape area around the entire perimeter of the district. A minimum, fifty (50) feet wide perimeter landscape area shall be provided around the perimeter of a sanitary landfill, resource recovery facility, or incinerator. SWPDs without these uses may use the type (C) perimeter landscape area for the rear and interior lot lines and the type (D) perimeter landscape area for lot lines along road right-of-ways. A recommendation shall be made to the BCC as a development order condition as to the perimeter landscape type and the planting requirements within the perimeter landscape area.
 - (2) **Buffer adjacent land uses.** Adjacent land uses to SWPDs with landfills or incinerators shall be buffered by spatial separations, dense landscaping, lakes, berms or a combination of these buffering elements. SWPDs without landfills or incinerators shall buffer adjacent land uses according to their compatibility by virtue of the SWPD's site location and design. A determination shall be made by PZB as to the extent of the buffering required.
6. **Property development regulations.** The property development regulations within a SWPD shall be as indicated in Table 6.8-35, SWPD Minimum Dimensions and Building Intensity, and Table 6.8-36, SWPD Minimum Building Setbacks, the regulations below, and the regulations provided in the approved Preliminary Development Plan and the development order.

TABLE 6.8 - 35
SWPD MINIMUM DIMENSIONS AND BUILDING INTENSITY

Land Use	Minimum Dimensions			Maximum Height	Maximum Building Coverage
	Size	Width and Frontage	Depth		
Sanitary landfill	320 ac. - Min.	1000'	1000'	--	--
Other SWPD Land Uses	1 ac. - Min.	100'	200'	35'	.35

TABLE 6.8 - 36
SWPD MINIMUM BUILDING SETBACKS

Land Use	Minimum Building Setbacks (ft.)			
	Front	Side	Street	Rear
Incinerator	800'	800'	800'	800'
Other SWPD Land Uses	25'	C - 15' or R - 40'	25'	C - 20' or R - 40'

NOTES:

C - Indicates the building setback if the lot abuts a non-residentially zoned or designated lot.

R - Indicates the building setback if the lot abuts a residentially zoned or designated lot.

-The building setbacks indicated above are based on a maximum building height of thirty five (35) feet. All structures exceeding thirty five (35) feet in height shall provide the applicable setback stated in Table 6.8-36, and an additional setback of one (1) horizontal foot for each one (1) vertical foot of building exceeding thirty five (35) feet in height.

- a. **Fencing and screening.** Where deemed necessary to protect the general public, safety fences of up to a height of six (6) feet shall be required. Such screening shall be of at least seventy-five (75) percent opaqueness to protect neighboring property from potential loss of use or diminution of land value or use.
- b. **Access.** An access road, negotiable by loaded collection vehicles, shall be provided to the entrance of the facility.
 - (1) Access shall be restricted to specific entrances with gates that can be locked at all times and that carry official notice that only authorized persons are allowed on the site.
 - (2) The route to access the site shall be only via approved expressway, arterial or collector streets. No access shall be through local or residential streets.
- c. **Drainage.** All drainage facilities shall be approved by the County Engineering Department and all other appropriate governmental agencies.
- d. **Untreated surface water.** In no case shall untreated surface water runoff be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas.
- e. **Wellfield protection.** Sanitary landfills shall meet the guidelines of Sec. 9.5, Wellfield protection.
- f. **Flood areas.** The location of landfills in flood-prone areas shall be governed by the provisions of chapter 17-7, F.A.C.
- g. **Performance standards.** The operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction and to Sec. 7.8 (Performance Standards).
- h. **Reclamation.** All sanitary landfills and open air resource recovery facilities shall submit a reclamation plan indicating proposed final elevations, ground covers, and proposed uses of the property. Reclamation of land used for the operation of sanitary landfills shall be as required by chapter 17-701, F.A.C.
- i. **Surety.** Rehabilitation and reclamation approved surety shall be posted in the amount of two thousand five hundred dollars (\$2,500) per acre for the total acreage included in the development application, unless bonded in phases. The surety shall:
 - (1) Run to the BCC;
 - (2) Be in a form satisfactory and acceptable to the BCC and the County Attorney;
 - (3) Specify the time for completion of rehabilitation and reclamation.

- (4) One half (½) of the surety shall be released upon the submission to and approval of all the following by the Development Review Committee:
 - (a) Written certification by an engineer registered in the State of Florida that all performance guarantees have been satisfied.
 - (b) A certified "as built" drawing.
 - (5) In the event that rehabilitation and reclamation is to be conducted in phases, the following additional requirements shall apply:
 - (a) A phasing plan is to be submitted indicating the acreage of each phase, proposed duration of landfill usage and rehabilitation of each phase.
 - (b) The Development Review Committee must approve the phasing plan.
 - (c) Reclamation surety and rehabilitation for specific phases shall not be released until rehabilitation has been completed in accordance with the approved rehabilitation plan and certified in writing by an engineer registered in the State of Florida.
 - (d) Upon commencement of rehabilitation of the initial phase the next phase may commence upon written authorization by the Department. The applicable surety must be on file prior to authorization by the Department for the commencement of excavation on any subsequent phase.
- j. **Record of landfill use.** Within one (1) year after the adoption of the rezoning or rezoning amendment resolution, a record showing that the property was used for a Resource Recovery and Management Facility shall be filed in the public records of Palm Beach County, Florida, to provide public notice in the chain of title that the subject premises has been used as a landfill site.

SEC. 6.9 VOLUNTARY DENSITY BONUS.

- A. **Purpose and Intent.** The purpose and intent of the voluntary density bonus program is to provide for the construction of very low and low income housing in Palm Beach County. This is accomplished by providing for an increase in permitted density (a density bonus) for a specific development in exchange for either: (1) the construction of very low and/or low income housing on site or off-site; (2) a payment in-lieu-of construction into the Housing Trust Fund; or (3) a combination of construction and an in-lieu payment.
- B. **Authority.** The Board of County Commissioners has the authority to adopt this section pursuant to Article VIII, Sec.1, Fla. Const., the Palm Beach County Charter, Sec. 125.01, et. seq., Fla. Stat. and Sec.163.3161, et. seq. Fla Stat.
- C. **Applicability.** This section shall apply to all residential development within the urban service area of unincorporated Palm Beach County until such time as the Board of County Commissioners may adopt specific receiving areas pursuant to the recommendations of the Land Use Advisory Board Density Task Force, or in conjunction with the Transfer of Development Rights Study and/or the Urban Form Study. In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall prevail.
- D. **General.** A developer may request to exceed the existing permitted density up to one hundred (100) percent to a maximum of eighteen (18) dwelling units per acre, or seventy five (75) percent of the standard density in the case of Congregate Living Facilities (CLFs), to a maximum of forty five (45) beds per acre, without filing a Site Specific Comprehensive Plan Amendment. In exchange, the developer must provide for the construction of very low and/or low income housing units in Palm Beach County by complying with the component standards of this section.
- E. **Provisions for the construction of very low and/or low income housing.** In exchange for the density bonus the developer must provide for the construction of very low and /or low income housing. Density bonus requests that exceed the existing permitted density more than 67 percent shall be required to construct very low and/or low income housing on-site. Density bonus requests up to and equal to a sixty-seven (67) percent increase over the existing permitted density shall provide housing pursuant to one of the three options provided for in this section: (1) construction of units on site, or on another site approved by the Planning Director; or (2) payment in-lieu-of construction into the Housing Trust Fund; or (3) a combination of (1) and (2).
1. **Construction of units.** The developer shall construct a required number of very low and/or low income housing units in exchange for the receipt of a density bonus. The minimum number of very low and/or low income housing units to be constructed shall be based on the following:

- a. **Density bonus request over 67 percent.** Density bonus requests that exceed existing permitted density more than sixty seven (67) percent must construct very low and /or low income housing on site equal to at least twenty (20) percent of the total number of units proposed, rounding down to the nearest whole number, with a minimum of one unit.
- (1) Rental developments shall include at least ten (10) percent very low income units.
 - (2) For-sale properties may include only low income housing.
 - (3) CLFs shall include twenty (20) percent very low income housing.
- b. **Density bonus request up to 67 percent.** All density bonus requests up to or equal to a 67 percent increase over the existing permitted density may elect to construct twenty (20) percent of the total units proposed as very low and/or low income housing on site or on another site which the Planning Director determines is consistent with and furthers the intent of the Comprehensive Plan Housing Element Objective 2 addressing the Voluntary Density Bonus Program and the geographic dispersal of lower income households.
- (1) Rental developments shall include at least 10 percent very low income units.
 - (2) For-sale developments may include only low income housing.
 - (3) CLFs shall include twenty (20) percent very low income housing.
- c. **Assurances of affordability.** The developer shall provide language, acceptable to the County Attorney, which guarantees for a period of at least fifteen years, how the affordability will be maintained for units required to be very low and/or low income pursuant to income categories and definitions of the Comprehensive Plan Housing Element. CLFs shall meet the definition of a very low income individual.
- A guarantee must be documented in the public record and may be in the form of a deed restriction to be recorded on the property and/or resale addendum to the sales agreement or eligibility requirements for rental property, or other method acceptable to the County Attorney.
- d. **Income qualifications.** For units required to be very low and/or low income, a developer shall document in the public record a guarantee, in a manner acceptable to the County Attorney, that the household, upon entry to the unit, shall meet the definition of a very low or low income household pursuant to the Comprehensive Plan Housing Element. CLFs shall meet the definition of a very low income individual.

- e. **Limitations on qualifications.** No occupants of units of very low and/or low income housing constructed pursuant to this program shall be subject to restrictions beyond the income qualifications as defined in the Comprehensive Plan Housing Element.
 - f. **Dispersal.** The very low and/or low income housing shall not be concentrated within one area of the development or one neighborhood, but rather shall be distributed and integrated throughout the development.
 - g. **Housing opportunities.** Developments that offer varied bedroom and square footage options shall include similar variation in the construction of very low and/or low income housing required in exchange for the density bonus.
2. **Payment in-lieu-of construction.** A developer, requesting no more than a 67 percent increase in density, may elect to make a payment into the Housing Trust Fund in-lieu-of construction of very low and/or low income housing units.
- a. **Housing Trust Fund.** The in-lieu payment shall be placed into the Housing Trust Fund and is subject to the provisions of Housing Trust Fund Ordinance and requirements of this section.
 - b. **Land Cost Model.** The amount of payment shall be based on the Land Cost Model described below:
 - (1) **General.** The in-lieu payment shall be based on the most recent Palm Beach County appraisal for the site of the proposed development.
 - (a) **Calculation of the payment.** The appraisal value of an acre of the development site, as appraised for residential use, shall be multiplied by the additional acreage required to build the requested number of units when total acreage requirements of the development are calculated using the existing permitted density.
 - (b) **Payment.** The total amount of the in-lieu-of payment shall be established at the time of submittal of the General Application for development approval.
 - (2) **Receipt of Payment.** The in-lieu payment shall be pro-rated for each unit based on the total number of units to be built in the development. Payment shall be due prior to the issuance of any building permits for the project. The developer shall pay the pro-rated payment for each unit for which a building permit is to be issued.
 - c. **Use of in-lieu fees.** All in-lieu fees collected pursuant to the Voluntary Density Bonus Program shall be subject to the conditions established in the Housing Trust Fund Ordinance.

3. **Combination of construction of units and the payment in-lieu-of construction.** The developer, requesting no more than a sixty seven (67) percent increase in density, may elect to construct only a portion of the very low and/or low income units required in conjunction with a payment in-lieu-of construction to account for the remaining very low and/or low income units required in exchange for the receipt of the density bonus.

a. **Established proportion of construction to in-lieu payment.** The amount of in-lieu fee to be paid in conjunction with construction of very low and/or low income housing units, in exchange for the density bonus, shall be based on the percentage of very low and/or low units to total units to be constructed, as follows:

Percentage* of Very Low/ Low Income Units to be Constructed	Amount of Payment in-lieu-of to be Paid to the Trust Fund
Under 5 percent	100 percent
At 5% up to 10% (1 unit minimum)	75%
At 10% up to 15% (1 unit minimum)	50%
At 15% up to 20% (1 unit minimum)	25%
At 20% & Over (1 unit minimum)	0%

* Percentage of the total number of units proposed for the development.

b. **In-lieu payment.** The in-lieu payment shall be paid pursuant to the Land Cost Model and procedures described in Section 6.9.E.2.

F. **Presubmittal Conference.** Prior to submittal of an application requesting a density bonus, the applicant must attend a presubmittal conference with the appropriate PZB staff to review the requirements and procedures of the Voluntary Density Bonus program.

G. **Review of Land Use Compatibility.** Any application for the Voluntary Density Bonus Program shall be reviewed for land use compatibility and consistency with Comprehensive Plan policies.

1. **Submission of application.** An application for the Voluntary Density Bonus Program shall be submitted to the Planning Division for review of land use compatibility and consistency with Comprehensive Plan policies prior to submission of a General Application for development approval, at any time during the year, in a form established by the Planning Director and made available to the public.

2. **Determination of sufficiency.** The Planning Director shall determine the sufficiency of an application for the review within five (5) working days from the receipt of the application.
 - a. If it is determined that the application is not sufficient, written notice shall be sent to the applicant specifying the deficiencies within ten (10) working days of the determination. The Planning Director shall take no further action on the application unless the deficiencies are remedied. If the deficiencies are not remedied within twenty (20) working days, the application shall be considered withdrawn.
 - b. If the application is determined sufficient, the Planning Director will proceed to review the application pursuant to the procedures and standards of this section.
3. **Review and decision of the Planning Director.** Within fifteen (15) working days after the Planning Director determines the application is sufficient, the Planning Director shall review the application to determine if the applicant has complied with the component standards required for a density bonus pursuant to Section 6.9.G.5. The Planning Director shall prepare a report which outlines the conditions necessary for approval of the density bonus or outlines the justification for denial of the density bonus. The applicant will be notified of the completion of the report.
4. **Review by the Land Use Advisory Board.** Within thirty five (35) working days of the completed Planning report, the Land Use Advisory Board (LUAB) shall consider the application, the Planning Director's report, the relevant support materials, and testimony at a meeting with regard to land use compatibility and consistency with the Comprehensive Plan. The LUAB shall recommend approval, approval with conditions or denial of the application based on the standards in Section 6.9.G.5. Upon failure of the LUAB to make a recommendation within 35 working days, the applicant, with a report recommending the approval of the density bonus request, may proceed in the development review process pursuant to the procedures described in Section 6.9.L. By mutual consent of the Planning Director and the applicant, the time frame for the LUAB review may be extend beyond thirty five (35) days.
5. **Standards.** All applications for the voluntary density bonus program shall comply with these standards:
 - a. The request for a density bonus shall be compatible with surrounding land uses and consistent with the Comprehensive Plan.
 - b. The development shall be within a 3/4 mile [fifteen (15) minute] walk of a mass transit stop, or a commercial/employment center which offers varied opportunities and positions for full-time employment, or retail grocery shopping and pharmaceutical service for the residents of the proposed development.
 - c. The development shall be located pursuant to Section 6.9.C., Applicability.

- d. The density of the development shall not exceed a one hundred (100) percent increase above the existing permitted density up to a maximum of eighteen (18) dwelling units per acre. CLFs shall not exceed a seventy five (75) percent increase above the standard density of the existing land use category, up to a maximum of forty five (45) beds per acre.
 - e. The application shall provide written justification of how the proposed development promotes the Housing Element policy (2-g) in the Comprehensive Plan which encourages the equitable geographic distribution of affordable housing to disperse lower income households.
6. **Review of an application to proceed.** The application shall be recommended for approval or approval with conditions by the Planning Director or the Land Use Advisory Board to proceed in the development review process as an applicant under the voluntary density bonus program.
 7. **Issuance of a recommendation to proceed.** A report recommending approval or denial of the request shall be issued by the Planning Director within seven (7) working days of LUAB action or inaction. The report shall identify all conditions that must be fulfilled by the developer in order to receive the density bonus. The report shall also include any recommendations or comments of the LUAB.
 8. **Appeals.** Any applicant under the Voluntary Density Bonus program denied a recommendation to proceed through the development review process may request to appeal the decision to the Development Review Appeals Board.
- H. **Development review procedures for voluntary density bonus applicants.** Upon the issuance of the preliminary report the applicant may proceed with the development approval process pursuant to Section 5.1 of this code and the procedures described herein.
1. **Submission of general application.** In conjunction with the General Application submittal pursuant to Section 5.1.C., an applicant for a density bonus must submit all necessary information and material as required by the voluntary density bonus program.
 - a. **Determination of sufficiency.** The Planning Director shall determine the sufficiency of the application for the Voluntary Density Bonus Program within five (5) working days from the receipt of the voluntary density bonus program component of the General application from the Zoning Director as provided for in Section 5.1.D.Threshold Review 5.d.
 - (1) If it is determined that the application is not sufficient, written notice shall be sent to the applicant specifying the deficiencies within ten (10) working days of the determination. The Planning Director shall take no further action on the application unless the deficiencies are remedied. If the deficiencies are not remedied within twenty (20) working days, the application shall be considered withdrawn.

- (2) If the application is determined sufficient, the Planning Director will notify the Zoning Director that the application is ready for review pursuant to the procedures and standards of this section.
2. **Review and decision of the Planning Director.** Within fifteen (15) working days after the Planning Director receives the voluntary density bonus program component of the application, the Planning Director shall notify the Zoning Director whether the application submitted complies with Section 6.9.M. (Standards). Written notification in the form of a letter of agreement, specifying how the applicant shall fulfill all requirements of the Voluntary Density Bonus Program, shall be attached to the general application or may be incorporated into a Development Agreement or other approved agreement required to fulfill the adequate facilities ordinance.
3. **Threshold Review.** In addition to the requirements of the Threshold Review Section 5.1.D., the letter of agreement, or other approved agreement specifying how the applicant fulfills the requirements of the Voluntary Density Bonus Program, shall accompany the adequate facilities component of the application prior to issuance of a Concurrency Reservation or Conditional Concurrency Reservation. Concurrency Reservation or Conditional Concurrency Reservation shall be based on the total density of the development including the density bonus to be granted pursuant to the voluntary density bonus program.
4. **Review and recommendation of the DRC.** The Development Review Committee (DRC) shall review an application for the Voluntary Density Bonus program to permit the use of the approved bonus density by providing flexibility in the application of the land development regulations in accordance with Sec. 6.5.L. The DRC shall review the application, the recommendation to proceed report, Development Agreement or other agreement and recommend approval, approval with conditions, or denial of the application to the Zoning Commission based on the standards in this Section, Sec. 6.5.L, and Article 5 of this Code.
5. **Review and recommendation of the Zoning Commission.** Within twenty (20) working days of the recommendation of the DRC, (pursuant to the procedures established for public hearings under Article 5 of this Code) the Zoning Commission shall consider the application, the recommendation to proceed report, the DRC recommendation, the relevant support materials, and public testimony given at a hearing. After the close of the public hearing the Zoning Commission shall recommend to the Board of County Commissioners approval, approval with conditions, or denial of the application based upon standards in this Section and Article 5 of this Code.

6. Action by Board of County Commissioners.

- a. **Scheduling public hearing(s).** After review and recommendation by the Zoning Commission, the application shall be scheduled for consideration at a public hearing(s) by the Board of County Commissioners at the next regularly scheduled public hearing by which public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and the Zoning Director.
- b. **The public hearing(s).** At the public hearing(s), the Board of County Commissioners shall consider the application, all relevant support materials, the recommendation to proceed report, the DRC and the Zoning Commission recommendations, and the testimony given at the public hearing(s).
- c. **Decision.** Within twenty (20) working days after the conclusion of the final public hearing, the Board of County Commissioners shall decide to approve, approve with conditions, or deny the application based on the standards established in this section and Article 5 of this Code.

I. **Standards.** In addition to fulfilling the standards of Section 6.9.E. and Section 6.9.G.5., to qualify for any voluntary density bonus an applicant shall meet the general standards below.

1. General standards.

- a. The development shall meet all concurrency requirements at the level of impact calculated at the "bonus" density.
- b. The developer shall specify in a Development Agreement or other approved agreement which of the three options described in Section 6.9.E. (Provisions for construction of very low and/or low income housing). will be utilized and how the requirements for that option will be fulfilled in exchange for the density bonus.

J. **Conditions.** The Planning Director, Development Review Committee, Land Use Advisory Board, or Zoning Commission may recommend and the Board of County Commissioners may impose such conditions in approval of a voluntary density bonus that are necessary to accomplish the purposes of the Comprehensive Plan and this Code to prevent or minimize adverse effects upon the public and the neighborhood.

K. **Effect.** Approval of a voluntary density bonus shall grant the right to increase density in the development consistent with the terms approved in the development order. The density bonus shall run with the initial development order approval.

1. **Amendments to a voluntary density bonus.** A density bonus 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.

2. **Map designation of a density bonus development.** A development which receives an approved density bonus shall be designated by a symbol on the Land Use Atlas and the Zoning quad sheets until the development is built-out. At that time the Land Use Atlas and the Zoning quad sheets shall be changed to reflect the total density of the development including the bonus density.
3. **Transfer of a density bonus.** A density bonus runs with the development order and may be transferred to a new owner of the development only if the new owner agrees to fulfill the all terms of the agreement made by the original owner.
4. **Amendments to Concurrency Reservation.** A developer shall amend the concurrency reservation to reflect any reduction in the total number of units to be built prior to application for subsequent development orders from Palm Beach County.
5. **Monitoring.** All conditions of approval shall be subject to being monitored. The developer shall supply all necessary information in a timely manner acceptable to the designated County monitoring staff. Failure to provide such information, in a timely manner, may result in a revocation of the density bonus.

SEC. 6.10 TRANSFER OF DEVELOPMENT RIGHTS - SPECIAL DENSITY PROGRAM

- A. **Purpose and Intent.** The purpose of this section is to provide for an Interim Transfer of Development Rights (TDR) Program, including the establishment of a TDR Bank, to facilitate both the protection of environmentally sensitive lands and to promote orderly growth in Palm Beach County. This is accomplished by allowing development rights to be severed from environmentally sensitive lands and transferred to sites where additional development can be accommodated. The Transfer of Development Rights program is designed to redistribute population densities, or development potential, to encourage the most efficient use of services and facilities.

Further, it is the purpose and intent of this ordinance to provide an alternative to the development of environmentally sensitive lands by establishing a mechanism to seek economic relief from the limitation of development imposed on these lands. Transfer of Development Rights can mitigate inequities in the valuation of land by providing a means of compensating landowners whose property is restricted, by permitting the sale of development rights, and making landowners in more intensively developed areas pay for the right to develop beyond the existing density, by purchasing development rights.

This Interim TDR program shall be replaced by a permanent TDR program to be adopted by the Board of County Commissioners upon completion of the Urban Form Study. All approved development right transfers and certificates issued during the interim program shall remain valid and shall not be affected nor changed by adoption of the permanent program.

- B. **Authority.** The Board of County Commissioners has the authority to adopt this section pursuant to Article VIII, Sec. 1, Fla. Const., the Palm Beach County Charter, Sec. 125.01, et. seq., Fla. Stat., and Sec. 163.3161, et. seq. Fla. Stat.
- C. **Applicability.** This section shall apply to property in unincorporated Palm Beach County which is located within designated sending areas, as defined in Section 6.10.G. Development rights may be transferred from sending areas pursuant to the procedures contained in this Section, to property in unincorporated Palm Beach County which meets the qualifications to receive such density according to Section 6.10.I and the standards contained herein.

In addition, Section 6.10.H shall apply to all "A" quality native ecosites purchased by the County, including those located within the incorporated area of the County.

- D. **Definitions.** The following terms, whenever used in this section, shall apply only to the transfer of development rights procedures as provided for in this Section and shall be defined as follows. Other terms used in this Section shall have the meanings set forth in this Code, if defined herein. The definitions of this TDR Section shall apply in cases of word or phrase conflicts with definitions elsewhere in this code.

Conservation Easement - means a right or interest in real property which is appropriate to retaining land or water areas predominately in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance, as set forth in Section 704.06 Florida Statutes.

Contract for Sale and Purchase of Development Rights - A valid contract which must be in writing pursuant to Florida law, for the sale of real property (Development Rights).

Deed of Transfer of Development Rights - A legal document which transfers the ownership of specified Transferable Development Rights from one owner to another, and which is recorded in the Public Records of Palm Beach County.

Density - The number of dwelling units per gross acre of land.

Density Bonus - An increase in the residential density of development that the County permits on a parcel of land over and above the maximum (PUD) density permitted by the 1989 Palm Beach County Comprehensive Plan for the future land use category in which it is located.

Development Right- The ability to develop a residential dwelling unit which can be transferred to another property. The land owner may sell or donate the development rights and still retain the title to the land and the right to use the surface of the land on a limited basis. For the purpose of this Section, one development right shall equal one residential dwelling unit.

Development Rights Certificates - A legal document presented to a property owner who donates property within a sending area to the County. The certificate shall specify the number of development rights the property owner is entitled to sell or trade on the market, and the certificate shall remain valid until the development rights are permanently attached to property within a receiving area.

Purchase of Development Rights (PDR) - The PDR concept is similar to the purchase of easements by an agency of government. The unit of government purchasing the development rights does not become the owner of the property, but only purchases specific rights to use the land according to the easement agreement. Such a purchase would preclude the future development of the land.

Receiving Area- Parcels of land within the Urban Service Area, which are permitted to increased density, as specified herein, and receive development rights purchased from the owners of land in a sending area. The transfer capacity of these development rights is based on the number of Transferable Development Rights which a specified area can accommodate, subject to Sections 6.10.L and 6.10.K.

Sending Area- An area containing the land based resource which the TDR program is designed to protect, as specified herein, and from which Development Rights are transferred pursuant to provisions of this section.

Transfer of Development Rights Bank - An accounting and monitoring system authorized by this Code empowering the County to purchase and sell development rights. The TDR Bank offers an alternative to TDRs being transferred only via the private market. The bank or development rights fund utilizes County funds, when budgeted, to purchase the development rights from lands designated for preservation. These rights may then be sold to developers, or auctioned off, for use in qualified receiving areas or held in reserve for future release. The proceeds from the sale of development rights deposited in the fund shall be utilized to purchase environmentally sensitive lands, unless otherwise allocated by the Board of County Commissioners.

Urban Service Area - That portion of the unincorporated area of Palm Beach County designated as the "Urban Service Area" by the Palm Beach County Comprehensive Plan (Ordinance 89-17 as amended from time to time).

E. TDR Program in General. The Transfer of Development Rights program allows a property owner to achieve a density bonus by purchasing the increase in density from the County TDR Bank or from a property owner with land in a designated sending area, without going through the land use amendment process. In order to increase density, the site must meet the requirements to become a designated receiving area and follow the procedures as described in this Section. After development rights have been transferred from the sending area to the receiving area, a conservation easement shall be attached to the sending area and recorded in the public records of Palm Beach County, restricting future development potential.

F. Administration.

1. General. Except as otherwise specified, the TDR program shall be administered by the Planning Director, who may designate responsibilities regarding the program to one or more members of the Planning Division staff.

2. Responsibilities. The Planning Director, or designee, shall be responsible for:

- a. Establishing, administering and promoting the County's transfer of development rights program;
- b. Establishing and administering the transfer of development rights bank;
- c. Ensuring the orderly and expeditious processing of transfer of development rights applications under this Section;
- d. Ensuring the contract for sale and purchase of development rights is executed, all deeds and conservation easements are filed in the public records of Palm Beach County;
- e. Ensuring that the Property Appraisers Office is notified of all transfers of development rights;

- f. Ensuring that the future land use map is amended by a staff initiated land use map amendment to reflect an appropriate future land use designation for the sending area; and
- g. Coordination with municipalities in the administration of the TDR provisions.

G. Sending Areas.

1. **General.** Sending Areas represent those areas of the County that are designated by the Board of County Commissioners (BCC) to warrant protection. The owner of property in a designated sending area may transfer the development rights to a parcel of land in a designated receiving area, subject to the provisions of this Section.
2. **Eligible Sending areas shall include:**
 - a. Lands designated RR-20 on the Future Land Use Atlas.
 - b. All "A" quality sites as designated on the Inventory of Native Ecosystems which retain their function and value as determined by the Palm Beach County Department of Environmental Resource Management (ERM); and
 - c. Other sites determined by the BCC to be worthy of protection. At such a time that the BCC determines that a parcel of land is environmentally sensitive, or preservation of the site is in the public interest, the parcel is eligible to become a designated sending area. The site shall be designated by resolution of the BCC.
3. **Overlap in Sending Areas.** In such cases where a parcel of land is both a Native Ecosystem "A" quality site and designated RR-20 on the future land use atlas, all provisions in this section pertaining to the "A" quality sites shall prevail.
4. **Transfer Rate.** The owner of land which is designated as a sending area may elect to transfer development rights as provided in this section. Development Rights may be transferred from sending areas according to the following schedule:
 - a. Development rights may be transferred from property designated RR-20 at the rate of one (1) development right per five (5) acres. The minimum land area eligible for the transfer of development rights shall be ten (10) acres.
 - b. Development rights may be transferred from Native Ecosystem "A" sites located outside of the Urban Service Area at a transfer rate of one (1) development right per five (5) acres. The minimum land area eligible for the transfer of development rights shall be five (5) acres.

- c. Development rights may be transferred from all Native Ecosystem "A" Sites located within the Urban Service Area at a rate equal to the maximum density permitted by the future land use designation. The minimum land area eligible for the transfer of development rights shall be five (5) acres.
 - d. Development rights may be transferred from all environmentally sensitive sites described in 6.10.G.2.c determined by the BCC to be worthy of protection at a rate which equals the maximum density permitted by the future land use designation for the property, or a rate determined appropriate by the BCC. The minimum land area eligible for the transfer of development rights shall be the size of the subject parcel.
5. **Transfer Limitations.** If the owner of land in a sending area only transfers a portion of the development rights available for the property, the County, upon recommendation from the Planning Division and ERM, reserves the right to determine which portion of the land is subject to the conservation easement. The intent is to preserve the highest quality environmentally sensitive land, link high quality sites when possible, and allow compatible development to occur on the remainder of the site.
6. **Computation of the Development Rights.** The number of development rights assigned to a sending area parcel of land shall be determined by the Planning Director pursuant to Section 6.10.J., as calculated below:
- a. All development rights shall be in whole numbers, no fractions shall be permitted. Any fractional residential unit that may occur during calculations shall be converted upward, if one-half or more of a whole unit, or downward, if less than one-half of a whole unit, to the nearest whole unit.
 - b. The amount of development rights assigned to a sending area parcel shall be reduced by one dwelling unit for every conforming residential structure situated on the property at the time of approval.
7. **Restriction on Future Use.** Upon closing and execution of the Contract for Sale and Purchase, a conservation easement shall be recorded in the public records of Palm Beach County. The easement agreement shall restrict further use of the land, guarantee that the sending area will be retained in its natural condition, and will not be used in any manner except as stipulated in the agreement. In addition, the residential development rights of the subject property shall be considered severed in perpetuity.
8. **Existing Uses.** Residential dwelling units which existed prior to making application to transfer development rights shall be permitted to remain as legal conforming uses. All other uses shall be considered non-conforming.
9. **Remaining Land Area.** If all of the development rights assigned to a sending area are not transferred off the site, the remaining land, if proposed for development, shall be developed in a manner which is compatible with the surrounding area.

H. County Transfer of Development Rights Bank.

1. **General.** The purpose of this paragraph is to authorize the establishment of a transfer of development rights bank. The TDR Bank is hereby created in order to, among other things, facilitate the purchase and transfer of development rights as hereinafter provided and maintain an inventory of those development rights purchased by the County.
2. **Establishment of Development Rights for the Bank.** Development rights for the TDR Bank shall be generated from the following sources:
 - a. Development rights severed from environmentally sensitive lands and purchased by the County, including the Native Ecosystem "A" quality sites targeted for purchase through the County's bond issue. Those "A" quality ecosites in the unincorporated area of the County which are not purchased as part of the acquisition program, shall maintain the opportunity to transfer development rights on the open market.
 - b. Development rights purchased by the County while allowing the property owner to retain ownership of the sending area parcel. The property owner shall agree to a conservation easement at the same time development rights are purchased by the County.
 - c. Development rights associated with other lands purchased by the County, in whole or in part, for the purpose of protection of environmentally sensitive lands, including wetlands.

3. **Transfer rate from the Purchase of Environmentally Sensitive Lands.**
- a. **Land purchased inside the Urban Service Area.** The number of development rights severed, or generated for the bank, shall equal the maximum density allowed by the future land use designation as established by the applicable County or municipal Comprehensive Plan. County staff shall coordinate with municipal staff for parcels within municipalities, to determine the number of development rights associated with the land.
 - b. **Land Purchased outside the Urban Service Area.** The number of development rights severed, or generated for the bank, shall equal the TDR transfer rate established in Section 6.10.G.4 and the Comprehensive Plan.
 - c. **Land Designated Commercial or Industrial.** Development Rights associated with land designated commercial or industrial shall be converted from the applicable FAR to dwelling units per acre utilizing a conversion formula approved by the BCC.
4. **The Application, Sale and Value of Development Rights.** The County may sell development rights to property owners who meet the receiving area criteria pursuant to this Section.
- a. A property owner seeking an increase in density must apply to become a receiving area through the Planning Division, and enter into an Option or Contract for Sale and Purchase of Development Rights before proceeding through the Receiving Area process - Section 6.10.K.
 - b. The value and price of a development right shall be set by the BCC based on at least one of the following:
 - (1) current market value;
 - (2) recommendation from the Land Use Advisory Board and the Planning Division; and/or
 - (3) an auction for sale of development rights certificates.
5. **Annual Report.** The Planning Director shall present an annual report to the Board of County Commissioners which outlines: the number of development rights currently in the bank; the number of rights available for sale; the number of rights sold during the year; the purchase price per development right; recommendations for improving the TDR program; and any other information deemed relevant.
6. **Revenue from the Sale of TDRs.** The revenue generated from the sale of development rights shall be earmarked for the Natural Areas Fund for acquisition and management of environmentally sensitive lands and wetlands.

- I. **Receiving Areas.** Development rights shall only be transferred to those parcels which meet the qualifications for designation as receiving areas.
1. **Eligible Receiving Areas include:**
- a. Property owners requesting an increase in density above the maximum density allowed by the future land use designation. To qualify as a receiving area, the land shall:
- (1) be located within the Urban Service Area;
 - (2) be compatible with surrounding land uses and consistent with the Comprehensive Plan;
 - (3) meet all concurrency requirements;
 - (4) meet all requirements as outlined in the Unified Development Code; and
 - (5) be a Planned Development (a PUD with a reduced minimum lot size of twenty (20) acres pursuant to BCC approval, a MXPDP, or a MHPDP (see sec. 6.8, Planned Development District Regulations).
- b. Property owners proposing a Traditional Neighborhood Development (TND), and requesting a bonus density above the underlying land use designation, as specified in this Code.
2. **Residential Density Bonus.** The maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with Sections 6.10.K and 6.10.L. The following density increases may apply to properties which meet the receiving area criteria.
- a. Approved Planned Development receiving areas may receive a bonus density of up to two (2) du/acre, above the maximum density allowed by the future land use designation. Residential development at a density greater than eight (8) du/acre shall only be for low/very low income housing as defined in the Comprehensive Plan.
- b. Approved Traditional Neighborhood Developments may receive a bonus density of up to two (2) du/acre above the underlying land use designation.
3. **Prohibitions.** Under no circumstances shall a receiving area contain any "A" quality ecosites as listed in the Inventory of Native Ecosystems and referenced in the County Comprehensive Plan.

J. Transfer of Development Rights: Sending Area Procedure.

1. **Sending Parcel Application.** The property owner of environmentally sensitive lands which are designated sending areas as defined under Section 6.10.G must make application for an administrative determination in order to be formally designated as a sending area. The purpose of this administrative determination is to ascertain the exact number of Development Rights the property owner is entitled to. The application shall include, at a minimum:
 - a. Proof of ownership;
 - b. A legal description of the property;
 - c. Contract, or option, for the purchase and sale of development rights (unless requesting a TDR Certificate, as outlined in Section 6.10.J.6).

2. **Review Process.**
 - a. Within fifteen (15) working days from receipt of the application, the Department of Environmental Resource Management (ERM) shall complete a site check to ensure that the site has not been altered. Within five (5) working days from completion of the site check, ERM shall complete a written recommendation to the Planning Director regarding the site.
 - b. Within five (5) working days upon receiving the ERM recommendation, the Planning Director shall complete the review of the application.

3. **Written Determination.** The property owner shall receive a written determination indicating how many development rights can be sold on the market. The number of development rights for the site shall be documented and be kept on file at the PZB Department.

The written document shall be valid for a period of twelve (12) months. If any modifications or alterations are made to the property during the twelve month period, the property owner shall not be permitted to participate in the transfer of development rights program.

4. **Easement Agreement.** Simultaneous with closing on the contract for purchase and sale of development rights, the owner of land in the sending area shall execute a conservation easement in a form acceptable to the County Attorney's Office. The easement agreement shall restrict future use of the land, shall become part of the title to the land and filed in the public records of Palm Beach County.

5. **Re-submittal of Application.** The owner of a sending parcel may re-apply until all development rights have been severed from the property.

6. **Development Rights Certificates.** A Palm Beach County Development Rights Certificate is a legal document which permits a property owner to retain and sell development rights after donating environmentally sensitive lands (sending areas) to the County. These lands shall be managed by the County or its designee. In such cases, TDRs shall be treated in a manner similar to retention of mineral rights and shall be recognized upon recording of a deed transferring ownership from the property owner to the County.
 - a. **Eligibility.** Development Rights certificates shall only be issued to property owners with land in sending areas that donate the environmentally sensitive land to the County and follow the procedures in this Sections (6.10.J.1, 2 & 3). The development rights certificate shall require that restrictions be placed on the sending area prior to the sale of those development rights. A minimum donation of five acres is required.
 - b. **Issuance of the Certificate.** Upon completion of the Application process, and recordation of the deed transferring ownership of the property to Palm Beach County, the property owner shall be issued a development rights certificate. The certificate shall indicate the exact number of development rights which can be sold, transferred, or traded, by the holder of such certificate. The certificate shall remain in effect until applied to a Planned Development or TND in accordance with provisions of this Section.
7. **Limitations.** The amount of development rights assigned to a sending area parcel, or indicated on a certificate, shall be reduced by one for every conforming residential structure situated on the property at the time of application.

K. Transfer of Development Rights: Receiving Area Procedure.

1. **General.** Transfer of Development Rights are considered a special density program and receiving areas shall be approved concurrent with issuance of a development order for a Planned Development or TND. The following procedures shall be followed in order to become a receiving area in Palm Beach County and obtain the density bonus.
2. **Preapplication Conference.** Prior to submittal of an application requesting a receiving area density bonus, the applicant must attend a preapplication conference with the appropriate PZB staff, pursuant to Article 5 of this Code, to review the proposed development, and the requirements and procedures of the Transfer of Development Rights Program.
3. **Threshold Review.** In order to receive a Threshold Review Certificate pursuant to Article 5, the application submitted requesting a receiving area designation for a parcel of land shall be reviewed and the parcel approved to receive the designation and density bonus pursuant to the following procedures:

- a. **Submission of Application.** In conjunction with the general application submitted pursuant to Section 5.1.C., an applicant for receiving area status and a density bonus must submit all necessary information and material, including a contract (or option) for sale and purchase of development rights, as required by the TDR program.
- b. **Determination of Sufficiency.** The Planning Director shall determine the sufficiency of an application for Transfer of Development Rights program within five (5) working days from the receipt of the application from the Zoning Director.
 - (1) If it is determined that the application is not sufficient, written notice shall be served on the applicant specifying the deficiencies within ten (10) working days of the determination. The Planning Director shall take no further action on the application unless the deficiencies are remedied. If the deficiencies are not remedied within twenty (20) working days, the application shall be considered withdrawn.
 - (2) If the application is determined sufficient, the Planning Director will proceed to review the application pursuant to the procedures and standards of this section.
- c. **Review and decision of the Planning Director.** Within fifteen (15) working days after the Planning Director determines the application is sufficient, the Planning Director shall review the application to determine if the applicant has complied with the preliminary requirements for a receiving area pursuant to Section 6.10.I.
 - (1) The Planning Director shall prepare a report which outlines the conditions necessary for approval of a receiving area for transfer of development rights or outlines the justification for denial of the receiving area designation and the subsequent density bonus. Written notification in the form of a letter or agreement, specifying how the applicant shall fulfill all requirements shall be attached to the application or may be incorporated into a Development Agreement required to fulfill the adequate facilities ordinance. The applicant will be notified upon completion of the report.
 - (2) In addition to the requirements of the Threshold Review, Section 5.1.D., a letter of agreement or Development Agreement incorporating the items of the letter must accompany the adequate facilities component of the application prior to issuance of a Concurrency Reservation or Conditional Concurrency. Reservations shall be based on the total density of the development including the density bonus to be granted pursuant to the TDR Program.

- d. **Review by the Land Use Advisory Board.** Within thirty-five (35) working days of the completed Planning report, the Land Use Advisory Board (LUAB) shall consider the application, the Planning report, the relevant support materials, and testimony at a meeting with regard to land use compatibility. After the close of the meeting, the LUAB shall recommend approval, approval with conditions or denial of the application. Upon failure of the LUAB to make a recommendation within 35 working days, the applicant, with a preliminary report recommending the approval of the receiving area and density bonus request, may proceed in the development review process and receive threshold review certificate for a density evaluation pursuant to the procedures described in Section 6.10.L. By mutual consent of the Planning Director and the applicant, the time frame for the LUAB review may be extended beyond thirty five (35) days.
- e. **Standards.** All applications for the transfer of development rights program receiving area shall comply with these standards:
- (1) The proposed development and request for receiving area density bonus shall be compatible with surrounding land uses and consistent with the Comprehensive Plan.
 - (2) The development shall be a proposed Planned Development or TND and be located within the Urban Service Area.
 - (3) The development shall be located pursuant to Section 6.10.C. - Applicability.
 - (4) The requested density increase shall not exceed two dwelling units per acre above the maximum density permitted by the future land use designation. Additional units above eight (8) dwelling units per acre shall only be for affordable housing as defined in the Land Use Element of the Comprehensive Plan.
 - (5) The application shall be recommended for approval or approval with conditions by the Planning Director or the Land Use Advisory Board to proceed in the development review process.
- f. **Issuance of a Preliminary Report.** A preliminary report prepared by the Planning Director shall be issued within seven (7) working days of LUAB action or inaction. The report shall identify all conditions that must be fulfilled by the developer in order for the property to be designated a receiving area, and receive the requested or recommended increase in density.

- L. **Development Review Procedures for the Transfer of Development Rights Receiving Area Applicants.** Upon the issuance of the preliminary report approving the request, and the certificate necessary for threshold review, the property owner shall proceed through the development approval process pursuant to Section 5 of this Code and the procedures described herein.
1. **Review and recommendation of the DRC.** The Development Review Committee (DRC) shall review an application for the Transfer of Development Rights Program to permit the use of the approved bonus density by providing flexibility in the application of the land development regulations. The DRC shall review the application, preliminary report, letter of agreement or Development Agreement and recommend approval, approval with conditions, or denial of the application based on the standards in this Section and Article 5 of this Code.
 2. **Review and recommendation of the Zoning Commission.** Within twenty (20) working days of the recommendation of the DRC, the Zoning Commission shall consider the application, the preliminary report, the LUAB recommendation, the DRC recommendation, the relevant support materials, and public testimony given at a hearing. After the close of the public hearing, the Zoning Commission shall recommend to the Board of County Commissioners approval, approval with conditions, or denial of the application and the proposed increase in density based upon standards in this Section and Article 5 of this Code.
 3. **BCC Findings.** In addition to fulfilling the standards of Section 6.10.K.e., to qualify as a receiving area and be eligible for an increase in density the Board of County Commissioners shall find that:
 - a. The Transfer of Development Rights is by deed, and the deed shall be recorded with the County in the same manner as a deed for real property before final site plan approval.
 - b. The transfer is to a parcel of land which is a Planned Development or TND, and meets all the requirements of this Code and within which the transferred densities have been included and amended.
 - c. The proposed development meets all concurrency requirements at the level of impact calculated to include the "bonus" density.
 - d. If the transfer is between two private parties, at the time the transfer is approved as part of a Planned Development, the entire sending area from which transfers will occur shall be subject to a conservation easement and shall be identified on the Zoning Map. Pending recording of the conservation easement, no development approvals or development permits will be issued for the sending area.
 - e. If the transfer of rights is from the County TDR Bank, all rights have been accounted for and there are enough development rights in the bank to cover the project.

- f. The proposed development and density are compatible with the surrounding area and land use.
- 4. **Conditions.** The Planning Director, Land Use Advisory Board, Development Review Committee or Zoning Commission may recommend and the Board of County Commissioners may impose such conditions in approval of a transfer of development rights and designation of receiving area that are necessary to accomplish the purposes of the Comprehensive Plan and this Code to prevent or minimize adverse effects upon the public and neighborhood.
- 5. **Notification to Property Appraisers Office.** Upon approval of the receiving area and deeds of transfer filed, the Planning Director shall notify, within five (5) working days, the Property Appraisers Office in writing that property development rights have been transferred from the sending area to the receiving area in perpetuity and that:
 - a. The seller shall be entitled to reduction of taxes to a level of conservation only; and
 - b. The development rights transferred shall run with the receiving parcel and the parcel shall be reassessed at the approved density.
- M. **County Initiated Land Use Amendment.** Concluding the transfer of development rights and providing that all standards have been met and deeds of transfer filed, the Planning Division upon direction from the BCC shall initiate a County Comprehensive Plan Land Use Map Amendment to accurately reflect the use of the sending area parcel as Conservation or indicate that a conservation easement exists.

The receiving area shall be designated to reflect the approved density during the five year revision to the Comprehensive Plan as required by Florida Statutes.
- N. **Accounting for TDR Density.** Density needed for the TDR program may be derived from different sources including, but not limited to:
 - 1. Comprehensive Plan Amendments since 1990 (reductions in density);
 - 2. Comprehensive Plan Unaccounted Population "Pocket People"; and
 - 3. Planned Unit Development Unused Density.

The PZB Staff, in conjunction with establishment of the TDR Bank, shall conduct an "accounting" system for monitoring density availability and density transfers in the TDR Program. At such a time that the TDR Program, any subsequent density bonus programs, or amendments to the Comprehensive Plan requesting an increase in density, deplete the number of units available from unaccounted population (pocket people), and from previous amendments, PZB Staff shall begin a formal accounting system to monitor the units which have been approved through the zoning process, but which have remained unused. The later units shall at that time be considered as a source for density for the TDR Program.

